ANNO PRIMO & SECUNDO

# VICTORIÆ REGINÆ.

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## C A P. CVII.

## An Act to amend and render more effectual the Church Building Acts. [15th *August* 1838.]

WHEREAS an Act was passed in the Fifty-eighth Year of His Majesty King *George* the Third, intituled *An Act for building and promoting the building 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 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 Majesty King *George* the Fourth, 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 another Act was passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *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 the Reign 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 Majesty King *George* the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional*

58 G. 3. c. 45.
59 G. 3. c. 134.
3 G. 4. c. 72.
5 G. 4. c. 103.
7 & 8 G. 4. c. 72.

*additional Churches in populous Parishes:* And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *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:'* And whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty's Commision for building new Churches:* And whereas it is expedient to explain, amend, and render more effectual some of the Provisions of the said several recited Acts: Be it therefore enacted by the Queen'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 where the Population of any Parish or extra-parochial Place, according to the Returns then last made in pursuance of any Act or Acts of Parliament, shall amount to Two thousand Persons, and where the existing Church or Churches, Chapel or Chapels, situate therein, do not afford Accommodation for more than One Third of the Inhabitants of such Parish or extra-parochial Place for their Attendance upon Divine Service according to the Rites of the United Church of *England* and *Ireland*, or where, in any Parish or extra-parochial Place, Three hundred Persons, whatever may be the Amount of the whole Population in any such Parish or extra-parochial Place, shall be resident upwards of Two Miles from the existing Church or Chapel, and within One Mile of the Site upon which a new Chapel is built or proposed to be built and endowed under the Provisions of the said recited Act passed in the First and Second Years of His late Majesty King *William* the Fourth, or this Act, and where, in any such Case as aforesaid, any Person or Persons belonging to the Church of *England* shall have built, or shall declare his, her, or their Intention of building, a Church or Chapel, or shall have purchased or shall hereafter purchase, or shall declare his, her, or their Intention of purchasing, any Building, fit, in the Opinion of the Bishop of the Diocese, to be used as a Church or Chapel for the Performance of Divine Service as aforesaid, such Church, Chapel, or Building being in such a Situation within the said Parish or extra-parochial Place as shall, in the Opinion of the Bishop of the Diocese, be adapted to the Convenience of that Portion of the Inhabitants for whom such additional Accommodation is required, it shall and may be lawful, in any such Case as aforesaid, for such Bishop, if he shall see fit, to declare by Writing under his Hand and Seal that (after certain Conditions are or shall have been already performed with respect to Endowment and the providing a Fund for the Repairs of such Church or Chapel, and the Appropriation of Free Seats, which are in the said last-mentioned Act in such Cases more particularly specified,) the Right of nominating a Minister to such Church or Chapel, when so built or purchased, shall for ever thereafter be vested in the Person or Persons

1 & 2 W. 4. c. 38.

2 & 3 W. 4. c. 61.

1 Vict. c. 75.

To remove Doubts as to Jurisdiction of Bishops in certain Cases with respect to the Patronage of Churches and Chapels, under 1 & 2 W. 4. c. 38. s. 2.

Persons so building and endowing or purchasing and endowing the same, his, her, or their Heirs and Assigns, or in certain Trustees, or in some Ecclesiastical Person or Body Corporate, and his and their Successors, in the said last-mentioned Act specified: Provided always, that nothing herein contained shall be construed to alter or repeal the Provisions in the said last-mentioned Act respecting any Church or Chapel under the said Act intended for the Accommodation of Three hundred Persons resident upwards of Two Miles from the existing Church or Chapel being built nearer than Two Miles from such existing Church or Chapel: Provided also, that it shall be left to the Bishop of the Diocese to determine whether One Third Part of the Sittings required in the said last-mentioned Act to be free in every Church or Chapel built or to be built under the Provisions of the said Act shall be free, or whether the same or any Part thereof shall be let at such low Rents as such Bishop may from Time to Time direct; any thing in the said last-mentioned Act or this Act contained to the contrary notwithstanding.

Certain Notices may be served on Patron alone if there be no Incumbent.

II. And be it further enacted, That where Notices by the said last-recited Act are required to be sent to or served upon the Patron and Incumbent a Notice to the Patron alone shall be sufficient in those Cases where, at the Time such Notices are required to be sent or served as aforesaid, there shall be no Incumbent of the Parish in which such Church or Chapel is built or proposed to be built and endowed under such last-recited Act or this Act, and where such Parish shall have remained without an Incumbent for the Space of Twelve Months.

In certain Cases an Endowment of 40*l.* per Annum from Houses, Lands, &c. to be considered as equivalent to 1,000*l.* invested.

III. And be it further enacted, That for the Purposes of the said last-mentioned Act or this Act an Endowment of Forty Pounds *per Annum* arising out of Houses, Lands, Tithes, Rent-charges, Tenements, or other Hereditaments, or any or either of the said Securities, whether wholly or jointly, shall be considered as equivalent to the Sum of One thousand Pounds directed by the said recited Act to be secured in those Cases where the Bishop of the Diocese is authorized, if he sees fit, to grant the perpetual Right of nominating a Minister in the Manner in the said last-mentioned Act or this Act specified.

Commissioners for building new Churches may accept by way of Endowment Real and Personal Securities, wholly or jointly.

IV. And be it further enacted, That in those Cases where by the said last-mentioned Act Her Majesty's Commissioners for building new Churches are empowered, if they shall see fit, with the Consent of the Bishop of the Diocese, to declare the Right of nominating a Minister to such Church or Chapel, built or intended to be built and endowed to the Satisfaction of the said Commissioners in the Manner in the said last-mentioned Act specified, it shall and may be lawful for the said Commissioners to accept, by way of Endowment for such Church or Chapel, such Sum as they may consider satisfactory, whether the same be secured on Land, or on Money charged on Land or vested in the Funds, or on Houses, Tenements, or other Hereditaments, or any or either of the said Securities, whether wholly or jointly; and it shall be lawful for the said Commissioners, if they shall think fit, in

in any or either of such Modes of Endowment, to declare, with the Consent of the Bishop of the Diocese, the Right of nominating a Minister as aforesaid, in like Manner as they are empowered to do under the said last-mentioned Act, when the other Conditions therein mentioned shall have been complied with.

Powers of Commissioners applicable to certain Buildings when the same are consecrated.

V. And be it further enacted, That the Powers granted by the said last-mentioned Act to the said Commissioners with respect to the granting the Right of Nomination as aforesaid, and the Provisions of such Act and of this Act relating thereto, shall extend to Cases where a Building has been or shall be purchased by any Person or Persons, fit, in the Opinion of the said Commissioners, to be used, when consecrated, as a Church or Chapel for the Performance of Divine Service as aforesaid.

Form of Grant or Conveyance with respect to Churches and Chapels under 1 & 2 W. 4. c. 38.

VI. And be it further enacted, That all Grants, Conveyances, and Assurances of any Site for any Church or Chapel, or any Churchyard, under the Provisions of the said last-mentioned Act or this Act, in respect of any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments, whether belonging to Her Majesty, as Part of the Duchy of *Cornwall* or of the Duchy of *Lancaster*, or otherwise, or to any Body or Persons whatever, may and shall be made according to the Form following, or in such other Form as the Case may require, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

'I [or We, or the Corporate Title, if a Corporation] under the Authority of an Act passed in the First Year of the Reign of Her present Majesty, intituled "An Act to amend and render more effectual the Church Building Acts," do hereby freely and voluntarily give to Her Majesty's Commissioners for building new Churches [or to ], [as the Case may require,] *and by these Presents freely and voluntarily, and without any valuable Consideration*, [if the Lands, et cetera, are conveyed for a valuable Consideration leave out the Words in Italics, and insert "do for and in consideration of the Sum of to me, or us, or the paid,"] hereby, under the Authority of the said recited Act, grant, convey, and release to the said all [describing the Premises to be conveyed], and all [my, or our, or the] Right, Title, and Interest of [if a Corporation] to and in the same and every Part thereof, to hold to the said and their Successors for the Purposes of the said Act, and to be devoted, when consecrated, to ecclesiastical Purposes for ever, by virtue and according to the true Intent and Meaning of the before-mentioned Act. In witness, et cetera.'

And all such Conveyances and Assurances shall be valid and effectual in the Law to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, Interests, and Incumbrances whatsoever.

To remove Doubts as to the Meaning and Extent

VII. And whereas it is by the said recited Act passed in the First and Second Years of His late Majesty King *William* the Fourth, amongst other things, enacted, that in certain Parishes of large

Extent, where there exist Chapels of Ease at a considerable Distance from the Parish Church, having Chapelries, Townships, or Districts belonging or supposed to belong thereto, when any Person or Persons should be willing to endow any such Chapel with such a Provision secured upon Land, Money in the Funds, Tithes, or other Hereditaments as should in the Opinion of the Bishop of the Diocese be sufficient to ensure a competent Stipend to the Minister of such Chapel, it should be lawful for the Bishop, with certain Consents therein mentioned, to declare that such Chapel, when so endowed, should thenceforth be separate from and independent of the Parish Church, and that the Chapelry, Township, or District belonging or supposed to belong thereto should be thenceforth a separate and distinct Parish for all spiritual Purposes; and that it should be lawful for the Patron, with the Consent of the Incumbent, to make any Agreement with the Bishop of the Diocese touching the future Right of Nomination to such Chapel, such Agreement to take effect in the Manner therein mentioned: And whereas Doubts may arise as to the Extent and Meaning of such Provisions; be it therefore enacted, That such Provisions shall extend to any Churches or Chapels, with Chapelries, Townships, or Districts as aforesaid, whether the same were or shall be erected and consecrated before or after the passing of the said last-mentioned Act.

of the 23d Section of the Act 1 & 2 W. 4. c. 38.

VIII. And whereas Doubts are entertained whether since the Duchy of *Cornwall* became vested in Her Majesty any Lands, Grounds, Tenements, or Hereditaments, Parcel of the said Duchy, can be granted, conveyed, or enfranchised under the Provisions of the herein-before recited Acts for the Purposes thereof; be it therefore enacted, That it shall be lawful for any Three or more of the Officers of the said Duchy, who by virtue of their several Offices are or shall be concerned in the general Superintendence and Management of the Revenue and Affairs of the said Duchy, and duly authorized by Her Majesty and Her Successors during the Time that the Duchy of *Cornwall* is not held separately from the Crown, 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 late Majesty King *George* the Fourth, 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 recited Acts.

Land, Parcel of Duchy of Cornwall, may be conveyed for Purposes of recited Acts.

IX. And be it enacted, That all the Powers and Authorities given and conferred by the said Act passed in the Fifty-eighth Year of His Majesty King *George* the Third, intituled *An Act for the building and promoting the building of additional Churches in populous Parishes*, for enabling the Bodies Politic and Persons therein-mentioned to convey, and the Commissioners to take, Land for the Sites of Churches and Chapels, shall extend to the Transfer, by Sale or Exchange only, of Land for a Site for a House of Residence of any Incumbent, provided the same do not exceed Five Acres.

Extending Powers, &c. given by 58 G. 3. c. 45. as to conveying Lands.

Commissioners may assign a District to Churches and Chapels in certain Cases.

X. And be it enacted, That in all Cases where a Church or Chapel has been or shall be hereafter built by Subscription, and endowed and subsequently augmented by a Grant from Queen *Anne*'s Bounty, and where the Patronage of such Church or Chapel shall have been acquired under any of the Acts passed for regulating the Distribution of such Bounty, it shall be lawful for the said Commissioners, with the Consent of the said Bishop and the Patron and Incumbent of the Parish, District Parish, or District Parish in which the said Church or Chapel may be, to assign a District to such Church or Chapel, and make the same a District Parish, and that the Patronage of such Church or Chapel shall not be affected thereby.

After Instrument of Nomination to a Church or Chapel under 1 & 2 W. 4. c. 38. has been executed and registered Three Years, the Validity thereof not to be questioned in Courts of Law.

XI. And be it further enacted, That after any Instrument declaring the Right of Nomination to any Church or Chapel shall have been executed by Her Majesty's said Commissioners, or by the Bishop of the Diocese, as the Case may require, under the Provisions of the said last-mentioned Act or this Act, and the same shall have been registered in the Registry of the Diocese, it shall not be necessary, after Three Years from the Time at which such Instrument has been executed and registered as aforesaid, to prove that the Facts stated in such Instrument are correct, as to the Amount of Population or Church Accommodation in the Parish or extra-parochial Place in which the said Church or Chapel shall have been built, or as to the Amount of Population resident upwards of Two Miles from any existing Church or Chapel, and within One Mile of the Site on which such new Church or Chapel is erected, or as to the Cost of building or purchasing and fitting up the same, or as to its Endowment and Repairing Fund, or Proportion of Pews and Free Sittings, but such Facts so stated in such Instrument as aforesaid shall after such Period as aforesaid be admitted in all Courts as true and correct; and such Instrument of Nomination shall be after such Period in all Courts conclusive Evidence that the Declarations by the said last-mentioned Act required to be made by the Person or Persons having built, building, or intending to build, or purchase and endow, a Church or Chapel, according to the Provisions of the said last-mentioned Act, have been duly made, and that the several other Conditions, Declarations, Applications, Notices, Matters, and Things required by the said last-mentioned Act or this Act to be respectively performed, made, given, and done previous to the Declaration of the Right of Nomination as aforesaid being made and given by the aforesaid Party or Parties, and by the Bishop of the Diocese, or Her Majesty's said Commissioners, as the Case may require, have been respectively duly complied with, performed, made, given, and done according to the Provisions of the said recited Act or this Act; and further, that the Patron or Patrons of the Mother Church of such Parish hath not or have not, within Two Calendar Months after being served with such Notice as by the said Act is required, bound him, her, or themselves, by Bond or other sufficient Security, to Her Majesty's said Commissioners, or to the Bishop of the Diocese, as the Case may require, that he, she, or they should, 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 should also comply with and perform all and singular the Conditions in the said Act mentioned; and provided also, that nothing herein contained shall invalidate or be construed to invalidate any Instruments declaring the Right of Nomination to a Church or Chapel, under the Provisions of the said last-mentioned Act, which have been executed by the Bishop of any Diocese, or by Her Majesty's said Commissioners, before the passing of this Act, but that the same, and every Matter and Thing done in respect or in consequence thereof, in pursuance of the Provisions of the said recited Act, shall be as valid and effectual as if this Act had not been passed: Provided always, that nothing in this Act contained shall be construed as giving to any Bishop, or to the said Commissioners, any Power or Authority not given to him or them by the said last-mentioned Act as to any Church or Chapel, respecting the Right of Nomination to which any Proceeding at Law or Equity shall be depending at the Time of passing this Act.

Any Parish or extra-parochial Place may be divided into distinct and district Parishes or District Chapelries at the same Time, or at separate Times.

XII. And whereas by the said recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third it was enacted, that it should be lawful for His Majesty in Council, if He should judge fit, on a Representation to be made to Him by the said Commissioners of the Expediency of the same, with the Consent of the Bishop of the Diocese and the Patron, to direct, by an Order in Council, the Division of any Parish into Two or more distinct and separate Parishes, for all ecclesiastical Purposes whatever: And whereas it was by the said last-recited Act also enacted, that it should be lawful for His Majesty in Council, if He should judge fit, on a Representation to be made to Him by the said Commissioners, with the Consent of the Bishop of the Diocese in like Manner, in any Case in which they should be of opinion that it was not expedient to divide any populous Parish or extra-parochial Place into such complete, separate, and distinct Parishes as aforesaid, by an Order in Council to direct the Division of the same into Ecclesiastical Districts: And whereas it may be found expedient to divide off from any Parish or extra-parochial Place any Part or Parts thereof, and to form the same, at once or at different Times, into a distinct and separate Parish or Parishes, and into a District Parish or District Parishes, and District Chapelry or Chapelries, or to make such extra-parochial Place, or any Part thereof, a District Parish; be it therefore enacted, That it shall be lawful for Her Majesty in Council, where She shall judge fit, on a Representation to be made to Her by the said Commissioners of the Expediency of the same, to direct, by an Order in Council, the dividing off from any original Parish or extra-parochial Place any Part or Parts thereof, and forming the same into a distinct and separate Parish or distinct and separate Parishes, or into a District Parish or District Parishes, either at the same Time or at separate Times, and to make any extra-parochial Place, or any Part thereof, a District Parish or District Chapelry, or a Part of such District Parish or District Chapelry, and also at any Time to direct the dividing off any such separate and distinct Parish or District Parish so formed into other distinct and separate or District Parish or

Parishes,

Parishes, or District Chapelry or Chapelries; provided always, that all such Divisions, and all Parishes so divided, shall respectively be under and subject to the like Consents and to the same Rules and Regulations as are provided in the said recited Acts or this Act with respect to distinct and separate Parishes and District Parishes and District Chapelries respectively; and that the Nomination to the Chapel of a Chapelry District so taken from any distinct and separate Parish or District Parish as aforesaid shall belong to the Incumbent of the distinct and separate Parish or District Parish out of which such District Chapelry shall have been taken, and that the Sub-division of a District Parish shall not take effect during the Time of the existing Minister of such District Church, without his Consent.

Licence of Stipendiary Curate of District Chapelry not to be void by Avoidance of Parish Church, unless revoked by the Bishop.

XIII. And be it further enacted, That in all District Churches and District Chapelries the Licence of the Stipendiary Curate appointed to serve the Chapel of such Chapelry shall not be rendered void by the Avoidance of the Church of the Parish or District Parish in which such Chapel is situate, unless the same shall be revoked by the Bishop of the Diocese under his Hand and Seal; but such Licence shall continue in force, unless otherwise directed as aforesaid by such Bishop, notwithstanding the Avoidance of the Church of the Parish or District Parish, any Statute, Law, Canon, or Usage to the contrary notwithstanding.

The Powers of the Act 1 & 2 W. 4. c. 45. extended, with respect to Endowments to Chapels of consolidated Chapelries.

XIV. And whereas by an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King* Charles *the Second, intituled* '*An Act for confirming and perpetuating Augmentations made by* '*Ecclesiastical Persons to small Vicarages and Curacies,*' *and for other Purposes*, it is amongst other things enacted, that it should be lawful for any Rector or Vicar for the Time being of any Rectory or Vicarage, by a Deed duly executed by him, to annex to any Chapel of Ease or Parochial Chapel, or to any District Church or Chapel, or any Chapel having a District assigned thereto, whether then already built or thereafter to be built, (such Chapel of Ease or other Chapel or Church, with the District or Place to which the same belongs, being situate within the Limits or within the original Limits of the said Rectory or Vicarage,) any Part or Parts of the Tithes or other annual Revenues belonging to such Rectory or Vicarage, or to grant to the Incumbent for the Time being of any such Chapel of Ease or other Chapel or Church, and his Successors, any annual Sum of Money, and to charge the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Lands or other Hereditaments belonging to the said Rectory or Vicarage; provided that every such Grant and Annexation should be made with the Consent of the Archbishop or Bishop of the Diocese within which the Rectory or Vicarage should be situate, or if the Rectory or Vicarage should be situate within a Peculiar Jurisdiction belonging to any Archbishop or Bishop, then with the Consent of the Archbishop or Bishop to whom such Peculiar Jurisdiction should belong, and also with the Consent of the Patron or Patrons of the said Rectory or Vicarage, such Consents to be signified as in the said Act is expressed:

expressed: And whereas it is expedient that the Powers of the last-recited Act should be enlarged; be it therefore further enacted, That in all Cases in which any contiguous Parts of several Parishes may have been or shall hereafter be united into a separate and distinct District for all Ecclesiastical Purposes, and such District shall have been or shall hereafter be duly constituted a consolidated Chapelry, it shall be lawful for the Rectors or Vicars for the Time being of the several Parishes Parts of which shall have been so united to have, use, and exercise respectively all the same Powers and Authorities for annexing to any such consolidated Chapelry any Part or Parts of the Tithes or other annual Revenues belonging to their Rectories or Vicarages respectively, and for granting to the Incumbent for the Time being of any such consolidated Chapelry and his Successors any annual Sum of Money, to be payable by equal quarterly or equal half-yearly Payments, and for charging the same on all or any Part of such Tithes or other Revenues as aforesaid, or on any Land or other Hereditaments belonging to the said Rectories or Vicarages respectively, as are by the said last-recited Act given to Rectors and Vicars for the Augmentation of Chapels of Ease, and such other Chapels and Churches as are therein and herein-before specified: Provided always, that the Exercise of such Powers shall be subject to the like Consents (to be signified in the same Manner) as is required by the said Act with regard to the Exercise of the Powers of the said Act for the Augmentation of Chapels of Ease, and the other Chapels and Churches therein specified; and in every Case in which any such Tithes or other Revenues shall be annexed by virtue of this Act to any consolidated Chapelry, the Incumbent for the Time being thereof shall thenceforth have all the same Remedies for recovering and enforcing Payment of the Premises which shall be so annexed as the Rectors or Vicars for the Time being of the said Rectories or Vicarages respectively might have had if such Annexation had not been made; and in every Case in which any annual Sum of Money shall be granted by virtue of this Act to the Incumbent of a consolidated Chapelry, such Incumbent and his Successors shall have all such Remedies for Recovery and enforcing Payment thereof by Action of Debt against the Incumbent of the Rectory or Vicarage by whom any such annual Sum shall have been granted, or the Incumbent thereof for the Time being, or by Distress upon the Hereditaments to be charged therewith, or otherwise as shall in that Behalf be specified and given by the Deed by which the Grant shall be made.

Surrender of Rights of Patronage permitted for certain Purposes by Sect. 15. of 3 G. 4. c. 72. to apply to Cases whether the Surrenderence be Lay or Spiritual.

XV. And be it further enacted, That the Power of surrendering any Right of Patronage, Presentation, or Appointment to any Benefice, Donative, Perpetual Curacy, or of any Spiritual Person to any Church or Chapel, or any Endowments or Emoluments for the Use of any Church or Chapel, or the Incumbent thereof, and of making any Agreement relative thereto with the said Commissioners or the Bishop of the Diocese, which is given by the said recited Act passed in the Third Year of the Reign of His late Majesty *George* the Fourth to Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to the Persons and Parties and for the Purposes

poses in the said Act specified, shall extend to any Surrender or Agreement for such Purposes, whether the same be made to or in favour of or entered into with or by any Lay or Spiritual Person or Persons, or Corporation Aggregate or Sole; provided that such Surrender or Agreement be sanctioned by the said Commissioners under their Common Seal, and by the Bishop of the Diocese under his Hand and Seal.

Commissioners, with Consent of Bishop, &c. may make any Church or Chapel the Parish Church of any Parish, and the Parish Church a District Church or Chapel of Ease.

XVI. And whereas it may be expedient in certain Cases that a Church or Chapel should be constituted the Parish Church of the Parish in which the same is situate, in the Stead of the ancient Parish Church, and that such ancient Parish Church should thenceforth become a District Church or Chapel of Ease in such Parish; be it therefore enacted, That it shall be lawful for the said Commissioners, with the Consent in Writing of the Bishop of the Diocese and of the Patron of the said Parish Church, and with the Consent also of the Vestry or Persons possessing the Power of Vestry, to order and direct, by Instrument under their Common Seal, that any Church or Chapel in any Parish shall become and be and remain the Parish Church of such Parish, in the Stead of the ancient Parish Church; and the said Church or Chapel so constituted the Parish Church shall thenceforth become and be and remain, and be taken in Law to be, the Parish Church of such Parish, as fully and effectually, for all Purposes, and in relation to all Rights, Emoluments, Endowments, Dues, Privileges, and all other Matters and Things, Civil or Ecclesiastical, theretofore belonging to the Parish Church, or Patron or Lay Impropriator (if any thereof), as if the same had been always the Parish Church of such Parish; and the said Commissioners are hereby empowered to authorize and direct the Transfer of the Endowments, Emoluments, or Rights of or belonging to the old and existing Church of such Parish, or to the Incumbent for the Time being thereof, to any such Church or Chapel so made and constituted the Parish Church as aforesaid, and to the Incumbent thereof for the Time being, and his Successors; and it shall be lawful in every such Case for any Trustees of any such ancient Church as aforesaid, or of any Rights, Emoluments, and Endowments of or belonging to any such Church, or to the Incumbent thereof for the Time being, and they are hereby required (and indemnified for so doing), to transfer all such Rights, Emoluments, and Endowments, according to the Direction of the said Commissioners, to such Church or Chapel so constituted the Parish Church as aforesaid, or to the Incumbent thereof; and immediately from and after any such Transfer as aforesaid all Tithes or Commutations for Tithes, Moduses or other Compositions for Tithes, and all Emoluments, Dues, Fees, Offerings, Oblations, and other Profits and Advantages, and all Messuages, Glebe and other Lands, Tenements, or Hereditaments, Rents, Sums of Money, or Real or Personal Chattels whatsoever, and all Rights and Privileges whatsoever and wheresoever, wherewith any such ancient Church may be endowed, or to which the Minister thereof then is or at any Time theretofore was or ought to be entitled, shall severally and respectively become and be vested in the Minister for the Time being

being of the said Church or Chapel so made the Parish Church as aforesaid, and his Successors for ever, in as full and ample a Manner as the Minister of the ancient Church might or could have received and enjoyed the same in case such Substitution or Transfer had not been made; and every such Instrument of Substitution and Transfer shall be registered in the Registry of the Diocese, and enrolled in the High Court of Chancery; and all Acts of Parliament, Laws, and Customs relating to the publishing Banns of Marriage, and Celebration of Marriages, Christenings, Churchings, and Burials, and to all Ecclesiastical Fees, Oblations, and Offerings, shall apply to every such Church or Chapel so constituted the Parish Church as aforesaid, in like Manner in every respect as to the former Parish Church of the said Parish; and such former Parish Church shall from such Time be and be deemed to be a District Church or a Chapel with or without a District, as the said Commissioners shall in such Case direct: Provided always, that no such Instrument of Substitution or Transfer shall take effect till after the first Avoidance of such ancient Parish Church, unless with the Consent in Writing of the actual Incumbent thereof, in which Case such Incumbent shall be and is hereby declared to be to all Intents and Purposes the Rector, Vicar, or Perpetual Curate, as the Case may be, of the Church or Chapel so constituted the Parish Church, instead of Rector, Vicar, or Perpetual Curate of the former Parish Church, without any Presentation, Institution, Induction, Collation, or other Form of Law being had, observed, or required: Provided also, that the Chancel (if any) of such former Parish Church shall continue to be repaired in such Manner and by the same Person or Persons as are now by Law or Custom liable to the Repairs thereof.

Incumbent of former Parish Church to be Incumbent of the new Parish Church.

XVII. And be it further enacted, That the Incumbent of such Parish next succeeding after such Substitution and Transfer as aforesaid shall be and is hereby declared to be the Rector, Vicar, or Perpetual Curate, as the Case may be, of such Church so made the Parish Church as aforesaid; and that the Person or Persons who for the Time being would have had a Right of presenting, nominating, or appointing the Incumbent to the former Parish Church, in case such Transfer and Substitution as aforesaid had not been made, shall thenceforth, in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting, nominating, or appointing the Incumbents of the Church so made the Parish Church as aforesaid, as he, she, or they respectively would have had with respect to the former Parish Church.

Commissioners may provide for Ministers of such Churches out of the Pew Rents.

Saving of Rights of Pew Owners.

XVIII. And be it further enacted, That it shall be lawful for Her Majesty's said Commissioners, with the Consent in Writing of the Bishop of the Diocese, to make such Provision under their Common Seal for the Maintenance of the Minister and Clerk of the respective Churches as aforesaid, out of the Pew Rents of either of such Churches, as to Her Majesty's said Commissioners shall seem expedient: Provided always, that nothing in this Act contained shall affect the Rights of Persons holding Pews free of Rent by Faculty or Prescription in any such former Parish Church.

XIX. And

This Act to extend only to England and Wales, Isle of Man, &c.

XIX. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.