CAP. LVI.

An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws.

[5th *August* 1850.]

'WHEREAS an Act was passed in the Third Year of the Reign of Her Majesty, intituled 'An Act to amend, and extend until the First Day of January One thousand eight 'hundred and forty-two, the Provisions of an Act of the First Year of Her present Majesty, 'for exempting certain Bills of Exchange and Promissory Notes from the Operation of the 'Laws relating to Usury, which by sundry Acts has been since continued until the First 'Day of *January* in the Year One thousand eight hundred and fifty-one; and it is expedient 'that the same should be further continued:' 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 the said recited Act shall be continued until the First Day of *January* in the Year One thousand eight hundred and fifty-six. 2 & 3 Vict. c. 37. Continuance of Act.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

CAP. LVII.

An Act to prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks. [5th *August* 1850.]

'WHEREAS the holding of Vestry or other Parochial Meetings in the Parish Church 'or Chapel, or in the Vestry Room attached to such Church or Chapel, is productive 'of Scandal to Religion and other great Inconveniences:' For Remedy thereof 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 it shall be lawful for the Commissioners for administering the Laws for Relief of the Poor in *England*, at any Time or Times after the passing of this Act, upon Application in Writing of the Churchwardens, or, where there are no Churchwardens, of the Overseers of any Parish in *England* the Population whereof exceeds Two thousand Persons according to the then last preceding Census, such Application being made pursuant to a Resolution of the Vestry of such Parish, to make an Order under their Seal of Office that this Act or any Part thereof shall be applied to and be put in force within such Parish; and a Copy of such Order shall be published in such Newspaper or Gazette, or both, as the said Commissioners may direct, and shall be deposited with the Churchwardens or Overseers (where there are no Churchwardens) of any such Parish. Poor Law Commissioners, upon Appplication of Churchwardens, &c., of any Parish where Population exceeds 2,000, may make an Order to put this Act in force.

II. And be it enacted, That from and after the Expiration of Twelve Calendar Months from the making and publishing of any such Order no Meeting of the Inhabitants of the Parish for the Purpose of holding a Vestry, or for any other Purpose than that of Divine Worship, or some ecclesiastical or charitable Object, or some other Purpose approved by the Bishop of the Diocese, shall be holden in any Parish Church or Chapel, or other consecrated Church or Chapel, nor in the Chancel thereof, nor, except in case of Urgency, and with the previous Approval of the said Commissioners, in the Vestry Room attached to such Church or Chapel, in any Parish or Place named in such Order, any public or private Act of Parliament to the contrary notwithstanding. On Expiration of 12 Months from the publishing of any such Order certain Meetings prohibited from being held in Churches and Chapels.

III. And be it enacted, That where any Vestry or other Meeting, by virtue of any Statute, Law, or Custom, has heretofore been holden in the Church or Chapel of any Parish or Place named in any such Order as aforesaid, or in the Vestry Room of such Church or Chapel, any such Vestry or other Meeting shall from and after the making and publishing of Power to provide other Places of Meeting.

of such Order be holden in such other Room or Place within the Parish or Place as shall be provided for the holding thereof in pursuance of the Provisions of this Act, and all Acts done in such other Room or Place as aforesaid shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if such Vestry Meeting had been held in the Vestry Room of such Church or Chapel or in the Body of such Church or Chapel as aforesaid.

Power to purchase Lands, &c. under 8 & 9 Vict. c. 18.

IV. And be it enacted, That the Churchwardens and Overseers, or Overseers alone, as the Case may require, of any Parish, with the Sanction of the said Commissioners and of a Majority of the Vestry, may by Agreement hire any Room, or purchase or take upon Lease or exchange any Lands or Buildings, or sell Lands belonging to such Parish, and invest the Proceeds of such Sale in the Purchase of other Lands and Buildings, or erect suitable Buildings, for the Purpose of holding of any Vestry and other Meeting for the Transaction of any Business of or relating to the Parish; and the Lands Clauses Consolidation Act, 1845, except the Parts and Enactments of that Act with respect to the Purchase and taking of Lands otherwise than by Agreement, and with respect to the Recovery of Forfeitures, Penalties, and Costs, and with respect to Lands acquired by the Promoters of the Undertaking, but which shall not be wanted for the Purpose thereof, shall, in so far as the same is consistent with this Act, be incorporated with this Act; and for the Purposes of this Act the Expressions "the Promoters of the Undertaking" or "the Secretary," whenever used in that Act, shall respectively mean the Churchwardens and Overseers, or Overseers as aforesaid; and the Expression "Tolls or Rates," whenever used in the said first-mentioned Act, shall mean Monies to be raised for the Relief of the Poor mentioned in this Act; and all Lands and Premises which shall be so purchased or taken on Lease by the Churchwardens and Overseers, or Overseers as aforesaid, of any Parish shall be conveyed, demised, and assured to such Churchwardens and Overseers, or Overseers alone as aforesaid, and their Successors, in trust for the Purposes of this Act, and shall be accepted, taken, and held by them as a Body Corporate, and the yearly Rent reserved by any Lease shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish, and shall be paid by the Churchwardens and Overseers, or Overseers as aforesaid, of such Parish as such Rent becomes payable; and if at any Time any such Rent be not paid within Thirty Days after it so becomes payable, and after Demand thereof in Writing, the Person to whom any such Rent shall be payable may either recover the same from the said Churchwardens and Overseers, or Overseers as aforesaid, with Costs of Suit, by Action of Debt in any Court of Law, or may levy the same by Distress of the Goods and Chattels of any of the said Churchwardens and Overseers, or Overseers as aforesaid.

Poor Law Commissioners, on Receipt of a Resolution of the Vestry, authorized to require Money to be borrowed for the Purposes of the Act.

V. And be it enacted, That it shall be lawful for the Poor Law Commissioners, by an Order under their Hands and Seal, upon the Receipt of a Copy under the Hands of the said Churchwardens, or, where there are no Churchwardens, of the Overseers of any Parish, of a Resolution passed at a Vestry duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Vestry shall have been given in like Manner as Notices of Vestry Meetings are published and given, consenting to the Issue of such Order, to direct the Churchwardens and Overseers, or, where there are no Churchwardens, the Overseers, and such Churchwardens and Overseers, as the Case may be, are hereby required, if so directed by such Order and Resolution as aforesaid, to borrow any Sum of Money which may be required for the Purposes of this Act, and to charge the Poor Rates of the said Parish with the Repayment of the Sum borrowed for such Purpose and the Interest thereof, so nevertheless that the Sum so borrowed shall be repaid by equal annual Instalments not exceeding Ten.

Churchwardens, &c. within One Month after Publication of Order, to convene a Meeting for electing a Vestry Clerk.

VI. 'And whereas in Parishes whereof the Population exceeds Two thousand Persons as 'aforesaid various Duties are by Law imposed upon and required to be performed by the 'Officers of Parishes, and much Business is transacted at Vestry Meetings, and the Parish 'Officers and Vestries require the Assistance of a Vestry Clerk in respect of such Duties 'and Business; and it is expedient that Provision should be made for regulating the Appointment and for the Payment of such Vestry Clerks:' Be it therefore enacted, That the Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry in

in any such Parish shall, within the Space of One Calendar Month from and after the making and publishing of any Order of the Commissioners so applied for, if such Order extend to the Appointment of Vestry Clerk as aforesaid, and also, in case of any subsequent Vacancy in the Office of Vestry Clerk, within One Calendar Month next after such Vacancy, convene a Meeting of the Vestry of any Parish named in such Order, for the special Purpose of electing a Vestry Clerk, to perform such of the Duties herein-after mentioned as shall be applicable to such Parish, in addition to those which are or may be imposed upon Vestry Clerks by any Act or Acts of Parliament; and public Notice of such Vestry, and the Place of holding the same, and the special Purpose thereof, shall be given, in the usual Manner in which Notice of the Meetings of the Vestry is now given, at least Seven Days before the Day to be appointed for holding such Vestry; and at such Meeting the Vestry shall proceed to elect some fit and competent Person to be Vestry Clerk, and the Person so elected shall not be removable from Office except by a Resolution passed at a Vestry to be called for that special Purpose in the Manner herein-before mentioned, and with the Consent of the said Commissioners for administering the Laws for the Relief of the Poor in *England*, or by an Order under the Seal of the said Commissioners.

Vestry Clerk elected at such Meeting not removable except by Resolution of Vestry and Consent of Poor Law Board, &c.

VII. And be it enacted, That it shall be the Duty of such Vestry Clerk, unless otherwise directed by the Poor Law Commissioners,

Duties of Vestry Clerk.

To give Notice of and attend the Meetings of Vestry and Committees appointed thereat:

To summon and attend Meetings of the Churchwardens and Overseers, when required, and to enter the Minutes thereof respectively:

To keep the Account of all Charity Monies which the Churchwardens or Overseers are authorized or are accustomed to distribute:

To keep the Vestry Books, and the Parish Deeds and Documents, and the Rate Books and Accounts which are closed, and to give Copies of and Extracts from the same to any Person entitled thereto, such Person paying for the same at the Rate of Four-pence for every Seventy-two Words or Figures, and to permit any Person or Persons rated to the Relief of the Poor of the said Parish, at all reasonable Times, to inspect the same or any of them, on pain of Dismissal for neglecting to give such Copies or permit such Inspection:

To make out, when required by the Vestry, the Church Rate, and procure the same to be signed and completed, and to retain the Custody thereof, and, where there is no Collector of Poor Rates or Assistant Overseer, to make out the Poor Rate, and procure the same to be allowed, and to make all the subsequent Entries in the Rate Books, and to give the Notices thereof required by Law:

To prepare and issue the necessary Process for recovering of Arrears of such Rates respectively before the Justices, and procure the Summons to be served, and to attend the Justices thereon, and advise the Churchwardens and Overseers as to the Recovery of such Arrears:

To keep and make out the Accounts of the Churchwardens, and to present such Accounts to the Vestry or other legal Authority, to be passed, and to examine the Church Rate Collectors Accounts and Returns of Arrears:

To assist the Overseers in making out their Accounts (whenever required by them), and, subject to the Rules and Regulations of the Commissioners for administering the Laws for the Relief of the Poor, to examine from Time to Time the Accounts of the Assistant Overseers or Collectors of Poor Rates, and their Returns of Arrears:

To attend the Audit of Accounts of the Overseers, and conduct all Correspondence arising therefrom:

To assist the Churchwardens or Overseers in preparing and making out all other Parochial Assessments and Accounts, and in examining the Accounts of the Collectors of such Assessments:

To ascertain and make out the List of Persons liable to serve on Juries, and to cause them to be printed and duly published, and returned to the Justices:

To give the Notices for Claims to vote for Members of Parliament, and to make out Lists of Voters, and get the same printed and published, and duly returned, according to Law, and to attend the Court for revising them, and to prepare, make out, and publish the Burgess Lists and the Lists of Constables:

To make all Returns required of the Churchwardens or of the Overseers by Law or proper Authority:

To advise the Churchwardens and Overseers in all the Duties of their Office; and also to perform such other Duties and Services of a like Nature as the said Commissioners for administering the Laws for the Relief of the Poor in *England*, from Time to Time, at the Request of the Churchwardens or Overseers of any such Parish, or otherwise, shall prescribe and direct to be performed by such Vestry Clerk.

Salary of Vestry Clerk to be fixed by Poor Law Commissioners.

VIII. And be it enacted, That the Amount of Salary or other Remuneration to be paid to the Vestry Clerk, as well as the Days and Times on which and the Persons by whom the same shall be payable, shall be fixed by the said Commissioners, and altered from Time to Time as there shall be Occasion; and such Salary or Remuneration shall be chargeable upon and paid out of the Monies to be raised for the Relief of the Poor of any such Parish; and, where the said Commissioners shall deem requisite, such Vestry Clerk shall give such Security and to such Persons as the said Commissioners shall by their Order under Seal direct: Provided always, that where, under the Provisions of any Local Act or Acts of Parliament, any Person or Persons shall be paid for the Performance of any of the Duties of Vestry Clerk, or for assisting in the Performance of any of the Duties of Churchwardens or Overseers of the Poor, nothing herein contained respecting the Duties of the Vestry Clerk shall apply to or be deemed to apply to the Performance of such Duties while the same are so performed, or while Payment shall be made for the Performance of them as aforesaid.

Churchwardens and Overseers not to be discharged from Performance of Duty.

IX. And be it enacted, That nothing herein contained shall exempt or discharge, or be construed to exempt or discharge, any Churchwarden or Overseer of the Poor from the Performance of any Duty required of him by Law, nor oblige him to avail himself of the Assistance of any Vestry Clerk to be appointed as aforesaid in the Performance of his Duties, unless he shall think fit so to do.

Interpretation of Terms.

X. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) "Parish" shall mean every Place having separate Overseers of the Poor and maintaining its own Poor, and also every Parish or Place having a separate Ecclesiastical Jurisdiction, and in which a Vestry shall have been heretofore constituted and held for parochial as well as ecclesiastical Purposes, either separately or jointly with any other Parish; "Churchwarden" shall mean also Chapelwardens or other Persons discharging the Duties of Churchwardens in any Parish or Place as last aforesaid; "Vestry" shall mean the Inhabitants of the Parish lawfully assembled in Vestry, or for any of the Purposes for which Vestries are holden, except in those Parishes in which there is a Select Vestry elected under an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend the Laws for the Relief of the Poor*, or elected under an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes in* England *and* Wales, or elected under the Provisions of any local Act of Parliament for the Government of any Parish by Vestries, or under or by virtue of any prescriptive Custom or otherwise, in which Parishes it shall mean Select Vestry; "Lands" shall mean Lands, Tenements, and Hereditaments, of whatsoever Nature or Tenure; Words importing the Masculine Gender shall include the Feminine; Words of the Plural Number shall include the Singular; Words of the Singular Number shall include the Plural.

59 G. 3. c. 12.

1 & 2 W. 4. c. 60.

Act may be amended, &c.

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