ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

C A P. LXX.

An Act for the further Amendment of the Church Building Acts. [31st *July* 1845.]

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 said Majesty King *George* the Third, intituled *An Act to amend and* 59 G. 3. c. 134. *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* 3 G. 4. c. 72. *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 said Majesty King *George* the Fourth, intituled *An Act to make further Provision, and to amend* 5 G. 4. c. 103. *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 Session of Parliament holden in the Seventh and Eighth Years of the Reign of His said Majesty King *George* the Fourth, 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 Session of Parliament holden 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 Session of Parliament holden 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 Session of Parliament holden in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty's Commission for building new Churches:* And whereas another Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her said Majesty Queen *Victoria*, intituled *An Act to amend and render more effectual the Church Building Acts:* And whereas another Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen* Anne; *and for other Purposes:* And whereas another Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to further amend the Church Building Acts:* And whereas another Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act concerning Banns and Marriages in certain District Churches and Chapels:* And whereas it is expedient that some of the Provisions of the herein-before recited Acts should be amended: 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, notwithstanding any Limitation or Restriction or other Thing contained in the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, where a new Church has been already built or shall hereafter be built in any Parish or District Parish, or ancient or parochial Chapelry, and where the Bishop of the Diocese and the Patron and Incumbent of such Parish, District Parish, or ancient or parochial Chapelry shall at any Time certify to Her Majesty's Commissioners for building new Churches that it will be for the Convenience of such Parish, District Parish, or ancient or parochial Chapelry that such new Church, being duly consecrated, should be substituted for the old or existing Church situate therein, it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consents of such Bishop, Patron, and Incumbent, under their Hands and Seals, to declare that such new Church, being duly consecrated, shall be substituted for such old or existing

7 & 8 G. 4. c. 72.

1 & 2 W. 4. c. 38.

2 & 3 W. 4. c. 61.

7 W. 4 & 1 Vict. c. 75.

1 & 2 Vict. c. 107.

2 & 3 Vict. c. 49.

3 & 4 Vict. c. 60.

7 & 8 Vict. c. 56.

Explanation and Extension of the Provisions of 3 G. 4. c. 72. § 30.

Church, and to transfer the Endowments, Emoluments, or Rights belonging to such old or existing Church, or to the Incumbent or Minister thereof, to such new Church, and to the Incumbent or Minister thereof, and his Successors; and it shall be lawful in every such Case for the Trustees (if any) of such old or existing Church, or of any Rights, Emoluments, or Endowments belonging thereto, or to the Incumbent or Minister thereof, and they are hereby required, and indemnified for so doing, to transfer the same according to the Direction of the said Commissioners; and immediately from and after such Transfer all Glebe Lands, Tithes, and other Endowments, Emoluments, Fees, and Profits, and every Matter or Thing, whether real or personal, and all Rights and Privileges wherewith any such old or existing Church is, or was at the Time of such Substitution, endowed, or to which the Incumbent or Minister thereof was or is entitled, shall be vested in and belong to the Incumbent or Minister for the Time being of such new Church, and his Successors, in as ample a Manner as the Incumbent or Minister of the old or existing Church might have enjoyed the same if such Transfer had not taken place, and the Incumbent or Minister of such old or existing Church shall thereupon be, to all Intents and Purposes, the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church, instead of Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church, without any Presentation, Institution, Induction, Collation, or other Form of Law being had, observed, or required; and such new Church shall thereupon have the same Rights and Privileges as such old or existing Church, and such Offices of the Church as were performed and celebrated in such old or existing Church shall be performed and celebrated in such new Church, and such new Church shall be to all Intents and Purposes in lieu of the old or existing Church; and at any Time within Six Months after the Substitution of such new Church for the old or existing Church, the Bishop of the Diocese may of his own mere Motion issue, or if thereunto required by any Person claiming to hold a Pew or Seat free of Rent in such old or existing Church by Faculty or Prescription, shall issue a Commission under his Hand and Seal, directed to the Archdeacon of the Archdeaconry in which such old or existing Church shall be situate, and to any Two Incumbents of Parishes situate within such Archdeaconry, and to any Two Laymen nominated by the Churchwardens of such old or existing Church, who are hereby required to nominate for such Purpose Two fit Persons not claiming any such Pew or Seat as aforesaid; and such Commission shall direct the Commissioners thereby appointed to inquire into the Rights of Persons, if any, who claim to hold any such Pews or Seats as aforesaid; and the said Commissioners, or any Three or more of them, of whom the said Archdeacon shall be One, shall, as soon as conveniently may be, proceed to examine into such Claims, after giving Fourteen Days previous Notice thereof, by affixing a Copy of such Commission on the Church Door of such new Church; and such Notice, signed by such Archdeacon, shall specify the Day and Time and Place on which such Examination is to be made; and after making an Examination into such Claims the Commissioners so appointed, or the Majority of them shall, under their Hands transmit in Writing to the said Bishop the Names and Residences of the Persons who have substantiated their

Claims of Persons to Pews in the old Church to be investi-

gated, and if proved such Persons to have Pews in the new Church, on the same Terms as in the old one.

their Claims to such Pews or Seats, and if the said Bishop is satisfied therewith he shall assign, under his Hand and Seal, to such Parties respectively, convenient Pews or Seats in such new Church, and such Seats so assigned shall be held and enjoyed by the Parties entitled to the same in as free and ample a Manner as the Pews or Seats to which they had or would have been entitled in such old or existing Church; and if any Party shall find himself aggrieved by the Finding of such Commission the Bishop of the Diocese shall have Power to afford Redress, by allotting to such Party Seats in such new Church, if the Justice of the Case shall in his Judgment require it; and the old or existing Church, if such Bishop shall think fit, may thereupon be wholly or partly pulled down, under a Faculty to be granted for that Purpose; and the said Bishop shall in that Case take care that all Tombstones, Monuments, and monumental Inscriptions in such Church so pulled down are as far as may be preserved by the Churchwardens, at the Expence of the Parish, or if it shall seem fit to the said Bishop the same shall be transferred to the Church so substituted as aforesaid, at the Expence of the said Parish or District Parish, or ancient or parochial Chapelry, as the Case may be; provided that in case such new Church shall have been built wholly or in part out of the Funds placed at the Disposal of Her Majesty's said Commissioners under the Provisions of the herein-before recited Acts or any of them, and such Transfer shall have been made, Rents for the Pews or Seats in such new Church shall only be fixed by Her Majesty's said Commissioners under the Provisions of such Acts for that Number of Seats therein which shall exceed the Number of Seats provided in such old or existing Church: Provided always, that nothing herein contained shall authorize the Substitution of any new Church in lieu of the old or existing Church as aforesaid, when the Advowson of or Right of Nomination to such new Church shall belong to any other Body or Person than to the Patron of such old or existing Church, without the Consents in Writing of the Patron and Incumbent or Minister of such new Church.

Incumbent of old Church and his Successors to be Incumbent of new Church.

II. And be it enacted, That the Rector, Vicar, Perpetual Curate, or Minister of such old or existing Church next succeeding after such Transfer, and his Successors, shall be and is hereby declared to be the Rector, Vicar, Perpetual Curate, or Minister, as the Case may be, of such new Church; and the Body or Person who for the Time being would have had a Right of presenting or appointing the Incumbent or Minister of such old or existing Church, in case such Transfer had not been made, shall in lieu thereof, when any Vacancy occurs, have such and the like Right of presenting or appointing the Incumbent or Minister of such new Church as such Body or Person would have had with respect to the old or existing Church.

Former proceedings under 3 G. 4. c. 72. s. 30. valid.

III. And whereas it is expedient to remove any Doubts touching the Validity of any Proceedings by Her Majesty's said Commissioners in Cases in which, under the Provisions of the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, they have substituted a new Church in lieu of the old or existing Church in any Parish, and have transferred the Tithes, Glebe, and other Endowments belonging

ing to such old or existing Church to such new Church; be it therefore enacted and declared, That every Substitution of a new Church in lieu of an old or existing Church, and every Transfer heretofore made of the Tithes, Glebe, and other Endowments belonging to such old or existing Church, to such new Church, by the said Commissioners, purporting to be under the Provisions of the herein-before last-mentioned Act, shall be and shall be held to be valid in Law from the Time of such Substitution and Transfer.

Where any Part of a Cathedral Church has been accustomed to be used as a Parochial Church, a Transfer of the Rights, Endowments, &c. belonging to such Parochial Church may, with certain Consents, be made by the the Church Building Commissioners to a new Church; and the Parochial Church shall thenceforth be under the same Control and subject to the same Laws as to Repairs as exist with respect to the Cathedral Church.

IV. And be it enacted, That where any Part of the Cathedral Church has been accustomed to be used as a parochial Church, it shall be lawful for Her Majesty's said Church Building Commissioners, with Consent of the Ecclesiastical Commissioners for *England*,, and with the Consents of the Bishop of the Diocese and of the Dean and Chapter of such Cathedral Church, and with the Consents also of the Patron and of the Incumbent or Minister of such Church, to transfer the Rights, Emoluments, Tithes, and other Endowments (if any) as herein-before particularly specified belonging to the Incumbent of such Church, to any new Church which has been or hereafter may be built, and which is situate in the Parish where such Part of such Cathedral is, or is deemed to be, the Parish Church; and in case of such Transfer the same Provisions herein-before contained, touching the Rights and Privileges, Succession and Appointment of the Incumbent or Minister of such new Church, and the Performance of the Offices therein, and the Examination into the Claims of Parties claiming to hold Pews, or Seats by Faculty or Prescription in the old Parish Church, and the Assignment of Pews or Seats to those who have substantiated such Claims as herein-before mentioned, shall apply to such new Church which after such Transfer shall become the Parish Church in lieu of the former Parish Church so belonging to such Cathedral; and such new Church, and the Incumbent or Minister thereof shall, from and immediately after such Transfer, be and remain subject in all respects to the same ordinary and other Ecclesiastical Jurisdiction and Superintendence as the old parochial Church and the Incumbent or Minister thereof respectively were or otherwise would have been subject to; and the Part of the Cathedral Church so vacated shall thenceforth remain and be deemed to be Part of the Cathedral Church itself, in the same Manner and as fully as if it had never been used as a parochial Church, and shall thenceforth be subject to the same Control and Superintendence, and to the same Laws as to Repairs, as exist and are in force with respect to the Cathedral Church itself; and the Parish shall thenceforth be exempt from all further Liability (if any) to keep the same in repair: Provided always, that the Party or Parties liable to the Repair of the said Part of the said Cathedral Church, whilst it was so used as a parochial Church, shall continue to be liable to the Repairs of such new Church.

Parish heretofore united with another shall be disunited after new Church built therein.

V. And be it enacted, That where at the passing of this Act there is not any consecrated Church in One of Two Parishes which may have been for Thirty Years next before the passing of this Act disunited, or reputed to have been united, for Ecclesiastical Purposes,

and where a new Church has been or shall hereafter be built wholly or in part out of any Funds at the Disposal of Her Majesty's said Commissioners in the said Parish in which there is not any such Church as aforesaid, the whole of such Parish may, after the Consecration of such new Church, be disunited for Ecclesiastical Purposes from the other Parish, and may be formed into a separate and distinct Parish for such Purposes, with the same Consents, in the same Manner, and under and subject to the same Provisions and Consequences as are mentioned and contained in the herein-before recited Acts or any of them, or in this Act, relative to the Formation of a distinct and separate Parish, where the same is formed out of one Parish not united with another Parish.

Appointment of Churchwardens for a District Chapelry and consolidated Chapelry.

VI. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit Persons shall be annually appointed Churchwardens for the Church of every District Chapelry or consolidated Chapelry already or hereafter to be formed under the Provisions of the herein-before recited Acts or any of them, or this Act, such Persons residing within the District Chapelry or consolidated Chapelry; and the first Appointment of Two such Persons shall, with respect to the Church of any District Chapelry or consolidated Chapelry already formed as aforesaid, take place within Two Calendar Months after the passing of this Act, and with respect to a Chapelry District or consolidated Chapelry to be hereafter formed as aforesaid, within Two Calendar Months after the Formation of the same; and the first Appointment of such Persons, in either of such Cases, shall take place at a Meeting of the Minister of such Church and the Householders of the District, to be summoned in all respects as such Minister shall direct; and every subsequent Appointment shall take place at the usual Period of appointing Parish Officers, at a Meeting to be summoned in all Respects as if such District were a Parish and such Meeting were a Parish Vestry Meeting; and in each such Case one of such Persons shall be chosen by the then Incumbent or Minister serving such Church, and the other by the Householders, or the Majority of such Householders, residing in such District Chapelry or consolidated Chapelry; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents of the Pews and Seats in every such Church, and pay the Stipend or Salary assigned by Her Majesty's said Commissioners to the Minister and Clerk of such Church, if the said Commissioners have fixed the Rents for the same, or assigned such Stipend or Salary, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of such Pew Rents, if in arrear; and the Money given at the Offertory at such Church shall be disposed of by the Minister and Churchwardens of such Church, in the same Manner as the Money given at the Offertory at any Parish Church is by Law directed to be disposed of by the Minister and Churchwardens of such Parish;

and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and chosen in like Manner in their Stead.

Appointment of Churchwardens for an additional Church the Site whereof has been accepted by the Commissioners.

VII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That, in all Cases not otherwise expressly provided for, Two fit and proper Persons shall be annually appointed Churchwardens for any new Church (without a District) already built or hereafter to be built upon a Site whereof Her Majesty's said Commissioners shall have accepted the Conveyance, under the Provisions of the herein-before recited Acts; and the first Appointment of such Persons shall take place within Two Calendar Months after the passing of this Act with respect to a Church already built and consecrated, and within Two Months after the Consecration of a Church to be so hereafter built; and the next Appointment of such Persons, in either of such Cases, shall take place at the next usual Period of appointing Parish Officers; and in each such Case one of such Persons shall be chosen by the Minister of such Church, and the other by the Renters of Pews therein, or by the Majority thereof, at any Meeting to be summoned, in all respects as the Minister of such Church, or (if there shall be no Minister) as the Churchwardens going out of Office, shall direct; and the Two Persons, when so appointed and elected Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents, if any, of the Pews and Seats in any such Church, and pay the Stipend and Salary, if any, assigned by the said Commissioners to the Minister and Clerk of such Church, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof, and for the Recovery of the Pew Rents in such Church, if the same are in arrear; and the Persons so to be appointed and chosen Churchwardens shall continue in their said Office until others shall be appointed and admitted in like Manner in their Stead: Provided always, that if there are no rented Pews in such Church the Minister of such Church shall appoint both Churchwardens: Provided also, that if such new Church is made the Church of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, the several Provisions of the herein-before recited Acts or this Act touching the Appointment and Election of Churchwardens for the same, and their Powers and Duties in each such Case, shall thenceforth respectively apply to such Church.

No such Churchwarden to be by virtue of his Office Overseer of the Poor.

VIII. Provided always, and be it enacted, That no Churchwardens appointed under the Provisions of this Act shall be Churchwardens for any other Duties than for those herein-before mentioned; but all other legal Duties appertaining to the Office of Churchwardens shall be discharged within such District Chapelry or consolidated Chapelry, and in respect of the Church thereof, and also in respect of any such new Church as aforesaid without a District, by the Churchwardens who would have discharged the same if this Act had not been passed; and that no Churchwardens appointed under the Provisions

Provisions of this Act shall in virtue of such Office be deemed Overseers of the Poor.

Explanation and Amendment of Part of 59 G. 3. c. 134. as to Formation of consolidated Chapelries.

IX. And whereas it is expedient to explain and amend the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, touching the Formation of consolidated Chapelries; be it therefore enacted, That where a Population is collected together at the Extremities of and locally situate in Parishes or extra-parochial Places contiguous to each other, at a Distance from the respective Churches of such respective Parishes or extra-parochial Places, and where there is or shall hereafter be a consecrated Church in any of such Parishes or extra-parochial Places so circumstanced and situated as aforesaid, it shall be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese, or if such Parishes or Places are situate in different Dioceses, then with the Consents of the respective Bishops thereof, signified under his or their Hands and Seals, and with the Consents also in like Manner signified of the Patrons of such respective Parishes or extra-parochial Places, to represent to Her Majesty in Council the Expediency of uniting any such contiguous Parts of such Parishes or Parts, or the whole of such extra-parochial Places, into One consolidated Chapelry for such Church with respect to all Ecclesiastical Purposes, and such Representation shall contain a Description of such Boundaries as may appear advisable to Her Majesty's said Commissioners for such consolidated Chapelry, and shall state to what Corporate Body, aggregate or sole, or Person, their or his Successors, Heirs, and Assigns, the Right of Presentation and Appointment to the Church of such consolidated Chapelry is proposed, with such Consents as aforesaid, and with the Approval of the said Commissioners, to belong; and if thereupon Her Majesty in Council shall think fit to order such consolidated Chapelry to be so formed, such Order shall be good and valid for the Purpose of forming the same, and the Right of Presentation and Nomination to the Church of every such consolidated Chapelry so formed shall belong to and (when Occasion may require) may be exercised by such Body or Person, their or his Successors, Heirs, and Assigns, as shall be mentioned in such Representation, and the Spiritual Person so nominated and appointed, when Occasion may require, shall be presented to the Bishop of the Diocese for his Licence; and (save and except in those Cases where at the Time of such Consolidation such Church was either the Church of a Rectory or Vicarage, and then the said Church shall retain its original Character,) the Church of such consolidated Chapelry 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 Benefice, and shall render void other Livings, in like Manner as Institution to any Benefice, and the Spiritual Person serving the same shall be deemed the Incumbent thereof, with exclusive Cure of Souls therein, and shall have perpetual Succession, and shall be and is hereby declared to be a Body Politic and Corporate, and he and his Successors may receive, take, and hold such Endowments in Lands or Tithes, or both,

Minister thereof to be a Perpetual Curate.

or

or any such Augmentation, as shall be granted to him or them, in the same Manner as any other Incumbent is by Law entitled to do; and every such Incumbent shall be subject to all Jurisdictions and Laws, ecclesiastical or common, and to all Provisions contained in any Acts of Parliament in force relating to such Persons, and the Church of every such consolidated Chapelry shall be subject to the Jurisdiction of the Bishop within whose Diocese and Archdeaconry the Communion Table of such Church shall be locally situated, and to all the Laws in force concerning Presentation and Appointment to Benefices and Churches, and all other Laws relating to the holding the same: Provided always, that where at the Time of forming such consolidated Chapelry the said Church shall be full, the Spiritual Person filling such Church shall be and remain Incumbent of the said Church and also of the whole consolidated Chapelry.

Offices of the Church may be performed therein.

X. And be it enacted, That Banns of Marriage may be published, and Marriages, Christenings, Churchings, and Burials performed, in the Church of every such consolidated Chapelry so formed, and, notwithstanding any thing contained in the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third to the contrary thereof, the Fees arising therefrom shall, unless voluntarily relinquished by them or either of them, belong to the Incumbent and Clerk respectively of the Parishes out of which such consolidated Chapelry shall have been formed, under the Provisions of this Act, during their respective Incumbencies, or during the Time the Clerk shall retain his Situation; and the Incumbent of such consolidated Chapelry formed under this Act shall keep an Account of the Fees so received, and shall every Year pay over the same to such Incumbents and Clerks respectively who would have been entitled to them if such consolidated Chapelry had not been formed; and after the next Avoidance of such respective Incumbencies, and after the Situations of such respective Clerks shall have become vacant, such Fees shall belong and be paid to the Incumbent of such consolidated Chapelry and the Clerk of the Church thereof.

Apportionment of Fees.

Pew Rents may be fixed for the Minister and Clerk of any consolidated Chapelry, where the Commissioners have granted Money for its Erection.

XI. And be it enacted, That where the Church of such consolidated Chapelry shall have been built wholly or in part by means of the Funds placed by Parliament at the Disposal of Her Majesty's said Commissioners, it shall be lawful for them, with the Consent of the Bishop of the Diocese, to apply the Provisions contained in the herein-before recited Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third, touching the Reservation of Pew Rents, and the Assignment thereout of a Stipend to the Minister and a Salary to the Clerk, to the Church of any such consolidated Chapelry, and to the Incumbent and Clerk thereof.

Commissioners may in certain Cases make Grants in aid of the

XII. And be it enacted, That it shall be lawful for Her Majesty's said Commissioners to make a Grant out of the available Monies in their Hands for or towards the Erection of new Churches in aid of the Erection of any new Church intended to be made the Church of any consolidated Chapelry, although the Population of the Parish

Erection of a Church for such consolidated Chapelry.

or extra-parochial Place in which such Church will be situate may not amount to Four thousand Persons and upwards, and although there may be Church Accommodation for more than One Fourth of the Inhabitants of such Parish or extra-parochial Place, provided that the consolidated Chapelry to be formed under the Provisions of this Act shall contain a Population of at least Four thousand Persons, with Church Accommodation therein for not more than One Fourth of the Inhabitants thereof.

How the Freehold of Sites for Churches, &c. shall vest.

XIII. And be it enacted, That in all Cases the Freehold of the Site of every Church of which Her Majesty's said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the herein-before recited Acts or any of them (as to any Church not yet consecrated, when the same shall be consecrated,) shall vest in the Incumbent for the Time being of such Church; and the Freehold of every Burial Ground of which the said Commissioners may have accepted or shall accept a Conveyance under the Provisions of the herein-before recited Acts or any of them shall, after the same shall have been consecrated, vest in the Incumbent for the Time being of the Church to which such Burial Ground shall belong, or if there shall be no such Incumbent, then in such Body or Person as the said Commissioners may, with Consent of the Bishop of the Diocese, in such special Case direct, until there shall be an Incumbent, and from and after that Time then in such Incumbent, for the Use of the Inhabitants of the Place for which such Burial Ground was acquired; and the Freehold of any House, Garden, and Appurtenances, and Land for the Residence and Glebe of the Spiritual Person serving any Church, of which the said Commissioners may have accepted or shall hereafter accept a Conveyance, under the Provisions of the herein-before recited Acts or any of them, shall vest in the Incumbent or Minister of such Church for the Time being; provided that nothing in this Act contained shall authorize the Interment of any Person under any Church.

Land obtained for a Burial Ground for any Parish may be declared by the Commissioners Part of such Parish for that Purpose, although not within the Bounds of such Parish.

XIV. And whereas it is by the said herein-before recited Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, enacted, that where the said Commissioners should make a Grant in aid of purchasing Cemeteries not within the Bounds of the Parish for which the same should be provided, such Cemeteries should, after Consecration, be deemed Part of the Parish for the Use of which they should have been purchased or provided: And whereas it is expedient that the said Commissioners should have the Power of declaring that such Land as shall be approved of by them for the Purpose of a new or additional Burial Ground or Burial Grounds should be deemed Part of the Parish or Parishes for the Use of which they shall have been provided, although not within the Bounds of such Parish or Parishes, and whether any Grant in aid of the Purchase of such Land shall have been made or not by the said Commissioners; be it therefore enacted, That where any Land shall have been purchased or obtained for any new or additional Burial Ground not within the Bounds of the Parish or Parishes for the Use of which the same shall have been so purchased or obtained, it shall be lawful for the said Commissioners, if they shall think fit, in

accepting a Conveyance of such Land for the Purposes aforesaid, under the Provisions of the herein-before recited Acts or any of them, to declare in such Conveyance, or by any other Instrument under their Common Seal, that such Land shall, after the Consecration thereof for the Purposes aforesaid, be and be deemed to be Part of the Parish or Parishes for the Use of which such Land shall have been so purchased or obtained, and, after Consecration, such Land shall be Part of such Parish or Parishes accordingly for the Purposes aforesaid.

Church of a District Parish may be resigned by the Incumbent of original Parish; such Resignation to operate in the same Manner as Avoidance of Church of the original Parish.

XV. And be it enacted, That when any District Parish has been or shall hereafter be formed, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, it shall be lawful for the Incumbent of the Parish out of which such District Parish shall have been formed to resign voluntarily, with the Consent of the Bishop of the Diocese, the Church of such District Parish, and such Resignation shall have the same Effect as the Avoidance or Resignation of the Parish Church, with respect to the Performance of the Offices of the Church in the Church of such District Parish; and thereupon such District Parish, and the Church thereof, shall be a Perpetual Curacy and Benefice, and shall be subject to the same Laws as are in force with respect to District Parishes where an Avoidance or Resignation of the Church of the original Parish shall have taken place.

Boundaries of new Parishes or Districts may be altered, although Five Years may not have elapsed since such new Parishes or Districts were formed.

XVI. And be it enacted, That, any thing in the herein-before recited Act passed in the Third and Fourth Year of Her present Majesty to the contrary notwithstanding, it shall be lawful for Her Majesty's said Commissioners at any Time to alter the Boundaries of a distinct and separate Parish, District Parish, District Chapelry, or consolidated Chapelry, although Five Years may not have elapsed since the Description of such Boundaries has been enrolled in the High Court of Chancery, or registered in the Registry of the Diocese; provided that such Alteration of Boundaries shall be subject to the same Provisions, except as herein excepted, as are contained relative thereto in the herein-before recited Acts.

Church of a District Chapelry and Church augmented by the Ecclesiastical Commisioners for England to be a Perpetual Curacy, and Minister a Perpetual Curate.

XVII. And be it enacted, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, That the Church of any District Chapelry formed or to be hereafter formed under the Provisions thereof, although such Church may not have been augmented by the Governors of the Bounty of Queen *Anne*, and also any Church now or hereafter to be augmented by any Order of Her Majesty in Council ratifying any Scheme of the Ecclesiastical Commissioners for *England*, and with a District Chapelry assigned thereto, shall be and is hereby declared to be a Perpetual Curacy and Benefice, and the Licence thereto shall operate in the same Manner as Institution to any Benefice, and the Minister duly nominated and licensed thereto, and his Successors, shall not be a Stipendiary Curate, but shall be and be esteemed in Law to be a Perpetual Curate, and Body Politic and Corporate, with perpetual Succession, and he and his Successors may receive, take, and hold to himself and themselves all such Lands, Tithes, and Rentcharges

charges as shall be granted unto or purchased for him or them by the said Ecclesiastical Commissioners for *England*, or otherwise, in the same Manner as any other Incumbent is by Law entitled to do; and such Perpetual Curate shall thenceforth have, within and over the District Chapelry so assigned, sole and exclusive Cure of Souls, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Parish or Place from which such District Chapelry shall have been taken, any Law or Statute to the contrary notwithstanding, save and except as to any *Easter* Dues and Offerings which would not belong to the Perpetual Curate of such District Chapelry if this Act had not been passed, and save and except also as to the Fees, if any, reserved to the said Incumbent on the Assignment of such District Chapelry, which shall still continue to belong to and shall be paid over to him by the Perpetual Curate of such District Chapelry according to such Reservation: Provided always, that nothing herein contained shall alter or affect the Right of Nomination or Appointment belonging or hereafter to belong to any Corporate Body or Person in respect to the Church of any such District Chapelry.

Licence of Minister of a new Church (without a District) not void by reason of the Avoidance of the Parish Church, unless revoked by Bishop.

XVIII. And be it enacted, That the Licence of the Minister appointed to serve a new Church (without a District) already or to be hereafter built, wholly or in part, by means of any Monies at the Disposal of Her Majesty's said Commissioners, under the Provisions of the herein-before recited Acts or any of them, shall not be rendered void by reason of the Avoidance of the Parish Church of the Parish in which such new Church is situate, unless such Licence shall be revoked by the Archbishop or Bishop who may have granted the same, or by the Successor of such Archbishop or Bishop.

The Purchase Money of Lands sold under the Provisions of recited Acts need not be paid into Bank of England, though it may amount to or exceed 200*l*., but may be paid to Trustees.

XIX. And be it enacted, That, any thing in the herein-before recited Acts or any of them to the contrary notwithstanding, it shall not be necessary to pay into the Bank of *England* any Sums of Money to be paid for any Lands or Hereditaments to be purchased or acquired by virtue of such Acts or any of them, although the same may amount to or exceed Two hundred Pounds (unless Her Majesty's said Commissioners shall require such Sums to be paid into such Bank), but the same may be invested in the Names of Trustees, as in the said Act is provided in the Cases when the Amount thereof shall be under the Sum of Two hundred Pounds; and in any Declaration of Trust to be made of any such Monies the said Commissioners may make such special Provisions for the Investment of such Monies, and the Appointment of new Trustees thereof, or otherwise, as they shall think fit.

The Purchase Money of Lands sold under 58 G. 3. c. 45. and belonging to an Incumbent in right of his Living, may be paid

XX. And be it enacted, That in every Case in which Land or other Hereditaments belonging to an Incumbent in right of his Church shall be sold and conveyed by him to Her Majesty's said Commissioners, and in which the Purchase Money is, under the Provisions of the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, directed to be paid into the Bank of *England*, or invested in the Names of Trustees, such Purchase Money shall, instead of being paid into the Bank

Bank of *England*, or invested in the Names of Trustees, be paid to the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, and be appropriated by the said Governors to the Benefice to which the Land or other Hereditaments so sold shall have belonged, and shall be applicable and disposable by the said Governors to and for the Benefit and Augmentation of such Benefice, in such and the same Manner, and with such and the same Powers of Investment in the Purchase of Land, and Exchange for other Land and Hereditaments, and otherwise, and with other Powers and Authorities, in all respects, according to the Rules, Orders, and Constitutions for the Time being in force for the Management of the Bounty of Queen *Anne*, as if the Money so appropriated had been originally provided or appropriated by the said Governors, out of the Funds at their Disposal, for the Benefit and Augmentation of the same Benefice.

to and applied by the Governors of Queen Anne's Bounty for the Benefit of the Incumbent.

XXI. And be it enacted, That in all Cases in which Money shall be payable to the Governors of the Bounty of Queen *Anne* under the Provision last herein-before contained, such Money shall be paid to the Treasurer for the Time being of the said Governors; and the Receipt or Receipts of such Treasurer shall be an effectual Discharge or effectual Discharges for so much Money as in such Receipt or Receipts shall be expressed, to the Person or Persons paying the same; and after obtaining such Receipt or Receipts the Person or Persons paying such Money shall be absolutely discharged from all Liability touching such Money, and from all Trusts relating thereto.

Such Purchase Money to be paid to the Treasurer of Queen Anne's Bounty, and his Receipt shall be a valid Discharge.

XXII. And be it enacted, That where Her Majesty's said Commissioners shall have already formed or shall hereafter form any distinct and separate Parish, District Parish, or District Chapelry, under the Provisions of the herein-before recited Acts or any of them, or this Act, out of any Parish or extra-parochial Place, it shall be lawful for the Court of Chancery, any thing in the herein-before recited Acts to the contrary notwithstanding, on a Petition being presented to the said Court by any Two Persons resident in any such Parish or extra-parochial Place, (such Petition to be presented, heard, and determined according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to provide a summary Remedy in Cases of Abuses of Trusts created for charitable Purposes*,) to apportion between the remaining Part of such Parish or Place and the distinct and separate Parish, or District Parish, or District Chapelry, any charitable Devises, Bequests, or Gifts which shall have been made or given to or for the Use of any such Parish or extra-parochial Place, or the Produce thereof, and in any such Case to direct that the Distribution of the Proportions of such Devises, Bequests, or Gifts, or the Produce thereof, as shall be so apportioned, shall be made and distributed by the Incumbent or Spiritual Person serving the Church, or by the Churchwardens of any such distinct and separate Parish, District Parish, or District Chapelry, either jointly or severally, as the said Court of Chancery may think expedient; and it shall also be lawful for the said Court of Chancery to apportion between

Apportionment of Bequests, &c., and also of Charges, to be made by the Court of Chancery.

52 G. 3. c. 101.

between the remaining Part of such Parish or Place as aforesaid, and such separate Divisions or Districts, any Debts or Charges which may have been before the Period of such Apportionment contracted or charged upon the Credit of any Church Rates in such Parish or Place; and all such Apportionments shall be registered in the Registry of the Diocese in which such Parish or Place shall be locally situate, and Duplicates thereof shall be deposited with the Churchwardens of such Parish or Place, and of each such Division or District as aforesaid, and in all such Cases the Costs shall be at the Discretion of the said Court; and such apportioned Debts or Charges shall be raised and paid by the Parish or Place in which they may be apportioned in such and the like Manner as the Entirety was to be raised and paid, or in such Manner and under such Provisions and Conditions as the said Court shall direct, and when any Securities may have been given for the same the Court may order new Securities to be given for the apportioned Debts by such Persons and Bodies, and in all respects as the said Court may direct, and all Securities shall be valid and binding; and the Powers and Authorities given to the said Commissioners by the herein-before recited Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, with respect to the Apportionment by them of such Devises, Bequests, Gifts, and Charges, shall, after the passing of this Act, with respect to the future Exercise of such Powers and Authorities, cease and determine.

Agreement as to Right of Nomination entered into before building or Consecration of any new Church to be binding.

XXIII. And be it enacted, That if before or during the building of any new Church, or previous to its Consecration, the Bishop of the Diocese and the Patron and Incumbent of the Parish in which such new Church has been or is intended to be built shall enter into an Agreement in Writing that the Right of Nomination to such new Church shall on its Consecration belong to and be exercised by any Body Corporate, Aggregate, or Sole, or by any Person or Persons, such Agreement shall be binding on such respective Parties, their Successors, Heirs, and Assigns, and they shall be compellable to fulfil the same.

Assent of the Commissioners to any Conveyance or other Instrument shall be testified by their Seal.

Unless so testified, the Instrument shall not be registered.

XXIV. And be it enacted, That no future Conveyance to be made to the said Commissioners in pursuance of the herein-before recited Acts or any of them, or any other future Instrument thereby directed to be made with their Privity or Assent, shall be valid and effectual unless and until the Assent thereto of the said Commissioners shall be testified by any Seal in use by them being affixed thereto; but after such Seal shall have been affixed to such Instrument, such Instrument shall take effect as from the making thereof; and no future Instrument to which such Seal is as aforesaid so directed to be affixed, and which is directed to be registered in the Registry of any Diocese, shall be so registered unless and until such Seal shall have been so affixed.

Application of former Church Building

XXV. And be it enacted, That the existing Powers, Privileges, and Authorities contained in the herein-before first-recited Acts or any of them may be used and applied for the Purpose of carrying this Act

or

or the said Acts respectively into execution, *mutatis mutandis*, so far as the same are applicable thereto, and are not inconsistent with or repugnant to the Provisions of this Act. Acts to this Act.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1845.