

ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

****

CAP. XCIV.

An Act to explain and amend an Act for making better Provision for the Spiritual Care of populous Parishes. [9th *August* 1844.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes;* and it is expedient to explain and amend certain of the Provisions of the said Act: Be it 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 wherever any Right of Patronage of any District or new Parish constituted under the Authority of the said Act, and Nomination of the Minister or Perpetual Curate thereof, shall be assigned to or vested in or may be exercised by Her Majesty, according to or under the Provisions of the same Act, it shall be lawful for Her Majesty to nominate to the Bishop of the Diocese a Spiritual Person to be licensed to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, by Warrant under Her Royal Sign Manual; and such Warrant shall be full and sufficient Authority to such Bishop to license such Spiritual Person accordingly.

6 & 7 Vict. c. 37.

Crown may nominate Ministers by Warrant under Sign Manual.

Bishop may license, as to any existing Perpetual Curacy.

II. And be it declared and enacted, That wherever any Right of Patronage of any such District or new Parish shall in like Manner be assigned to or vested in or may be exercised by any Bishop, it shall be lawful for such Bishop to license a Spiritual Person to such District or new Parish as Minister or Perpetual Curate thereof, as the Case may be, in the same Manner, *mutatis mutandis*, as he may now by Law license a Spiritual Person to any Perpetual Curacy.

Warrant without Fee.

Fee for Licence.

III. Provided always, and be it enacted, That no Fee whatever shall be payable for or in respect of any such Warrant as aforesaid; and that a Fee of One Pound, and no more, shall be receivable by the Secretary of any Bishop for and in respect of each and every Licence granted by such Bishop of a Spiritual Person as Minister or Perpetual Curate of any such District or new Parish as aforesaid, or of any Building licensed by such Bishop within any such District for the Performance of Divine Service, pursuant to the Provisions of the said Act; and no further or larger Fee or Gratuity shall be receivable by any Person whomsoever for or in respect of the making, issuing, or granting of any such Licence as aforesaid.

How Scheme to be served where Incumbent or Patron absent from England.

IV. And be it declared and enacted, That wherever any Incumbent or Patron to whom, according to the Provisions of the said recited Act, it shall be necessary to transmit or deliver the Draft of any Scheme proposed to be laid before Her Majesty in Council, shall be beyond the Seas, it shall be and be deemed to be a sufficient Compliance with such Provisions to leave such Draft, in the Case of an Incumbent, at the House of Residence belonging to his Benefice or Church, or if there be no such House of Residence then at his last usual Place of Abode in *England*, and in the Case of a Patron at his last usual Place of Abode in *England*: Provided always, that in any such Case of an absent Incumbent or Patron such Scheme shall not be laid before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which the Draft thereof shall have been so left, unless such Incumbent and Patron shall in the meantime consent to the same.

How where Incumbent incapacitated or Benefice sequestered.

V. And be it declared and enacted, That in the Case of any such Incumbent being an Idiot or Lunatic or of unsound Mind, or of any Benefice or Church being under Sequestration, or of the Duties thereof being performed by a Curate duly appointed in consequence of the Suspension or the reputed Incapacity of the Incumbent thereof, it shall be and be deemed to be a sufficient Compliance with the same Provisions to deliver or transmit the Draft of any such Scheme to the Committee of such Idiot, Lunatic, or Person of unsound Mind, or to the Sequestrator, or to such Curate of such Benefice or Church, as the Case may be; and the Consent of such Committee, Sequestrator, or Curate shall be deemed to be the Consent of the Incumbent, within the Meaning of the said Act.

How where Patrons numerous.

VI. And be it declared and enacted, That in any Case in which the Patronage of any Church or Chapel of any Parish, Chapelry, or District is or shall be vested in and exercised by the Inhabitants generally

generally of such Parish, Chapelry, 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 same Provisions to deliver or transmit the Draft of any such Scheme to one of such Patrons, and to the Churchwardens or Chapelwardens of any such Church or Chapel, as the Case may be; and such Churchwardens or Chapelwardens, or one of them, shall thereupon cause Notice of the Contents of such Draft to be given to such Patrons, and shall ascertain their Objections, if any, or their Consent to such Scheme, in such Manner as the Ecclesiastical Commissioners for *England* shall direct, and such Churchwardens or Chapelwardens, or one of them, shall communicate the same to the said Commissioners or to the Bishop of the Diocese; and the said Commissioners shall not lay such Scheme before Her Majesty in Council until after the Expiration of Two Calendar Months from the Day on which such Draft shall have been so delivered or transmitted, unless such Consent shall in the meantime be given.

Construction of certain Terms in 6 & 7 Vict. c. 37.

VII. And be it declared and enacted, That in the Construction of the said recited Act the Words "Goods and Chattels" shall be construed to extend to and comprehend all Personal Estate and Property whatsoever; and the Word "Testament" shall be construed to extend to and comprehend any Will or Testamentary Paper whatsoever, including under such Definition the Execution by any such Will, Testament, or Testamentary Paper of any Appointment, in pursuance of any Power, howsoever conferred or acquired.

Original Map or Plan may be registered.

VIII. And be it declared and enacted, That, notwithstanding any thing in the said recited Act contained, it shall be lawful to transmit the original Map or Plan annexed to any Scheme laid before Her Majesty in Council under the Provisions of the said recited Act, to be registered in the Registry of the Diocese, instead of a Copy thereof, as provided by the same Act.

Bounds of Districts may be varied within limited Time.

IX. And be it declared and enacted, That it shall be lawful, by the Authority in the said recited Act provided, at any Time or Times within Twelve Months after the Date of the Licence of the Minister first licensed to any separate District constituted under the Provisions of the same Act, to alter the Bounds of such District, although any Alteration be not required with a view to the constituting of another separate District: Provided always, that the Scheme for making any such Alteration shall be subject to all the Provisions in the same Act and in this Act contained relating to Schemes for constituting separate Districts thereunder; and that any Portion of any such separate District which by any such Alteration as aforesaid shall become detached or excluded therefrom shall to all Intents and Purposes again belong to and form Part of the Parish, Chapelry, or District out of which such Portion was taken, upon such separate District being originally constituted, or to and of any new District, as shall be determined by the like Authority.

Until Minister licensed, cure of Souls not affected.

X. And be it declared and enacted, That in the Case of any District constituted under the Provisions of the said recited Act nothing

nothing contained in the Scheme or Order for constituting the same shall in any Manner whatever affect any Parish, Chapelry, or District, as to the Pastoral Superintendence of the Inhabitants thereof or otherwise, until a Minister shall have been duly licensed to such newly constituted District.

Form of Grant or Conveyance.

XI. And be it enacted, That any Grant, Conveyance, or Assurance which shall be made to the said Commissioners by Deed, under the Authority of the said recited Act, of any Lands, Tithes, Tenements, or other Hereditaments, may be made according to the Form in the Schedule hereunto annexed contained, or as near thereto as the Circumstances of the Case will admit; and every such Conveyance and Assurance shall be valid and effectual in the Law to all Intents and Purposes.

Act may be altered this Session.

XII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

SCHEDULE.

I [*or* We, *or the Corporate Title, if a Corporation*], under the Authority of Acts passed in the Sessions of Parliament held in the Sixth and Seventh and Seventh and Eighth Years of the Reign of Her present Majesty, intituled respectively, "An Act to make better "Provision for the Spiritual Care of populous Parishes," and "An "Act to explain and amend an Act to make better Provision for "the Spiritual Care of populous Parishes," do by these Presents freely and voluntarily, and without any valuable Consideration, give, grant, convey, and assure to the Ecclesiastical Commissioners for England all [*describe the Premises to be conveyed*], and all [my, *or* our, *or* the] Right, Title, and Interest [of, *if a Corporation*,] to and in the same and every Part thereof, to hold to the said Commissioners and their Successors for the Purpose of [*describe the particular Purpose, being some Purpose within the Provisions of the said Acts, or say, generally*, for the Purposes of the said Acts]. In witness whereof, *&c.*

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1844.