



CHAPTER cxxiii.

An Act for vesting the endowments of the Rectory of Burnley in the County Palatine of Lancaster in the Ecclesiastical Commissioners for England and providing for the re-endowment of the said Rectory and for the endowment of other benefices and for transferring the patronage of the said Rectory to the Bishop of Manchester and for other Ecclesiastical purposes. [25th July 1890.] A.D. 1890.

WHEREAS by an instrument dated the sixteenth day of May one thousand eight hundred and sixty-seven under the seal of the Ecclesiastical Commissioners acting in pursuance of the District Church Tithes Act 1865 the church of the ancient parochial chapelry of Burnley in the county palatine of Lancaster and diocese of Manchester was constituted a rectory :

And whereas the endowments of the said rectory include a rectory house and ground appurtenant thereto and other glebe lands and certain ground rents reserved on the grant for nine hundred and ninety-nine years of building leases of glebe lands under the powers of an Act passed in the fifty-ninth year of the reign of King George the Third chapter vi. intituled "An Act to enable the curate and patron of the curacy of the parochial chapel of the chapelry of Burnley in the county palatine of Lancaster for the time being to grant leases of the glebe lands belonging to the said curacy" in this Act referred to as "the Leasing Act of 1819" :

And whereas eleven separate ecclesiastical districts or new parishes named in the First Schedule to this Act have been formed wholly or partially out of the district of the said ancient parochial chapelry under statutory powers in that behalf and provision has been made for the endowment of three of such districts or new parishes which are named in Part I. of the First Schedule out of the income or endowments of the said rectory to the aggregate amount of four hundred and fifty pounds per annum and specific ground rents belonging to the said rectory amounting to one hundred and

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fifty pounds sixteen shillings and fourpence per annum have been assigned towards the endowment of the district or new parish named in Part II. of the First Schedule which provisions have been supplemented by grants by the Ecclesiastical Commissioners out of their common fund :

And whereas the gross income of the rectory is now somewhat less than four thousand pounds per annum and the rector has the cure of souls of a population amounting to about thirteen thousand :

And whereas the Reverend Arthur Townley Parker (herein-after referred to as "the present rector") is the rector and claims to be the owner of the advowson of the said rectory :

And whereas the present rector is willing and it is expedient that on and from the next avoidance of the rectory the rectory house and all other endowments of the said rectory be transferred to and vested in the Ecclesiastical Commissioners upon such trusts for payment of a retiring pension to the present rector (in the event of his resignation) and for re-endowment of the said rectory and endowment of other benefices within the original limits of the said ancient parochial chapelry and for such other purposes as are in this Act mentioned :

And whereas the present rector is willing and it is expedient that on and from the next avoidance of the said rectory the advowson thereof and perpetual right of presentation thereto be transferred to and vested in the Lord Bishop of Manchester in right of his see :

And whereas by an Order in Council dated the 21st day of March 1890 Her Majesty was pleased to direct that the town of Burnley should be taken and accepted for a see of a bishop suffragan as if it had been included in the Act of the 26th year of the reign of King Henry the Eighth chapter 14 and it is expedient to provide that in the event of the appointment of a bishop suffragan of Burnley such bishop suffragan shall be the rector of Burnley :

And whereas the present rector has consented to this Act on the terms that he and his personal representatives shall be discharged from all claims for dilapidations :

And whereas the Lord Bishop of Manchester and the Ecclesiastical Commissioners have consented to this Act :

And whereas the objects of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and 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.

1. This Act may be cited as the Burnley Rectory Act 1890.

2. On and from the next avoidance of the rectory of Burnley the rectory house and ground appurtenant thereto and all the glebe lands ground rents hereditaments and other property of every description being or forming part of the endowments of the said rectory (including any tithes or rentcharges in lieu of tithes which are or might become payable to the rector for the time being of the said rectory) shall by virtue of this Act become and be vested in the Ecclesiastical Commissioners (in this Act referred to as "the Commissioners") discharged from all estates rights interests and claims of any rector of the said rectory but subject to payment of the annual sums specified in the third column of Part I. of the First Schedule to this Act and of all other charges on or affecting the said lands ground rents or other property and on trust to give effect to the purposes of this Act.

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Endowments of rectory vested in Ecclesiastical Commissioners.

3. The present rector shall during his incumbency be entitled subject to the provisions of this Act to exercise in relation to the endowments of the rectory all such powers of sale or leasing and all such powers of charging or assigning any part or parts of the said endowments for payment of a stipend to the incumbent of any district or districts hereafter to be formed out of the rectory of Burnley or for augmenting the stipend of the incumbent of any such district already formed as he could have exercised if this Act had not been passed.

Execution by present rector of leasing and other powers during incumbency.

4. From and after the next avoidance of the rectory of Burnley and subject to the provisions of this Act the Commissioners shall have and exercise over all lands ground rents hereditaments and property vested or to be at any time vested in them for the purposes of this Act all the same and the like rights and powers of ownership as are possessed and enjoyed over and respecting any lands ground rents and hereditaments by any absolute owner thereof and in particular (but without prejudice to the generality of the foregoing enactment) they may grant sites for the churches and churchyards or parsonage houses and grounds of any district or new parish within the said ancient parochial chapelry.

Ecclesiastical Commissioners to have powers of absolute owners.

5. The present rector shall in the event of his resignation at any time after the passing of this Act become thereupon immediately entitled to the pension payable as herein-after provided and shall not have any claim to any other pension and neither he nor his personal representatives shall be liable to any claim for dilapidations.

As to resignation of rector.

6. In the event of the resignation and during the life of the present rector the rents and profits of any lands and hereditaments vested by this Act in the Commissioners and the ground rents and

Application of income of rectory.

A.D. 1890. — all other income coming to the hands of the Commissioners under this Act shall be carried by them to an account in their books to be called the Burnley Rectory (Income) Account and be applied by them as follows and in the following order (that is to say) :—

- (i.) In payment to the present rector during his life of the annual sum of one thousand three hundred pounds by two equal half-yearly payments to be made on the first day of June and the first day of December in each year the first of such payments to commence as from the date of his resignation and the last to be paid down to the date of his death such payments if necessary to be apportioned.
- (ii.) In payment to the incumbents for the time being of the respective districts or new parishes named in Part I. of the First Schedule to this Act of the annual sums set opposite to the names of the present respective incumbents in that part of the First Schedule being the annual sums now payable.
- (iii.) In payment to the incumbents for the time being of any districts or new parishes not exceeding three in number which may either before the resignation of the present rector or after such resignation and during his life be formed wholly or partially out of the said rectory of Burnley of such annual sums as may be assigned for the purpose to an amount not exceeding in the whole the annual sum of four hundred and fifty pounds.
- (iv.) In payment out of the balance or residue after making the foregoing payments to the rector for the time being of Burnley of the annual sum of £2,000 and any ultimate balance or residue beyond that sum shall be paid to the Ecclesiastical Commissioners and by them accumulated at interest until the creation of the Burnley Rectory (Capital) Account herein-after mentioned and then carried to the said account.

After the death of the present rector the said rents and profits and other income shall be carried to the same account and be applied by the Commissioners as follows and in the following order (that is to say) :—

- (a.) In payment to the rector for the time being of Burnley of the annual sum of two thousand pounds.
- (b.) In payment to the incumbents for the time being of the respective districts or new parishes named in Part I. of the First Schedule to this Act of the annual sums set opposite to the names of the present respective incumbents in that part of the First Schedule.
- (c.) In payment to the incumbents for the time being of any districts or new parishes which may be formed wholly or

partially out of the said rectory between the passing of this Act and the death of the present rector of such annual sums as may be assigned for the purpose.

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Any surplus after making the foregoing payments shall be carried to an account in the books of the Commissioners to be called the Burnley Rectory (Capital) Account and shall together with any other moneys from time to time carried to that account be invested by the Commissioners in the same manner as they are empowered to invest the moneys the income of which is carried to and forms their common fund and be accumulated at compound interest with power for the Commissioners from time to time to vary and transpose or to sell and realise any such investments and in their discretion to apply the proceeds of sale or of realisation as well as the interest or income of any such investments for the following purposes or any of them (that is to say):—

- (A.) In repayment (with interest) of any advances made by them out of their common fund in pursuance of this Act.
- (B.) In defraying the costs charges and expenses of enfranchisement of any lands vested or to be vested in them under this Act and of any other legal proceedings under this Act.
- (C.) In defraying the costs charges and expenses of providing a rectory house.
- (D.) In payment to the incumbent or incumbents for the time being of any districts or new parishes which may at any time (whether before or after the passing of this Act) have been or may be formed wholly or partially out of the said ancient parochial chapelry of such additional or other yearly sums as may from time to time be determined on and granted by the Commissioners.
- (E.) In the grant of a capital sum for or towards providing a site for or building or otherwise acquiring a church or parsonage house in any districts or new parishes within the said ancient parochial chapelry.

For the purposes of this Act the said ancient parochial chapelry comprises the several townships mentioned in the Second Schedule to this Act.

7. The grant of any stipend or yearly sum under this Act may be made by the Commissioners by writing under their common seal in the form contained in the Third Schedule to this Act or as near thereto as circumstances permit and shall be published in the London Gazette and in one or more newspaper or newspapers published or circulating in the town of Burnley but every yearly sum so granted shall in case of deficiency of income be subject to proportionate abatement.

Form of
grant to
incumbent
of district.

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Patronage
of new
districts.

8. The patronage or right of nominating from time to time the incumbent of every district which shall be formed out of the ancient chapelry or rectory of Burnley after the passing of this Act or of the new parish which such district may eventually become shall by virtue of this Act be vested in and be exercised by the rector of Burnley for the time being.

Sale &c. of
rectory
house.

9.—(1.) At any time after the next avoidance of the rectory and after a new rectory house has been provided either under the following provisions of this Act or otherwise the Commissioners may sell the rectory house and ground appurtenant thereto either together or in parcels for such price and generally on such terms and conditions as they may think proper.

(2.) The moneys received by the Commissioners on any such sale shall if the Burnley Rectory (Capital) Account has been commenced be carried by the Commissioners to that account and be dealt with and be applicable as other moneys carried thereto but if the said capital account has not been commenced the sale moneys shall be carried by the Commissioners to an account in their books to be intitled the Burnley Rectory (Sale) Account and may be dealt with and applied by the Commissioners in like manner as if they had been carried to the Burnley Rectory (Capital) Account. Provided that as soon as the Burnley Rectory (Capital) Account shall be commenced the Burnley Rectory (Sale) Account shall be transferred to and merged therein.

(3.) Until a sale by the Commissioners of the said rectory house and ground the same or any part thereof may after the next avoidance of the rectory be leased by them on such terms and conditions as they may think proper and any sale made during the subsistence of a lease shall be without prejudice to the lease and the purchaser shall take subject thereto.

Provision
of new
rectory
house.

10. At any time after the passing of this Act the Commissioners may purchase a site for and erect or may provide by purchase of suitable premises a new rectory house and grounds with all proper offices and buildings and may accept any gift of land or money and appropriate and apply the same for the purposes of this section.

Power for
Commis-
sioners to
make
advances.

11.—(1.) For the purposes of providing a new rectory house and grounds or of enfranchising any lands by this Act vested or to be vested in them or of paying the whole or any part of the costs charges and expenses of obtaining this Act or of any expenses incurred by them in carrying the same into execution the Commissioners may advance out of their common fund such sums as they may see fit.

(2.) All sums so advanced by the Commissioners with interest thereon from the date of each advance calculated at three pounds

five shillings per centum per annum may after the death of the present rector be repaid to and retained by the Commissioners out of the Burnley Rectory (Capital) Account. A.D. 1890.

12. On and from the next avoidance of the rectory of Burnley the advowson or perpetual right of presentation thereto shall by virtue of this Act without any conveyance or other assurance be vested in the Bishop of Manchester in right of his see and in his successors. Patronage of rectory vested in Bishop.

13.—(1.) If a bishop suffragan of the see of Burnley shall be appointed the person so appointed shall if he is not already rector of Burnley and the rectory is vacant be collated by the Bishop of Manchester to the said rectory. Provision in the event of bishop suffragan being appointed for Burnley.

(2.) If any person shall have been collated to the said rectory at a time when there is no bishop suffragan of Burnley he shall hold the rectory subject to the condition of vacating the same without any claim by him for pension or otherwise and without any claim against him for dilapidations in the event of the appointment of any person other than himself to be such bishop suffragan and such last-mentioned person shall thereupon be collated by the Bishop of Manchester to the said rectory.

(3.) If any such bishop suffragan being rector of Burnley resigns his office of bishop suffragan then ipso facto the rectory shall be vacated by him without any claim by him for pension or otherwise and without any claim against him for dilapidations.

14. On and from the next avoidance of the said rectory the recited Leasing Act of 1819 shall be repealed but without prejudice to any lease granted or to any other act or thing done or suffered thereunder and any lease granted under the said Act and subsisting at the date of the passing of this Act shall continue in force to all intents as if the said Leasing Act of 1819 had not been repealed. Repeal of Leasing Act of 1819.

15. Saving always to the lord or lords of the honor of Clitheroe and the manor of Ightenhill and forest of Pendle parcel of the said honor and other if any the manor and manors whereof any part or parts of the glebe lands or other endowments of the said rectory being of copyhold or customary tenure is or are holden and to his or their steward and stewards all such estate title interest claim and demand and seignorial and other rights of and in and out of the lands and hereditaments forming part of the endowments of the said rectory and the mines and minerals in or under the same and all such rents fines heriots fees suits and services and powers of granting and withholding licenses in respect of the same as the said lord or lords respectively had or were or was entitled to before the passing of this Act or could or might have had or been entitled to in case Saving rights of lord of honor of Clitheroe.

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— this Act had not been passed and so that all lands and hereditaments of copyhold or customary tenure held of the said honor or manor or manors or forest forming part of the said endowments shall retain the qualities and incidents and liabilities of tenure which attached thereto before the passing of this Act but not so as to in any way affect the right to enfranchise the same:

Saving also to the said lord or lords respectively all such right as he or they respectively had before the passing of this Act or would have had if this Act had not been passed to refuse to admit the Ecclesiastical Commissioners or any other corporation whether aggregate or sole as tenants or tenant of any lands or hereditaments of copyhold or customary tenure holden of the honor or manor or manors or forest aforesaid.

Costs of Act.

16. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid in the first instance by the Commissioners out of their common fund but shall be repaid in manner herein-before provided.

The SCHEDULES referred to in the foregoing Act.

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THE FIRST SCHEDULE.

PART I.

DISTRICTS formed out of the Ancient Parochial Chapelry of Burnley with Amounts now payable to the respective Incumbents out of the Income or Endowments of the Rectory of Burnley.

District.	Name of present Incumbent.	Amount.
St. Matthew the Apostle Habergham Eaves.	Rev. W. E. Durham	£ 150
St. John the Baptist Gannow	Rev. W. J. Gerratt	150
St. Stephen Burnley	Rev. J. Cranbrook	150

PART II.

Other DISTRICT formed out of the Ancient Parochial Chapelry of Burnley with Amount assigned to the Incumbent out of the Endowments of the Rectory of Burnley.

District.	Name of present Incumbent.	Amount.
St Andrew Burnley	Rev. H. H. Robinson	£ s. d. 150 16 4

PART III.

Other DISTRICTS formed wholly or in part out of the Ancient Parochial Chapelry of Burnley.

District.	Name of present Incumbent.
Holy Trinity Habergham Eaves	Rev. J. M. D. Owen.
St. James Burnley	Rev. B. Winfield.
St. Paul Lane Bridge	Rev. W. Elton.
St. John Holme	Rev. D. Sutcliffe.
St. James Briercliffe	Rev. T. M. Harrison.
St. John Worsthorne	Rev. J. T. Atkinson.
All Saints Habergham	Rev. E. A. Verity.

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THE SECOND SCHEDULE.

The curacy of the parochial chapel of the chapelry of Burnley otherwise the ancient, parochial chapelry of Burnley comprises the townships of Burnley Briercliffe with Extwistle Worsthorpe with Hurstwood Cliviger and Habbergham Eaves and the boundaries thereof are verged red on a plan signed by the Right Honourable the Earl of Morley the Chairman of Committees of the House of Lords and which plan has been deposited in the Office of the Clerk of the Parliaments.

THE THIRD SCHEDULE.

FORM OF GRANT OF ANNUAL SUM.

We the Ecclesiastical Commissioners for England acting in pursuance of the Burnley Rectory Act 1890 do hereby subject as herein-after mentioned grant to the incumbent of _____ in the county of _____ and in the diocese of Manchester and to his successors incumbents of the same _____ one yearly sum or stipend of _____ such yearly sum or stipend to be payable out of _____ in accordance with the provisions of the said Act and to be calculated as from the _____ day of _____ in the year 18 _____ and to be receivable in equal half-yearly portions on the first day of _____ and on the first day of _____ in each year Provided that the yearly sum hereby granted is in case of deficiency of income subject to abatement in accordance with the provisions of the said Act.

This grant is subject to the following conditions:—

[Here state conditions (if any).]

IN WITNESS whereof we have hereunto set our common seal this
day of _____ 18 _____ .

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