ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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C A P. XXXVIII.

An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes.* [15th *October* 1831.]

WHEREAS an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building* 58 G. 3. c.45. *of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend and render more* 59 G. 3. c.134. *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 was passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the* 3 G. 4. c. 72. *Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes:* And whereas another Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An* 5 G. 4. c.103. *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: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes:* And whereas by the said recited Act passed in the Fifth Year of the Reign of His late Majesty it was amongst other Things enacted, that with a view to afford Facility to the Erection of Churches and Chapels it should be lawful for certain Persons building or purchasing the same, and endowing them with Pew Rents, to nominate for Forty Years Spiritual Persons to serve such Churches or Chapels respectively, subject to the Consent of the Bishop of the Diocese, and to certain Regulations therein provided: And whereas by the said recited Act passed in the Seventh and Eighth Years of the Reign of His late Majesty further Encouragement was given to the same Object by authorizing His Majesty's Commissioners for building new Churches to declare that any Person or Persons building a Chapel, and endowing the same to the Satisfaction of the said Commissioners, with some permanent Provision in Land or Monies in the Funds, should have the perpetual Right of nominating the Minister to serve the same: And whereas the said Provisions of the said last-recited Act have been found insufficient for such their Purposes, and require Amendment, in order to provide more effectually for the improved Pastoral Superintendence of His Majesty's Subjects: 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 so much of the said recited Act passed in the Seventh and Eighth Years of the Reign of His late Majesty as authorizes the said Commissioners to declare, in the Cases therein provided, the Right of nominating the Spiritual Persons to serve the Chapels therein named respectively to be in the Person or Persons building and endowing the same, his, her, or their Heirs and Assigns or Appointees, shall be and the same is hereby repealed.

7 & 8 G. 4. c. 72.

So much of 7 & 8 G. 4. c. 72. as authorizes the Commissioners in certain Cases to declare the Right of nominating, repealed.

In Parishes where the Population amounts to 2,000, and the Churches do not afford Accommodation, or where 300 Persons reside more than Two Miles from the Church, if any Person shall declare his Intention of building a Church or Chapel, according to the Conditions herein

II. And be it enacted, That in all Parishes and Extra-parochial Places the Population of which, according to the Returns then last made in pursuance of any Act or Acts of Parliament, shall amount to Two thousand Persons, and in which the existing Churches or Chapels do not afford Accommodation for more than One Third of the Inhabitants for the Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland*, and also in all Parishes and Extra-parochial Places in which Three hundred Persons, whatever may be the Amount of the whole Population, shall be resident upwards of Two Miles from any such existing Church or Chapel and within One Mile of the Site upon which a new Church or Chapel is proposed to be erected under the Provisions of this Act, and where any Person or Persons belonging to the Church of *England* shall declare his, her, or their Intention of building a Church or Chapel, or of purchasing any Building fit in all respects to be used as a Church or Chapel for the Performance of Divine Service as aforesaid, or where a Church or Chapel has already been built on the Faith of the said recited Act of the Seventh and Eighth Years

of the Reign of King *George* the Fourth, in such a Situation within the said Parish or Place as shall be adapted to the Convenience of that Part of the Inhabitants for whom such additional Accommodation is necessary, and where such Person or Persons shall declare their Intention of providing a Sum of One thousand Pounds at the least by way of Endowment for such Church or Chapel, to be secured upon Lands or Money in the Funds, in addition to the Pew Rents and Profits arising from the said Church or Chapel, in case any such Rents shall be taken, and shall also declare his, her, or their Intention of providing a Fund for the Repairs of the said Church or Chapel, in manner following, (namely,) One Sum, equal in Amount to Five Pounds upon every One hundred Pounds of the original Cost of erecting and fitting up or of purchasing such Chapel or Building, to be secured upon Lands or Money in the Funds as aforesaid, and also a further Sum to be reserved annually out of the Pew Rents of the said Church or Chapel, after the Rate of Five Pounds for every One hundred Pounds of the Sum so to be provided as last aforesaid, and also if such Person or Persons shall further declare his, her, or their Intention of setting apart or appropriating One Third at least of the Sittings in such Church or Chapel to be and continue for ever as Free Sittings, it shall be lawful for the Bishop of the Diocese in which such Parish or Extra-parochial Place is locally situate, if he shall see fit, and he is hereby authorized, to declare by Writing under his Hand and Seal that the Right of nominating a Minister to such Church or Chapel, when so built or purchased and endowed as aforesaid, and when the Conditions herein-before mentioned shall have been performed, shall for ever thereafter be in the Person or Persons so building or purchasing and endowing the same, his, her, or their Heirs and Assigns, or in such Trustee or Trustees, being Members of the United Church of *England* and *Ireland*, as he, she, or they shall appoint, and in such future Trustee or Trustees, being Members of the United Church of *England* and *Ireland*, as shall from Time to Time be nominated by Writing under the Hand or Hands of the Trustees or Trustee for the Time being of the said Church or Chapel, or the major Part of them, or chosen in such Manner as may in the first instance be agreed upon by the Persons building and endowing such Church or Chapel, or the major Part of them, and the Bishop of the Diocese, in Writing under their Hands and Seals, in the Place and Stead of any One or more who shall from Time to Time die, resign, or become incapable of acting, or in such Ecclesiastical Person or Body Corporate, and his or their Successors, as the Persons so applying shall at the Time of Application to the Bishop nominate and appoint: Provided always, that if it should happen that all the Trustees of the said Church or Chapel for the Time being should die without having appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Incumbent for the Time being of the said Church or Chapel, with Consent of the Bishop of the Diocese, to appoint a requisite Number of Trustees to supply the Vacancies; and provided also, that the Patronage of any such Church or Chapel shall not at any Time be vested in or held in Trust by more that Five Persons, except in Cases where such Patronage shall pass by Descent to Coparceners, or by the Custom of Gavelkind

mentioned, the Bishop may declare the Right of nominating to be in such Person or his Trustees.

In case of Failure of Appointment of Trustees.

Limiting the Patronage in Trust.

Gavelkind to more than Five, or shall be conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor: Provided also, that no Church or Chapel built for the Accommodation of Three hundred Persons resident upwards of Two Miles from the existing Parochial Church or Chapel shall be placed nearer than Two Miles from such existing Church or Chapel.

New Church not to be within Two Miles of existing Church.

Previous to Nomination, a Certificate of the Facts to be produced to the Bishop.

III. Provided also, and be it further enacted, That previous to any Bishop making such Declaration of the Right of Nomination as aforesaid there shall be produced to him a Certificate, signed by an Architect or Surveyor, and attested by Two or more respectable Householders in the Parish, to the Effect that the existing Churches or Chapels do not afford, by actual Admeasurement, Accommodation for more than One Third of the Inhabitants; or a Certificate, signed by Three or more respectable Householders in the Parish, that there are in such Parish or Extra-parochial Place Three hundred Persons resident upwards of Two Miles from any such existing Church or Chapel and within One Mile of the Site upon which a new Church or Chapel is intended to be built under the Provisions of this Act.

Pews may be let.

IV. And be it further enacted, That the Pews or Sittings in such Church or Chapel shall be let by the Churchwardens or Chapelwardens, or by some Person appointed by the Trustees, or Person or Persons building and endowing the same, to act in that Behalf, according to a Scale of Pew Rents fixed by the Trustees or such Person or Persons as aforesaid, and approved of by the Bishop, which Scale it shall be lawful for the Trustees or such Person or Persons as aforesaid, with Consent of the Bishop, to alter from Time to Time as Occasion may require: Provided always, that all such Pews as shall not be taken at the Rent respectively fixed thereon, within Fourteen Days after the Commencement of the ensuing Year, shall in every such Case be let to any Inhabitant of any adjoining Parishes or Places in which there shall not be sufficient Accommodation in the Churches and Chapels of the Parish or Place for the Inhabitants thereof, at the Rent respectively so affixed upon such Pews, for any Term not exceeding the End of the Year, and at the Expiration of the Year, and also of every succeeding Year in which any such Pews shall be rented by Inhabitants of any adjoining Parishes, such Pews shall be inserted in the List of vacant Pews, to be taken in preference by the Inhabitants of the Parish or Place to which the Church or Chapel shall belong; and all such Pews as may not be so taken by any Inhabitants of the Parish or Place may again be let, and so on from Year to Year, to any Inhabitants of any adjoining Parish or Place.

In all other Cases where a Church or Chapel has been built and endowed to the Satisfaction of

V. And be it further enacted, That in all other Cases not herein-before provided for, in which any Person or Persons shall have already endowed, with the Sanction of the said Commissioners, or shall endow or declare their Intention of endowing, to the Satisfaction of the said Commissioners, any Church or Chapel built or intended to be built by such Person

or Persons, with some permanent Provision in Land, or in Money charged upon Land, or Money in the Funds, exclusively of and in addition to the Pew Rents or Profits arising from the said Church or Chapel, in case any such Rents should be taken, and also of providing a sufficient Fund for the Repairs of the said Church or Chapel, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, if under all the Circumstances it shall appear to them fit and proper so to do, to declare, that after certain Conditions herein-after mentioned are performed or shall have been already satisfied, the Right of nominating a Minister to such Church or Chapel shall for ever thereafter be in the Person or Persons building and endowing or having built and endowed the same, his, her, or their Heirs and Assigns, or in such Person or Persons, Ecclesiastical Person or Body Corporate, and his or their Successors, as he, she, or they shall appoint; and in case such Church or Chapel shall have been or shall be built by Subscription, then in such Person or Persons, their Heirs or Assigns, or in such Ecclesiastical Person or Body Corporate, and his and their Successors, as the major Part in Value of such Subscribers shall, at the Time of the Application to the Commissioners, nominate or appoint: Provided always, that the Patronage of any such Church or Chapel shall at no Time be vested in or held in Trust for more than Five Persons, except in Cases where the said Commissioners shall have already sanctioned a larger Number of Trustees, or such Patronage shall pass by Descent to Coparceners, or by the Custom of Gavelkind to more than Five, or shall be conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

the Commissioners, they may, with the Consent of the Bishop, declare the Right of nominating to be in the Person so building and endowing.

Limitation as to the Number of Persons in whom the Patronage shall vest.

VI. Provided always, and be it further enacted, That previous to such Declaration of the Right of Nomination as aforesaid being made by the said Commissioners, Application in Writing shall be made to the said Commissioners, setting forth the Population of the Parish in which such Church or Chapel is built or proposed to be built, together with the Accommodation provided in the several Churches or Chapels built or building or intended to be built within such Parish, together with the Population of the District for which such Church or Chapel is intended to provide, and the Accommodation proposed to be provided in such Church or Chapel, and its Distance from the existing Churches or Chapels in the Parish; and that Copies of such Application shall, in every such Case, be sent by the said Commissioners to the Patron and Incumbent respectively of the Parish, Chapelry, Township, or Extra-parochial Place in which such Church or Chapel is built or intended to be built, in order to afford such Patron and Incumbent the Opportunity of laying before the said Commissioners any Statement relating thereto; and the said Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination as aforesaid, until after the Expiration of Three Calendar Months from the Time when they shall have sent such Copies to such Patron and Incumbent respectively, except in those Cases where the said Commissioners shall before the passing of this Act have already expressed their Satisfaction with the Endowments proposed, and their Willingness to accede to the Conditions proposed, and such

Application required to be made to Commissioners previous to their declaring the Right of Nomination

Copies of such Application to be sent to the Patron and Incumbent of the Parish.

Church or Chapel shall have been built or be now building in pursuance thereof.

Persons intending to build and endow to give Notice to the Patron and Incumbent, stating Particulars.

VII. And be it further enacted, That in all Cases whatsoever under this Act, any Person or Persons intending to build or purchase and endow any such Church, Chapel, or Building as aforesaid, in any such Parish as aforesaid, shall, in the first place, cause to be served upon the Patron or Patrons and Incumbent of such Parish a Notice in Writing of such Intention, which Notice shall specify the various Particulars herein-before mentioned, and shall also state the Number of Persons intended to be accommodated in such Church or Chapel, and the Amount of Money intended to be laid out in the building or purchasing thereof; and in case such Patron or Patrons shall, within Two Calendar Months after being served with such Notice as aforesaid, bind him, her, or themselves, by Bond or other sufficient Security, to the said Commissioners in such Cases as shall come before them, and to the Bishop of the Diocese in all other Cases, that he, she, or they shall within Two Years thereafter build or purchase, and completely finish and endow, an additional Church or Chapel in such Parish, to the Satisfaction of the Bishop of the Diocese, and that he, she, or they shall also comply with and perform all and singular the Conditions herein-before mentioned, then and in such Case such Patron or Patrons shall be preferred to any other Person or Persons so intending to build or purchase such additional Church or Chapel as aforesaid: Provided always, that no Declaration of the Right of nominating a Minister to any Church or Chapel built and endowed under the Provisions of this Act shall in any Case take effect until such Church or Chapel shall have been duly consecrated: Provided always, that in case any such Church or Chapel has been or shall hereafter be built or endowed by Subscription, the Application to the Bishop or Commissioners of the major Part in Value of the Subscribers shall be deemed and taken to be the Application of the Party building or endowing the same: Provided always, that the Churches or Chapels already built and completed on the Faith of the said recited Act of the Seventh and Eighth Years of the Reign King *George* the Fourth be excepted as to the Two Months Notice, such Notice having already been given to His Majesty's said Board of Commissioners and Incumbents when such Churches or Chapels were built.

If the Patron within Two Months after such Notice shall bind himself to build and endow to the Satisfaction of the Bishop of the Diocese, he shall be preferred.

Preference to be given to Enlargement of Churches in certain Cases.

VIII. And be it further enacted, That where there is a Population of not less than One thousand Persons in any Parish, District Parish, District Chapelry, or Extra-parochial Place within Two Miles from an existing Church, if there be any Person or Persons who shall be desirous of enlarging the Church Accommodation therein, and who shall, with the Consent of the Select Vestry or Persons exercising the Powers of Vestry in such Parish, signify such their Intention to the Bishop of the Diocese, or to the said Commissioners, as the Case may be, and shall also bind themselves in a Bond or other sufficient Security to the said Bishop, or to the said Commissioners, as the Case may be, that they will within Two Years from the Date of declaring such their Intention as aforesaid enlarge the existing Church so as to add One Fourth to its then existing

Church Accommodation, so that more than One Third of the Parishioners shall be accommodated, then and in all such Cases such Persons, having complied with such Conditions as aforesaid, shall be preferred to any Person or Persons proposing to build and endow any new Chapel in such Parish or Extra-parochial Place under the Provisions of this Act: Provided always, that Plans for the Enlargement of such existing Church shall in all Cases be prepared, and, before the Commencement of such Enlargement, shall be laid before the Bishop of the Diocese, or the said Commissioners, as the Case may be, for his or their Approbation thereof; and that a Certificate from an Architect employed therein, as to the due Execution of such Plans, shall in every Case be sent to the said Bishop, or to the said Commissioners, as the Case may be, on the Completion of the Enlargement of such Church.

As soon as Churches or Chapels are finished and consecrated, the Right of Nomination to be vested in the Persons building and endowing.

IX. And be it further enacted, That as soon as conveniently may be after any such Church or Chapel as aforesaid shall have been so built or purchased and endowed as aforesaid, and completely furnished and fitted up for the Performance of Divine Service, and the other Conditions herein-before mentioned shall have been performed, and the said Church or Chapel shall have been consecrated, the Right of nominating a Minister to the same, and also the Land, Ground, and Site whereon the same shall be built, with the Cemetery thereto belonging, if any, which Land, Ground, and Site shall be specified and described in the Sentence of Consecration of the Church or Chapel, shall be and are hereby declared to be for ever vested in the Person or Persons building or purchasing and endowing the said Church or Chapel, his, her, or their Heirs and Assigns, or in such Trustee or Trustees, or Ecclesiastical Person or Body Corporate, as are herein-before mentioned, by such Name and Style as shall be specified in the Sentence of Consecration of the Church or Chapel; and such Right of Nomination shall and may be exercised without requiring the Consent of the Patron or Incumbent of the Parish or District in which such Chapel shall be built, and notwithstanding no Compensation shall have been made to them or either of them, without Prejudice however to the Fees herein-after mentioned; and such Right of Nomination, when vested in more than Two Persons, shall in all Cases be exercised by the Majority; and the Person or Persons in whom the said Right of Nomination, and the said Land, Ground, and Site, shall be so vested, shall in every such Case have perpetual Succession in the Name and Style specified in the Sentence of Consecration, and shall hold the said Right of Nomination, and also the said Lands, Grounds, and Sites 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 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.

X. And

Commissioners or Bishop may assign a District to every Church, and determine the Offices to be performed therein.

X. And be it further enacted, That the said Commissioners, with Consent of the Bishop of the Diocese, in all such Cases as shall come before them, and the Bishop of the Diocese alone in all such other Cases as are herein-before mentioned, and also with the Consent of the Patron and Incumbent in all other Cases in which additional Churches or Chapels shall have been already built and endowed, shall, with all convenient Speed, proceed to assign a particular District to every such Church or Chapel, except where from special Circumstances they shall deem it not advisable to assign a District, and such District shall be under the immediate Care of the Minister who shall have been duly licensed to serve such Church or Chapel, so far only as regards the Visitation of the Sick and other Pastoral Duties, and shall not be deemed a District for any other Purpose whatsoever: Provided always, that it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, in all such Cases as shall come before the said Commissioners, and for the said Bishop alone in all other Cases, to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel, or not; and the said Commissioners or Bishop respectively, as the Case may be, shall cause a Description of the Boundaries of the District assigned by them to such Church or Chapel to be registered in the Registry of the Bishop of the Diocese, and shall also cause their Order and Direction in Writing, as to all Offices to be performed in any such Church or Chapel, to be registered in the Registry of the Diocese.

Boundaries of the District to be registered.

Provision in Cases where Districts extend beyond One Parish.

XI. Provided always, and be it enacted, That in Cases where the District to be provided for any Church or Chapel erected or to be erected shall extend into more Parishes than One, all the Conditions hereby directed to be complied with shall be observed with respect to the Patrons and Incumbents of each Parish any Part of which shall be comprised in such District, and the Patron or Patrons, Incumbent or Incumbents, of each such Parish, shall be entitled to such and the same Notices, and such and the same Rights and Privileges, as if such District were solely situate in One only of such Parishes.

Churches or Chapels to be Perpetual Curacies.

XII. And be it further enacted, That every such Church or Chapel to which such particular District has been assigned as aforesaid shall be deemed a Perpetual Curacy, and shall be considered in Law as a Benefice Presentative, so far only as that the Licence thereto shall operate in the same Manner as Institution to any such Benefice, and shall render voidable other Livings in like Manner as Institution to any such Benefice; and the Spiritual Person serving the same shall be deemed the Incumbent thereof; and such Incumbents shall have perpetual Succession, and shall be and are hereby declared to be Bodies Politic and Corporate, and may receive and take such Endowments in Lands or Tithes, or both, or any such Augmentation, as shall be granted to them or their Successors; and all such Incumbents, and all Persons presenting or appointing any such Incumbents, shall respectively be subject to all Jurisdictions and Laws, Ecclesiastical or Common, and to all Provisions, Regulations, Penalties, and Forfeitures contained in any Acts of Parliament in force relating thereto respectively; and in case of any Failure or Neglect in not presenting or nominating any such Incumbent for the Space

Powers and Duties of Persons serving the same.

of Six Months, such Presentation or Appointment shall thereupon lapse, as in Cases of actual Benefices; and all Churches or Chapels built or appropriated under the Provisions of this Act shall be subject to the Jurisdiction of the Bishop of the Diocese and the Archdeacon of the Archdeaconry within which the same shall be locally situated. Jurisdiction.

XIII. And be it further enacted, That no such Church or Chapel to which a particular District has been assigned as aforesaid shall be tenable or holden with the original Church of the Parish, Chapelry, or Place in which such Church or Chapel has been built, or with any other Benefice having Cure of Souls: Provided always, that no Person holding any Benefice shall be exempt from Residence upon such Benefice in respect of any Duty which he may perform in any such Church or Chapel to which no District shall have been assigned as aforesaid. District Churches not to be held with the original.

XIV. And be it further enacted, That where the said Commissioners or Bishop of the Diocese respectively, as the Case may be, shall have determined that Baptisms, Churchings, or Burials shall be solemnized or performed in any such Churches or Chapels, all Acts of Parliament, Laws, and Customs relating to the Performance of such Offices of the Church shall apply to such Churches or Chapels as to the Performance of such Offices respectively: Provided always, that all Fees, Dues, Offerings, and other Emoluments, which of Right or Custom belong to the Incumbent or Clerk of any Parish, Chapelry, or Place in which such Church or Chapel shall have been or shall be erected, shall be received by or for and on account of such Incumbent and Clerk respectively, and be paid over to them, any thing in the said recited Acts contained to the contrary notwithstanding, except such Portion of the said Fees, Dues, Offerings, or other Emoluments as the said Commissioners, with the Consents of the Bishop of the Diocese, the Patron, and the said Incumbent respectively, in those Cases which shall come before the said Commissioners, by Order under their Common Seal, or the Bishop of the Diocese alone, with the Consent of the Patron and Incumbent, in all such other Cases as herein-before mentioned, by Order under his Hand and Seal, shall assign to the Minister of such Church or Chapel; and every such Instrument of Assignment shall be registered in the Registry of the Bishop of the Diocese within which such Church or Chapel shall be locally situated. The Laws relating to Baptisms, Burials, &c. to apply to the Churches hereby authorized to perform them.

Fees.

XV. Provided always, That where the Patronage of any Living or Benefice of any Parish, Chapelry, or Place as aforesaid shall be in the Crown, and such Living or Benefice shall be above the yearly Value of Twenty Pounds in the King's Books, a Copy of the Application made to the said Commissioners as aforesaid shall in every such Case be sent to the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being, instead of being sent to the Patron of such Living or Benefice, as herein-before directed; and that if such Living or Benefice shall not exceed the Value of Twenty Pounds yearly in the King's Books, a Copy of the Application as aforesaid shall in every such Case be sent To whom Copies of Applications shall be sent, in case the Patronage of any Place shall be in the Crown.

sent to the Lord High Chancellor, Lord Keeper or Commissioners of the Great Seal, for the Time being; and that if such Living or Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster*, then in every such Case a Copy of the Application as aforesaid shall be sent to the Chancellor of the Duchy for the Time being, instead of being sent to the Patron of such Living or Benefice, as herein-before directed; and the sending a Copy of such Application to the said Party or Parties, as the Circumstances may be, shall be as effectual for the Purposes of this Act, in all such Cases, as if the same had been sent to the Patron of such Living or Benefice: Provided also, that in all Cases respecting the Building, Endowment, or Disposition of the Patronage of any Church or Chapel heretofore built or hereafter to be built, where the Patronage of the Living or Benefice in which such Church or Chapel is or shall be situate is in the Crown, it shall and may be lawful for the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being (if such Living or Benefice shall exceed the Value of Twenty Pounds yearly in the King's Books), and for the Lord High Chancellor, Lord Keeper or Commissioner of the Great Seal for the Time being (if such Living or Benefice shall not exceed the Value of Twenty Pounds yearly in the King's Books), to give such Consent by any Instrument under his or their Hand and Seal or Hands and Seals, on behalf of the Crown, and such Consent shall be as binding and effectual to all Intents and Purposes as if given by the Crown itself.

Church-wardens to be appointed.

XVI. And be it further enacted, That Two fit and proper Persons shall be appointed to act as Churchwardens for every Church or Chapel built or appropriated under the Provisions of this Act, at the usual Period of appointing Parish Officers in every Year, and shall be chosen, one by the Incumbent of the Church or Chapel for the Time being, and the other by the Renters of Pews in such Church or Chapel; and the Two Persons, when so elected Churchwardens, shall appear, and be admitted and sworn according to Law, and shall collect and receive the Rents of the Seats and Pews, and pay over the Residue thereof which shall remain after the annual Reservation aforesaid for Repairs, and after paying the Salary of the Clerk, Beadles, Pew-openers, and other Expences incident to the Performance of Divine Service, to the Minister of the said Church or Chapel, to be taken by the said Minister to and for his own Use by way of Stipend, in addition to the yearly Interest or Dividends which shall arise from the landed or funded Endowment herein-before mentioned; and the said Churchwardens shall also do, perform, and execute all lawful Acts, Matters, and Things necessary and requisite for and concerning the Repairs, Management, good Order, and Decency of Behaviour to be kept and observed in the Church or Chapel by the Congregation thereof; and the Persons so to be appointed or chosen Churchwardens shall continue in their said Office until others shall be chosen in like Manner in their Stead; and all the Persons so chosen Churchwardens are hereby authorized and empowered, in case of Nonpayment of the Rents of the Seats and Pews of the Church or Chapel for which they shall be appointed, to enter upon and sell the same, or else to sue for and recover the same by Action or Actions for such Rents,

in the Names of "The Churchwardens of the Church or Chapel of" (describing the same), as the Case shall or may require, without specifying the Christian or Surname of such Churchwardens; and no such Action shall abate by reason of the Death or Removal or going out of Office of any such Churchwarden.

Property conveyed for the Site of any Church under this Act not to be subject to Question after Five Years.

XVII. And be it further enacted, That from and after the Expiration of Five Years after the Transfer or Conveyance of any Messuages, Lands, Grounds, Tenements, or Hereditaments to any Person or Persons, as a Site for any Church or Chapel, or any Church or Chapel Yard or Cemetery, under the Provisions of this Act, the said Messuages, Lands, Grounds, Tenements, or Hereditaments shall become and be and remain absolutely vested in the Person or Persons to whom the same are conveyed, his, her, or their Heirs and Assigns; provided that any Person to whom any Messuages, Lands, Grounds, Tenements, or Hereditaments shall have been conveyed for the Purposes of this Act shall, within Two Months after any Judgment in Ejectment shall have been obtained against him for such Messuages, Lands, Grounds, Tenements, or Hereditaments, tender or pay to the Lessor of the Plaintiff in such Ejectment his Costs on such Ejectment, and such Sum of Money as a Jury shall in the Manner herein-after mentioned find to have been the Value of the said Messuages, Lands, Grounds, Tenements, or Hereditaments, at the Time when such Messuages, Lands, Grounds, Tenements, or Hereditaments were conveyed for the Purposes of this Act.

The Jury who shall try any Ejectment, or a Jury under a Writ of Enquiry, shall ascertain the Value of the Premises.

XVIII. And be it further enacted, That the Jury who shall try any Ejectment brought for the Recovery of any Messuages, Lands, Grounds, Tenements, or Hereditaments which have been conveyed for the Purposes of this Act, or if Judgment on Ejectment shall have been obtained by Default, or for not confessing Lease, Entry, and Ouster, a Jury under a Writ of Enquiry (which Writ of Enquiry the Court in which such Action shall be brought is hereby empowered to issue) shall ascertain the Value of such Messuages, Lands, Grounds, Tenements, or Hereditaments at the Time when they were conveyed for the Purposes of this Act; and the Value so found shall be indorsed by the Judge who tried the Ejectment on the Postea, or shall be returned to the Court by the Sheriff or Under Sheriff or other Person before whom any Writ of Enquiry shall be executed under this Act, in the same Manner as other Inquests are returned on Writs of Enquiry.

Nominations to be sealed and registered.

XIX. And be it further enacted, That the Common Seal of the said Commissioners shall be affixed to every Instrument declaring the Right of Nomination to such Church or Chapel, in all such Cases as shall come before the said Commissioners; and that every Instrument shall be registered in the Registry of the Bishop of the Diocese within which such Church or Chapel shall be locally situated.

Declaring the Validity of Deeds

XX. And be it further enacted, That where any Deed or Deeds shall have been sealed before the passing of this Act with the Seal of

sealed before the passing of this Act.

of the said Commissioners, for the Purpose of declaring the Right of nominating a Minister to any Chapel or Chapels endowed to the Satisfaction of the said Commissioners, every such Chapel shall be deemed to have been lawfully built, and every such Deed shall be deemed and the same is hereby declared to be and to have been from the Day of the Date thereof valid for the Purpose of declaring and vesting the Right of nominating the Minister to such Chapel, and for effectuating the other Objects of the said Deed.

Powers of Act 59 G. 3. extended to Persons subscribing towards purchasing Sites for Churches or Chapels.

XXI. And whereas the said Commissioners acting under the Powers of the said recited Act of the Fifty-ninth Year of the Reign of King *George* the Third have executed Deeds or Instruments for the Purpose of discharging Subscribers towards building Churches or Chapels, and also Subscribers towards purchasing Sites on which Churches or Chapels have been built, from the Payment of Pew Rents in such Churches or Chapels: And whereas Doubts have arisen whether the Powers of the said Act extend to Cases of Persons subscribing towards purchasing Sites for Churches or Chapels; be it enacted, That it shall be lawful for the said Commissioners, in any Case in which they shall deem it expedient, to make and execute any Deed or Instrument, or to confirm any Deed or Instrument already made by them, discharging any Person or Persons subscribing towards either of the Purposes aforesaid, either wholly or in part from the Payment of Pew Rents in the said Church or Chapel for the Term or Period and in the Manner in the said Act mentioned; and all such Deeds or Instruments, whether hereafter to be made or already made, and afterwards confirmed in pursuance of the Power hereby given, shall, as from the Date and Execution of such Deed or Instrument, be good and valid to all Intents and Purposes whatsoever; any thing in the said recited Acts or any of them to the contrary notwithstanding.

Churches may be subjected to Provisions of recited Acts as to Pews.

XXII. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, in all such Cases as shall come before the said Commissioners, to order and direct that such Church or Chapel shall be subject to all the Provisions of the said recited Acts or this Act as to Apportionment of Accommodation in Pews and Free Sittings, and as to Pew Rents.

If any Person is willing to endow a Chapel of Ease, it may be separated from the Parish Church, and made a distinct Parish.

XXIII. And whereas in certain Parishes of large Extent there exist Chapels of Ease at a considerable Distance from the Parish Church, having Chapelries, Townships, or Districts belonging or supposed to belong thereto; be it therefore enacted, That when any Person or Persons shall be willing to endow any such Chapel with such a Provision, secured upon Land, Money in the Funds, Tithes, or other Hereditaments, as shall in the Opinion of the Bishop of the Diocese be sufficient to ensure a competent Stipend to the Minister of such Chapel, it shall be lawful for the Bishop, with the Consent of the Patron and Incumbent of the Parish, by Writing under his Hand and Seal, to declare that such Chapel, when so endowed, shall thenceforth be separate from and independent of the Parish Church, and that the Chapelry, Township, or District belonging or supposed

to belong thereto shall be thenceforth a separate and distinct Parish for all Spiritual Purposes.

As to the future Right of Nomination to such Chapel.

XXIV. And be it further enacted, That it shall be lawful for the Patron, with Consent of the Incumbent, to make any Agreement with the Bishop of the Diocese touching the future Right of nominating a Minister to such Chapel, such Agreement in Writing to be signed and sealed by the Bishop, Patron, and Incumbent; and that the Right of nominating a Minister to such Chapel shall for ever thereafter be exercised according to the Terms of such Agreement: Provided always, that if the Incumbent of any Parish wherein such Chapel of Ease is situate shall refuse his Consent to such Separation or Agreement, then the Declaration of Separation, and the Deed of Agreement touching the Right of nominating a Minister to such Chapel, when signed and sealed by the Bishop and Patron, shall be good and valid in Law, and shall take effect immediately after the next Avoidance of the Parish Church, and not before; and every Declaration of Separation, and every Deed of Agreement, made under the Provisions of this Act, shall be registered in the Registry of the Diocese.

Churchwardens to be chosen for such new Parish.

XXV. And be it further enacted, That Two fit and proper Persons shall be chosen yearly at the usual Time of choosing Parish Officers, out of the Inhabitants of such new Parish so constituted, being Members of the Established Church, to act as Churchwardens of the said Parish, one to be chosen by the Minister, and one by the Persons exercising the Powers of Vestry in the said new Parish; and the Persons so chosen shall be duly admitted and sworn, and shall do all Things pertaining to the Office of Churchwardens, as to Ecclesiastical Matters, in the said new Parish, in like Manner as though the same had been of old Time a separate and distinct Parish.

Consent of Patrons.

XXVI. And be it further enacted, That in all Cases wherein the Consent of the Patron is required, under the Provisions of this Act or of any of the Acts herein-before recited, the Consent of Bishops, Deans, and Chapters, or other Ecclesiastical Corporations or Colleges, acting as Patrons of Benefices in right of their Bishoprics, Dignities, or Corporate Capacities, shall be as good and valid, for all the Purposes of the said Acts, as though such Consent had been given by a Patron in Fee Simple.

Act not to affect any Local Act with respect to Churches already built, unless with the Consent of the Patron.

XXVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal, alter, vary, or affect any Powers, Authorities, Clauses, or Provisions contained in any Act or Acts passed relating to any particular Parish or Place, so far as relates to any Church or Chapel already built, unless with the Consent of the Patron and Incumbent and of the Select Vestry or Persons exercising the Powers of Vestry in such Parish or Place, or contained in any Deed or Deeds of Trust executed under the Sanction of the Bishop of any Diocese, for the Regulation of any Church or Chapel already built.

Act to extend to the Isle of Man, &c.

XXVIII. And be it further enacted, That all the Provisions of this Act shall extend and be construed to extend to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

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