ANNO QUINTO

GEORGII IV. REGIS.

****

CAP. CIII.

An Act to make further Provision, and to amend and render more effectual Three Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes. [24th *June* 1824.]

WHEREAS an Act passed in the Fifty-eighth Year of the Reign of His late Majesty, intituled *An Act for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act passed in the Fifty-ninth Year of the Reign of His late Majesty, intituled *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:* And whereas another Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas the Sums issued and applied under the Provisions of the said recited Acts have been found inadequate; and it is therefore expedient that a further Sum should be issued for the Purposes of the said Acts, and that further and additional Provisions should be made for rendering the

58 G. 3. c. 45.

59 G. 3. c. 134.

3 G. 4. c. 72.

the said recited Acts more effectual: May it therefore please Your Majesty that it may be enacted; and be it 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 it shall be lawful for the King's most Excellent Majesty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, to cause or direct any Number of Exchequer Bills to be made out at His Majesty's Exchequer at *Westminster*, not exceeding in the whole the Sum of Five hundred thousand Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in the said recited Acts or either of them, or this Act), as in and by an Act made in the Forty-eighth Year of His late Majesty, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

His Majesty may authorize Commissioners of Treasury to issue Exchequer Bills, to the Amount of 500,000*l*.

48 G. 3. c. 1.

II. And be it further enacted, That all and every the Clauses, Powers, Authorities, Provisions, Regulations, Privileges, Advantages, Penalties, and Forfeitures contained in the said recited Acts of the Forty-eighth and Fifty-eighth and Fifty-ninth Years of His late Majesty's Reign, shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act (except so far as the same or any of them may be altered by this Act), as fully and effectually to all Intents and Purposes as if the said Clauses, Powers, Authorities, Provisions, Regulations, Privileges, Advantages, Penalties, and Forfeitures had been particularly repeated and re-enacted in the Body of this Act.

Powers of recited Acts to extend to Exchequer Bills made out under this Act.

III. Provided always, and be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear such Interest as may be directed by the Lord High Treasurer, or Lords Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, not exceeding the Rate of Twopence *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 Acts 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 and 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.

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

IV. And be it further enacted, That from Time to Time, as the Commissioners appointed for the Execution of the said recited Acts shall

Commissioners under recited Acts

shall find it necessary to apply to the Purposes thereof and of this Act any Amount of such Bills to be advanced under the Provisions of the said recited Acts 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 Provisions of this 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 Acts 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.

to apply for Exchequer Bills.

V. And whereas in many Parishes and Extra-parochial Places in which the Churches and Chapels are inadequate to the Accommodation of One-fourth of the Parishioners, and to which Sums may not be granted under the Provisions of this or any other former Act for building additional Churches or Chapels, or in which the additional Churches or Chapels for which Sums may have been or may be granted may not afford Accommodation for One-fourth of the Inhabitants of such Parish, Chapelry, Township, or Extra-parochial Place, there may be Persons belonging to the Church of *England* who may be desirous of building or purchasing Churches or Chapels for the Performance of Divine Service according to the Rites of the Church of *England*: And whereas it is highly desirable that every Facility should be afforded for the Execution of so laudable a Purpose; be it therefore enacted, That whenever any Twelve or more substantial Householders of any Parish, Township, or Extra-parochial Place, shall certify in Writing to the Bishop of the Diocese within which such Parish, Chapelry, Township, or Extra-parochial Place shall be situate, that there is not Accommodation for more than One-fourth of the Inhabitants thereof for the Attendance upon Divine Service according to the Rites of the Church of *England*, and that they or some of them, either by themselves or with the Assistance of other Persons belonging to the Church of *England*, are desirous of raising by private Subscription such Sum as may be necessary for building or purchasing a Church or Chapel, or any Building or Buildings to be used as a Church or Chapel for the Performance of the said Service, and to provide out of Pew Rents of such

Bishops may consent to the building of additional Churches or Chapels, or to the Purchase of Buildings for that Purpose, upon Application and Certificate of 12 or more Householders that there is not Accommodation for more than One-fourth of the Inhabitants of the Parish, at the Expence of such Persons or others willing to subscribe thereto.

such Church or Chapel a competent Stipend for the Spiritual Person who may officiate therein, and for a Clerk thereof, and for all other Expences incident to the Performance of Divine Service, and for maintaining the said Church or Chapel, and the said Bishop shall be satisfied of the several Particulars contained in such Application, it shall be lawful for such Bishop, if he shall think fit, to signify his Consent to the building or purchasing such Church or Chapel, as the Case may be, according to such Plan, and upon such Site as shall be submitted to and approved by him for that Purpose.

Subscribers may elect Three Life Trustees for the Management of the Church or Chapel, and Nomination for a limited Period of the Spiritual Person to serve it.

VI. And be it further enacted, That the several and respective Persons proposing to build or purchase any such Church or Chapel, or any such Building as aforesaid, and their Assigns, respectively subscribing for that Purpose Sums of not less than Fifty Pounds each, shall elect Three Trustees from amongst themselves, for the Management and general Regulations of the temporal Affairs of such Church and Chapel, and for the Nomination to the Bishop, for a limited Period, of a Spiritual Person to serve the same; and such Trustees shall be called Life Trustees of such Church or Chapel, and shall continue such Trustees so long as any Spiritual Person nominated by them under the Provisions of this Act shall serve such Church or Chapel.

Upon Death or Resignation of Life Trustees, new ones may be chosen to supply the Vacancy.

VII. And be it further enacted, That in case any of the Persons first appointed Life Trustees of any such Church or Chapel, shall during the Period above mentioned happen to die, or shall signify to the other Life Trustees his Resignation of such Trust, it shall be lawful for the Majority of the Persons who have subscribed towards the building or purchasing such Church or Chapel Sums not less than Fifty Pounds each, and being Owners or Renters of Pews in the same, who shall be present at any Meeting to be called for that Purpose, and which Meeting any One or more of such Trustees are hereby authorized and required to call and appoint, upon Fourteen Days Notice at the least being affixed to the Door of such Church or Chapel, upon the Two *Sundays* next preceding the Day on which such Meeting is intended to be held, from Time to Time to nominate and appoint, by Writing under their Hands, any other Person having subscribed a Sum not less than Fifty Pounds, and being an Owner or Renter of a Pew in such Church or Chapel, and a Member of the Church of *England*, a Life Trustee in the Place of the Life Trustee so dying or resigning; and every such new Life Trustee shall in every respect be vested with such and the like Powers and Authorities, to all Intents and Purposes, as the Person to whose Place he may be nominated and appointed as aforesaid.

If Subscribers do not exceed Three they are to be deemed the Trustees under this Act, and may by

VIII. And be it further enacted, That if the Number of Persons subscribing to build or purchase such Church or Chapel shall not exceed Three, such Person or Persons shall be and be deemed to be the Life Trustee or Life Trustees of such Church or Chapel, under the Provisions of this Act, and shall have, use, and exercise all such and the like Powers and Authorities to all Intents and Purposes, as any such Life Trustees as aforesaid, chosen under the Provisions of

of this Act, may use and exercise; and in case of the Death or Resignation of any such Life Trustee, the Person nominated by him, being a Member of the Church of *England*, by his last Will and Testament, or by any Instrument signed by him, shall be a Life Trustee in his Place.

Deed or Will appoint Successors.

IX. And be it further enacted, That in any Case in which Application shall be made to the Bishop of any Diocese for his Consent to the building or purchasing any Church or Chapel, or Buildings to be used as a Church or Chapel, in any Parish, Chapelry, Township, or Extra-parochial Place, situate within the said Diocese, for the Purpose aforesaid, by any Person or Persons belonging to the Church of *England*, who may be willing to subscribe One-half Part at the least of the Money necessary for building or purchasing the same, jointly with the Parishioners of such Place, who may be willing to raise the Remainder of the Money by Rates, or to raise and borrow such Sum upon the Credit of the Rates of such Place, and the said Bishop shall be satisfied of the several Particulars contained in such Application, it shall be lawful for such Bishop, if he shall think fit, to signify his Consent thereunto.

Bishop may consent upon joint Application of Subscribers or Parishioners, who may be willing to build a Church or Chapel by Subscription and Rates, or Money borrowed upon the Credit of the Rates.

X. Provided always, and be it further enacted, That every Application which shall be made under the Provisions of this Act to the Bishop of any Diocese, shall state that the Church or Chapel is to be appropriated to the Performance of Divine Service according to the Rites of the Church of *England*, and shall offer to set apart such Number or Proportion of Free Seats as is required by the said recited Acts in Cases in which Churches or Chapels are built or purchased under the Provisions of the said recited Acts, with any Money advanced by the Commissioners under the said recited Acts, and shall also offer to provide out of the Pew Rents arising from the remaining Part of the Seats of such Church or Chapel, a competent Salary for the Spiritual Person who may officiate therein, and for all other Expences incident to the Performance of such Divine Service, and for maintaining the said Church or Chapel: Provided also, that no Pew Rents shall be taken, nor any Service performed in such Church or Chapel, whether built or purchased by Subscription only, or jointly by Subscription and by Rates, before the same shall have been duly consecrated, and a Duplicate Copy of such Application, with the Assent of the Bishop of the Diocese to the same, shall be deposited in such Church or Chapel.

Application to the Bishop shall state certain Particulars as to Service and Free Seats.

XI. And be it further enacted, That the Persons or Parishioners of any Parish or Place as aforesaid, making such Application to the Bishop, shall in every such Case, at the Time of making the same, give Notice in Writing thereof to the Patron and Incumbent of the Church of the Parish, Chapelry, Township, or Extra-parochial Place, in which it is proposed to build or purchase any such Church or Chapel, in order to afford to such Patron or Incumbent the Opportunity of laying before the Bishop any Statement in Writing relating thereto, and that the said Bishop shall not signify his Consent to such Application within Three Calendar Months from the Time when he shall

In every such Case, Notice of the Application to the Bishop to be given to the Patron and Incumbent of the Church of the Parish or Place.

shall have received the same, together with a Certificate that the said Notice has been given.

Life Trustees to nominate for the first Two Turns or for any Number of Turns which may occur in Forty Years, a Minister of the Church, &c.; subsequent Nominations to be by Incumbent, unless made a District Church, then by Patron. To lapse if Trustees do not nominate.

XII. And be it further enacted, That the Life Trustee or Trustees of any such Church or Chapel which shall be built or purchased by private Subscription, may nominate for the first Two Turns which shall occur after the Consecration of the Church or Chapel, or for any Number of Turns which may occur during the Space of Forty Years after the same, to the Bishop of the Diocese, for his Approbation and Licence, a Spiritual Person to serve the same; and all subsequent Nomination shall be in the Incumbent of the Parish or Extra-parochial Place in which such Church or Chapel shall be built or purchased; unless in case of such Chapel being made a District Church as herein-after mentioned, in which Case such subsequent Nomination shall be in the Patron of the Church of the original Parish; and in case of any Neglect of any Trustee or Trustees, Patron or Incumbent respectively, to make such Nomination, the same shall lapse, as in the Case of actual Benefices; and if all the Subscribers entitled to elect Trustees shall die before such Nominations shall have been made, or such Forty Years shall have elapsed as aforesaid, then and in every such Case the Nomination shall be made by the Incumbent during such Period: Provided also, that if all such Subscribers shall die, so that no such Election of any Trustee can be made, and any One of the Trustees for the Time shall die or vacate, then and in every such Case the Incumbent for the Time being shall be and become a Trustee, to use and exercise all Powers and Authorities given to Trustees under the Provisions of this Act.

If Church or Chapel built in part by Rates, Incumbent to nominate, except made a District Church when Nomination shall vest in Patron.

XIII. Provided always, and be it further enacted, That in any case in which any such Church or Chapel shall be built or purchased in part by means of any Rates to be raised in any Parish, Chapelry, Township, or Extra-parochial Place, the first and subsequent Nominations of the Minister of such Church or Chapel shall be in the Incumbent of the Church of the original Parish in which the same shall be built or purchased, except in case of such Church or Chapel being made a District Church, when the same shall vest in the Patron as aforesaid.

Church or Chapel and Ground, &c. to vest in such Persons as shall be specified in the Sentence of Consecration.

XIV. And be it further enacted, That from and after the Completion of every such Church or Chapel, the Land, Ground, and Scite whereon the same shall be built, with the Cemetery thereto belonging, if any, and which Land, Ground, and Scite shall be specified and described in the Sentence of Consecration of the Church or Chapel, shall be and the same are hereby declared to be vested in such Person or Persons and their Successors for ever, by such Name and Style as shall be specified in the Sentence of Consecration of the Church or Chapel; and such Person or Persons shall in every such Case have perpetual Succession in the Name and Style specified in the Sentence of Consecration, and shall hold the Lands, Grounds, and Scites so vested in them as Bodies Corporate, by such Name and Style, without incurring or being subjected to any of the Penalties or Forfeitures of the Statute of Mortmain, or of any other Law or Statute whatsoever, to the Use, Intent, and Purpose that every such Church or Chapel, with

with the Cemetery to the same, if any, shall, when consecrated, be for ever thereafter set apart and dedicated to the Service of Almighty God, as a Place of Divine Worship, according to the Liturgy and Usages of the United Church of *England* and *Ireland* as by Law established, and be subject to the Bishop of the Diocese as such.

Life Trustees or Churchwardens may dispose of Vaults, &c. and after paying the Dues to which the Incumbent is entitled, the Remainder shall form a Fund for supplying Deficiencies in Minister's Salary, and for Repairs.

XV. And be it further enacted, That it shall be lawful for the Life Trustees or Churchwardens respectively of any such Church or Chapel, and their Successors, and they are hereby authorized and empowered to sell and dispose of the Vaults or Burial Places under any such Church or Chapel, and of Vaults or Burial Grounds in the Cemetery or Yard of the Church or Chapel, if there shall be any Cemetery or Burial Ground thereto; and such Life Trustees or Churchwardens respectively are hereby empowered and required to pay to the Incumbent of the Parish such Dues or Sums as such Incumbent would be entitled to and have, of Vaults or Burial Places of a like Description in the Church of the Parish, and shall, after making such Payments, invest or lay out the Remainder of the Monies thence arising in some Public Funds, Stocks, or Securities, from Time to Time, and also from Time to Time in like Manner to lay out the Interest, Dividends or Proceeds of such Public Funds, Stocks, or Securities, or such Part thereof as shall not be applied under the Provisions of this Act, in like Funds, Stocks, or public Securities; and such Life Trustees or Churchwardens shall, out of such Interest, Dividends, or Proceeds, from Time to Time make good any Deficiencies, if any shall arise, in the Payment of the Stipends or Salaries of the Minister or Clerk of the Church or Chapel, or any other Payments or incidental Expences to be paid from the Produce of the Rents of Pews or Seats, by reason of the Rents of Pews not being adequate to the Payment of such Stipends, Salaries, or Expences; and in the next Place shall apply such Interest, Dividends, and Proceeds in the maintaining, supporting, and repairing the Church or Chapel: Provided always, that if by reason of any such Funds, or if the Produce of Pew Rents being more than sufficient for all the Purposes to which the same are made applicable under the Provisions of this Act, there shall be a Surplus of annual Income, then and in any such Case such Surplus shall be applied in subsequent Years to the Purposes to which Pew Rents are applicable; and the Pew Rents shall in every such Case be reduced rateably and in equal Proportions, or a larger Number of Free Seats shall be opened, as the Bishop of the Diocese shall order and direct.

Application of Surplus Income.

Such Churches or Chapels may by Consent be made District Churches.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, with Consent of a Majority of the Subscribers entitled to elect the Trustees of any such Church or Chapel, and of the Bishop, and of the Patron and Incumbent, to make any such Church or Chapel a District Church or Chapel, under the Provisions of the said recited Acts and this Act.

At Expiration of 40 Years to become District Churches without Con-

XVII. And be it further enacted, That at the Expiration of the Forty Years all such Churches and Chapels shall become in all respects District Churches, without any Consent being obtained for that Purpose, if His Majesty in Council shall have made a Division of the Parish

sent, if Parish shall have been divided for Ecclesiastical Purposes.

Parish or Extra-parochial Place for that Purpose, in manner directed by the said recited Acts, or shall remain Parochial Chapels if no such Division and Appropriation of any such Churches or Chapels to a District shall have been made.

Powers of recited Acts, for Recovery of Salary of Minister and Pew Rents, to apply to Churches and Chapels built by Subscription, &c.

XVIII. And be it further enacted, That all the Powers, Authorities, Provisions, Regulations, Clauses, Penalties, and Forfeitures in the said recited Acts or any or either of them contained, for the securing, recovering, and paying the Salaries of Spiritual Persons, and for the Recovery of Pew Rents, and all Regulations as to the Number or Proportions of Free Seats in Churches or Chapels built or purchased wholly or in part with Money advanced by the Commissioners under the Provisions of the said recited Acts, shall extend and be in full force, and be applied in all Cases of any such Churches or Chapels as aforesaid, being built or purchased by Subscription or by Rates, under the Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same and each and every of them were severally and separately re-enacted and repeated in this Act.

Certain Officers of the Duchy of Cornwall empowered to grant Lands for the Purposes of the recited Acts. 3 G. 4. c. 78.

XIX. And whereas Doubts are entertained whether, since the Duchy of *Cornwall* became vested in His Majesty, any Lands, Grounds, Tenements, or Hereditaments, Parcel of the said Duchy, can be granted, conveyed, or enfranchised under the Provisions of the said Acts for the Purposes thereof: And whereas an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands, and Hereditaments, Parcel of the Duchy of* Cornwall, *or annexed to the same;* be it therefore enacted, That it shall be lawful for any Three or more of the regular Officers of the said Duchy, who by virtue of their several Offices are concerned in the general Superintendance and Management of the Revenue and Affairs of the said Duchy, and duly authorized by His Majesty, under the Provisions of the said last recited Act, by any Deed or Instrument under their Hands and Seals in the Form prescribed by the said recited Act of the Third Year of His present Majesty, or as near thereto as Circumstances will permit, to grant, convey, or enfranchise Lands, Grounds, Tenements, or Hereditaments for any such Purposes of the said recited Acts, or any or either of them, as are in the said Acts or any or either of them specified, in relation to Grants to be made by Public Departments under the said Acts.

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