

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XLI.

An Act to regulate the Appointment of Ministers to Churches in *Scotland* erected by voluntary Contribution. [30th *July* 1834.]

WHEREAS in many Parishes in *Scotland* the Means of Public Worship provided by the Established Church of *Scotland* are inadequate to the Extent of the Population; and it is expedient to encourage the Erection of additional Places of Worship by voluntary Contribution: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Church, Chapel, or other Place of Worship in *Scotland*, built or acquired and endowed by voluntary Contribution, shall, according to the Provisions of the existing Law, be erected into a Parochial Church, either as an additional Church within a Parish already provided with a Parochial Church, or as the Church of a separate Parish to be erected out of a Part or Parts of any existing Parish or Parishes, whether the same be established and erected merely *quoad spiritualia* by the Authority of the Church Courts of the Established Church of *Scotland*, or also *quoad temporalia* by Authority of the Lords of Council and Session, as Commissioners of Teinds, neither the King's Majesty, nor any private Person, nor any Body Politic or Corporate, having Right to the Patronage of the Parish or Parishes within which such additional Churches shall be established, or out of which such new Parishes shall be erected, shall have any Claim, Right, or Title whatsoever to the Patronage of such newly-established Churches

Ministers to Places of Worship in Scotland built by voluntary Contribution, and erected into Parochial Churches, to be appointed according to the Mode prescribed by the Church Courts.

Churches or newly-erected Parishes; but the Appointment of Ministers thereto shall be made according to the Manner and subject to the Conditions which shall be or have been prescribed by the said Church Courts, subject always to such Alterations as shall be made by them according to the Laws of the Church from Time to Time: Provided always, that nothing in this Act contained shall extend or be construed to extend to depriving His Majesty, or others, Patrons of Parishes in *Scotland*, of their Right to present Ministers to the existing Parochial Churches thereof: Provided always, that neither any Part of the Stipends of Ministers appointed for the Service of any such additional Churches to be erected by voluntary Contribution as aforesaid, nor any Charge for the Support or Repairs of any such Church, School House, or other Building appertaining to the same, nor for the Erection or Support or Repairs of any Manse or Building for the Residence of such Ministers, nor for the Provision of any Glebe for any of such Ministers aforesaid, nor for the Support of any Schoolmaster, shall be imposed on or become chargeable on the Teinds or to the Heritors of any Parish or Magistrates of Towns in which any such Church as aforesaid shall be erected or endowed by voluntary Contribution as aforesaid: Provided also, that nothing herein contained shall be construed to limit or affect the Powers of the Commissioners of Teinds exercised under and according to the Provisions of the Act of the *Scottish* Parliament, Sixth of Queen *Anne*, C. 9, intituled *An Act anent the Plantation of Kirks and Valuation of Teinds.*

Saving the Rights of Patrons.

Proviso for Parishes in which are Churches erected by voluntary Contribution.

Act not to affect Powers of Commissioners of Teinds under 6 Ann. c. 9. (S.)

One Fifth of Sittings to be at Rents fixed by Church Courts.

II. Provided always, and be it enacted, That in every Church or Chapel which may be erected under the Authority of this Act not less than One Fifth Part of the Sittings therein shall be at Rents to be fixed by the said Church Courts.

Act not to extend to Churches built in any Parish by the Patron.

III. Provided always, and be it further enacted, That this Act shall not extend to any Church or Chapel built and endowed in any Parish by the Patron thereof, who shall retain every Right to which he would have been legally entitled had this Act never been passed into Law.

Providing for Churches built by Patron and Heritors only.

IV. And be it enacted, That if in any Parish a Church or Chapel shall be built and endowed at the joint Expence of the Patron thereof and of One or more Heritors therein, and of no other Persons, the legal Rights of the Patron shall take full Effect as aforesaid, unless an Objection shall be transmitted in Writing to the Moderator of the Presbytery of the Bounds, and signed by such a Number of the Heritors as shall have contributed One Fourth Part of the whole Sum laid out or to be expended in the said Building and Endowment, in which Case the said Church or Chapel shall fall within the Provisions of this Act.

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