

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XCVII.

An Act to amend the Church Building Acts.

[7th *August* 1851.]

WHEREAS the following Acts have been passed for building and promoting the building of additional Churches in populous Parishes in *England*, and are commonly referred to as the Church Building Acts; (that is to say,) an Act of the Fifty-eighth Year of King *George* the Third, Chapter Forty-five; an Act of the Fifty-ninth Year of King *George* the Third, Chapter One hundred and thirty-four; an Act of the Third Year of King *George* the Fourth, Chapter Seventy-two; an Act of the Fifth Year of King *George* the Fourth, Chapter One hundred and three; an Act of the Session holden in the Seventh and Eighth Years of King *George* the Fourth, Chapter Seventy-two; an Act of the Session holden in the First and Second Years of King *William* the Fourth, Chapter Thirty-eight; an Act of the Session holden in the Second and Third Years of King *William* the Fourth, Chapter Sixty-one; an Act of the Session holden in the Seventh Year of King *William* the Fourth and the First Year of Her Majesty, Chapter Seventy-five; an Act of the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and seven; an Act of the Session holden in the Second and Third Years of Her Majesty, Chapter Forty-nine; an Act of the Session holden in the Third and Fourth Years

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.
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.
8 & 9 Vict. c. 70.
9 & 10 Vict. c. 88.
9 & 10 Vict. c. 68.
11 & 12 Vict. c. 37.
11 & 12 Vict. c. 71.

Years of Her Majesty, Chapter Sixty; an Act of the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Fifty-six; an Act of the Session holden in the Eighth and Ninth Years of Her Majesty, Chapter Seventy; an Act of the Session holden in the Ninth and Tenth Years of Her Majesty, Chapter Eighty-eight; an Act of the same Session, Chapter Sixty-eight; an Act of the Session holden in the Eleventh and Twelfth Years of Her Majesty, Chapter Thirty-seven; and an Act of the same Session of Parliament, Chapter Seventy-one: And whereas it is expedient that the said 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, as follows:

Where a permanent Provision satisfactory to the Commissioners is secured in lieu of Pew Rents, Commissioners, with Consent of Bishop, may direct such Pew Rents to cease.

I. Where any Body or Person endows with such permanent Provision in Land or Money as is satisfactory to Her Majesty's Commissioners for building new Churches and the Bishop of the Diocese any Church for which Pew Rents have been previously fixed by the said Commissioners under the Provisions of the Church Building Acts, and where such Pew Rents have not been assigned or appropriated under any Local Act, such Endowment or Provision being made in lieu of and as a Substitute for such Pew Rents, in whole or in part, it shall be lawful for the said Commissioners, by an Instrument under their Common Seal, with the Consent of such Bishop under his Hand and Seal, setting forth the Nature of such Endowment, and that it was made for the Object aforesaid, to order and declare that such Pew Rents shall with respect to such Church cease and determine, and the same shall, according to such Order and Declaration, cease and determine in whole or in part, and the Seats or Pews so exempted from Rent shall thenceforth be at the Disposal of the Churchwardens of such Church in like Manner as the Seats or Pews of an ancient Parish Church, but the Pew Rents then due and payable shall nevertheless be payable and recoverable in the same Manner as if such Order had not been made.

Loss of Fees and Offerings may be compensated for by Commissioners out of the First Monies coming to them for that Purpose in respect to the Assignment of

II. In all Cases where any District Chapelry has already been or is hereafter formed under the Authority of the Church Building Acts, and where, by the Order in Council forming such District Chapelry, the Fees or any Part thereof arising from the Performance of such of the Offices of the Church as are performed in the Church of such District Chapelry have been reserved or such Fees otherwise belong to the then Incumbent of the original Parish or District (out of which such District Chapelry is taken) during his Incumbency, or to such Incumbent and his Successors, it shall be lawful for the said Commissioners, out of any Monies hereafter placed at their Disposal for

for that Purpose (not being Monies placed at their Disposal for the building or contributing to the building of new Churches), to assign to such Incumbent during his Incumbency, if he still remain Incumbent, or to such Incumbent, as the Case may require, such an annual Sum as may appear to the said Commissioners a just and reasonable Compensation for the Loss of any Fees, Dues, Oblations, or Offerings which such Incumbent may sustain by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of the District Chapelry. District Chapelries.

III. Where the Fees arising from the Performance of the Offices of the Church of a Consolidated Chapelry already or hereafter formed under the Church Building Acts are under such Acts reserved to the Incumbents of the Parishes out of which such Consolidated Chapelry is formed during their respective Incumbencies, unless voluntarily relinquished by them or either of them, Compensation may be made as aforesaid by the said Commissioners to such Incumbents, if still entitled to such Fees, for the Loss of any Fees, Dues, Oblations, or Offerings which such Incumbents may sustain by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of such Consolidated Chapelry. Compensation for Loss of Fees, &c. in respect of Formation of the consolidated Chapelries.

IV. Where the Fees or a Portion thereof arising from the Performance of Offices of the Church in the Church, with a particular District thereto, already or hereafter built and endowed, and the Patronage thereof specially declared under the Provisions of the Church Building Acts or this Act, are reserved or belong to the Incumbent of the original Parish or District out of which such particular District is taken, Compensation may be made as aforesaid by the said Commissioners to the then Incumbent, or to such Incumbent, as the Case may require, for the Loss of any Fees, Dues, Oblations, or Offerings by reason of the Transfer thereof, under the Provision herein-after contained, to the Incumbent of such Church. Compensation for Loss of Fees in respect to a Church built and endowed under 1 & 2 W. 4. c. 38.

V. After such Compensation as aforesaid has been awardd by the said Commissioners or otherwise to the then Incumbent, or to such Incumbent, as the Case may require, of the original Parish or District, and such Compensation has been certified by the said Commissioners (which Certificate shall be registered in the Registry of the Diocese), all the Fees or Portion of Fees reserved by the Order in Council, or otherwise belonging to the Incumbent of the original Parish or District during his Incumbency, or to the Incumbent thereof for the Time being and his Successors, shall, notwithstanding such Reservation or Claim, together with all Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within After Compensation, Fees and Offerings to belong to Minister of the District Chapelry, consolidated Chapelry, or particular District, notwithstanding any former Reservation.

within such District Chapelry, Consolidated Chapelry, or particular District, belong and be paid to the Incumbent for the Time being of such District Chapelry, Consolidated Chapelry, or particular District, for his own Use and Benefit.

Where Fees have not been reserved, or do not otherwise belong to Incumbent of original Parish, all Mortuary and other Fees, &c. shall belong to Incumbent of District Chapelry, &c.

VI. Where the Fees or any Part thereof arising from the Performance of the Offices of the Church, or any of them, are not reserved or do not otherwise belong to the Incumbent of the original Parish or District out of which the District Chapelry, Consolidated Chapelry, or particular District is taken, all the Mortuary and other Ecclesiastical Fees, Dues, Oblations, or Offerings arising within such District Chapelry, Consolidated Chapelry, or particular District shall from and after the passing of this Act belong and be paid to the Incumbent for the Time being of such District Chapelry, Consolidated Chapelry, or particular District, notwithstanding no Compensation for the Loss thereof has been made to the Incumbent of the original Parish or District.

With Consent of Bishop, Commissioners may in all Cases, subject to Notices to Patron and Incumbent, declare perpetual Right of Patronage to be in the Body or Person building and endowing a new Church, or in certain other Persons.

VII. In all Cases in which any Body or Person hereafter endows in manner herein-after mentioned, to the Satisfaction of the said Commissioners, any Church or any Building intended to be consecrated as a Church which has been or hereafter shall be erected, purchased, or acquired by such Body or Person, and where also in any Case such Body or Person hereafter provides a competent Fund, as herein-after mentioned, for the Repairs of such Church or Building, it shall be lawful for the said Commissioners, subject to no Restriction in consequence of the Amount of the Population of the ancient Parish, or new Parish or District, or Extra-parochial Place, or of the Church Accommodation therein, or Distance of such Church or Building from any existing Church, or otherwise, (except as to Notices to Patron and Incumbent as herein-after mentioned,) with the Consent of the Bishop of the Diocese, if under all the Circumstances it appear to them fit and proper so to do, to declare by an Instrument under their Common Seal the Right of nominating a Minister to such Church or Building to be for ever after the due Consecration thereof in the Body or Person so having erected or procured and endowed the same, their or his Successors, Heirs, or Assigns, or in such other Body or Persons as is herein-after provided: Provided always, that nothing herein contained shall deprive the Patron of such Parish or District as aforesaid of the Option given him by the said Act of the First and Second Years of King *William* the Fourth, Chapter Thirty-eight, to build an additional Church or purchase a Building for that Purpose, and endow the same to the Satisfaction of the Bishop of the Diocese, as mentioned in the said Act, or of the Preference in that Case given him by the said Act

over any other Person or Persons so intending to build such new Church or purchase such Building as aforesaid.

Commissioners may accept, for the Purpose of an Endowment and a Repair Fund, Lands, &c. and Money.

VIII. The Exemption from the Provisions of the Mortmain Acts, and the Restrictions applicable to such Exemption, contained in the said Act of the Third and Fourth Years of Her Majesty, shall be applicable to any Endowment or Grant or Conveyance for the Purpose of a Repair Fund of any such Church or Building; and, subject as aforesaid, the said Commissioners may accept by way of Endowment, and for the Purpose of a Repair Fund, for such Church or Building, such permanent Provision as they may consider satisfactory, consisting of all or any of the following Descriptions of Property, namely, Land, Tithes, Rentcharges, and other Tenements or Hereditaments, Money charged on Land or invested in the Funds; and such Endowment and Repair Fund shall be exclusive of and in addition to the Pew Rents (if any) of such Church or Building; and as regards any Endowments to be made for the Purpose of obtaining the Patronage as aforesaid, the same may be vested in such Trustees, not exceeding Five, as the said Commissioners direct; and such Trusts thereof, and for the Sale or Conversion thereof, and Reinvestment of the Produce either in Land or in Government Securities, with Powers of granting Building or other Leases, and all other Powers for the due Administration of such Endowments and Repair Fund, and Appointment of new Trustees, may be declared as the said Commissioners think fit.

In whom Right of Patronage may be vested.

IX. The Right of perpetual Nomination may, under the Instrument declaring the same as aforesaid, be vested in the Body or Person so having erected or procured and endowed such Church or Building, their or his Successors, Heirs, and Assigns, or in their or his Nominee, or such Trustees to be named in the said Instrument as they or he may signify to the said Commissioners before the Execution of such Instrument by the said Commissioners, or in case such Church or Building has been or shall be built or purchased and endowed by Subscription, then in such Body or Person, their or his Successors, Heirs, or Assigns, or such Trustees to be named in such Instrument, as the major Part in Value of the Subscribers of not less than Fifty Pounds each may signify to the said Commissioners before the Execution of such Instrument by the said Commissioners.

Appointment of Trustees.

X. If any of the Trustees to whom the Right of Nomination to any such Church or Building is in the first instance granted under such Instrument as aforesaid die, resign, or become incapable of acting, or be desirous of retiring from such Trust, the surviving or continuing Trustees or Trustee, or the Majority of the surviving

or continuing Trustees where more than Two, shall appoint new Trustees or a new Trustee in the Place of the Trustees or Trustee so dying, resigning, or becoming incapable as aforesaid, unless a different Mode of electing or Power of nominating new Trustees have been agreed upon in the first instance between the said Commissioners and the Body or Person building or purchasing, or obtaining, acquiring, and endowing, such Church or Building, or in case of the same being or having been built or purchased and endowed by Subscription, then between the said Commissioners and the major Part in Value of the Subscribers thereto of not less than Fifty Pounds each, such Agreement to be signed by such Body or Person, or by the Majority in Value of such Subscribers, and sealed by the said Commissioners, and in each such Case such new Trustees or Trustee shall be appointed in conformity to such Agreement; and every Trustee on his Nomination, and also so often as he exercises or concurs in exercising the Right of Nomination of which he is a Trustee, shall sign a Declaration that he is a Member of the United Church of *England* and *Ireland;* and on the Appointment of a Trustee it shall not be necessary to make any Conveyance of the Right of Nomination to the said Church; and when any Trustee or Trustees may have died, resigned, or become incapable of acting, the surviving or continuing Trustee or Trustees may continue to act, notwithstanding new Trustees may not have been appointed, unless the contrary have been directed in any such Agreement as aforesaid: Provided always, that if it should happen that all the Trustees for the Time being of such Church should die without having appointed any other Trustee or Trustees to supply the Vacancy or Vacancies, it shall in each such Case be lawful for the Bishop of the Diocese, under his Hand and Seal, to appoint any requisite Number of Trustees, not exceeding Five: Provided also, that the Patronage of any such Church shall not at any Time be vested in or held in trust by more than Five Persons, except where such Patronage passes by Descent to Coparceners, or by the Custom of Gavelkind to more than Five Persons, or is conveyed by Will or Deed to more than Five Children, Grandchildren, Nephews, or Nieces of the Grantor or Devisor.

Certain Information to be sent by the Commissioners to Patron and Incumbent before they declare Right of Patronage.

XI. Previous to such Declaration of the Right of Nomination being made by the said Commissioners, Application in Writing shall be made by the Body or Person having built or purchased or acquired, or proposing to build or purchase or acquire and endow as aforesaid, such Church or Building, or by the major Part in Value of the Subscribers thereto of not less than Fifty Pounds each, or by some Person authorized on his or their Behalf, to the said Commissioners, setting forth the estimated Amount of the Population of the

ancient Parish or new Parish or District or Extra-parochial Place in which such Church so built or proposed to be built, or such Building so purchased or proposed to be purchased or acquired, is situated, together with the estimated Amount of Accommodation provided in the several consecrated Churches within such ancient Parish or new Parish or District or Extra-parochial Place, together with the estimated Amount of the Population of the District (if any District is proposed) for which such Church or Building is intended to provide, and the Accommodation provided or proposed to be provided in such Church or Building, and its Distance from the consecrated Church or Churches in such ancient Parish or new Parish or District or Extra-parochial Place; and Copies of such Application or Notices containing the like Information shall in every such Case be sent by the said Commissioners to the Patron and Incumbent respectively of such ancient Parish or new Parish or District or Extra-parochial Place, in order to afford such Patron and Incumbent respectively the Opportunity of laying before the said Commissioners, for their Consideration, any Statement or Objections relating thereto; and if the District proposed for such Church or Building is to be taken out of any other ancient Parish or new Parish or District than the Parish or District in which it is situate, such Copies or Notices as aforesaid shall also be sent by the said Commissioners to the Patron and Incumbent of each such other Parish or District; and the said Commissioners shall not declare, or signify their Intention of declaring, such Right of Nomination until after the Expiration of Three Months next after such Copies or Notices have been so sent (unless each such Patron and Incumbent in the meantime consent thereto); and such Copies or Notices may be served personally on or directed and sent by Post to such Parties respectively: Provided always, that the District proposed in such Application may be subsequently varied, with the Consent of the Patron and Incumbent of the ancient Parish or new Parish or District from which such District is to be taken, at any Time before the Consecration of such Church or Building, without any fresh Copies of Application or Notices being required to be served on or sent to such Parties respectively.

How Notices shall be sent when Patrons are numerous.

XII. In any Case in which the Patronage of any ancient Parish or new Parish or District is vested in and exercised by the Inhabitants generally of such ancient Parish or new Parish or District, or by any Body or Class of Persons exceeding Five in Number, it shall be and be deemed to be a sufficient Compliance with the Provisions herein-before mentioned as to Notices to Patrons to deliver or transmit the before-mentioned Copies of Applications or Notices to Two or more of such Patrons, and to the Churchwardens of such ancient Parish or new Parish or District; and the said Commissioners shall not

not declare, or signify their Intention of declaring, such Right of Nomination, until after the Expiration of Three Months next after such Copies or Notices have been so delivered or transmitted, unless such Patrons in the meantime consent thereto.

Instrument declaring Right of Nomination may be executed after Completion of new Church, and after Execution of such Instrument, and Consecration, Right may be exercised.

XIII. After the Church or Building built or purchased or acquired and endowed as aforesaid has been completely finished, and fitted up for the Performance of Divine Service, such Instrument as aforesaid declaring the Right of Nomination may be executed by the said Commissioners under their Common Seal, and by the Bishop of the Diocese, as a consenting Party thereto; and after the due Execution of such Instrument, and the Consecration of such Church or Building, such Right of Nomination may be exercised by the Body, Person or Persons, in whom the same may be vested thereby, or by virtue of this Act, without requiring the Consent either of the Patron or the Incumbent of the ancient Parish or new Parish or District or Extra-parochial Place in which such Church or Building is situate, and notwithstanding no Compensation has been made to them or either of them, and notwithstanding any Local Act of Parliament may have specially reserved such Right of Nomination; and such Right of Nomination, when vested in more than Two Persons, shall in every such Case be exercised by the Majority, unless otherwise particularly specified and agreed upon; and the Body or Person or Trustees in whom the said Right of Nomination is so vested shall in every such Case, after the Consecration of such Church or Building, be Patrons of the said Church, by the Name and Style specified in the Sentence of Consecration; and such Right shall be of the Nature of Real Property; and every such Instrument of Nomination shall be registered in the Registry of the Bishop of the Diocese.

Sole Jurisdiction of Bishop to declare such Patronage, under Circumstances, to cease.

XIV. After the passing of this Act the sole Jurisdiction of the Bishop of the Diocese, under certain Circumstances conferred on him by the Church Building Acts, to declare under his Hand and Seal the perpetual Patronage of any new Church or Building, or to assign a District thereto, shall cease and determine; provided that nothing herein contained shall restrict or be construed to restrict any Bishop from exercising, if he think fit, such Jurisdiction with respect to any Application in Writing made to him under the Church Building Acts before the passing of this Act, or to interfere with the Progress or Completion of any Proceedings, or the Jurisdiction of the said Commissioners, or of such Bishop therein, which have been taken with respect to any Case which before the passing of this Act has been brought before them or him under such Acts, but they and he respectively shall have in such Cases the same Jurisdiction therein as they or he would have had if this Act had not been passed.

XV. The

The existing Powers of the Commissioners as to Declaration of the Patronage of a new Church built and endowed under the 1 & 2 W. 4. c. 38. or 1 & 2 Vict. c. 107. not to be affected, except so far as they are altered or enlarged by this Act.

XV. The existing Powers and Authorities vested in the said Commissioners under the Provisions of the said Acts of the First and Second Years of King *William* the Fourth, the First and Second Years of Her Majesty, or of any other of the Church Building Acts, and the existing Provisions thereof with respect to any Church or Building built or acquired and endowed, and the Patronage thereof specially declared, and the Assignment of a District thereto, under such Acts or any of them, or any Matters or Things relating to such Church or Building or District, or the Incumbent or Minister thereof, shall apply to and be in force with respect to any Church or Building built or acquired and endowed, and the Patronage thereof specially declared under the Provisions of this Act, and with respect to the Assignment of a District thereto, and the Incumbent or Minister thereof, except so far as such Powers, Authorities, and Provisions are altered, enlarged, or varied by or are repugnant to or inconsistent with the Provisions of this Act.

Certain Powers of Church Building Acts to apply to newly constituted Parishes.

XVI. The Powers and Provisions of the Church Building Acts or this Act relative to the Formation of any Parish or District shall be applicable to the Formation of any Parish or District out of any new Parish formed or hereafter to be constituted by or under the Proceedings of the Ecclesiastical Commissioners for *England*.

Supplemental Order in Council for Performance of Baptisms, Churchings, and Burials.

XVII. Where a District Chapelry has been already or is hereafter assigned to any Church under the Provisions of the Church Building Acts, and the Order in Council assigning such District Chapelry does not direct that the Offices of Baptisms, Churchings, and Burials shall be performed in such Church, or only directs that One or Two of such Offices should be performed therein, it shall be lawful for Her Majesty, by any Supplemental Order in Council, on a Representation to be made to Her Majesty by the said Commissioners, with the Consent of the Bishop of the Diocese, to order that all or any of the Offices of Baptisms, Churchings, and Burials, not included in such First Order in Council as aforesaid, shall be thereafter performed in such Church, and that all the Fees arising from the Performance of the Offices so authorized, or a Part thereof, shall thereafter belong and be paid to the Minister of such Church, or after the next Avoidance of the Parish or District out of which such District Chapelry is formed, or that all or a Portion of such Fees shall belong and be paid to the Incumbent of such Parish Church or District; and all the Laws in force relating to the Performance of such Offices, and the Registration thereof, shall apply to such Offices as may be performed under such Supplemental Order in Council; provided that nothing herein contained shall authorize receiving Fees for Baptisms.

Commissioners, with Consent of Bishop, may order the Fees, &c. for Marriages in any new Church built and endowed under the 1 & 2 W. 4. c. 38. or this Act to belong, after next Avoidance of Parish Church or District, to the Incumbent of such new Church.

XVIII. Anything in the said Act of the Seventh and Eighth of Her Majesty to the contrary notwithstanding, it shall be lawful for the said Commissioners, if they think fit, with the Consent in Writing of the Bishop of the Diocese, to order and direct that all or a Portion of the Fees, Dues, Offerings, and other Emoluments arising from the Publication of Banns or the Solemnization of Marriages in any new Church already or hereafter built, acquired, and endowed, and the Patronage thereof, specially declared under the Provisions of the said Act of the First and Second Years of King *William* the Fourth, or this Act, by the said Commissioners or the Bishop of the Diocese, and in which Church Banns of Matrimony may be published and Marriages solemnized, under the Provisions of the said Act of the Seventh and Eighth Years of Her Majesty, shall, from and after the next Avoidance, from the Time of such Order and Direction of the Parish Church or District out of which the District of the new Church is taken, or of the Parish Churches or Districts (if the District be taken out of more than One Parish or District), belong and be paid to the Incumbent for the Time being of such new Church, for his own Use and Benefit.

Provisions of 8 & 9 Vict. c. 70. as to forming a Consolidated Chapelry out of a Parish, &c. to extend to Formation of such Chapelries, &c.

XIX. The Provisions contained in the said Act of the Eighth and Ninth Year of Her Majesty, Chapter Seventy, relative to the Formation of a Consolidated Chapelry out of Parishes or Extra-parochial Places the Boundaries of which are contiguous to each other, and the vesting the Patronage of the Church thereof in the Body or Person mentioned in such Act, shall extend and apply to the Formation of any Consolidated Chapelry out of any Parishes or Districts already formed or hereafter to be formed the Boundaries of which are contiguous to each other.

If the major Part in Number of the Patrons of such Parishes, &c. agree, the Chapelry may be formed and the Patronage vested according to such Agreement, and the same shall be valid.

XX. If the major Part in Number of the Patrons of the respective Parishes or Districts or Extra-parochial Places out of which any Consolidated Chapelry is to be formed by virtue of the said Act or this Act concur as to the Formation of such Consolidated Chapelry, and as to the Body or Person in whom the Right of Patronage to the Church of such Consolidated Chapelry shall belong, the Formation of such Consolidated Chapelry, and the vesting of the Patronage of the Church thereof accordingly, under the Provisions of the said Act or this Act, shall be as valid as if the Patron of each such respective Parish or District or Extra-parochial Place had severally agreed to the same.

Church Building Acts, as to the Forma-

XXI. Whenever, under and by virtue of any Local Act now in force, any Parish cannot be brought within the Provisions of the Church Building Acts touching the Formation thereout of a Parish

or

or District, and whenever a Representation is made to the said Commissioners by the Patron and Incumbent of such Parish, and by the Vestry or Select Vestry, or Persons exercising the Powers of Vestry in Ecclesiastical Matters, in such Parish, that it will be for the Spiritual Benefit of such Parish that it should be brought within such Provisions, it shall be lawful for the said Commissioners, if they think fit, with the Consent of the Bishop of the Diocese, to apply and put in execution with respect to such Parish the Powers and Provisions of the Church Building Acts and this Act relative to the Formation of any Parish or District, and such Provisions shall thereupon be applicable to such Parish, any Local Act of Parliament to the contrary notwithstanding; provided that if the Patronage of such Church is vested in or exercised by the Inhabitants thereof generally, or by any Body or Class of Persons exceeding Thirty in Number, such Application to the said Commissioners shall be sufficient if signed by the Incumbent of such Parish and by the Vestry or Select Vestry, or Persons exercising the Powers of Vestry; and such Vestry or Select Vestry, or Persons exercising the Powers of Vestry, as aforesaid, in such Parish, may meet for the Purpose of considering and deciding whether it is expedient to make such Representation as aforesaid to the said Commissioners, and if the Majority in Number of those present at such Meeting be in favour thereof the Churchwardens of such Vestry, or the Chairman of such Meeting, may and shall sign such Representation on behalf of such Vestry or Meeting.

tion of a Parish or District, to apply to a Parish regulated by a Local Act, on Application to the Church Building Commissioners by Patron, Incumbent, and Vestry.

XXII. Provided, That nothing in this Act contained shall alter or affect the Provisions of the Parish of *Manchester* Division Act, 1850.

Saving of the Manchester Division Act, 1850.

XXIII. From and after the passing of this Act no Select Vestry shall be formed under the Provisions of the Church Building Act, and every such Select Vestry already formed under such Provisions shall be and is hereby declared to be abolished, and all the Powers and Provisions therein enacted relative to such Select Vestries shall henceforth cease and determine; provided that all Matters and Things done by any such Select Vestry in pursuance of any Powers given them by such Acts or any of them shall be and remain as valid as if such Select Vestry had not been abolished.

Abolition of Select Vestries formed under the Church Building Acts.

XXIV. The Powers and Provisions contained in an Act passed in the Session holden in the Sixth and Seventh Years of Her Majesty, Chapter Thirty-seven, Section Twenty-two, enabling Persons and Bodies Corporate to give and grant Lands, Tithes, Tenements, or other Hereditaments for the Purposes of the said Act, shall be construed and held to authorize any Ecclesiastical Corporation, Aggregate

Provisions of 6 & 7 Vict. c. 37. s. 22. to apply to an Ecclesiastical Corporation, Aggregate or Sole, with certain Consents.

Aggregate or Sole, to give or grant any Land or Tithes belonging to such Corporation in the Manner and for the Purposes in the said Act mentioned: Provided always, that the Power hereby given shall only be exercised with the following Consents in Writing; that is to say, in the Case of a College, with the Consent of the Visitor; in the Case of a Bishop, with the Consent of the Archbishop of the Province; in the Case of a Dean, with the Consent of the Dean and Chapter; in the Case of a Canon or Prebendary, with the Consent of the Patron of such Canonry or Prebend respectively; in the Case of the Incumbent of a Benefice, with the Consents of the Bishop of the Diocese and the Patron of such Benefice; and that the Provisions of an Act passed in the Session holden in the First and Second Years of Her Majesty, Chapter One hundred and six, respecting the Party or Parties to be deemed Patron or Patrons, and also respecting the Manner in which and the Party by whom any such Consent is to be given, shall be held to apply to the Consents hereby required.

The Validity of Marriages performed in Error, and without Fraud, in certain Churches with Parishes or Districts assigned to them, not to be questioned, except where any Action pending on 19th June 1851.

XXV. Where by Error, and without Fraud, Banns of Matrimony have been published or Marriages solemnized in the Church of any Parish or District in which Church Banns could not legally be published nor Marriages legally solemnized, the Banns of Matrimony already published and Marriages already solemnized in such Church as aforesaid shall not, except where any Action, Suit, or other Proceeding in relation to the Validity of any such Marriage was pending on the Nineteenth Day of *June* One thousand eight hundred and fifty-one, be questioned on account of the said Banns having been published or the said Marriages solemnized in any such Church as aforesaid, and the Minister or Ministers who solemnized the same shall not be liable to any Ecclesiastical Censure or to any other Proceedings or Penalties whatsoever by reason thereof; and the Registers of all Marriages so solemnized as aforesaid, except as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively.

To whom the Nomination to the Church of a distinct and separate Parish, District Parish, or District Chapelry, formed out of an Extra-parochial Place, shall belong.

XXVI. When a new Church is built in an Extra-parochial Place the Right of Nomination to such Church, if not vested elsewhere, shall belong to the Bishop of the Diocese in which such Church is situate and his Successors; and when an Extra-parochial Place has been formed into a distinct and separate Parish, or District Parish or District Chapelry, under the Provisions of the Church Building Acts, the Right of Nomination to the Church of such distinct and separate Parish, or District Parish or District Chapelry, shall belong to and be exercised by the Bishop of the Diocese and his Successors: Provided nevertheless, that nothing herein-before contained shall be construed to interfere

interfere with the Powers given by this Act to the said Commissioners, with the Consent of the Bishop of the Diocese, specially to declare the Patronage of a new Church built in an Extra-parochial Place, and endowed to their Satisfaction.

Apportionment or Release of Quit Rents, &c.

XXVII. When any Rent or other annual or recurring Charge shall be payable out of any Hereditaments a Part whereof is hereafter acquired under any of the Provisions contained in the Church Building Acts, it shall be lawful for the Persons or Bodies giving or selling the said Hereditaments, or for the said Commissioners, if they take the said Lands under the Powers of the Church Building Acts, but in either Case with the Consent in Writing of the Person in the actual and lawful Receipt of such Rent or annual or recurring Charge at the Time of its Apportionment, to apportion the said Rent or Charge in such Manner as the said Commissioners see fit, and to charge One Part thereof on the Hereditaments to be conveyed to the said Commissioners, and the other Part thereof on the Remainder of the Hereditaments charged therewith; and the several Portions of the said Rent or Charge so apportioned which may be charged on the Hereditaments so conveyed to the said Commissioners and the Remainder of the Hereditaments originally charged respectively shall in all respects, as far as Circumstances will admit, be recoverable from or out of the Hereditaments so conveyed and the Remainder of the Hereditaments originally charged respectively, in the same Manner as the original Rent or Charge was recoverable from or out of the whole of the said Hereditaments or any Part thereof; but if the Part of the Hereditaments so charged which is not acquired under the Provisions contained in any of the Church Building Acts be, in the Opinion of the said Commissioners and of the Body or Person having Power under the said Acts or otherwise to sell or give the other Part of the said Hereditaments to said Commissioners, of ample Value to bear the whole of the said Rent or Charge, then such Part of the Hereditaments as may be conveyed to the said Commissioners may be conveyed free from such Rent or Charge, and the Remainder of the Hereditaments shall continue liable to the whole thereof, in the same Manner as the whole of the Hereditaments were originally liable, and the said Commissioners are hereby authorized to do all Acts necessary for giving full Effect to such Apportionment or Discharge and Charge.

Freehold of Chapel, Lodge, &c. erected under the Provisions of 9 & 10 Vict. c. 68. shall

XXVIII. The Freehold of any Chapel already or to be hereafter built under the Provisions of the said Act of the Ninth and Tenth Years of Her Majesty, Chapter Sixty-eight, as a Chapel for the Burial Service, when such Chapel has been consecrated, and the Freehold of any Lodge, Walks, or Gates already or hereafter erected or made under

vest in the Bishop of the Diocese.

under such Act on any Part of such Burial Ground as aforesaid, shall vest in the Bishop of the Diocese for the Time being in which the same is situate; and the Preservation and Custody thereof shall belong to the Trustees for the Time being of the Repair Fund, appointed under the Provisions of the said last-mentioned Act, who shall have Power to make such Orders and Regulations from Time to Time as may to them in that Behalf seem proper.

Interpretation of Terms.

XXIX. In the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to or inconsistent with such Construction, the Word "Church" shall mean and include any consecrated Church or Chapel belonging to the United Church of *England* and *Ireland*; the Word "Bishop" shall be construed to comprehend Archbishop, and the Word "Diocese" shall be construed to comprehend all Places to which the Jurisdiction of any Bishop extends under and for the Purposes of an Act passed in the Second Year of Her present Majesty, Chapter One hundred and six; the Word "Tithes" shall mean and include all commuted or uncommuted Tithes, Rentcharges in lieu of Tithe, Portions and Parcels of Tithes, and all Moduses, Compositions real and prescriptive, and Customary Payments; the Words "Church Building Acts" shall mean and include all or any of the Acts mentioned in the Preamble of this Act; the Words "Parish or District" or "new Parish or District" shall mean and include any distinct and separate Parish, District Parish, District Chapelry, Consolidated Chapelry, or particular District already or hereafter formed under the Provisions of the Church Building Acts; the Word "Churchwarden" shall mean and include Churchwarden and Chapelwarden; and the Words "Body or Person" shall mean and include any Body Politic, Corporate, or Collegiate, or any Corporation Aggregate or Sole, as well as One Individual.

Extent of this Act.

XXX. 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*.

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