



Church Building Act 1822

1822 CHAPTER 72

An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes. [22d July 1822]

WHEREAS an Act passed in the Fifty-eighth Year of the Reign of His late Majesty, intituled *An Act for building and promoting the building of additional Churches in populous Parishes* : And whereas another Act passed in the Fifty-ninth Year of the Reign of His late Majesty, intituled *An Act to amend and render more effectual an Act, passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes* : And whereas it is expedient and necessary that some of the Provisions of the said recited Acts should be amended, and other Provisions thereof explained and enlarged, and that further and additional Provisions should be made, for rendering the said Two recited Acts more effectual;

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,

Ordnance and other Public Departments, and all Corporations, may give Messuages, Lands, &c. for Sites for Churches, &c.

That it shall be lawful for the Master General and principal Officers of His Majesty's Ordnance, and also for the Comptroller of the Barrack Department, and also for the principal Officers of any other Public Department, having or holding any Messuages or Buildings, or any Lands, Grounds, Tenements, or Hereditaments, for and on Behalf of His Majesty, for the public Use, of any such Department, by any Grant or Conveyance, signed by the Master General or any Two of the principal Officers of the Ordnance Department; or by any Grant or Conveyance, signed by the Comptroller of the Barrack Department ; or by any Grant or Conveyance, signed by any One or more of the principal Officers of any such other public Department as aforesaid, and countersigned, as to all such last-mentioned Grants or Conveyances, by any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*; and it shall also be lawful for any and every Body Politic, Corporate, and Collegiate, and Corporation Aggregate or Sole, or for any Trustees, Guardians,

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Commissioners, or other Persons having the Controul, Care, or Management of any Hospitals, Schools, Charitable Foundations, or other Public Institutions, by any Grant or Conveyance signed by or under the Seal of such Body or Corporation respectively, to give, grant, and convey any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments respectively ; and if any such Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments respectively, shall be Copyhold at the Time of any such Gift, Grant, or Conveyance, in any case in which the Lord is willing, to enfranchise the same ; to be used as Sites for Churches or Chapels, or for enlarging Sites of Churches or Chapels; or for Church or Chapel Yards or Cemeteries, or for enlarging Sites for Church or Chapel Yards or Cemeteries; or for Parsonages or Residences for Ecclesiastical Persons; and all such Gifts, Grants, and Conveyances shall be made to the Commissioners, or such other Person or Persons as shall be specified by the said Commissioners, under the said recited Acts and this Act, to be used for the Purposes thereof; and all such Gifts and Grants may be made and given without any valuable Consideration whatever; and all Conveyances and Assurances made for carrying any such Gifts or Grants into Effect, shall be, valid and effectual in the Law to all Intents and Purposes whatsoever any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all Persons whosoever so giving, granting, and conveying as aforesaid, are hereby indemnified for, or in respect of any such Gift, Grant, Conveyance, or Enfranchisement, which he, she, or they or any of them, shall respectively make or convey by virtue of or in pursuance and for the Purposes of the said, recited Acts and this Act.

II Forms of Grant or Conveyance.

And be it further enacted, That all Grants, Conveyances, and Assurances shall, be made under the Authority of the said recited Acts or this Act, or either of them, of any Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments, whether, belonging to His Majesty as Part of the Duchy of *Cornwall*, or of the Duchy of *Lancaster*, or otherwise, or to any Body or Persons, whatever to the said Commissioners, or any other Person or Persons under their Direction for the Purposes of the recited Acts and this Act, may and shall be made according to the Form following, or in such other Form as the Case may require, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

[*or We, or the Corporate Title if a Corporation*] under the Authority and for the Purposes of an Act passed in the Fifty-eighth Year of the Reign of His late Majesty, intituled “An Act for building and promoting the building of additional Churches in populous Parishes;” and of another Act passed in the Fifty-ninth Year of the Reign of His late Majesty, intituled “An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes;” and of another Act passed in the Third Year of the Reign of His present Majesty, intituled “An Act to amend and render more effectual Two Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes;” do hereby freely and voluntarily give to His Majesty’s Commissioners, [or, to] (as the Case may require); *and by these Presents, freely and voluntarily, and without any valuable Consideration;* [If the Lands, *et cætera*, are conveyed for a valuable Consideration, leave out the Words in *Italics*, and insert Do, for and in consideration of the Sum of to me, or us, or the paid hereby, under the Authority of the several recited Acts, grant, convey, and release to the said] All [*describing 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 and their Successors, for the Purposes of the said several Acts, and to be devoted, when consecrated, to Ecclesiastical Purposes for ever, by virtue and according to the true Intent and Meaning of the said several recited Acts. In Witness whereof, *et cætera*.

And all such Conveyances and Assurances shall be valid and effectual in the Law, to all Intents and Purposes, and shall be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests, and Incumbrances whatsoever.

III Commissioners may obtain or receive Lands or Grounds required for enlarging or rebuilding any Church or Chapel whether contiguous to old Site or not.

And be it further enacted, That it shall be lawful for the said Commissioners under the said recited Acts and this Act, to procure and obtain, or require Parishes, Chapelries, Townships and Places, to provide and furnish, by all or any of such Ways and Means as are specified in the said recited Acts or either of them, or this Act, in relation to Sites for additional Churches, or for Church or Chapel Yards or Cemeteries, or to accept and receive as Gifts and Grants under and for the Purposes of the said recited Acts and this Act, and to "take Grants of to themselves, or direct Grants of, to be made to any other Persons specified by them for that Purpose, any such land or Ground or additional Land or Ground, as may in the Judgment of the said Commissioners be required for the enlarging or improving any Church or Chapel, and also any Land or Ground which may be required or be convenient for the rebuilding, of any Church or Chapel, whether contiguous Or not to the present Site thereof; and all the Powers, Authorities, Clauses, and Provisions in the said recited Acts or either of them, or in this Act contained, in relation to the obtaining or procuring any Lands or Grounds, or requiring any Lands or Grounds to be provided or furnished by any Parishes or Places for any Sites for additional Churches, or any other Purpose of the said recited Acts, shall extend and

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be construed to extend to the obtaining, procuring, requiring, accepting, or receiving, under the Authority of the said recited Acts or this Act, or either of them, any Lands or Grounds for the Purposes aforesaid, as fully and effectually to all Intents and Purposes, as if all such Powers and Authorities had been given, and all such Clauses and Provisions had been repeated and re-enacted in this Act as to such Lands and Grounds.

IV Fines for Renewals at the Time of Lands, &c taken shall be paid to the Person entitled to renew.

And be it further enacted, That in every Case in which any Lands, Tenements, Hereditaments, or any Interest in or arising out of any Lands, Tenements, or Hereditaments, shall be given up, sold; or surrendered by, or taken under the Provisions of the said Act or this Act, from any Body Politic or Corporate, or Person, and which any such Body Politic, Corporate, or Person shall be entitled to take any Fine or Fines upon the Renewal of any Life or Lives, or of any Lease or Leases upon or of any such Lands, Tenements, or Hereditaments, the Amount of the Value of the Interest of such Body Politic or Corporate, or Person, which would arise out of the Renewal of such Life or Lives, or Lease or Leases, if the same were renewed at the Time of such Lands, Tenements, or Hereditaments being so given up, sold, surrendered or taken, shall be paid to the Body Politic, Corporate, or Person entitled thereto, out of the Principal Sum ascertained under the Provisions of the said recited Acts as the Value of such Lands, Tenements, or Hereditaments; and the Remainder of such Principal Sum shall be applied under the Provisions of the said recited Acts or this Act.

V Commissioners may lend Money for Purpose of Acts, at such Interest, not exceeding the legal Interest, or without Interest, as they shall deem fit. Loans to be charged on the Church Rates. Form of Charge upon Rates.

And be it further enacted, That it shall be lawful for the Commissioners under the said recited Acts and this Act, to lend and advance to any Parish or Place any such Sum as to the said Commissioners may appear to be required and expedient to lend and advance for building of any additional Church Or Chapel, or Churches or Chapels, or rebuilding or in aid of building or rebuilding any Church or Chapel, or for or towards Completion of the building or rebuilding, of any Church or Chapel already commenced or in part built or rebuilt, or for the Payment or Part Payment of any Expences; or Sums due or to become due upon any Contract heretofore made, or; which may hereafter be made for any such building or rebuilding, or for the Completion of any such building or rebuilding, Or for enlarging or in aid of the enlarging or improving any Church or Chapel in any Parish or Place, or for the Purchase or in aid of the purchasing of any Land or Ground for any Site for any Church or Chapel, ox-Church or Chapel Yard or Cemetery, or enlarging any Site of Church or Chapel Yard or Cemetery, or for carrying into Execution any other Purposes of the said recited Acts or this Act, for any such Period or Term as the Commissioners shall think fit, upon Payment for any such Loan or Advance of such annual Interest, not exceeding Five Pounds *per Centum per Annum*, or without any Interest, if under Special Circumstances they shall think it expedient and fit, either for any Part or for the Whole of the Term or Period for which such Loan W Advance shall be made, as the said Commissioners shall, under all the Circumstances, judge proper; and such Loans and Advances shall be repaid at such Times and in such Manner and by such Instalments as shall be settled by the Commissioners in that Behalf, and shall be charged and chargeable upon the Church Rates of the Parish, or Places, or upon Rates to be made for that Purpose, as is provided

ill the said recited Acts in relation to Advances authorized by the said recited Acts; and the Amount of all such Advances when repaid, and of all Interest paid upon any such Advances to the said Commissioners, shall be applied to the Purposes of the said recited Acts and this Act, any thing in the said recited Acts or either of them to the contrary notwithstanding ; and it shall be lawful for the Church or Chapel Wardens of any such Parish or Place, and they and each of them are hereby empowered, authorized, and required, to declare any such Loan or Advance, and also every other Loan or Advance made under the Authority of the said recited Acts and this Act to be applied to any of the Purposes thereof, to be chargeable and charged upon the Church Rates of such Parish or Place, by any Instrument in the Form herein-after mentioned, or in such other Form being as near thereto as the Nature of the Case will admit, or the Circumstance of the Case shall require :

WHEREAS His Majesty's Commissioners for building New Churches, acting under the Authority of and in pursuance of the Provisions contained in the several Acts passed for the building and promoting the building of Churches in populous Parishes, or, *A. B.* of _____ and *C. D.* of _____ have [*recite shortly the Loan and Circumstance, and Terms, et cætera ;*] We therefore, or *I, A. B.* being _____ of the Church [*or Chapel*] Wardens of [*describe them*] Do, by these Presents, charge the said [*describe the Parish or Place*] with the said Sum of _____ and with the Repayment thereof, according to the Terms and Conditions above stated ; and do hereby, in pursuance of the Provisions of the said Acts, or some or one of them, declare that the said Sum of _____ is and shall continue to be chargeable and charged upon the Church [*or Chapel*] Rates now raised or hereafter to be raised in the said [*Parish, et cætera*] until the said Sum of _____, together with the Interest, is fully repaid according to the Terms and Conditions above set forth. Witness, *et cætera.*

VI Money may be raised by Annuities.

And be it further enacted, That it shall be lawful for the Church or Chapel Wardens of any Parish or Place, in which. Any Sum or Sums of Money is or are authorized or required to be raised for any of the Purposes of the said recited Acts or this Act, to raise, any such Sum or Sums of Money, or any Part or Proportion thereof, by the Grant or Grants of any Annuity or Annuities: Provided always, that no larger or greater Rate of Annuity shall be granted or given upon any Life or Lives, for any Money advanced, than is specified in the Tables annexed to an Act passed in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing certain Duties on Legacies and Shares of Personal Estates, and for granting other Duties thereon in-certain Cases.*

VII Commissioners, &c. to make Grants or Loans for procuring Land, &c. and apply the Powers of any local or other Acts for the Purposes thereof.

And be it further enacted, That it shall be lawful for the said Commissioners, and also for any Parish or Place for which any Act or Acts of Parliament shall have been passed in relation to the building or rebuilding or enlarging r any Church or

Chapel, or enlarging or procuring any Church or Chapel Yard or Cemetery, to make any Grants or Loans, or give or grant any other Aid or Assistance in procuring Sites for Churches.-or, Chapels, or Land or Ground for such Church or Chapel Yards or Cemetery, or any Addition thereto, and to use, enforce, and apply all the Powers, Authorities, Claims, Regulations, and Provisions in the said several Acts and this Act contained, for carrying into Execution any of the Purposes thereof; any thing in any Act or Acts relating to any such Parish or Place to the contrary notwithstanding.

VIII Commissioners empowered to take Land for Parishes on paying the Value assessed.

And be it further enacted, That in every. Case in which any Parish or Place shall not have been able, or shall not hereafter be able to procure any Land or Ground for the building or rebuilding any Church or Chapel, or enlarging any existing Church or Chapel, or for the making of any Yard to any Church or Chapel, or for any Cemetery, or for enlarging any Yard to any Church or Chapel, or any Cemetery, by reason of the Inability of any Person or Persons, Body or Bodies, interested in such Land or Ground or any Part thereof, to convey or make a good Title to the same, freed and discharged from all Incumbrances; or that any such Person or Persons, or Body or Bodies, shall be unwilling to treat for the Sale thereof, or cannot agree for such Sale and Purchase then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if upon Consideration of all the Circumstances of the Case they shall think proper, to take such Land pr Ground for any such Purpose as aforesaid, for any such Parish or Place ; and it shall be lawful for the said Commissioners in every such Case to use, apply, and put in force all such of the Powers and Authorities of the said recited Acts or this Act respectively, as may be necessary for the assessing, ascertaining, and paying the Value, and taking and giving Possession of any such Land or Ground; and all the Powers and Authorities in the said recited Acts and this Act contained, in relation to the assessing or ascertaining, and to the paying the Sums assessed on the Value of, and to the taking and giving Possession of Sites for Churches to be built under the said recited Acts and this Act, shall "extend and apply to the assessing and ascertaining, and to the paying the Sums assessed on the value of, and to the taking and giving Possession of such Land or Ground; as fully and effectually to all Intents and Purposes, as if the same we're severally and separately repeated and re-enacted for the Purposes aforesaid, any thing in the said recited Acts, or either of them, or this Act, to the contrary notwithstanding.

IX Apportioning of Quit or other reserved Rents.

And be it further enacted, That whenever any Quit, Chief, or other Rent or Rent Charge, either for Term of Years or for Life or Lives, or in Fee, shall be reserved upon or payable out of any Lands, Tenements, or Hereditaments, Part of which may be given, sold, or taken under the Provisions of the said recited Acts or this Act for the Purposes thereof respectively, and Difficulties may arise as to the apportioning such Rents, and exonerating the Portions of any such Lands, Tenements, or Hereditaments so given, sold, or taken for any Claim in respect of such Rents, and as to the effectually charging the Remainder of such Lands, Tenements, or Hereditaments with the Remainder of such Rent, it shall be lawful for the Public or Corporate Body or Trustees, or other Persons giving or selling any such Portion of any such Lands, Tenements, or Hereditaments, or from whom the same may be taken under the Provisions of the said recited Acts or this Act, to apportion any such Rent, with the Consent and Concurrence of the said Commissioners; and the Lands, Tenements, and

Hereditaments used and applied for the Purposes of the said Acts or this Act, shall in every such Case be wholly exonerated from any such Rents or any Part thereof, but the regaining Part of such Lands, Tenements, or Hereditaments shall not be thereby discharged from the remaining Part of the Rent fixed by any such Apportionment, and the Rent so apportioned shall in every such Case be deemed the entire Rent upon the remaining Part of such Lands, Tenements, and Hereditaments; and all Remedies by Distress, Entry, Action, or otherwise, which might have been used and applied for the Recovery of the original entire Rent, shall be used, Enforced, and applied for the Recovery of the Rent fixed by such Apportionment.

X In cases of Division of Parish, Vestrymen being resident in the District left to the original Parish Church, shall continue to act as Vestrymen of such District for Ecclesiastical Purposes. Vestrymen to Act only in the Division of their Residence. How Deficiency of Vestrymen is to be supplied.

And to be it Further enacted, That in every Case in Which any Parish or Place shall be divided into separate Parishes for Ecclesiastical Purposes, or into separate Districts or Chapelries, in which Select Vestries shall be appointed by the Commissioners for such Parishes under the Provisions of the said recited Acts, all the members of or Persons belonging to the Select Vestry of the original Parish, who shall reside in or belong to the District or Division of the original Church or Chapel of the Parish or Place, shall continue to act as the Vestry of such District or Division and of the Church or Chapel thereof, in all Matters relating to such Church or Chapel and the Repairs thereof (or to any other Ecclesiastical Matters or Things in the Distribution: of any Proportion of any Bequests, Gifts, or Charities which may under the Provisions of this Act be assigned to any such District or Division; any thing in the said recited Acts or this Act to the contrary notwithstanding: Provided always, that no Member of any Select Vestry of any such Parish or place shall, after any such Division as aforesaid, act in relation to any Masters or things relating to any Church or Chapel, or Churches or Chapels, or any repairs thereof, Or any Matters or Things relating thereto, or any other Ecclesiastical Matters or Things ,except such as are within or belonging or relate to the Division in which he shall reside; and if by reason of any such Division as aforesaid a sufficient Number of such Members of Select Vestry shall not remain resident in the Division of the Parish or Place within which the original Church or Chapel of the Parish or Place shall be situate, according to such Proportion as shall be fixed by the Commissioners on that Behalf, regard being had to the Population of such Division, and the relative Proportion thereof to the Population of the whole Parish or Place, all such Deficiencies shall be filled, up as Deficiencies or Vacancies in such Parish or Place have been heretofore filled up in such Parish or Place : Provided always, .that no Member of any such Select Vestry or Inhabitant of any such Parish or Place shall vote in the supplying such Deficiencies, unless resident within the Division of the Parish or Place for which the Member or Members to supply Deficiencies are to be chosen; provided also such Persons so chosen shall not by reason thereof be deemed Members of the Vestry of any such Parish or Place for any other Purposes than such as relate to the Church or Churches, or Chapel or Chapels, or the Ecclesiastical Affairs of the Division of the Parish or Place for which they shall be so chosen, or for the Distribution of any charitable Gifts or Bequests therein: Provided also, that all the Members of the Select Vestry of any such Parish or Place, resident in any other Divisions of any such Parish or Place, shall in every Case be Members of such Vestry or Vestries as shall be appointed under the Provisions of the said recited Acts or this Act, for the respective Divisions of the Parish or Place in which they shall respectively reside.

XI Commissioners may, in case of Division of Parishes, apportion Charitable Gifts and Debts.

And be it further enacted, That it shall be lawful for the said Commissioners, in every Case in which they shall be of Opinion' that it will be expedient to divide, or in which the said Commissioners shall have divided any Parish or Place into Two or more distinct and separate Parishes, District Parishes or Chapelries, for Ecclesiastical Purposes, under the Provisions of the said recited Acts; to apportion, if the Commissioners shall in their Discretion think it expedient, among such separate Divisions of any such Parish or Place so. made separate or District Parishes or Chapelries for Ecclesiastical Purposes, any charitable Bequests or Gifts which shall have been made or given to any such Parish or Place, or the Produce thereof; and in any such case, to direct that the Distribution of the Proportions of such Bequests or Gifts, or the Produce thereof, as shall be so apportioned to any such separate Divisions of any such Parish, shall be made and distributed by the Spiritual Person serving the Church or Chapel of any such separate Divisions, or the Church or Chapelwardens, or Select Vestry of any such separate Divisions, either jointly or severally, as the Commissioners may in their Discretion (regard being had to the Nature of the Bequest or Gift and the Application thereof) think expedient; and also to apportion among such separate Divisions, any Debts which may have been before the Period of such Apportionment contracted or charged upon the Credit of any Church Rates in such Parish or Place, regard being had in all such Apportionments to the Circumstances of such Parish or Place, and of the respective Divisions thereof so made separate and distinct for Ecclesiastical Purposes as aforesaid; and all such Apportionments shall be registered in the Registry of the Diocese in which the Parish or Place shall be locally situate, and Duplicates thereof shall be deposited with the Churchwardens of each such separate Districts as' aforesaid, in respect of or in relation to which any such Apportionments aforesaid shall have been made.

XII Commissioners may direct that Fees for Marriages, and Burials, in case of Division into District Parishes, shall continue to belong to the Incumbent of original Church of the Parish.

And be it further enacted, That it shall be lawful for the said Commissioners, in every Case in which any Parish or Place shall be divided, under the Provisions of the said recited Acts, into District Parishes or Places for Ecclesiastical Purposes, with distinct District Churches for each of such Divisions, to order and direct, with the Consent of the Bishop of the Diocese, that all or any Proportion of the Fees, Dues, and Emoluments arising and accruing from the Publication of Banns and Celebration of Marriages, and from Church-Mgs and Burials, and the making, opening, or using any Catacombs; Vaults; or Ground for Burials, in all or any the several Districts and Divisions of such Parish or extra-parochial Place, shall remain with and continue to belong to, and to be received by or for and on account of, and to the Use of, and to be accounted for wholly or in part, as the Case may require, to the Incumbent of the Original Church or Chapel, any thing in the said recited Acts or either of ; them or in this Act contained to the contrary notwithstanding; and every such Order shall be registered in the Registry of the Diocese and a Duplicate Copy thereof deposited and kept in the respective Chests of the Churches and Chapels respectively of such Parish or Place : Provided always, that it shall be lawful for the Commissioners, with such Consent as aforesaid, at any Time within Five Years after the making of any such original Order or Direction, to annul or in any Manner to alter any such Order or Direction, or the Appropriation made thereby; and such new Order or Direction, or Alteration, when made, shall be registered in manner aforesaid.

XIII In Cases in which the Rectorial Tithes, &c. shall be surrendered by Impropiators, &c. for the Purpose of converting Vicarages into Rectories, the Commissioners shall direct the same to be done accordingly.

And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to convert any Vicarage of any Parish or Place, or the separate Divisions of any Vicarage of any Parish or Place, divided under the said recited Acts or this Act, into a Rectory or Rectories instead of a Vicarage Or Vicarages, in any Case in which the Owner or Owners entitled in Fee Simple to the Rectory or Tithes, if an Improprate Rectory, or the Patron entitled in Fee Simple of a Sinecure Rectory, and also the Incumbent of the Sinecure Rectory of any such Parish or Place, if the same shall not be void at the Time of any such Conversion, and the Person or Persons (if any) entitled to the absolute Interest in any Lease granted of the Sinecure Rectory or Glebe or Tithes thereof; shall be willing to restore and release and reunite the Tithes and Glebe, and all other Rectorial Rights, Dues, and Emoluments of any such Parish or ; Place, or of any such Proportion of any such Parish or Place, as shall be satisfactory to such Commissioners, to the Incumbent or Incumbents of such Parish or Parishes, or Place or Places, and his or their Successors for, ever: and in every such Case such Surrender, Restoration, or Release, shall be made in such Form and by such Instrument as the Commissioners shall direct; and the said Commissioners shall, by an Instrument in Writing under the Seal of the said Commissioners, direct such Alteration to be made, and Conversion of toy such Vicarage or Vicarages into a Rectory or Rectories, from the Period specified in such Instrument, and upon the Conditions as to the Transfer, Restoration, or reuniting of Tithes, Glebe, or other Rectorial Rights, Dues, and Emoluments therein mentioned; which Instrument shall be registered in the Registry of the Diocese in which the Parish shall be locally situate, and inrolled in the High Court of Chancery; arid such Parish or Parishes, Place or Places, shall for ever therefrom be deemed and taken to be, to all Intents and Purposes, a Rectory or Rectories, without Prejudice nevertheless to the) Rights and Interests of any other Persons; and the Incumbent or Incumbents of any such Vicarage or Vicarages shall thereupon become and be deemed to be the Rector or Rectors of such Parish ok Parishes, or divided Parishes, or Place or Places, without any new) Induction or Proceeding whatever, and shall be entitled to; have and use and exercise all such Remedies for the Recovery of their Tithes, Glebe, and all other Rectorial Rights, Dues, and Emoluments, as Rectors of such Parishes, or divided Parishes, as fully and effectually to all Intents and Purposes, as if such Parishes had been Rectories, and such Incumbents respectively had been in due Form of Law inducted as Rectors therein; and it shall be lawful for the Said Commissioners in every such Case, immediately after the passing of this Act, and before any such Transfer and Division can be finally arranged, made, and completed, to accept and confirm any such Restoration or Release and Reunion of any such Tithes, and accept and record the Consents or Engagements in relation thereto, of any such. Impropiator, Patron, or Sinecure Rector and Incumbent (if there shall have been any Incumbent to consent at the Time of such Conversion), and Tenant or Tenants, if any, and to proceed to the completing of any such Transfer or Division upon such Consent, for the Purpose of converting any such Vicarage into a Rectory or Rectories; and all such Consents shall in any such Case be valid and binding upon the Heirs and Successors, and Executors and Administrators respectively, of any such Impropiator, Patron, or Sinecore Rector and Incumbent, Tenant or Tenants, if any Death or Changes shall thereafter occur in any such Patronage or Incumbency, as fully and effectually to all Intents and Purposes as if the Consent had been given and Transfer made by the Impropiator, Patron, or Sinecure Rector and Incumbent, Tenant or Tenants, for the Time being, when the Arrangement and Division shall be finally completed: Provided always, that no Incumbent shall in any such Case become liable

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to the Maintenance or upholding or Repair of more than One House of Residence in any such Parish or Place ; and when in any such Parish or Place there shall be more than One House belonging to the Church or Chapels thereof, the Bishop of the Diocese shall decide, order, and declare which shall thereafter be deemed the House of Residence, and be upheld and maintained and repaired as such ; and the Order of the Bishop in relation thereto shall be registered in the Registry of the Diocese, and a Duplicate Copy of such Order deposited and be kept in the Chest of the Church or Chapel of such Parish or Place.

XIV Sinecure Rector may release Part of Rectorial Glebe, &c. and retain the Remainder in Fee Simple, for the Purpose of converting any Vicarage into a Rectory by the Commissioners.

Provided always, and be it further enacted, That in case the said Commissioners shall think proper to convert into a Rectory or Rectories the Vicarage of any Parish or Place, or separate Division of a Parish or Place which shall be divided, or in which a new Church shall be erected by virtue of the Provisions contained in the said recited Acts or this Act, and the Possessor or Possessors of the Sinecure Rectory of such Parish or Place for Two or more Lives, by virtue of a Lease granted thereof by a Rector with the Consent of the Patron and Ordinary, shall be desirous of retaining any Manor or other Hereditaments, being the Glebe or Part of the Glebe of the; said Rectory, and shall be willing to surrender and release all his, her, or their Estate and Interest in the Tithes, and the Residue (if any) of the Glebe of the said Rectory, on condition that such Manor and other Hereditaments shall be vested in him, her, or them in Fee Simple then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, if they shall think proper, with the Consent of the Patron of the said Rectory being entitled thereto in Fee Simple and the Incumbent thereof by any Instrument under the Seal of the said Commissioners, and sealed and delivered by the said Patron and Incumbent (if any). Upon the Execution by such Possessor or Possessors of the said Rectory, together with the Patron and Incumbent (if any) thereof, and of the said Commissioners, of such Instruments as are herein-before mentioned or referred to, for surrendering, releasing, and vesting all the Rectorial Tithes and Glebe (except the Manor and other Hereditaments to be retained as aforesaid), to release and convey the Said Manor and other Hereditaments to such Possessor or Possessors; or such other Person or Persons as he, she, or they shall in that behalf direct, his, her, or their Heirs and Assigns for ever; and such Instruments. in Writing shall be inrolled in the High Court of Chancery and. upon the Execution thereof the Manor and other Hereditaments comprised therein, with their Appurtenances, arid the Fee Simple and Inheritance thereof, shall be absolutely vested in the Person or Persons to whom the same should be thereby released and conveyed, his, her, or their Heirs and Assigns for ever, but shall be subject to Tithes in the same Manner as if the same had never been Part of the Glebe of the said Rectory.

XV Bodies Politic, &c. empowered to give up Rights of Patronage and Endowments, and Emoluments held by them in Trust, to enable the Commissioners to establish District Churches.

And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, arid Feoffees in Trust, Committees, Executors and Administrators, arid all other Persons and Trustees whomsoever, riot only for or on behalf of themselves, their Heirs and Successors, but also for and on behalf of

Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Coverts, or other Person or Persons, and to and for all Femes Covert; who are or shall be possessed of or entitled to, or interested in their own Right, and for every other Person whomsoever who shall be possessed of or entitled to, or interested in any Right of Patronage or of Presentation or Appointment to any Benefice, Donative, Perpetual Curacy, or of any Spiritual Person to any Church or Chapel, OP the Performance of any Ecclesiastical Duties in any Church or Chapel, or for the Trustees of any Endowments or Emoluments for the Use of any Church or Chapel, or the Incumbent thereof, or Spiritual Person serving the same, to surrender any such Right of Patronage, Presentation or Appointment, Endowments or Emoluments, or to enter into or make any Agreement relating thereto, with the said Commissioners and the Bishop of the Diocese, and to attach any contiguous Division of any Parish or Place, with Consent of the Patron and Incumbent of the Parish or Place, to any such Chapel, for the Purpose of better enabling the said Commissioners to convert arty such Church or Chapel into the Church Or Parochial Chapel or Chapel of Ease of a District Parish or Chapelry, and to convert any Chapelries or other Divisions into Districts or separate Parishes for Ecclesiastical Purposes ; any thing contained in any Act or Acts of Parliament, or in any Deed or Deeds, or any Trusts relating thereto, respectively, to the contrary notwithstanding.

XVI Commissioners may, with Consent of Ordinary, &c. convert District Chapelries into District Parishes, where suitable Residences, &c. can be obtained for Incumbent, and Fees compensated for.

And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, with the Consent of the Ordinary and the Patron and of the Incumbent of the Parish for the Time being, or in case of the Refusal of any Incumbent, the" with the Consent of the Ordinary upon the next Avoidance, to convert any District Chapelry made under the Provisions of the said recited Acts, into a separate and distinct Parish for Ecclesiastical Purposes, or into a District Parish under the said Acts, in any case in which a suitable House of Residence and such Maintenance as the said Commissioners shall deem competent, can be procured and established for the Use of the Minister of such separate and distinct or District Parish so to be made, and his Successors, and in which a Compensation shall be provided to the Satisfaction of the Commissioners and the then Incumbent of the Parish, for all Fees, Oblations, Offerings, and other Ecclesiastical Dues which may by such Conversion be transferred to the Minister of such separate and distinct or District Parish so to be made; and every such Conversion shall be made under the Seal of the said Commissioners, and registered in the Registry of the Diocese in which the Parish shall be locally situate and enrolled in the High Court of Chancery, and Duplicate thereof shall be lodged in the Chest of the original Parish Church, and in the Church or Chapel of the separate and distinct or District Parish.

XVII Where Marriages are allowed to be celebrated in District Chapelries, the Banns of Marriage shall be published in the Chapels of the Districts.

And be it further enacted, That in every Case in which Marriages are allowed under any of the Provisions of the said recited Acts, or either of them, to be solemnized in any Chapel of a District Chapelry, and in which the Parties, or either of them, contracting such Marriage, shall reside in the District of the Chapelry, or in any other District of any Chapelry, the Banns of Marriage shall be published in the Chapel or Chapels of each of the Districts in which such Parties respectively reside, and no Publication of

such Banns in any other Church or Chapel shall be legal, valid, or effectual for the Purposes of such Marriage ; any thing in the said recited Acts or either of them, or any other Act or Acts of Parliament contained to the contrary notwithstanding.

XVIII All Acts relating to publishing Banns of Marriage, and to Marriages, &c. to apply to Churches and Chapels of extra-parochial Places and Districts.

And be it further enacted, That all Acts of Parliament, Laws, and Customs relating to publishing Banns of Marriage, and to Marriages, Christenings, Churchings, and Burials, and the Registering thereof, and to all Ecclesiastical Fees, Oblations, or Offerings, shall apply to all extra-parochial Places, and to all Divisions and Districts of any extra-parochial Places in and for which any Churches or Chapels shall be built or appropriated, under the Provisions of the said recited Acts or this Act, and to the Churches and Chapels thereof, and to the Ecclesiastical Persons having the Cure of Souls therein, or serving the same, in like manner, in every respect, as if the same respectively had been ancient, separate, and distinct Parishes and Parish Churches by Law, to all Intents and Purposes.

XIX Bishop to certify Churches and Chapels in which Banns and Marriage may be published and celebrated, and Certificate to be registered; but Banns and Marriages not to be invalid for want of such Certificate, if had in Churches authorized by the Acts.

And be it further enacted, That when and so soon as Banns of Marriage may be published, and Marriage celebrated and solemnized, in any Church or Chapel under the Provisions of the said recited Acts or this Act, the Bishop of the Diocese within which such Church or Chapel shall be locally situate, whether in any Parish or extra-parochial Place or otherwise, shall certify the same, and such Certificate shall be kept in the Chest of the Church or Chapel with the Books of Registry thereof, and a Copy thereof shall be entered in the Books of Registry of Banns and Marriages, and a Duplicate of such Certificate shall be registered in the Registry of the Diocese, and such Certificate shall be deemed and taken to be conclusive Evidence in all Courts, and in all Questions relating to any Banns published or Marriages celebrated or solemnized in any such Church or Chapel, that the same might, according to Law, respectively be published and celebrated and solemnized in such Church or Chapel; and that all Banns published, and Marriages celebrated, solemnized, and had in any such Church or Chapel, according to the Laws and Canons in force within this Realm in that Behalf, shall, after the granting of such Certificate, be good, valid, legal, and effectual, to all Intents and Purposes whatsoever: Provided always, that no Banns or Marriages respectively published, celebrated, solemnized, or had, according to the Laws and Canons in force within the Realm in that Behalf, in any Church or Chapel in which the same are authorized to be respectively published, celebrated, solemnized, and had by the said recited Acts or this Act, or either of them, shall be or be deemed or taken to be invalid or illegal, or void or voidable, by reason of any such Certificate not having been duly given, or registered or entered as herein-before required.

XX All Chapels belonging to Parishes with or without Districts assigned, to be repaired by the Parishioners at large, in the same Manner as the Church of the Parish.

And whereas Doubts may arise as to the Repairs of Churches or Chapels acquired and appropriated, or built or enlarged or improved in aid of the Churches of Parishes

or Places, under the Provisions of the said recited Acts or this Act; for Remedy and Prevention thereof, be it enacted, That all Chapels acquired and appropriated, or built or enlarged and improved under any of the Provisions of the said recited Acts, or under any Local Acts, in Cases in which no Provision is made relating thereto in such Local Acts, in Aid of the Churches of the Parishes or Places in which they shall be situated (whether any Districts of any such Parishes shall have been assigned or not to such Chapels as belonging thereto for Ecclesiastical Purposes), shall be repaired by the respective Parishes or Places at large to which such Chapels shall belong, and Rates shall be raised, levied, and collected for that Purpose in like Manner in every respect as for the Repair of the Churches of such Parishes and Places, and all the Laws in force for making, raising, levying, and collecting Rates for the Repair of Churches, shall be applied and put in force for the raising, making, levying, and collecting such Rates for the Repair of such Chapels, as fully and effectually to all Intents and Purposes as if the same were severally, separately, and specially repeated and re-enacted in this Act for that Purpose, as to the Repairs of such Chapels ; any thing in the said recited Acts, or any other Act or Acts of Parliament to the contrary notwithstanding.

XXI Commissioners may exonerate any new Subdivision of .Division of any Parish already divided, or which may hereafter be divided, from Repair of Church of such Division.

And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, in any Case in which any Division of any Parish already divided, or which may hereafter be divided under the Provisions of" the said recited Acts or this Act, shall be again divided, and on which any Church or Chapel shall be built or acquired and appropriated, for the Use of any such new Division, by any Instrument under the Seal of the said Commissioners, to declare that all Liability to any Repairs of the Church or Chapel of the Division from which such new Division shall be so made as aforesaid, shall cease from the Period specified in any such Instrument; and thereupon, from and after such Period, the new Division in which any such Church or Chapel shall be built, acquired, and appropriated, shall be liable only to the Repairs of such Church or Chapel, and to the Repairs, for whatever Periods shall remain of the Twenty Years under the said recited Act, of the Church of the original Parish ; any thing in the said recited Acts to the contrary notwithstanding.

XXII Commissioners may apportion Glebe, Tithes, &c. or make permanent Charge thereon for Benefit of Persons serving any Chapel in the Parish.

And be it further enacted, That it shall and may be lawful for the said Commissioners, with the Consent of the Bishop and Patron entitled in Fee Simple, in Cases where the said Commissioners may not deem it expedient to divide any Parish for Ecclesiastical Purposes, or create separate Districts for Ecclesiastical Purposes therein, either to make a permanent Rent Charge on or to apportion any Portion not exceeding a Moiety of the Glebe Lands, Tithes, Moduses, or other Emoluments, for the Benefit of the Incumbent of or Person serving any such Chapel or Chapels in any such Parish, as in their Discretion they may think expedient: Provided always, that the Presentation of every such endowed Chapel shall be vested in the Patron of the Church to which such Chapel or Chapels may appertain.

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XXIII Commissioners may, with Consent of Owners, transfer Pew Rights from existing Churches to new Churches, &c. of Divisions, for the Purpose of making Free Seats. No greater Right to be given on the Transfer of Pews.

And be it further enacted, That it shall be lawful for the said Commissioners to transfer any Rights to any Pews, with the Consent of the Owners thereof, in any existing Church or Chapel, belonging to any Person residing in any Division of any Parish or Place in which any new Church or Chapel shall have been or shall be built, acquired, or appropriated under the Provisions of the said recited Acts, to the Church or Chapel of the Division in which any such Person or Persons shall reside, for the Purpose of enabling the said Commissioners to make or increase the Number of Free Seats in the Church or Chapel from which such Rights shall be transferred; and the Persons from whom any Pews shall be so taken for such Purpose as aforesaid, and to whom any Pews in lieu of their former Pews shall be assigned by the said Commissioners in any other Church or Chapel, shall have, hold, and enjoy the same respective Rights and Titles to the Pews so assigned, as they respectively had, held, and enjoyed in their former Pews, or such Right and Title as shall be directed and set forth in such Assignment in lieu thereof, without any Faculty, Instrument, or other Process than such Assignment as aforesaid ; and every such Assignment shall be registered in the Registry of the Diocese in which the Church or Chapel shall be, and a Duplicate thereof deposited in the Chest of the Church or Chapel in which any such Pew shall be so assigned as aforesaid : Provided always, that no larger or greater or other Right shall be given to any Pew in any new Church or Chapel, upon any such Transfer, than belonged to the Owner, Proprietor, or Occupier of the Pews in the existing Church or Chapel, in the Pews in respect of which any such Transfer shall be made.

XXIV Regulation as to letting of Pews.

And be it further enacted, That in every Case in which Rents shall have been fixed upon the Pews in any Church or Chapel under the Provision of the said recited Acts for the Purposes therein specified, Notice shall be given for Six successive Weeks at the End of each Year of all the Pews which are vacant or which will become vacant at the Commencement of the next Year, by affixing the same in Writing upon the Doors of the Church or Chapel and Vestry Room thereof respectively; and all such Pews as shall not be taken at the Rent respectively fixed thereon within Fourteen Days after the Commencement of the ensuing Year, shall in every such Case be let to any Inhabitant of any adjoining Parishes or Places in which there shall not be sufficient Accommodation in the Churches and Chapels of the Parish or Place for the Inhabitants thereof, at the Rent respectively so affixed upon such Pews, for any Term not exceeding the End of the Year ; and at the Expiration of the Year, and also of every succeeding Year in which any such Pews shall be rented by Inhabitants of any adjoining Parishes, such Pews shall be inserted in the List of vacant Pews, to be taken in Preference by the Inhabitants of the Parish or Place to which the Church or Chapel shall belong; and all such Pews as may not be so taken by any Inhabitant of the Parish or Place, may again be let, and so on from Year to Year, to any Inhabitants of any adjoining Parish or Place; any thing in the said recited Acts to the contrary notwithstanding.

XXV For Avoidance of Pew Leases.

Provided always, and be it further enacted, That in case any Inhabitant to whom any Lease or Demise of any Pew, Seat, or Sitting in Church or Chapel, of the Parish or Place or Division or District of which he shall be an Inhabitant, shall be granted for

any longer Term than One Year, shall cease to be an Inhabitant of the said Parish, Place, Division, or District, or shall discontinue his oilier Attendance at the Church or Chapel for the Space of any One Year, then and in every such Case his, her, or their Lease, Demise, Term, Estate, and Interest in such Pew, Seat, or Sitting respectively, shall, at the End or Expiration of the then current Year of the said Term or Period, cease and determine to all Intents and Purposes whatsoever; and such Pew, Seat, or Sitting shall and may be again, let in like Manner herein-before mentioned.

XXVI Parishes may, with Consent of Commissioners, procure and buy additional Burial Grounds.

And be it further enacted, That it shall be lawful for the said Commissioners to authorize and empower any Parish, Chapelry, Township, or Extra-parochial Place, which shall be desirous of procuring a Burial Ground, or adding to any existing Church or Chapel Yard or Cemetery, to procure and purchase any such Land or Ground as may in the Opinion of the Commissioners be sufficient and properly situated for a Church or Chapel Yard or Burial Ground, or as ,an Addition to any existing Church or Chapel Yard or Cemetery (whether such Land or Ground shall be situated within the Parish or Place for the Use of which the same shall be intended), and to make, raise, levy, and collect Rates for Purchase thereof, or for the Repayment with Interest of any Money borrowed for the making such Purchase, at such Times and in such Proportions as shall be agreed upon with the Person or Persons advancing any such Money and approved of by the said Commissioners; and the Churchwardens or Chapelwardens or Persons authorized under the said recited Acts to make Rates far any of the Purposes of the said recited Acts, of any such Parish, Chapelry, Township, or Extra-parochial Place, may and shall in every such Case use and exercise all the Powers and Authorities in the said recited Acts, for the Purpose of making and completing such Purchases, and also all the Powers and Authorities in the said recited Acts specified, as to making, raising, and levying any Rates for any of the Purposes of the said recited Acts ; and when any such Land or Ground so purchased shall be situate out of the Bounds of the Parish or Place for which the same is intended, the same shall after Consecration become and be deemed Part of such Parish or Place; any thing in any Act, Law, or Custom to the contrary notwithstanding.

XXVII To remove Doubts as to Allowance of Duties upon Materials for rebuilding or enlarging of Churches, &c.

And whereas Provision is made in the said recited Act of the Fifty-ninth Year aforesaid, for authorizing the remitting and allowing of Duties of Customs and Excise upon Materials used in the building of Churches or Chapels under the Provisions of the said recited Acts ; and Doubts may arise as to the allowing or remitting of such Duties in Cases of rebuilding, or enlarging or increasing the Accommodation of Churches and Chapels ; for Remedy and Prevention thereof, be it therefore further declared and enacted, That it shall be lawful for the Commissioners of Customs and Excise of *England, Ireland, and Scotland* respectively, with the Consent and under the Authority in Writing of the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland*, or of any Three or more of the Commissioners of His Majesty's Treasury for the Time being respectively, to remit all or any Proportion of the Duties of Customs or Excise respectively, or to order the same to be drawn back or repaid, for, upon, or in respect of any Stone, Slate, Bricks, Timber, or other Materials, which shall have been or shall be *bonâ fide* procured for, and have been or shall be used in the rebuilding, or enlarging or increasing the Accommodation of any Churches or Chapels under the

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Provisions of the said recited Acts or this Act, or which have been built, or enlarged or increased with the Approbation of the Commissioners (and which Approbation may be at any Time certified under their Seal) ; and such Duties shall, in every such case, be remitted, drawn back, or repaid, as the Case may be, under such Rules, Regulations, and Restrictions, and in such Manner as shall be ordered and directed by the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury in that Behalf; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

XXVIII Grants, Instruments, Contracts, or Bonds, not to be subject to Stamp Duty.

And whereas by the said recited Act of the Fifty-ninth Year aforesaid, the Commissioners for managing the Duties upon Stamped Vellum, Parchment, and Paper, are authorized to allow the full Amount of Stamp Duties upon Instruments made in relation to the said recited Acts ; and it is expedient to make other Provisions in relation to such Stamp Duties , be it therefore enacted, That no Deed of Gift, or Grant, Security, Contract, Agreement, Deed, or Conveyance, or other Instrument, made for any of the Purposes in the said recited Acts mentioned, or for any other of the Purposes or under any of the Provisions in the said recited Acts or either of them, or of this Act, or for the carrying into Execution any of the Powers, Authorities, Regulations, Purposes, or Provisions thereof, or therein mentioned respectively, shall be subject to any of the Duties upon Stamped Vellum, Parchment, or Paper; any thing in any Act or Acts of Parliament to the contrary notwithstanding.

XXIX Titles to Sites not to be questioned after Fire Years.

And be it further enacted, That from and after the Expiration of Five Years after the Transfer or Conveyance of any Messuages, Lands, Grounds, Tenements, or Hereditaments, to the said Commissioners, or to any Person or Persons for the Use of any Parish or Place, as a Site for any Church or Chapel, or any Church or Chapel Yard or Cemetery, whether such Transfer or Conveyance shall have been by Gift or Grant, or upon or in pursuance of any Sale or Purchase under the Provisions of the said recited Acts or this Act, although no Church or Chapel shall have been before the Expiration of the said . Five Years erected or built and consecrated upon such Site, the said Messuages, Lands, Grounds, Tenements, or Hereditaments shall become, and be and remain absolutely vested in such Commissioners, or the Person or Persons to whom the same was conveyed, for the Purposes of the said Acts and this Act, free from all Demands or Claims of any Body Politic or Corporate, or Person or Persons whatever, and without being thereafter subject to any Question as to any Right, Title, or Claim thereto, or in any Manner affecting the same.

XXX Commissioners may transfer the Endowments, &c. of existing Churches, &c. to those Churches built in lieu thereof, upon certain Conditions.

And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by any Instrument under Seal, with the Consent of the Ordinary and of the Patron and Incumbent of any Parish or Place in which any new Church or Chapel shall have been built, or shall be built, acquired; or appropriated for the Use of such Parish or Place, instead of the old Church or Chapel of such Parish or Place, under the Provisions of the said recited Acts or this Act, to authorize and direct the Transfer of the Endowments, Emoluments, or Rights of or belonging to. the old or existing Church or Chapel of such Parish or Place, or to the Minister for the Time being thereof, to any such new Church or Chapel so built, acquired, or

appropriated in such Parish or Place, and to the Minister thereof for the Time being and his Successors; and it shall be lawful in every such Case for any Trustees of any Chapel, or of any Rights, Emoluments, or Endowments of or belonging to any Church or Chapel, or to the Incumbent of any Church or Chapel for the Time, and they are hereby required, to transfer all such Rights, Emoluments, and Endowments according to the Direction Of the said Commissioners as aforesaid; Provided always, that in every such Case the Inhabitants of the Parish or Place in which such new Church or Chapel shall be built, shall raise and pay to the said Commissioners towards the Expellees of such new Church or Chapel, either by Subscription or Rate, such Sum at the least as would have been necessary for the Repair of the old Church or Chapel, in case such new Church or Chapel had not been built, and such further Sum as the Inhabitants of such Parish or Place would have been liable to raise in such Parish or Place, for any Purposes relating to the effectual and sufficient Reparation of and maintaining such Old Church or Chapel, or the Cemetery thereof, or any other Expencc incident thereto, or to which such Parish or Place would have been liable in respect thereof, in case such new Church or Chapel had not been built; and immediately from and after any such Transfer as aforesaid, all Tithes or Tenths, Moduses or other Compositions for Tithes or Tenths, and all Emoluments, Dues, Fees, Offerings, Oblations, Obventions, and other Profits and Advantages, and all Messuages, Glebe and other Lands, Tenements or Hereditaments, Rents, Sums of Money, or Real or Personal Chattels whatsoever, and all Rights and Privileges wheresoever, and of what Nature or Kind soever, wherewith any such old or existing Church or Chapel then is, or at any Time theretofore had or ought to have been, or at the Time of such Substitution of such new Church or Chapel for any such old or existing Church or Chapel, may be endowed, or to which the Minister thereof then is, or at any Time theretofore was or ought to be entitled, with all the respective Rights, Privileges, Members, Easements, and Appurtenances thereto belonging, or in anywise appertaining, or to or with the same, or any Part, thereof, had, held, used or enjoyed, or accepted, reputed, deemed, taken, or known as Part, Parcel, or Member thereof, or as belonging to such Minister ; and the same, together with all Reversion and Reversions, Remainder and Remainders, yearly and other Rents, Issues, Estates, Rights, Interests, Dividends, Emoluments and Profits, of all and-singular any such Messuages, Lands, Hereditaments, Rents, or Sums of Money, shall severally and respectively become and be vested in the Parson or Minister for the Time being of the new Church or Chapel, and his Successors for ever, in as full and ample a Manner as the Parson or Minister of the old or existing Church or Chapel might or could have had, received, and enjoyed the same, in case such, Substitution or Transfer had not been made and passed ; and every such Substitution and Transfer shall be registered in the Registry of the Diocese within which the Place shall be locally situate, and enrolled in the High Court of Chancery; and all Acts of Parliament, Laws, and Customs relating to the publishing of Banns of Marriage,; and Celebration of Marriages, Christenings, Churchings and Burials, and the respective registering thereof, aha to all Ecclesiastical Fees, Oblations and Offerings, shall apply to every such new Church, in like Manner in any respect as to the old Church of the Parish or Place.

XXXI Appointment of Ecclesiastical Persons to serve new Churches or Chapels, built by Aid from Commissioners, in certain Cases to belong to the Diocesan.

And be it further enacted, That in every case in which the Commissioners shall build, or grant any Sum of Money in Aid of the building of any new Church or Chapel, in any Parish or Place in which the Patronage of or Nomination or Appointment of the Ecclesiastical Person to serve such Church or Chapel shall not belong to His Majesty, or to any Body Politic pr. Corporate or Collegiate, or any Corporation Sole or Aggregate, or to any Trustees, Commissioners, Directors, or other Persons having

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the Charge, Care, or Management of any public or charitable Institution, or to any Trustees of any Church or Chapel, or to any private Person, it shall be lawful for the said Commissioners, by any Instrument Under Seal, declare that such Patronage, Nomination, or Appointment shall, either for ever, or for such Time and in such Manner as the, said Commissioners shall direct, go to or be exercised by the Bishop of tile Diocese within whose jurisdiction as Diocesan such Parish pr Place shall be, or if exempt from such Jurisdiction, then by the Bishop of the Diocese in which such Parish or Place shah be locally situate; any thing contained in any Act or Acts of Parliament, or Law or Laws, or any Usage or Custom, to the contrary notwithstanding.

XXXII Commissioners may, under any Special Circumstances to be recorded in their Proceedings, apply their Powers in Aid of Parishes for procuring Land, &c.

And whereas Doubts have arisen whether, the Commissioners are empowered to use, exercise, and enforce certain of the Provisions of the said recited Acts and this Act, in Aid of the Parishes and Places in. certain Cases not within the Limitations of the said recited Acts, with respect to the Population or Extent of such Parishes or Places, or which may not come within any of the Regulations of the said recited Acts or this Act, in respect of any Advances in Loans; in Aid of such Parishes, or in which Parishes pr Places cannot comply with the Regulations and Restrictions contained in the said recited, Acts or this Act; be it therefore declared and enacted, That it shall be lawful For the said Commissioners, in any Case in which they shall, under the Special Circumstances of any Parish or Place which shall, not be within any of the Provisions of the said recited Acts or this Act, deem it expedient, and they are hereby authorized and empowered to use, exercise, and put in Execution all or any of the Provisions of the said recited Acts or this Act, relating to the procuring or taking of any Land or Ground, for the Purpose of procuring for any such Parish or Place, or of aiding in the procuring for any such Parish: or Place, any Land or Ground for any of the Purposes of the said re-, cited Acts or this Act, or for the Purpose of carrying into Execution any of the Provisions of the said recited Acts or this Act with respect to the Division or Consolidation of any Parish or District: Provided nevertheless, that the Commissioners shall in every such Case enter in their Proceedings the Nature of the Special Grounds and Circumstances under which they shall deem it expedient so to act. ,

XXXIII For removing Doubts as to the Powers of the Commissioners in relation to certain Grants.

And whereas Doubts have arisen and may arise as to Grants made by the said Commissioners, in Cases in which Trusts have been created by Acts of Parliament or otherwise, in relation to the Churches or Chapels for which such Grants have been or may be made, and whether the making such Grants may, under the Provisions of the said recited Acts and this Act, interfere with such Trusts; for Remedy and Prevention whereof, be it therefore declared and enacted, That it shall be lawful for the said Commissioners to make any Grant or Grants in relation, or confirm any Grant or Grants heretofore made for any Church or Chapel in relation to which any Trusts have been created by any Act or Acts of Parliament, or any Deed or Deeds, or Instrument of Consecration, which may not in all respects concur with the Provisions of the said recited Acts or this Act, and to declare at the Time of making or confirming any such Grant, that any such Trusts shall notwithstanding remain and continue in full Force: Provided always, that the Commissioners shall, in any such Case, enter in their Proceedings the Special Grounds upon which every such Grant has been made and confirmed ; and in every such Case such Trusts shall remain and continue in full Force

any thing in the said recited Acts or this Act, or in the said Trusts and Regulations to the contrary notwithstanding.

XXXIV Commissioners may re-convey Land given for purposes of the Acts, and not used, to the Grantors, or their Heirs or Successors.

And be it further enacted, That in every Case in which any Grant shall have been or shall be made of any Land or Ground, for any of the Purposes of the said recited Acts or this Act, as a Gift, or without any pecuniary Consideration being paid for the same, and in which the Commissioners shall determine not to apply such Land or Ground to any of the Purposes of the said recited Acts or this Act, it shall be lawful for the said Commissioners and they are hereby authorized and empowered, to exchange any such Land or Ground for any other Land or Ground which may, in the Judgment of the said Commissioners, be more eligible for the Purpose for which the same was given; or with the Consent of the Grantor or Grantors thereof, or their Heirs or Successors, to apply such Land or Ground to any other Ecclesiastical Purposes, either as Glebe or otherwise, for the Use of the Incumbent of the Parish or Place, or for the Purpose of any Parochial or Charitable School, or any other Charitable or Public Purpose relating to any such Parish or Place; or to re-convey, without requiring, taking, or receiving any pecuniary Consideration for such re-conveyance, any such Land or Ground, or any Part thereof, in case only a Part of any such Land or Ground shall have been applied to the Purposes of the said recited Acts or this Act, to the Grantor or Grantors thereof, or their Heirs or Successors ; any thing in the said recited Acts or this Act to the contrary notwithstanding.

XXXV This Act not to affect the Powers of Acts relating to any particular Parish.

Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter, vary or affect, any Powers, Authorities, Clauses, or Provisions contained in any Act or Acts of Parliament passed in the last Session of Parliament, or which may be passed in this present Session of Parliament, relating to any particular Parish or Place, or to authorize or empower the Commissioners under the said recited Acts or this Act, to make or enforce any Order, Direction, or Regulation under the Provisions of the said recited Acts or this Act, so as to alter or affect any such Powers or Authorities as aforesaid, or otherwise, contrary to any Clause or Provision contained in any such Act or Acts of Parliament relating to any particular Parish or Place; and that all the Powers, Authorities, Clauses, Regulations, and Provisions in such local Acts contained, shall remain in full Force, and be used, enforced, and applied in the same Manner and by the same Persons, as if this Act had not passed; any thing in this Act to the contrary notwithstanding.

XXXVI Powers of Bishops, &c. not to be invalidated ;

Provided always, and be it further enacted and declared, That neither this Act nor the said recited Acts, nor any thing therein or herein contained, nor any Act, Matter, or Thing done by or under the Authority of the same, or of the Commissioners; under the said recited Acts or this Act, shall extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of *England*, or to destroy any of the Rights or Powers belonging to any Bishop of any Diocese, or any Archdeacon, Chancellor, or Official.

Status: This is the original version (as it was originally enacted).

XXXVI But may exercise Ecclesiastical Jurisdiction.

And be it further enacted and declared, That every Bishop of any Diocese, and every Archdeacon, Chancellor, and Official respectively, may at all Times hereafter visit, institute, and exercise Ecclesiastical Jurisdiction in all the Parishes to be erected or divided by virtue or in pursuance of this Act, and in every Division or District into which any Parish may be divided under the Provisions of the said recited Acts or this Act, and in relation to every Church and Chapel within the same, as amply as they or any of them may do now therein, and in such Manner as in any other Parishes or Places within his or their Dioceses or Jurisdictions respectively.

XXXVII Act may be altered or repealed this Session.

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