CAP. CXLII.

An Act to make better Provision for the Union of contiguous Benefices in Cities, Towns, and Boroughs. [28th *August* 1860.]

'WHEREAS an Act was passed in the Second Year of Her Majesty's Reign, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*; and in such Act Provision is contained authorizing the Union by Order of Her Majesty in Council, after such Inquiry and Notice and with such Consent and upon such Certificate as is therein mentioned, of Two or more Benefices, or One or more Benefice or Benefices and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in the same Parish or contiguous to each other, of which the aggregate Population should not exceed One thousand five hundred Persons, and the aggregate yearly Value should not exceed Five hundred Pounds: And whereas another Act was passed in the Fourteenth Year of Her Majesty's Reign, intituled *An Act to amend the Law relating to the holding of Benefices in Plurality*, by which Act the Provision hereinbefore referred to was extended so as to be applicable to and for the Union of Benefices, Sinecure Rectories, and Vicarages, in the same Parishes or contiguous to each other, and of which the aggregate Population should not exceed One thousand five hundred Persons, notwithstanding the aggregate yearly Value should exceed Five hundred Pounds: And whereas another Act was passed in the Eighteenth and Nineteenth Years of Her Majesty's Reign for making better Provision for the Union of contiguous Benefices, which Act will expire on the Fourteenth Day of *August* in the present Year: And whereas it is expedient to extend the Provisions of the said Two first-recited Acts, so as to make better Provision for the Union of contiguous Benefices in the Metropolis:' 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:

1 & 2 Vict. c. 106.

13 & 14 Vict. c. 98.

18 & 19 Vict. c. 127.

Contiguous Benefices within the Metropolis as defined by 18 & 19 Vict. c. 120. may be united.

I. After the passing of this Act, Two or more contiguous Benefices within the Metropolis as defined by an Act passed in the Session of Parliament which sat in the Nineteenth and Twentieth Years of the Reign of Her Majesty, intituled *An Act for the better Local Management of the Metropolis*, may from Time to Time be united, or a Benefice or contiguous Benefices and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, contiguous to such Benefice or Benefices, and situate in the Metropolis, may from Time to Time be united without regard in any Case to aggregate Population or aggregate yearly Value, and without Limitation as to the same, and every such Union shall be effected in the Manner herein-after provided.

Interpretation of Terms.

II. The Expression "Union of Benefices" shall throughout this Act (unless there shall be something in the Context repugnant to such Construction) mean such an Union of Two or more contiguous Benefices with one another, or such an Union of a Benefice or Benefices with a Spiritual Sinecure Rectory or Spiritual Sinecure Rectories, Vicarage or Vicarages, as is specified in the preceding Section of this Act; and the Expression "united Parish" shall mean the Parishes which in consequence of an Union of Benefices shall have become united for Ecclesiastical Purposes under this Act.

Power to Bishops of London or Winchester to issue Commissions.

III. Whenever it shall appear to the Bishop of the Diocese of *London* or of *Winchester*, as the Case may be, that an Union of Benefices may with Advantage to the Interests of Religion be effected within his Diocese, he may cause a Commission to be issued under his Hand and Seal, addressed to Five Persons, to be nominated as after mentioned, authorizing and requiring them to inquire into and report upon the Expediency of the proposed Union, and such Commissioners shall and may inquire into all such Matters in anywise affecting such Union or connected therewith as they may deem necessary, and the Commissioners shall make their Return to the Commission within Six Calendar Months from the issuing of the Commission, or within such enlarged Time as the Bishop shall, by Writing under his Hand, from Time to Time direct, and Notice of the issuing of a Commission shall be sent by the Bishop to the Vestry Clerk of each Parish proposed to be united, and Notice thereof shall be published by such Vestry Clerk by affixing it upon the Door of the Parish Church.

Commission how to be nominated.

IV. Three of the Commissioners shall be beneficed Clergymen residing within the Diocese, of whom One shall be nominated by the Dean and Chapter of the Cathedral Church of *Saint Paul*, and Two by the Bishop of the Diocese, and the remaining Two shall be Lay Members of the Church of *England*, and shall be nominated to the Bishop by the Corporation of the City of *London*; and no Commissioner shall be entitled to claim or shall receive any Salary or Payment for performing the Duties imposed on him as such Commissioner.

The Number to constitute a Quorum, their Powers, and the Return to the Commission.

V. Three of the Commissioners, of whom One shall be a Lay Commissioner, shall constitute a Quorum; and the Commissioners shall have Power at their Discretion to call for the Production before them of any Documents not affecting private Interests which they may deem necessary for the Purposes of the Commission, and the Persons having the Care or Custody of such Documents shall be bound to produce them to the Commissioners upon the Requisition in Writing of any Two Commissioners; and the Commissioners may examine on Oath all Persons desirous or willing to be examined by them touching any Matter relating to the Object of the Commission, and may administer the Oaths necessary for that Purpose, and the Churchwardens of the Parishes proposed to be united shall have Notice of the Sittings of such Commission, and shall be entitled, with their Vestry Clerk, to attend thereat; and the Commissioners shall in their Return to the Commission certify all such Matters and Things as shall appear to them material, together with their Opinion as to the Expediency or otherwise of the proposed Union, and if they, or any Three of them competent to constitute a Quorum, shall deem the Union expedient, shall recommend the Terms on which in their Opinion the same ought to be effected.

Disqualification of Commissioners, and the issuing a fresh Commission.

VI. If before the Return to the Commission any Commissioner shall die, or become incapable of acting by Removal from the Diocese or otherwise, the Commission shall continue in full Force, unless there shall not be sufficient Commissioners remaining to constitute a Quorum; and notwithstanding the Death or Disqualification of any One or more of the Commissioners the qualified Commissioners for the Time being shall continue to exercise the Powers given to the Commissioners by this Act until such Vacancy or Vacancies shall have been filled up, but if there shall not be a sufficient Quorum, the Bishop may, either before or after the Time limited for the Return to the Commission, issue a fresh Commission under the Provisions of this Act in lieu of the original Commission, and the Commissioners under such substituted Commission shall have all the Powers of the original Commission, and may adopt the Evidence taken under it.

Bishop to prepare and transmit Proposals for a Scheme to Churchwardens and Vestry.

VII. If the Return to the Commission shall recommend an Union, the Bishop shall cause Proposals for a Scheme, based upon the Terms recommended, to be prepared for effecting the Union, which Proposals, with the Consent thereto in Writing of the Patron or Patrons of each of the Benefices affected, shall be transmitted by the Bishop to the Churchwardens of each Parish proposed to be united, in order that the same may be considered by the Inhabitants in Vestry assembled; and all such Proposals shall have especial Regard to the Residence of the Incumbent on the Benefice proposed to be constituted the united Benefice, and shall contain all necessary Provisions conducing to such Residence.

Vestry to notify Assent or Objections and Bishop to transmit final Proposals to Ecclesiastical Commissioners, to prepare Scheme, and certify same to the Queen in Council.

VIII. The Vestry of each Parish shall, by the Vestry Clerk or other Officer, notify to the Bishop, within Two Calendar Months after the Receipt of the Proposals, their Assent or their Objections to or any Suggestions for the Modification of the same, and the Bishop shall give full Consideration to every such Notification of Vestry, and shall make such Alterations in the Proposals as he may think right; and the Bishop shall cause such Proposals, as finally approved by him and assented to by the Patrons, and by the Vestries of the Parishes to be affected thereby, to be transmitted to the Ecclesiastical Commissioners for *England*, who shall thereupon cause to be prepared a Scheme for carrying out the proposed Union, which Scheme may, with the Assent of the Bishop and Patrons, and the Vestries of the Parishes to be affected thereby, embody any Modifications of the Proposals, and shall send Drafts of such proposed Scheme to the Churchwardens of the Parishes to be respectively affected by the Scheme, with Notice that they or any of them may, within Two Calendar Months, show Cause to the Ecclesiastical Commissioners against the proposed Union or any Part or Parts of the Scheme relating thereto, and if within such Period of

Two

Two Calendar Months no Cause be shown, the Ecclesiastical Commissioners shall certify the Scheme, and the Consent thereto in Writing of the Bishop and of the Patron, and of the Vestries of the Parishes to be affected thereby, to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty in Council to make and issue any Order or Orders for effecting the Union, and for uniting the Parishes of the united Benefices into One Parish for Ecclesiastical Purposes, and for such other Purposes as are herein provided: Provided always, that if any Petition or Statement is lodged by way of Protest, or any Appeal is made against the Scheme or any Part thereof, as herein-after is provided, no such Order or Orders in Council shall be made or issued until such Petition or Statement has been duly considered, or the Parties to such Appeal have been duly heard.

What the Commissioners shall insert in the Scheme.

IX. It shall be lawful for the Ecclesiastical Commissioners to insert in any Scheme to be prepared by them all proper Directions for the Appointment of the First Incumbent of the united Benefice, and for regulating the Course and Succession in which the Patrons, if there be more than One Patron, shall present or nominate to such united Benefice from Time to Time as the same shall become vacant, and they shall have Power to insert in any Scheme all such Provisions in addition to those hereby expressly authorized as may in their Opinion be necessary for effectually carrying out the particular Measures proposed by the Scheme, including any Provisions which may be found necessary for the Compensation of any of the Incumbents of the Benefices to be united who may be willing to retire therefrom; and the Ecclesiastical Commissioners shall and may, for the Purposes of this Act, exercise all Powers and Privileges now or for the Time being exerciseable by them under the Acts of Parliament relating to their Commission, or under the Church Building Acts, particularly as regards the Purchase of Sites and the Erection of Churches.

Part of a Benefice or united Benefice may be severed and included in Scheme.

X. Whenever it shall be deemed expedient to unite Part only of a Benefice with some other contiguous Benefice or Benefices, any Portion of a Benefice or Benefices, or any Portion of Two or more Benefices, which shall have been united under the Provisions of this or of any other Act, or in any other Manner, and either prior to or subsequently to the passing of this Act, may in the Manner prescribed by this Act be severed from the remaining Portion, and thereupon such a Portion of the Parish or united Parishes to which the Benefice shall belong as shall be determined by the Scheme effecting the Severance shall become disunited for Ecclesiastical Purposes; and the Portion of Benefice and Parish so severed shall, for the Purposes of an Union of Benefices under this Act, be deemed to be a separate Benefice and Parish respectively, and may by the same Scheme and Order in Council under which such Severance shall be effected, or by any supplemental Scheme, be united to any other contiguous Benefice or Benefices; and in such original or supplemental Scheme Provisions may be inserted for annexing to the severed Portion a Proportion of the Real and Personal Property of the Parish or united Parishes from which such Severance shall have been made, and for the dealing with and Application of the Property (if any) to be so annexed, and for defining and determining the Rights of the Parishioners of the severed Portion in regard to the joint Vestry of the newly united Parish with which the severed Portion shall be incorporated, and as to the Manner of exercising such Rights, and all such other Provisions as may seem to the Ecclesiastical Commissioners necessary or expedient in lieu of any Provisions contained in this Act not applicable to an united Benefice or Parish of which a severed Portion of a Benefice or Parish shall constitute Part, and after the Severance the remaining Portion of the Benefice or Parish from which the Severance shall have been made shall continue One Benefice or Parish or united Benefice or Parish, and shall not be otherwise affected by such Severance; and whenever in this Act the Consent of the Patron of a Benefice shall be required for carrying the same into effect, the Patron whose Consent shall be requisite in the Case of any such severed Portion shall be the Patron of the Benefice or united Benefice from which such Severance shall be intended.

Surplus Revenue of united Benefice may be annexed as an Endowment to any other

XI. Whenever it shall appear to the Ecclesiastical Commissioners that the total Revenue of any Benefices proposed to be united would be more than sufficient for the due Maintenance and Support of the Incumbent of the Benefice proposed to be constituted an united Benefice, and of such Assistant Curate or Curates as may be needed for the same, and that some specified

Benefice in the Metropolis or its Vicinity.

Part or Parts of the permanent Endowments belonging to the Benefices proposed to be united, or any of them, might with Advantage to the Interests of Religion be made subject to a certain annual Rentcharge in perpetuity in favour of some other specified Benefice in the Metropolis or in the Vicinity thereof, or might be excepted out of such Union, and transferred and annexed to such other specified Benefice, having no Provision or no competent Provision belonging thereto, as an Endowment or a further Endowment for the same, the Ecclesiastical Commissioners, with the Consent of the Patron or Patrons of the Benefices proposed to be united, and of the Vestries of the Parishes to be affected thereby, and of the Bishop of the Diocese within which such Benefices shall be situate, may prepare and submit to Her Majesty in Council a Scheme for providing such Rentcharge, or for effecting such Transfer or Annexation, and thereupon it shall be lawful for Her Majesty in Council to make and issue an Order or Orders for giving Effect to the said Scheme of the Commissioners, and in the Scheme there shall be inserted all such Powers for recovering the Rentcharge (if any) by Distress upon or Perception of the Rents and Profits of the Hereditaments to be charged therewith or otherwise, and for the immediate or prospective Apportionment of such Rentcharge or otherwise in relation thereto, as to the Ecclesiastical Commissioners shall seem reasonable and proper; and upon the Order or Orders directing such Provision, Transfer, or Annexation coming into operation the Rentcharge or other permanent Endowments to be provided, transferred, or annexed shall, without any further Deed, Transfer, or other Assurance, become and be for ever annexed to such Benefice, and the same and all Powers for recovering the Rentcharge (if any), or relating thereto, shall be vested in and held and enjoyed and be exerciseable by the Incumbent thereof for the Time being as the Endowment or a Part of the Endowment thereof, subject and without Prejudice nevertheless to all Leases, Grants, Rents, Charges, and Incumbrances existing at the Time of such Provision, Transfer, and Annexation legally affecting the same, but the Ecclesiastical Commissioners may, in their Discretion, appropriate any Part not exceeding One equal Fifth Part of the annual Income arising from any such Endowment during the whole or any Part of the first Five Years next after the Scheme shall come into operation as a Fund in augmentation of the Fund herein-after provided for the Payment of the Costs, Charges, and Expenses of carrying the Provisions of this Act into effect: Provided that the Amount of such Rentcharge leviable under such Scheme in any Parish proposed to be united, and not included in the Eleventh Chapter of the Statute of the Twenty-second Year of the Reign of King *Charles* the Second, shall not exceed the average annual Amount levied and paid to the Incumbent of such Parish in the Seven Years immediately preceding the passing of this Act.

Patronage of Benefices may be exchanged for facilitating Unions.

XII. If for the Purpose of more conveniently carrying the Provisions of this Act into execution it shall appear to the Ecclesiastical Commissioners to be desirable, in any Case of a proposed Union of Benefices, that an Exchange should be made of the Patronage of al or any of the Benefices proposed to be united for the Patronage of any other Benefice, an Exchange may (with the Consent of the Patrons of the Benefices in respect whereof such Exchange shall be intended, and with the Approval of the Ecclesiastical Commissioners,) be made by any Person with any other Person or Corporation, or by any Corporation with any other Corporation or Person, of the Patronage or any Rights of Presentation to any Benefice, whether the whole Patronage of such Benefice be vested in one Person or Corporation or in different Persons or Corporations by way of alternate Presentation or otherwise; and every such Exchange shall be effected by the Scheme for the proposed Union of Benefices; and after such Exchange the Patronage taken by each Party by way of Exchange shall be discharged from all prior Title relating thereto; and the Title to the Patronage given by each Party by way of Exchange shall shift and attach to the Patronage given to such Party, which shall become subject to the same Uses, Trusts, Powers, Limitations, and Provisions in every respect as the Patronage so given would have been subject to if such Exchange had not been made.

Orders in Council when published in the Gazette and registered

XIII. The Order or Orders in Council affirming any Scheme or directing any Union, Severance, or Annexation shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette*, and shall be registered in the Registry of the Diocese, and the Registrar of the Diocese is hereby required to make such Registry,

Registry, and such Order in Council, so soon as the same shall have been gazetted, shall (but subject and without Prejudice to the Rights of any Incumbent affected thereby who shall not assent thereto) have full Force and Effect of Law in all respects, and as to all Things therein contained. to have Force of Law.

XIV. Any Scheme may (but subject to Objection and Protest as after mentioned, and subject to the Restrictions herein contained,) provide for the Erection of any new Church or Parsonage House, for the pulling down or Removal of any existing Church, except as herein-after provided, or Parsonage House of any Benefices proposed to be united, and for the Appropriation or Sale of the Materials and Site of the same respectively, and of the Ground annexed thereto and necessary for the Use and Enjoyment thereof, for the Appropriation of any Plate or other Furniture held in trust for any Church to be pulled down, for the Disposal of any Organ in such Church, for the Transfer of any Lectureships attached to such Church, but not so as to affect the Right of Appointment to any Lectureship, or for Sale or Exchange of any Parsonage or Glebe Houses or Buildings, or the Sites thereof, with their Appurtenances, for Compensation to Parish Clerks or other Officers, or for Arrangement with respect to Fees or Vestry Rooms; but the Font, Communion Table, and Plate used for the Purposes of the Holy Communion shall not be sold, but shall be transferred to the Church of the United Benefice, or if such Font, Communion Table, and Plate be not needed for such Church, then to any other Church or Chapel, or Churches or Chapels, within the Diocese which the Bishop may select: Provided always, that nothing in this Act contained shall authorize the pulling down the Churches of *Saint Stephen's Walbrook, Saint Martin Ludgate, Saint Peter Cornhill,* and *Saint Swithin Cannon Street;* provided also, that the Scheme for the Removal of any Church or Parsonage shall provide for the Erection of another Church or Parsonage within the Limits of the Metropolis. Scheme may provide for Erection of new Church or Parsonage, Removal of old Church or Parsonage, Sale of Site, &c.

XV. Provided always, That no such Scheme shall be submitted to Her Majesty in Council until it has been laid before both Houses of Parliament for the Space of Two Calendar Months. Schemes to be laid before Parliament before being submitted to Her Majesty.

XVI. Any Person interested who may have shown Cause to the Ecclesiastical Commissioners against the proposed Union of any Benefices, or against subjecting the Endowments or Revenues thereof, or any Part of them, to any Rentcharge or Transfer, or Annexation, or against any Part or Parts of any Scheme certified by them to Her Majesty in Council, may appeal to Her Majesty in Council against such Scheme or any Part thereof in the usual Manner, or may, at his Option, state in Writing by way of Protest his Objections to such Union or any Part or Parts thereof, and the Ecclesiastical Commissioners shall annex such written Statement or Protest to their Certificate to the Queen in Council, and Her Majesty in Council may order and direct that such Objections shall be considered by the Judicial Committee of the Privy Council, and the said Judicial Committee shall make report to Her Majesty in Council thereupon, and may propose to Her Majesty in Council to affirm, vary, or dismiss the Scheme certified by the Commissioners, or to return the same to the said Commissioners for Alteration or Amendment, and Her Majesty in Council may affirm, vary, or dismiss the Scheme accordingly, or return the same to the Commissioners to be reconsidered as to any Parts thereof. Judicial Committee to consider Protest against Scheme.

XVII. Nothing in this Act contained shall legalize the Sale or Letting or Appropriation of the Site of any Church unless with the Consents in Writing of the Archbishop of the Province, the Bishop of the Diocese, the Archdeacon, and the Secretary of State for the Home Department, and the Site shall be dealt with subject to such Directions and Restrictions as to the Removal of the Remains of Persons deposited under the Church to be pulled down, and as to the not disturbing and finally closing such Vaults or Graves, as to such Secretary of State shall seem meet; but nothing in this Act contained shall legalize the Sale or Letting of any Churchyard or Burial Ground; and no Sale or Letting shall be made of the Site of any Church wherein any Bodies are known to be interred until after the Remains of the Persons deposited under such Church shall have been properly removed at the Cost of the Ecclesiastical Commissioners, to be paid out of the Fund herein-after provided, into some consecrated Churchyard or Burial Ground, or to such Portion of the Vaults of the same Church as may be separated and set apart for a Burial Place; and Notice shall be given Site of Church pulled down not to be sold or let without certain Consents.

given by the Churchwardens, or One of them, to the Heirs, Executors, or Administrators of any Persons interred in or under any such Church, where they can be ascertained, of the Intention to remove such Remains; and a Certificate in Writing under the Hand of One of the Churchwardens of the united Parish that such Removal has been duly made, and that such Notice has been given, or that such Heirs, Executors, or Administrators cannot be ascertained, shall be conclusive Evidence of the Provisions of this Act in regard to such Removal having been complied with; and as to any Tablets or Monuments in such Church, the same, if not removed by the Heirs, Executors, Administrators, Relatives, or Friends of the Person, or of some or one of the Persons, to whose Memory the same shall have been erected, shall, at the Cost of the Ecclesiastical Commissioners, to be paid out of the Fund herein-after provided, be carefully removed and fixed in some convenient Part of the Church to be constituted the Church of the united Parishes; but every such Removal of Tablets or Monuments may be made without the Necessity of a Faculty from the Bishop's Court, and shall be free from the Payment of any Fees to the Incumbent of such Church or to any Officer of the same or of the Parish thereof: Provided always, that it shall be lawful for the Heirs, Executors, Administrators, Relations, or Friends of any Persons who shall be interred or deposited in or under any such Church, or in any such first-mentioned Churchyard or Burial Ground, under proper Direction, to remove the Remains of such Persons, and also the Tablets or Monuments erected to their Memory, to any Place they may think proper; and the Expenses of such Removal, not exceeding Ten Pounds in each Case, shall be paid by the Ecclesiastical Commissioners out of the said Fund.

After Union of Benefices Parishes to become united for Ecclesiastical Purposes, and Scheme to determine which Church to be Parish Church.

XVIII. After an Union of Benefices, the Parishes whereof the Benefices shall be united shall become and continue united, but for Ecclesiastical Purposes only, and in case there shall be only One Church left standing and remaining within such united Parish, such Church shall be the Church of the united Parish, but in case more than One Church shall be left standing then the Scheme shall determine which of the Churches so left standing shall be the Church of the united Parish, and the Vestry Room of the Church so constituted the Parish Church shall be held to be the Vestry Room of the united Parish for the Use of the Parishioners thereof, and also the Vestry Room for secular Purposes for the Parishioners of each of the Parishes forming the united Parish, and for the Care and Preservation of the Deeds, Muniments, and Records belonging to the same, unless otherwise provided by the Scheme.

Bishop may allow additional Church left standing to be used for certain Services.

XIX. In case any Church shall be left standing within the Limits of any united Parish other than the Parish Church, it shall be lawful for the Bishop of the Diocese, by an Instrument in Writing under his Hand and Seal, deposited in the Registry of the Diocese, to allow the same to be used for the Performance of Divine Service, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, in the *Welsh* or *Irish* or in any Foreign Language, or for the Purposes of a School or Schools in connexion with the said United Church: Provided always, that nothing herein contained shall authorize any Person to officiate in any such Church, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, except with the Licence of the Bishop; and that before the Grant of any Permission by the Bishop for the Use of any such Church for any of the Purposes hereby authorized such Bishop shall require proper Provision to be made for the Repair and Sustentation of the Fabric of the Church so to be used, and for the Preservation and Care of the Monuments and Tablets therein.

Estates of Parishes united to remain distinct as before Union, except as affected by this Act.

XX. Notwithstanding any Union of Parishes under this Act, the Parishes to become united shall, as to all Estates and other Property, and all Rates, Taxes, Parochial Rights, and all Privileges, Liberties, and Respects whatsoever, other than such as are affected by this Act, continue and remain distinct, in the same Manner as they were before such Union, and the Parishioners of such Parishes shall continue severally to elect Churchwardens and other Parish Officers for the said Parishes in the same Manner as they could have done before such Union, and the Churchwardens so to be elected in each of the said Parishes shall together be Churchwardens of the Church of the united Parish; and the Vestries of the united Parish shall together form One joint Vestry for all Ecclesiastical Purposes; but whenever a Parish or Parishes shall be represented by a Select Vestry (unless all the Parishes

Parishes to be united shall be so represented), the Persons to form the joint Vestry shall consist of the Select Vestry for the Time being of such Parish or Parishes and of Parishioners, the Number whereof shall be determined by the Scheme of the other Parish or Parishes, and the Mode of electing and maintaining the Representation of the joint Vestry of the Parish or Parishes not represented by a Select Vestry shall be determined by the Scheme; and in the Scheme may be inserted all such other Provisions for the Maintenance and Regulation of the joint Vestry, and for defining the Proportions in which each Parish shall contribute towards the Sustentation of the Fabric of the Church of the united Parish, and for the Maintenance of the Services therein, and for other Ecclesiastical Purposes, as the Ecclesiastical Commissioners, having regard to the Circumstances of each particular Case, may deem necessary.

Property belonging to separate Parishes how to be applied.

XXI. No Union of Benefices under the Provisions of this Act shall affect the Estates or Property, Donations, Charities, and Benefactions heretofore given to or for the Benefit of the Parishioners, or any of the Parishioners of any particular Parish, or held upon any special Trusts, or applicable by Law or Usage for or towards the Maintenance of the Poor, but the same shall remain and continue to be applicable to the Purposes to which the same have or ought to have been heretofore applied, except that where Attendance, or the Performance of Divine Service, or any other Act is required at any Church within the united Parish other than the Parish Church of the united Parish, the Parish Church shall, so far as regards any such Attendance, Performance of Divine Service, or other Act, be deemed to be such other or original Church; and all Property which, if such Union had not been effected, would have been vested in any Incumbent for the Time being of any Benefice proposed to be affected by such Union, either solely, or jointly with the Churchwardens or any other Person or Corporation, upon any special Trusts, the Incumbent for the Time being of the united Benefice shall be substituted for and represent the Incumbent of such separate Parish; and the Trust Property shall vest in such Incumbent, solely or jointly with such Churchwardens or other Person or Corporation (as the Case may be), and such Incumbent shall have the same Powers as the Incumbent whom he shall represent would have had in regard thereto if such Union of Benefices had not been effected; and if any such Property shall have been vested in a Corporation of which the Incumbent of the separate Parish shall have been a Member, the Corporation shall not be affected by the Union, but the Incumbent for the Time being of the united Benefice shall become a Member of such Corporation in lieu of the Incumbent of the separate Parish.

Providing Fund for Payment of Expenses of carrying Act into execution.

XXII. All Expenses which shall be incurred by or under the Sanction or Direction and on behalf of any Bishop or the Ecclesiastical Commissioners in promoting any Union of Benefices, and in otherwise carrying the Provisions of this Act into execution, and of the Scheme under which any Union shall be effected, including all preliminary Expenses so incurred, shall be paid by the Ecclesiastical Commissioners, out of a Fund to be provided by them, in manner following (that is to say): They shall on the First Sale by them of Property or Materials in pursuance of any Scheme and Order under this Act appropriate the whole or such Portion as they may think sufficient of the Produce of such Sale as a Fund, which shall be applied by them in Payment of the Expenses incurred and to be incurred in relation to all the Proposals and Schemes for the Union of Benefices, and the same Fund shall from Time to Time be augmented by the said Commissioners from the Produce of similar Sales of Property as there may be occasion; and out of the Fund so to be created the said Commissioners shall defray all the Expenses incurred in relation or incidental to any Commission to be issued under this Act having reference to any Union or proposed Union of Benefices, and to all Inquiries, Proposals, and Schemes which shall be made and prepared in consequence of any such Commission (including all preliminary Costs and Expenses, whether incurred prior or subsequently to the Creation of such Fund), and whether such Inquiries, Proposals, and Schemes shall result in an Order in Council or not, and after providing a sufficient Fund for the Payment of all such Expenses, and after providing and appropriating a Portion of such Fund sufficient in the Opinion of the Ecclesiastical Commissioners to meet the probable preliminary Expenses of any future Commission to be issued under this Act, having reference to the Union of Benefices, the Surplus of the Monies

Monies so set apart shall be applied by them, with the Consent in Writing of the Bishop, for the Benefit of any Benefice or Benefices in the Metropolis, to whose Benefit the said Commissioners may, with such Consent, think fit to apply the same.

Scheme to be valid notwithstanding Informalities or Omissions.

XXIII. After any Scheme for an Union of Benefices or any supplemental Scheme shall have been sanctioned by an Order in Council, such Scheme shall be valid and of full Force and Effect, notwithstanding any previous Non-compliance with any of the Requirements of this Act, and notwithstanding any Omission in regard thereto or Non-observance thereof, and notwithstanding any Variation between such Scheme and the Proposals originating the same.

As to Consents of Patrons and Vestries to Schemes.

XXIV. In order to give Validity to any such Scheme or supplemental Scheme, the Consent of the Vestry of any Parish shall be signified in Writing under the Hand of the Chairman of such Vestry, stating that in a Vestry duly convened for the Purpose of giving such Consent a Resolution for giving such Consent had been duly carried; and whenever under the Provisions of this Act the Consent of the Patron of any Benefice is made necessary to any Proposals, Scheme, or Union, or to any Exchange of Patronage or other Act, the Consent of the Person or Persons or Corporation who in case such Benefice were vacant would be entitled to present thereto shall be sufficient; but if the Right to present to such Benefice shall be vested in different Persons or Corporations by way of alternate Presentations, the Consent of each other Person or Corporation in whom the expectant alternate Right of Presentation shall for the Time being be vested shall be necessary, and the One hundred and twenty-sixth, One hundred and twenty-seventh, and One hundred and twenty-eighth Clauses of the Act of Parliament of the First and Second *Victoria*, Chapter One hundred and six, as regards the Consent of Patrons to the Exercise of the Powers given by that Act, shall be applicable to the Consent of Patrons under this Act, in the same Manner as if the same Clauses were here repeated and made applicable thereto; and if in any Case it shall in the Opinion of the Ecclesiastical Commissioners be doubtful what Person ought to consent as or on behalf of the Patron of any such Benefice under the Provisions of this Act, it shall be lawful for the Ecclesiastical Commissioners to specify the Person or Corporation by whom such Consent ought to be given, and the Consent of the Person or Corporation so specified shall be sufficient for all the Purposes of this Act.

Supplemental Orders may be made.

XXV. Her Majesty in Council may, at any Time after the issuing of any Order for the Union of Benefices, make a supplemental Order, founded upon any Scheme to be proposed to Her Majesty in Council by the Ecclesiastical Commissioners, for remedying any Defects or for supplying any Omissions which in the Opinion of the Ecclesiastical Commissioners shall appear to exist in the Provisions of the Order or Orders effecting any such Union, and for making any Corrections and Alterations in relation thereto which may be found necessary, and every such supplemental Order shall have the same Force and Effect as if it had formed Part of the original Order made under the Provisions of this Act, but the same Consents shall be necessary to such proposed supplemental Scheme as would under the Provisions of this Act have been necessary to such supplemental Scheme if the same had been an original Scheme.

Bishop may prepare a Scheme as to Lectures customarily preached in Churches to be pulled down.

XXVI. In the Case of endowed Lectureships, when the Lectures have been customarily preached in a Church which may be taken down, or which may cease to be a Parish Church under the Provisions of this Act, such Lectures shall be preached in the Church which shall have been or may be selected as the Church of the Parish of which the Church may have been taken down, or the Bishop of the Diocese for the Time being may, in order to avoid Difficulties, prepare from Time to Time under his Hand a Scheme or Schemes for transferring such Lectures to other Churches, to be preached therein at such Times as to the said Bishop may appear convenient, but not so as to affect the Right of electing or nominating any Lecturer, and such Scheme shall be submitted by the said Bishop to the Charity Commissioners under the "Charitable Trusts Act, 1853," and such Scheme, if approved of by them, and by the Vestries of the Parishes affected thereby, or subject to such Alterations therein as may appear to the said Commissioners advisable, and as shall be approved of by the said Bishop, and by the Vestries of the Parishes affected thereby, and if assented

assented to in Writing by the Incumbent of the Church to which it may be proposed to transfer the Lectures, shall be valid for effecting the Purposes therein mentioned, and shall be registered in the Registry of the Diocese; but nothing in this Act contained shall give the Bishop any Power to license a Lecturer without the Consent of the Incumbent of the Church in which such Lecturer is to officiate.

Bishop of Diocese may direct Churches to be reseated, and Seats to be apportioned for the Accommodation of Parishioners.

XXVII. If any Commissioners appointed under this Act shall report that it is not expedient to carry any proposed Union into effect, but that it would be expedient to afford improved Accommodation in One or more of the Churches referred to in such Report for casual Residents in the City or Town, and others not being Parishioners, the Bishop of the Diocese may, in any such Case in which the Funds for the Alteration of the Seats in the Manner recommended in such Report shall within Two Years from the Date of such Report be provided by local or public Subscription, direct such Church to be reseated accordingly; and in such reseating due Provision shall be made for the Appropriation of such Number of Seats as may be required for the Accommodation of all Parishioners attending Divine Worship in such Church, and the Churchwardens shall have Power to alter from Time to Time the Appropriation of such Seats, and to appropriate to the Use of Parishioners such further Number of Seats as may be required by them, and all the Seats both appropriated and free under any new Arrangement made under this present Provision shall be made as near as possible of the same Size and general Appearance.

Appropriation of Seats in Church of united Parish.

XXVIII. Upon any Union of Benefices the Bishop of the Diocese under his Hand and Seal shall and he is hereby authorized, by Faculty from his Court, to alter and re-adjust the Seats, and the Appropriation thereof, in the Church of the united Parish, so that not less than One Half of the Sittings in such Church shall be left unappropriated, and the Remainder shall be placed at the Disposal of the Churchwardens of such Church, under the Control and Direction of the Bishop, for the Use of the Parishioners of such united Parish discharged from all prescriptive and other pre-existing Rights; and the Bishop of the Diocese, either upon an Union of Benefices, or at any Time, and from Time to Time afterwards, may cause the Church of the united Parish to be reseated, and may adjust and appropriate or re-adjust and re-appropriate the Sittings in the same Church; and all Monies expended and required for such Purposes, and not provided by voluntary Donation or in any other Manner, shall be deemed Expenses incurred by the Bishop in carrying the Provisions of this Act into execution, and shall be defrayed accordingly.

Property to be sold to vest in Ecclesiastical Commissioners.

XXIX. Upon any Order in Council under this Act coming into full Operation all Churches, Houses, Buildings, Land, and Hereditaments which shall be authorized by such Order to be pulled down or sold shall, without any Conveyance or other Form of Law, be and become absolutely vested in the Ecclesiastical Commissioners, in trust to deal with or dispose of the same, and the Proceeds and Produce thereof as directed by this Act, and the Freehold of the Parish Church of the united Parish, and the Freehold of all such other Lands and Hereditaments previously vested in the respective Incumbents of the Parishes constituting the united Parish as shall not be vested in the Ecclesiastical Commissioners, shall become vested in the Incumbent for the Time being of the united Parish; and the said Commissioners shall have Power to make all necessary Conveyances of the Hereditaments so vested in them, and to make sale and dispose of the same, at such Times and at such Prices, and in such Manner in all respects as to them shall seem expedient; and the Receipt in Writing of the Treasurers for the Time being of the said Ecclesiastical Commissioners for the Purchase Monies, Rents, and Profits of such Hereditaments shall effectually discharge the Purchasers thereof and other Persons paying the same from the same Purchase Monies, Rents, and Profits, and from all Liability in respect thereof.

Extending Provisions of 1 & 2 Vict. c. 106. and 18 & 19 Vict. c. 127.

XXX. The Provisions contained in the Act One and Two *Victoria*, Chapter One hundred and six, in relation to the Disunion of united Benefices, shall apply to all Benefices which shall have been united under the Provisions of this Act; and the Provisions of the Act Eighteen and Nineteen *Victoria*, Chapter One hundred and twenty-seven, shall continue in full Force as to every Case in which Proceedings shall have been commenced and shall be pending at the Time of the passing of this Act, notwithstanding the Period of Five Years limited by the same Act shall have expired.

 XXXI. This

Act not to interfere with Powers of 1 & 2 Vict. c. 106. &c.

XXXI. This Act shall not abridge or interfere with the Powers contained in the Act of the First and Second Years of Her present Majesty, Chapter One hundred and six, or in any other Act of Parliament now in force in regard to the Union of Benefices, but all such Powers and the Powers conferred by this Act may be exercised independently of one another or concurrently.

As to Nomination of Clerical Commissioners in certain Cases.

XXXII. Where the proposed Union is within the City of *Westminster*, One Clerical Commissioner shall be nominated by the Dean and Chapter of *Westminster*, instead of being nominated by the Dean and Chapter of *Saint Paul's*; and where the proposed Union is not within the City of *London* or the Liberties thereof, the Lay Commissioners shall be nominated to the Bishop by the Vestries of the Parishes respectively proposed to be affected by the Union, instead of being nominated by the Corporation of the City of *London*.

CAP. CXLIII.

An Act to extend certain Provisions of the Titles to Land (*Scotland*) Act, 1858, to Titles to Land held by Burgage Tenure; and to amend the said Act.

[28th *August* 1860.]

21 & 22 Vict. c. 76.

'WHEREAS it is expedient to extend certain Provisions of "The Titles to Land (*Scotland*) Act, 1858," to Titles to Land held by Burgage Tenure, and also to amend 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, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The Titles to Land (*Scotland*) Act, 1860."

Interpretation of Terms.

II. The following Words in this and the recited Act, and in the Schedules hereunto and to the recited Act annexed, shall have the several Meanings hereby and in the recited Act assigned to them, unless there be something in the Subject or Context repugnant to such Construction; that is to say, the Word "Deed" and the Word "Conveyance" shall extend to and include original Charters, Charters and Writs and Procuratories of Resignation, Charters of Adjudication and Sale, Dispositions, Bonds and Dispositions in Security, Bonds of Annuity and of Annual Rent, and other Heritable Bonds, Feu Contracts, Contracts of Ground Annual, Decrees of Adjudication, Decrees of Sale, (whether such Decrees of Adjudication or Decrees of Sale contain Warrant for Infeftment or not), Decrees of Special Service, Precepts from Chancery, Precepts and Writs of Clare constat, Writs of Acknowledgment, Contracts of Excambion, and other Deeds and Decrees by which Lands are conveyed, or Rights in Lands, either absolute or redeemable, or in Security, are constituted or conveyed; and official Extracts of any such Deeds, Conveyances, and Decrees, and all Codicils, Deeds of Nomination, Decrees of Declarator, and other Writings bearing Reference to Conveyances separately granted, and naming or appointing Persons to exercise or enjoy the Rights or Powers conferred by such Conveyances, shall be deemed and taken, for the Purposes of this Act, to be Parts of the Conveyances to which they separately bear reference; the Word "Lands" shall extend to and include all Heritable Subjects, Securities, and Rights; the Words "by Burgage Tenure" and the Words "held Burgage" shall extend to and include any Mode of Tenure known and effectual in Law similar to Burgage Tenure.

Instruments of Sasine, and of Resignation and Sasine, no longer necessary, and Conveyances may be recorded.

III. It shall not be necessary to expede and record an Instrument of Sasine, or of Resignation and Sasine, on any Conveyance of Lands held Burgage, according to the present Law and Practice; but it shall be competent and sufficient for the Person in whose Favour the Conveyance is granted, instead of expeding and recording such Instrument to record the Conveyance itself in the Register of Sasines applicable to the Lands therein contained; and the Conveyance shall be presented for Registration, with a Warrant of Registration