ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

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C A P. CXXXIV.

An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes.

[13th *July* 1819.]

WHEREAS an Act passed in the last Session of Parliament, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas it is expedient and necessary that some of the Provisions of the said Act should be amended, and other Provisions thereof enlarged, and that further and additional Provision should be made for rendering the said Act more effectual: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Exchequer Bills, to be made out in pursuance of the said recited Act or this Act, shall and may bear such an Interest as may be directed by the Lord High Treasurer or Lords Commissioners of His Majesty's Trea-

58 G. 3. c. 45.

Exchequer Bills issued in pursuance of recited Act to bear a certain Rate of Interest.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem*, upon or in respect of the whole of the Monies respectively contained therein; and that all such Bills as shall be advanced for the Purposes of carrying the said Act or this Act into Execution, shall be made payable at such Periods, and, together with the Interest that shall be due thereon, shall be paid off and discharged out of such Aids or Supplies granted by Parliament, for the Service of any Year, as in each and every Exchequer Bill so made forth shall be particularly specified and expressed, pursuant to such Directions as shall be given in that Behalf to the Auditor of the Receipt of Exchequer, by Warrant or Warrants from the said Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being.

Commissioners under recited Act to apply for Exchequer Bills;

II. And be it further enacted, That from Time to Time, as the Commissioners appointed for the Execution of the said recited Act shall find it necessary to apply to the Purposes thereof, any Amount of such Bills to be advanced under the Provisions of the said recited Act or of this Act, the said Commissioners shall forthwith represent the same to the said Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland*, and the said Commissioners, or any Three or more of them for the Time being, shall thereupon, if satisfied of such Necessity, direct the said Commissioners to issue a Certificate to be signed by any Three or more of them, to such Person or Persons as may be authorized to receive the same, containing the Amount so by the said Commissioners intended to be advanced by Exchequer Bills; which Certificate shall and may be presented to the Auditor at the Receipt of Exchequer at *Westminster*, and the said Auditor shall, immediately upon the Receipt of such Certificate, deliver to the Bearer thereof a like Amount in Exchequer Bills, to be made out in pursuance of the said recited Act or of this Act, and payable at such Period as shall in such Exchequer Bills be specified and expressed; provided that the total Amount so to be issued by virtue of such Certificates shall not at any Time exceed the Amount directed to be advanced under the said recited Act; and every such Exchequer Bill shall bear Date on the Day on which such Certificate shall be so received by the said Auditor, or on such other Day as in such Certificate shall be specified; any thing in the said recited Act to the contrary notwithstanding; and all such Exchequer Bills so to be delivered shall and may be signed by the said Auditor, or in his Name by any Person duly authorized to sign Exchequer Bills.

which are to be delivered by the Auditor of the Exchequer.

Date of the said Exchequer Bills.

His Majesty may appoint Commissioners to supply Vacancies.

III. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, when and so often as any Vacancies shall or may arise, by Death, Resignation, or otherwise, of any of the Commissioners appointed by His Majesty under the Provisions of the said recited Act or this Act, from Time to Time to supply any such Vacancy or Vacancies by the Appointment of any other Person or Persons, and also from Time to Time to appoint additional Commissioners, who, together with the Persons before appointed, shall be the Commissioners for carrying into Execution the Purposes

of the said Act and this Act; and the Commissioners so appointed by His Majesty, under the Provisions of the said Act or this Act, shall be and are hereby declared to be a Body Corporate, by the Name and Stile of "His Majesty's Commissioners for building New Churches," and by that Name shall, from and after the passing of this Act, be a Body Corporate, while any Commission appointing such Commissioners shall continue in full Force, and shall have a Common Seal.

Commissioners shall be a Body Corporate.

IV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered to allow and make Grants for the defraying the whole of the Charges and Expences of building any Churches or Chapels under the Provisions of the said recited Act or this Act, in all Cases in which the Commissioners shall see fit, either on Account of the Inability of the Inhabitants to bear any Part of the Charge of building any such Churches or Chapels, or from any other Cause which shall, in the Judgment and Discretion of the said Commissioners be sufficient; any thing in the said recited Act contained to the contrary notwithstanding.

Commissioners empowered to allow the whole of the Expences in certain Cases.

V. And whereas many Parishes are divided into Townships, Hamlets, Vills, Chapelries, and other Divisions, which are oftentimes very large and populous; and it is therefore expedient that the said Commissioners shall be empowered to consider Divisions of Parishes, as Parishes for the Purposes of the said recited Act and of this Act; be it therefore enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to make Grants or Loans, or Grants and Loans, to any such Townships, Hamlets, Vills, Chapelries, or other Divisions of Parishes, as may, in the Judgment of the Commissioners, from their Population, require further Accommodation for Divine Service, according to the Rites of the United Church of *England* and *Ireland*, although the Population of any such Division may not amount to Four thousand, and although in the whole Parish there may be Accommodation for more than One-fourth Part of the Inhabitants; and the Commissioners may, in every such Case, proceed, in relation to any such Divisions, under the Provisions of the said Act and this Act, in every Respect as if they were separate and distinct Parishes; and all the Provisions in the said Act and this Act contained for enabling the said Commissioners to make Grants or Loans to any Parishes or Extra-parochial Places, shall extend and apply and be in full force as to such Divisions of Parishes, as fully and effectually to all Intents and Purposes as if such Divisions were separate and distinct Parishes, and as if all the Powers, Authorities, and Provisions in the said Act and this Act contained, in relation to Parishes, were severally and separately re-enacted as to such Divisions of Parishes.

Commissioners may treat with and make Grants to Divisions of Parishes, as if they were distinct Parishes.

VI. And whereas a considerable Population is frequently collected together, at the Extremities of and locally situate in Parishes or Extra-parochial Places contiguous to each other, at a Distance from the respective Churches or Chapels of such respective Parishes or Extra-parochial

Commissioners may unite Parts of contiguous Parishes into Ecclesiastical

Districts for the Purposes of the Acts; and build Chapels for the Use of such Districts.

parochial Places; be it therefore enacted, That it shall be lawful for the said Commissioners, with such Consent as is required by the said recited Act in the Case of District Parishes, to unite and consolidate any such contiguous Parts of such Parishes and Extra-parochial Places into a separate and distinct District, for all Ecclesiastical Purposes, and to cause such District to be named, ascertained, and marked out by described Bounds, and such Name, and the Description of such Bounds, when approved by His Majesty in Council, to be enrolled in the High Court of Chancery, and in the Office of the Registry of the Diocese to which such District shall belong, under the Provisions of this Act, and to make Grants or Loans for or towards the building of or to build any Chapel or Chapels, with or without Cemeteries, in and for the Use of the Inhabitants of any such District, in such Manner and under such Regulations as may, in the Judgment of the Commissioners, appear from the Circumstances to be most expedient, and to constitute any such District a consolidated Chapelry; and every such Chapelry shall be under the Superintendence of such Spiritual Person as shall be appointed under the Provisions of this Act, to serve any such Chapel; and such Spiritual Person shall have Cure of Souls in such District; and the Right of Presentation and Appointment of such Spiritual Person shall thenceforth belong to such Person or Persons, and be exercised in such Manner as may be agreed by the several Patrons of the Churches or Chapels of such Parishes and Extra-parochial Places respectively, with the Approbation of the Commissioners; and Banns of Marriage may be published, and Marriages, Christenings, Churchings, and Burials may be solemnized and performed in any such Chapel, immediately and at all Times after the Consecration thereof; and the Pew Rents in such Chapel shall be fixed, and Salaries to the Minister and Clerk assigned therefrom, in such Manner as is directed in the said recited Act or in this Act concerning Pew Rents and Salaries in separate or district Parishes; and all Fees and Offerings which may arise and accrue within such Chapelry, according to such Table of Fees as the Commissioners shall make, with the Approbation of the Bishop, may be demanded, received, sued for, prosecuted, and recovered by the Spiritual Person having Cure of Souls therein, and by the Clerk and Sexton of such Chapelries, in like Manner as if every such Chapelry was a distinct Parish; and it shall be lawful for the said Commissioners, and they are hereby required, in every such Case, to ascertain and make Compensation, in manner directed in like Cases under the said recited Act, for any Loss which may be sustained by the Incumbent of any contiguous Parish or Extra-parochial Place which shall form Part of any such District, by reason of any Fees, Oblations, and Offerings being transferred to the Spiritual Person serving any such Chapel; and all such Chapelries shall be deemed to be Benefices, and be subject to the Jurisdiction of the Bishop and Archdeacon within whose Diocese and Archdeaconry the Altar of such Chapel shall be locally situate, and to all the Laws in force concerning Presentation and Appointment to Benefices and Churches, and Lapse, and all other Laws relating to the holding of Benefices and Churches.

VII. And

Commissioners may build without previous Determination as to Division of the Parish, or whether such Buildings shall be deemed Churches or Chapels when built.

VII. And be it further enacted, That in every Case in which the Commissioners shall determine that any additional Church or Chapel or Churches or Chapels shall be erected in any Parish or Extra-parochial Place, it shall be lawful for the said Commissioners to require Sites to be provided for the same, in Manner directed by the said recited Act, and to grant or lend Money for the purchasing of Sites, and for the erecting, or to erect or build, under the Provisions of the said Act or this Act, any Building or Buildings for the Celebration of Divine Service according to the Rites of the United Church of *England* and *Ireland*, without determining before the making of any such Requisition of Sites, or of any such Grant or Loan, or before the erecting or building any such Church or Chapel, whether the Parish or Extra-parochial Place in which the same shall be built, shall be divided into separate and distinct Parishes or Districts for Ecclesiastical Purposes under the Provisions of the said Act, or whether any such Building shall, after the Consecration thereof, be deemed a Church or Chapel, or whether the same shall be appropriated to the Accommodation of the Parish at large in which the same is built, or to any particular District or Division or Divisions thereof; any thing in the said recited Act to the contrary notwithstanding.

In divided Parishes, Glebe, &c. may be apportioned without regard to local Situation.

VIII. And be it further enacted, That in every Case in which the said Commissioners shall be of Opinion that it will be expedient to divide any Parish or Extra-parochial Place into Two or more distinct and separate Parishes, for Ecclesiastical Purposes, under the Provisions of the said recited Act, it shall be lawful for the said Commissioners, with such Consents as are by the said Act required in such Cases, to apportion the relative and respective Proportions of Glebe Land, Tithes, Moduses, or other Endowments or Emoluments, which it may be expedient to assign and attach to each of such respective Divisions, without regard to whether any such respective Proportions of Glebe Land, Tithes, Moduses, or other Endowments or Emoluments are locally situate, or arise or accrue within the Division or District to which they may be so assigned, or are locally situate or arise or accrue within the Parish or Extra-parochial Place so proposed to be divided, or elsewhere; any thing in the said recited Act to the contrary notwithstanding.

Commissioners in dividing Parishes to apportion permanent Charges as well as Glebe, &c.

IX. And be it further enacted, That it shall be lawful for the Commissioners, with Consent of the Bishop, in the Division of any Parish, and of the relative Proportion of Glebe Land, Tithes, Moduses, or other Endowments, under the Provisions of the said recited Act or this Act, to apportion also the permanent Charges in respect thereof, or in any Manner affecting the same, or the Incumbent for the Time being of the said Parish, and such Charges so apportioned shall thereafter be borne by and belong to each of the Divisions of such Parish, or by the Spiritual Person serving the same respectively; any thing in the said recited Act to the contrary notwithstanding.

Clerks and Sextons of Divisions of

X. And be it further enacted, That when any Parish shall be divided under the Provisions of the said recited Act or this Act, all

Parish may recover their Fees, &c.

all Fees, Dues, Profits, and Emoluments belonging to the Parish Clerk or Sexton respectively of any such Parish, whether by Prescription, Usage, or otherwise, which shall thereafter arise in any District or Division of any Parish divided under the Provisions of the said recited Act, shall belong to and be recoverable by the Clerks and Sextons respectively of each of the Divisions respectively of the Parish to which they shall be assigned, in like Manner in every respect and after the same Rate as they were before recoverable by the Clerk and Sexton respectively of the original Parish; and it shall be lawful for the said Commissioners in every such Case to ascertain and make Compensation, in manner directed by the said recited Act in Cases of Compensation by reason of Loss of Fees, for any Loss of Fees, Dues, Profits, and Emoluments which any Clerk or Sexton may sustain by reason of any such Division.

Commissioners may fix Table of Fees.

XI. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to make and fix any Table of Fees for any Parish, with the Consent of the Vestry or Select Vestry, or Persons exercising the Powers of Vestry in such Parish, and also to make and fix any such Table of Fees for any Extra-parochial Place, or in or for any District Chapelry or Parochial Chapelry in which any Church or Chapel shall be built or appropriated under the Provisions of the said recited Act or this Act, with the Consent nevertheless, in all such Cases, of the Bishop of the Diocese; and all Fees so fixed may be demanded, received, sued for, prosecuted, and recovered, by the Spiritual Person or Clerk or Sexton to whom the same shall be assigned, in like Manner and by such and the same Means as any ancient legal Fees of a like Nature may be sued for, prosecuted, and recovered.

New Churches to become distinct Benefices; but to be served, during existing Incumbency, by Stipendiary Curates, and be deemed One Church.

XII. And be it further enacted, That all Churches which shall be built or acquired under the Provisions of the said Act or this Act, whether belonging to Parishes completely divided or to District Parishes, shall immediately after the Consecration thereof become and be deemed to be and be distinct Benefices and Churches for all Ecclesiastical Purposes: Provided always, that during the Incumbency of the then existing Incumbent of the Parish, except as hereinafter excepted, such Churches shall be served by licensed Stipendiary Curates, appointed by the existing Incumbent, and subject to all the Laws in force relating to Stipendiary Curates, except as to the assigning Salaries to such Curates by the Bishop of the Diocese; and every such existing Incumbent shall, until his Death or other Avoidance, continue to hold all the Churches of the several Divisions of his Parish as if they were One Church, unless he shall voluntarily resign One or more of them; any Statute or Law against Plurality of Benefices, or any thing contained in the said recited Act or any other Act or Acts of Parliament, to the contrary notwithstanding.

Right of Patronage of Parishes divided to belong to the

XIII. Provided always, and be it further enacted, That the Right of Presentation and Appointment of the Spiritual Persons to be the respective Incumbents of or to serve the Churches of the several Parishes created by the complete Division of any Parish under the

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Provisions of the said recited Act or this Act, shall in every Case belong to the Patron of the Church of the original Parish; and the Exercise of such Right of Presentation or Appointment shall commence on the Death or other Avoidance of the existing Incumbent, except in any Case in which the Division of any Parish shall have been made, or in which the Commissioners shall have declared their Intention of dividing any Parish, before or during any Avoidance, in which Cases the Exercise of such Right of Presentation or Appointment shall commence upon the Consecration of the Church or Churches respectively of any such Division; and the several Churches erected in and for such Divisions respectively, shall immediately upon Consecration become Benefices, and subject to all the Laws in force concerning Presentations and Appointments to Benefices and Churches, and Lapse, and all other Laws, Provisions, and Regulations relating to the holding of Benefices and Churches; any thing in the said recited Act or in this Act to the contrary notwithstanding: Provided always, that the Spiritual Care and Superintendence of every Parish so divided during Avoidance, shall, until Incumbents shall have been presented or appointed for the Divisions thereof, continue in the Spiritual Person who shall be the Incumbent of the original Parish; and such Spiritual Person shall receive all Emoluments accruing and arising within the Parish during such Superintendence.

Patron of the original Church, and be exercised after existing Incumbency.

XIV. And be it further enacted, That it shall and may be lawful for the Churchwardens of any Parish, with the Consent of the Vestry, or Persons possessing the Powers of Vestry, and with the Consent of the Bishop and Incumbent, and they are hereby authorized and empowered, to borrow and raise upon the Credit of the Church Rates, or of any Rates made under the said recited Act or this Act, of any such Parish, such Sum or Sums of Money as shall be necessary for defraying the Expence of repairing any Churches or Chapels; and they are hereby empowered and required, in any Case in which such Money shall have been borrowed, to raise by Rate a Sum sufficient from Time to Time to pay the Interest of the Money so borrowed, and not less than Ten *per Cent.* of the Principal Sum borrowed, out of the Produce of such Rates, until the whole of the Money so borrowed shall be repaid.

Churchwardens, with Consent of Vestry and the Bishop of the Diocese, may raise Money upon the Credit of the Rates for the Repair of Churches or Chapels, and provide for the Repayment thereof.

XV. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Persons and Trustees whomsoever, not only for or on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be possessed of or entitled to or interested in their own Right, and for every other Persons whomsoever who shall be possessed of or entitled to or interested in any Right of Patronage, or of Presentation or Appointment to any Benefice, Donative, Perpetual Curacy, or of any Spiritual Person to any Church or

Bodies Politic, &c. empowered to give up Rights of Patronage, and endow Chapels.

or Chapel, or the Performance of any Ecclesiastical Duties in any Church or Chapel, to surrender any such Right of Patronage, Presentation, or Appointment, or enter into or make any Agreement relating thereto with the said Commissioners, or the Bishop of the Diocese, for the Purpose of regulating the same, according to the Provisions of this Act; and it shall also be lawful for any such Bodies or Persons as aforesaid to endow, or agree to the Endowment of any Chapel heretofore built out of the Pew Rents thereof; any thing contained in any Act or Acts of Parliament, or in any Deed or Deeds, or any Trusts relating thereto respectively, to the contrary notwithstanding.

Commissioners may assign Districts to Chapels under the Care of Curates, subject to the Controul of Incumbents.

XVI. And be it further enacted, That it shall be lawful for the Commissioners, in the same Manner and with the like Consents as are required in case of Division into Ecclesiastical Districts under the said recited Act or this Act, to assign a particular District to any Chapel of Ease or Parochial Chapel already existing, or to any Chapel built, or which may hereafter be built or acquired under the Powers of the said Act or this Act; and such District shall be under the immediate Care of the Curate appointed to serve such Chapel, but subject nevertheless to the Superintendence and Controul of the Incumbent of the Parish Church; and all such Curates shall be nominated by the Incumbent of the Parish to the Bishop for his Licence, except where the Right of Nomination shall already be legally vested in any other Person or Persons, and in every such Case by the Person or Persons possessing such Right of Nomination; subject to all the Laws in force relating to Stipendiary Curates, except as to the assigning of Salaries to such Curates: Provided always, that it shall be lawful for the Commissioners, with the Consent of the Bishop of the Diocese, to determine whether any and what Part or Proportion of the Fees or Dues for Marriages, Baptisms, Churchings, and Burials, shall be assigned to any such Curate, and whether Banns of Marriage shall be published, and Marriages or Baptisms, Churchings or Burials, shall be solemnized or performed in any such Chapel, or not; and in any Case in which Marriages shall be allowed in any such Chapel, the Commissioners shall cause the Boundaries of the District assigned to such Chapel to be enrolled in the High Court of Chancery, and in the Office of the Registry of the Diocese, any thing in the said recited Act to the contrary notwithstanding; and no such Chapelry shall become a Benefice by reason of any Augmentation of the Maintenance of the Curate, by any Grant or Bounty under the Provision of any Act or Acts of Parliament, or Law or Laws for augmenting Small Livings; any thing in such Act or Acts of Parliament, or Law or Laws, to the contrary notwithstanding.

Commissioners, with Consent of Bishop, may determine what Fees for Marriages, &c. shall be assigned.

All Acts of Parliament, &c. relating to publishing Banns of Marriage, Marriages, &c. to apply to

XVII. And be it further enacted, That all Acts of Parliament, Laws, and Customs relating to publishing Banns of Marriage, Marriages, Christenings, Churchings, and Burials, and the registering thereof, and to all Ecclesiastical Fees, Oblations, or Offerings, shall apply to all Districts and Consolidated or District Chapelries and Divisions of any Parishes or Extra-parochial Places, whereof the Boundaries shall be enrolled in the High Court of Chancery under the Provisions of

the said recited Act and this Act; and in the Churches and Chapels whereof Banns of Marriage shall be allowed to be published, and Marriages, Christenings, Churchings, and Burials, or any of them, shall be allowed to be solemnized, and to the Churches and Chapels thereof, and to the Ecclesiastical Persons having Cure of Souls therein, or serving the same, in like Manner in every respect as if the same respectively had been ancient, separate, and distinct Parishes and Parish Churches by Law, to all Intents and Purposes.

Churches and Chapels of Districts.

XVIII. And be it further enacted, That every Apportionment of Glebe Land, Tithes, Moduses, and other Endowments and Emoluments, and of any Fees, Oblations, Offerings, or other Ecclesiastical Dues or Profits, and also of all permanent and other Charges made under the Provisions of the said recited Act or this Act, and also the Description of Boundaries assigned to Chapels under this Act, in which no Marriages shall be allowed to be solemnized, and all Tables of Fees made under the Provisions of this Act, shall be registered in the Registry of the Diocese to which the Parish, in relation to which any such Apportionment shall be made, shall be or be locally situate, and not enrolled in the Court of Chancery; any thing in the said recited Act to the contrary notwithstanding.

All Apportionments of Glebe and Emoluments, and of Charges, shall be registered in the Registry of the Diocese, and not inrolled in Chancery.

XIX. And be it further enacted, That no Chapel built or acquired under the Provisions of the said recited Act, which shall be situate in any District Parish made a Parish for Ecclesiastical Purposes under the Provisions of the said recited Act, and which shall not be or be made the Church of such District, shall be or be deemed to be a perpetual Curacy, or considered in Law as a Benefice Presentative under the Provisions of the said recited Act, any thing therein contained to the contrary notwithstanding.

No Chapels built under Provisions of recited Act to be deemed perpetual Curacies, &c.

XX. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, by and with the Consent of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, in Writing, or for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster* for the Time being, or for the Duke of *Cornwall*, by any Grant signed by the Chancellor of the Duchy of *Cornwall* for the Time being, or for any Body Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, to give and grant any Stone, Slate, or Timber, or other Materials respectively, from any Quarries, Forests, or Wastes belonging to His Majesty or the Duke of *Cornwall*, or any such Body respectively, for or towards the building of any Churches or Chapels under the Provisions of the said recited Act or this Act, and any House or Appurtenances and Garden for the Residence of the Spiritual Person who may serve the Church or Chapel; any thing in any Statute or Act of Parliament, or Law or Charter to the contrary notwithstanding.

Commissioners of Woods and Forests, &c. with Consent of Treasury, may grant Materials for building Churches and Chapels.

Treasury may remit Duties of Customs or Excise on Materials used for the building of Churches.

XXI. And be it further enacted, That it shall be lawful for the Commissioners of Customs and Excise of *England*, *Ireland*, and *Scotland*, respectively, and with the Consent and under the Authority in Writing of the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or for any Three or more of the Commissioners of His Majesty's Treasury for the Time being respectively, to remit all or any Proportion of the Duties of Custom or Excise respectively, or to order the same to be drawn back or repaid, for, upon, or in respect of any Stone, Slate, Bricks, Timber, or other Materials, which shall be *bonâ fide* procured for and used in the building of any Churches or Chapels under the Provisions of the said recited Act or this Act; and such Duties shall in every such Case be remitted, drawn back, or repaid, as the Case may be, under such Rules, Regulations, and Restrictions, and in such Manner as shall be ordered and directed by the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury in that Behalf; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

Commissioners may grant Money for providing Sites, without requiring Repayment or Security, as required under recited Act.

XXII. And be it further enacted, That it shall be lawful for the Commissioners, and they are hereby authorized and empowered, in any Case or Cases in which they shall deem it expedient, from the Amount or Description of the Population of any Parish, Township, Hamlet, Vill, Chapelry, or other Division of any Parish, and the Amount of the Rates paid therein, or any other good and sufficient Cause, to grant Money for or towards the Purchase of Sites, or to treat by themselves or their Agents for the Purchase of Sites for the building of Churches or Chapels, with or without Cemeteries, and without requiring or demanding Repayment, or Security for the Repayment of the Money so granted or expended in the Purchase of such Sites or Cemeteries, from the Parishes or Divisions of Parishes for which such Sites shall be so provided; and it shall also be lawful for the said Commissioners to purchase or grant Money for the purchasing of Cemeteries not within the Bounds of the Parish for which the same shall be provided, or for enlarging Cemeteries or providing additional Cemeteries within such Parish respectively; all which Cemeteries, if not within the Bounds of such Parish, shall, after Consecration, be deemed Part of the Parish for the Use of which they shall have been purchased or provided; any thing in the said recited Act, or in any Act or Acts of Parliament, or Law or Laws, to the contrary notwithstanding.

Churchwardens empowered to levy Rates.

XXIII. And be it further enacted, That it shall be lawful for any Churchwarden or Chapelwarden of any Parish or Division of any Parish, or of any Consolidated or District Chapelry, in which any Rates shall be made under the Provisions of the said recited Act or this Act, to demand, receive, sue for, levy, and recover all such Rates, by all such Ways and Means as any Church Rates may be demanded, sued for, levied, and recovered, as fully and effectually as if all Powers, Authorities, Provisions, Penalties, and Forfeitures relating to the demanding, suing for, levying, and recovering of any Church Rates, or for any Refusal to pay any like Rates, were specially enacted for that Purpose in the said recited Act and this Act: Provided

vided always, that any Churchwardens or Chapelwardens appointed under the Provisions of the said recited Act or this Act, shall not in virtue of such Office be deemed Overseers of the Poor.

So much of recited Act as requires the Consent of Two-thirds of the Proprietors of Messuages, &c. to the Enlargement of any Church, &c. repealed.

No Application to build or enlarge any Church, &c. shall be made if One-third of the Proprietors of Messuages, &c. shall dissent thereto.

XXIV. And whereas it is by the said recited Act enacted, that no Application and Offer to build or to enlarge any Church or Chapel, either wholly or in part, by means of Rates, shall be made, unless Two-third Parts in Value of the Proprietors of Messuages, Lands, and Tenements within the Parish shall have consented thereto in Writing; and it is expedient that such Provision should be repealed, and other Provisions made in lieu thereof; be it therefore enacted, That so much of the said recited Act as requires the Consent of such Proportion of Proprietors of Lands, in manner directed by the said Act, shall be and the same is hereby repealed; and that from and after the passing of this Act, no Application and Offer to build or enlarge any Church or Chapel, either wholly or in part, shall be made, nor shall any Church or Chapel be built or rebuilt or enlarged, or any Purchase made of any new or additional Burial Ground, by means of any Rates upon any Parish, in any case in which One-third Part or more in Value, such Value to be ascertained by an Average of the Rate for the Relief of the Poor for the preceding Three Years, of the Proprietors of Messuages, Lands, and Tenements within such Parish, whether for Estates of Freehold or Copyhold, or by virtue of Leases for Terms of Years absolute, whereof not less than Fifteen Years shall be unexpired, or determinable upon a Life or Lives, shall dissent therefrom; such Dissent to be entered in the Book containing the Proceedings of the Vestry, and to be signified, in case of any future Vestry, within Two Months after any Resolution for the Purposes aforesaid, of such Vestry or Select Vestry as aforesaid; and in case of any Vestry already holden, at which such Resolution shall have been passed within Two Months from the passing of this Act, under the Hands of such Proprietors and Persons interested as aforesaid; and in case of Corporations Aggregate, under the Hand of the President, Head, or Chief Member thereof for the Time being; and in case of Femes Covert, Minors, insane Persons, and Persons absent from the Kingdom, under the Hands of their respective Husbands, Guardians, Committees, Trustees, Attornies, or Agents, who are hereby respectively authorized to sign such Dissents; and in cases of Trustees of Charitable Institutions, under the Hands of the major Part of the Trustees, or of any such Body of any such Trustees as may under their respective Trusts be authorized to act in the Execution of the Trusts.

Manner of signifying such Dissents.

Rate not exceeding 1s. in the Pound in any one Year, or 5s. in the whole, may be raised for building or enlarging a Church or Chapel, without such Pro-

XXV. Provided always, and be it further enacted, That it shall be lawful for the Inhabitants of any Parish, who shall be assembled and present at any Vestry, or the major Part of the Inhabitants so assembled and present at any such Vestry, of which Notice shall have been given upon Two successive *Sundays* preceding the Meeting of such Vestry, or for Two-third Parts of such of the Persons exercising the Powers of Vestry in such Parish as shall be assembled at any Meeting, of which due Notice shall have been given according to the Mode of giving Notices for the assembling of such Persons, to order

portion of Consents of Proprietors, &c. as is required by recited Act.

order and direct the making and raising of any Rate, not exceeding the Amount of One Shilling in the Pound in any one Year, or the Amount of Five Shillings in the Pound in the whole, upon the Annual Value of the Property in the Parish, for the Purpose of building or enlarging any Church or Churches, or Chapel or Chapels, either wholly or in part, by means of Rates, without any further or other or any greater Number of Consents of any Inhabitants or Proprietors, or Occupiers, or other Persons; any thing in the said recited Act to the contrary notwithstanding: Provided always, that no greater or larger Rate than aforesaid shall be ordered or directed to be made or raised, in relation to any Application or Offer to build or to enlarge any Church or Chapel, either wholly or in part, by means of Rates, if any such Proportion of Dissents as are in this Act specified are signified in Writing in manner directed by this Act; and every such Order and Direction so made as aforesaid, under the Provisions of this Act, shall be imperative upon the Churchwardens or Chapelwardens of the Parish in which such Order shall be made, who shall forthwith make and raise, and levy and collect the Rate so ordered, for the Purpose of the said recited Act and this Act, any thing in the said recited Act or any other Act or Acts of Parliament to the contrary notwithstanding; and every such Rate shall be made, raised, levied, collected, received, and accounted for in like Manner, and with all such Powers, Authorities, Provisoes, and Regulations, and under and subject to such Penalties and Forfeitures, as are in Law applicable to the making, raising, levying, and collecting any Church Rate in any Parish.

Commissioners may assign the Pew Rents to the Parish, and order a fixed Stipend to the Minister.

XXVI. And be it further enacted, That it shall be lawful for the Commissioners, in any Case in which they shall deem it expedient, from Time to Time to order and direct that the Rents of the Pews in any Church or Chapel built, acquired, or appropriated under the Provisions of the said recited Act or this Act, shall be assigned to the Parish or District, and received by the Churchwardens or Chapelwardens in such Parish or District, who shall thereupon be required to pay the Stipend which from Time to Time may be assigned or fixed under the Provisions of this Act to the Minister and Clerk: Provided always, that the Parish shall not in any such Case be answerable to such Minister or Clerk for any greater Sum in each Year than the Amount of the Rent of the Pews which shall have been actually let during the preceding Year in any such Church or Chapel; and any Surplus of Pew Rents, remaining after Payment of such Stipend and other Expences, shall, except in any of the Cases next herein-after mentioned, be invested in Government Securities, in the Name of Trustees to be appointed by the Bishop of the Diocese, and suffered to accumulate for the Purpose of forming a Fund for the building or purchasing of a House, with the Consent and Approbation of the Bishop, for the Residence of the Spiritual Person serving the Church or Chapel; and after the Completion of such Purpose, then to the Augmentation of the Stipend of such Spiritual Person, or to the Reduction of the Pew Rents, or the Increase of the Accommodation in any such Church or Chapel, in such Manner as shall be directed by the Bishop of the Diocese for the Time being.

XXVII. Provided always, and be it further enacted, That the Surplus of such Pew Rents remaining, after Payment of such Stipend and other Expences, shall, in any Case in which the Commissioners shall think it expedient, be charged and chargeable with and applied towards the Payment of any Sum or Sums of Money which may be borrowed or advanced by way of Loan, at Interest, or by way of Annuity or otherwise, for or towards the building any such Church or Chapel, or for the purchasing any Site or Sites for the same, and defraying all Expences relative thereto, and in keeping such Church or Chapel in Repair; and the Residue of such Pew Rents, if any, shall be paid and applied in Manner herein-before directed, or in Aid of the Church Rate to be raised in such Parish, if the Commissioners shall so think fit; and that it shall and may be lawful for such Churchwardens or Chapelwardens, with the Consent of the Commissioners, to borrow and take up at Interest, or by way of Annuity or otherwise, any Sum or Sums of Money for or towards the building such Church or Chapel, or purchasing such Site or Sites, or defraying the Expences relative thereto, upon the Credit of such Pew Rents, and by Writing under their Hands to charge such Pew Rents, subject to such Stipend and Expence as aforesaid, with the Payment to any Person or Persons of any such Sum or Sums of Money, with Interest, or with any such Annuity or Annuities as aforesaid, in such Manner as such Churchwardens or Chapelwardens shall from Time to Time think fit.

Surplus of Pew Rents, after Payment of Stipend, how to be disposed of.

XXVIII. And be it further enacted, That every Assignment of any Stipend to any Minister or Clerk, under the Provision of the said recited Act and this Act, shall be registered in the Registry of the Diocese to which the Parish shall belong.

Assignment of Stipend to be registered in the Registry of the Diocese.

XXIX. And be it further enacted, That the Clerk in every Church and Chapel erected, built, or acquired or appropriated under the Provisions of the said recited Act or this Act, shall be annually appointed by the Minister of the Church or Chapel.

Appointment of Clerk.

XXX. And be it further enacted, That in every District, Parish, or Division of any Parish or District, Chapelry, or Consolidated Chapelry, in which any Church or Chapel shall be built, acquired, or appropriated under the Provisions of the said recited Act or this Act, in which there shall not be a distinct Vestry belonging to such District or Division, a Select Vestry, consisting of so many Persons as shall be directed by the Commissioners in that Behalf, shall be appointed by the Commissioners, with the Advice of the Bishop of the Diocese, out of the substantial Inhabitants of the District or Division, or District Chapelry, or Consolidated Chapelry, for the Care and Management of the Concerns of the Church or Chapel, and all Matters and Things relating thereto; and such Select Vestry shall annually elect or appoint the Churchwarden or Chapelwarden to be named on the Part of the Parish or Chapelry, and shall elect new Members of such Vestry as Vacancies may arise by Death, Resignation, or ceasing to inhabit the Parish; and proper Pews shall be assigned and provided in every such Church and Chapel for the Use of the Church or Chapelwardens thereof.

Appointment of Select Vestry for the Management of New Churches, and who shall appoint Church or Chapelwardens.

Churchwardens may alter Pew Rents, with Consent of Bishop, &c.

XXXI. And whereas Circumstances may arise in which it may become expedient and necessary to alter the Rents at which Pews may be let, in any Churches or Chapels built or provided under the Provisions of the said recited Act and this Act; be it therefore further enacted, That it shall be lawful for the Churchwardens and Chapelwardens of any such Church or Chapel, and they are hereby required, when ordered and directed so to do by the Bishop of the Diocese, with the Consent of the Patron and Incumbent, and in any Case in which the Pew Rents shall have been assigned to the Parish, then with the Consent of the Vestry of the Parish, to make such Alteration in any such Pew Rents as shall be directed or approved of, with such Consent as aforesaid.

Pews to be let to Parishioners only, and not by Auction; and Rates to be payable in advance.

XXXII. And be it further enacted, That it shall not be lawful for the Churchwardens or Chapelwardens of any additional Church or Chapel, to let or sell any Pews and Seats, except to Parishioners, during the Time such Parishioners shall continue to be Inhabitants of the Parish; and every Sale of any Pew or Seat shall be subject to such reserved Rent as shall have been fixed under the Provisions of the said recited Act or this Act, and shall be by Private Contract, and not by Public Auction; and all Pew Rents under the said recited Act and this Act, shall be payable in advance; (that is to say), One Year's Rent shall be paid on the Admission to the Pew or Seat, if such Admission shall be given at *Lady Day* or *Michaelmas*, or if at any intermediate Period, then the Proportion of the Half Year to *Lady Day* or *Michaelmas*, as the Case may be, and a Half Year's Rent over and above such Proportion; and thereafter Half-yearly Payments shall be made in advance, commencing on the *Lady Day* or *Michaelmas* immediately following the taking of such Pew; and every such Pew and Seat shall be forfeited and become vacant by the Discontinuance of any such Payment in advance for Two following Half Years; any thing in the said recited Act to the contrary notwithstanding.

Commissioners may discharge Subscribers from Payment of Pew Rents, in proportion to their Subscription, and allow them to assign.

XXXIII. And be it further enacted, That it shall be lawful for the Commissioners to discharge any Subscribers towards building any Church or Chapel, wholly or in any part, from the Payment of Pew Rents in the said Church or Chapel, for a limited Time or for Life, in such Proportion to the Amount of their respective Subscriptions as the Commissioners shall see fit; and to allow any such Subscriber, if he shall remove from the Parish, to assign the Remainder of such Term to any other Parishioner inhabiting the Parish.

For Disposal of unconsecrated Lands, &c. acquired by the Commissioners.

XXXIV. And be it further enacted, That if any Lands, Tenements, or Hereditaments which shall have been acquired by the Commissioners under the said recited Act and this Act, whether by Gift or otherwise, shall happen to remain unconsecrated at the End of the Term of Ten Years therein mentioned, or at any other Determination of any Commission granted by His Majesty under the said recited Act or this Act, such unconsecrated Lands, Tenements, and Hereditaments shall be immediately vested in His Majesty, His Heirs and Successors, to be applied to the Uses, Intents, and Purposes for

which they were acquired, under the Direction of His Majesty in Council; unless or until any other Provision respecting the same shall be made by Authority of Parliament.

Stamp Duties on Contracts, &c. relating to building Churches, may be allowed.

XXXV. And be it further enacted, That it shall be lawful for the Commissioners for managing the Duties on Stamped Vellum, Parchment, or Paper, to allow the full Amount of the Stamp Duties upon any Deeds, Bonds, Contracts, Agreements, or Instruments, made in relation to the purchasing or procuring of any Sites, or building any Churches, or purchasing or providing any Materials for any such Buildings, under and subject to such Rules, Regulations, and Restrictions as shall be made in that Behalf by the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom, or any Three or more of them, for the Time being; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

Parishes and Extra-parochial Places to furnish Lands when required by Commissioners, for Burial Grounds.

XXXVI. And be it further enacted, That all such Parishes and Extra-parochial Places as shall be required by the Commissioners for executing the said recited Act and this Act, shall furnish Lands for enlarging such existing Churchyards or Burial Grounds, or for making such additional Churchyards or Burial Grounds, as the Commissioners may deem necessary to be enlarged or set out under the Provisions of this Act; and that as soon as the Commissioners shall have fixed upon any Parish or Extra-parochial Place, as being one in which it is necessary that the Churchyard or Burial Ground should be enlarged, or that a new Burial Ground should be made under the Provisions of this Act, they shall give Notice to the Churchwardens thereof, by causing such Notice to be left at their respective Places of Abode, of their Intention to enlarge such Churchyard or Burial Ground, or to set out a new Burial Ground, and of the Extent of Ground which will be required for any such Purpose, and for making a proper Access and Approach thereto, and of the Part of the Parish or Extra-parochial Place within which the same is required to be provided; and the said Churchwardens shall, within the Space of Fourteen Days, call a Meeting of the Vestry of the Parish or Extra-parochial Place, or the Persons possessing under any Act or Acts of Parliament the Powers of Vestry of the Parish or Extra-parochial Place, for the Purpose of taking all such Measures as may be necessary for providing such additional Churchyard or Burial Ground, and Approach thereto as aforesaid; and in case such Parish or Extra-parochial Place shall not be able to provide the same without Purchase, then the Vestry, or the Persons possessing as aforesaid the Powers of Vestry, shall and are hereby required forthwith to proceed to treat for a Piece of Ground and Approach thereto, according to such Notice, but shall not conclude any Bargain for the same without the Approbation of the Commissioners.

Powers of recited Act as to purchasing Lands for building Churches, extended to

XXXVII. And be it further enacted, That all the Powers and Provisions of the said recited Act or of this Act, which authorize or relate to the Grant, Sale, Conveyance, Purchase, and Re-sale of any Lands, Tenements, or Hereditaments, from or in the Name of or on Behalf of His Majesty, or from any Bodies Politic, Corporate, or Collegiate, Cor-

Lands for additional Churchyards.

Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, Cestuique Trusts, Infants, Lunatics, Idiots, Femes Covert, or any other Person or Persons whomsoever, to or by the said Commissioners, for the Purpose of building any additional Churches or Chapels, or the issuing, advancing, levying, or raising, or borrowing or taking up at Interest, of any Money for any such Purpose, shall be and are hereby declared to be extended to and be applicable in all respects, *mutatis mutandis*, for the Grant, Sale, Conveyance, Purchase, or Re-sale of any Lands, Tenements, or Hereditaments which may be necessary for enlarging any Churchyard or Burial Ground, or for making any new Burial Ground and Approaches thereto, under the Provisions of this Act, and for the issuing, advancing, levying, and raising, or borrowing and taking up at Interest of any Money which may be required for any of those Purposes, and for repaying the same by Instalments or otherwise, in like Manner as if all such Powers and Provisions had been fully repeated and re-enacted in this Act.

Additional Burial Grounds to be consecrated.

XXXVIII. And be it further enacted, That any Piece or Parcel of Land or Ground which shall, under the Provisions of this Act, be added to any existing Churchyard or Burial Ground, or be appropriated and set apart as and for a new Burial Ground, shall be, as soon as conveniently may be, consecrated for the Burial of the Dead, according to the Usage of the United Church of *England* and *Ireland*, and shall for ever thereafter be used as and for an additional Burial Ground; and the Freehold of the Land which shall be so consecrated, shall from and after the Consecration thereof vest in the Person or Persons in whom the Freehold of the ancient Churchyard or Burial Ground of any such Parish or Chapelry where the same may be situated, shall from Time to Time be vested.

Commissioners may alter Fences of Churchyards, and turn Footpaths, &c.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners, if they should think fit, to alter, repair, pull down, and rebuild, or order or direct to be altered, repaired, pulled down, and rebuilt, the Walls or Fences of any existing Churchyard or Burial Ground of any Parish or Chapelry, and to fence off with Walls or otherwise, any additional or new Burial Ground, to be set out or provided by virtue of this Act; and also to stop up and discontinue, or alter or vary, or order to be stopped up and discontinued, or altered or varied, any Entrance or Gate leading into any Churchyard or Burial Ground, and the Paths, Footways, and Passages into, through, or over the same, as to them may appear useless and unnecessary, or as they shall think fit to alter or vary; provided that the same be done with the Consent of any Two Justices of the Peace of the County, City, Town, or Place, where any such Entrance, Gate, Path, or Passage shall be stopped up or altered; and on Notice being given in the Manner and Form prescribed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway;*

55 G. 3. c. 68.

Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.

Rates may be laid on any Parish for rebuilding or enlarging the Church.

XL. And be it further enacted, That when any Parish shall be desirous of extending and increasing the Accommodation in the Parish Church, and it shall be found necessary or expedient to that End to take down the existing Church and to rebuild the same on the same Site, or on a more convenient Site, it shall and may be lawful for the Churchwardens of any such Parish, with the Consent of the Vestry, or Persons possessing the Powers of Vestry, and with the Consent also of the Ordinary, Patron, Incumbent, and Lay Impropriator, if any such there be, to take down such existing Church, and to rebuild the same upon the same or upon a new Site; and the said Churchwardens are hereby authorized and empowered to borrow and raise, upon the Credit of the Church Rates, or any Rates made under the said recited Act or this Act, of any such Parish, such Sum or Sums of Money as shall be necessary for defraying the Expence or any Part of the Expence of the taking down and rebuilding such Church, and to make Rates for the Payment of the Interest of such Sum or Sums of Money so to be borrowed and raised, and for providing a Fund, of not less than the Amount of the Interest of the Sum advanced, for the Repayment of the Principal thereof, or for repaying such Principal in such Manner, and at such Times, and in such Proportions as shall be agreed upon with the Persons advancing any such Money: Provided always, that no Church shall be so taken down and rebuilt, by means of any Rates upon any Parish, if such Proportion of Dissents as are in this Act specified in relation to any Application to build or to enlarge any Church or Chapel, either wholly or in Part, by means of Rates, are signified in Writing in manner directed by this Act; and such Church, when consecrated, shall be to all Intents and Purposes the Parish Church of such Parish, for the Celebration of Divine Offices, and the Solemnization of Marriages, according to the Rites and Ceremonies of the Church of *England*: Provided always, that One-half of the additional Accommodation, which shall be obtained by the rebuilding such Church, shall be set apart for free and open Sittings: And provided also, that all Persons enjoying any Pews or Sittings within such Church, so to be taken down in virtue of any Faculty or Prescription, shall have a Pew or Pews, Sitting or Sittings, as near as may be in the same Situation, and of like Dimensions, allotted and set apart for them in such new Church; and that all Tomb Stones, Monuments, and Monumental Inscriptions, in such Church so to be taken down, shall be carefully preserved by the Churchwardens, and when the said Church shall be rebuilt, on the same or a more convenient Site, the said Tomb Stones, Monuments, and Monumental Incriptions shall be set up by the said Churchwardens, at the Charge of the Parish, in such new Church, as near as Circumstances will admit, in the Situations from whence they were removed in the said Church so to be taken down.

Commissioners may discharge the

XLI. And whereas particular and special Circumstances may in certain Cases render it necessary, for the more effectual carrying into

Parliamentary Fees of obtaining certain Acts.

Execution the beneficial Purposes of this Act, in certain Parishes, Divisions of Parishes, or Extra-parochial Places, that particular Acts of Parliament should be passed for such Parishes, Divisions, and Places; be it therefore enacted, That it shall be lawful for the said Commissioners, in any such Case in which they shall deem it proper, to pay or advance Money for the Payment of any Fees which may become due and be payable in either House of Parliament in respect of the passing of any such Act or Acts of Parliament; and that such Fees may be paid out of any Money in the Hands of the Commissioners, arising out of any Exchequer Bills under the Provisions of this Act; and that such Acts shall in all other Respects be considered as Public Acts.

Such Acts to be deemed Public Acts.

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