



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cccxiii.

An Act for dividing the Parish of *Saint Philip and Jacob* in the City and County of *Bristol*, and for forming the Out-Parish of *Saint Philip and Jacob* into a distinct and separate Parish ; for making further Provision as to the Election and Appointment of Overseers of the Poor for the said Out-Parish, and as to Churchwardens of the said Out-Parish ; and for other Purposes.

[5th July 1865.]

WHEREAS the present Parish of *Saint Philip and Jacob* consists of Two Parts, one of which is and always has been situate in the City and County of *Bristol*, and is commonly called and known as "the In-Parish of *Saint Philip and Jacob*," and the other of which was formerly situate in the County of *Gloucester*, but is now also situate in the City and County of *Bristol*, and is commonly called and known as "the Out-Parish of *Saint Philip and Jacob*," and the said In-Parish and Out-Parish, although together forming One Parish for Ecclesiastical Purposes, are separate and independent of each other for the Purposes of the Maintenance of the Poor, and for certain other Purposes, the said In-Parish being

[*Local.*]

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situate

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situate in the Incorporation of the Poor for the City of *Bristol*, and the said Out-Parish being situate in the *Clifton* Poor Law Union: And whereas the said Out-Parish is of considerable Extent, and the Inhabitants thereof are very numerous: And whereas under the Provisions of the Acts of Parliament commonly known as "The Church Building Acts," or the Acts connected therewith, certain Ecclesiastical Districts have from Time to Time been made, and after being in part varied are now in existence within the Limits of the said Out-Parish, (that is to say,) the several Districts of *Holy Trinity*, *Saint Simon*, *Saint Jude*, *Saint Luke*, and *Emanuel*, the last-mentioned District being called the Consolidated Chapelry in *Unity*, *Bristol*, and comprising with another Portion of the Out-Parish small Portions which had been previously assigned to the Districts of *Holy Trinity* and *St. Luke*, and such Ecclesiastical Districts comprise the whole of the said Out-Parish, except a Part thereof which still continues attached to the said In-Parish of *Saint Philip and Jacob* and forms Part of the same for all Ecclesiastical Purposes: And whereas it is expedient that the said Out-Parish should now be constituted and created a separate Parish distinct from and independent of the said In-Parish, but subject to the Provisions herein-after contained, the main and chief Object of the Division being for Civil and not Ecclesiastical Purposes: And whereas *John Scandrett Harford*, *William Henry Harford*, *George Cooke*, *John Hall* Clerk, and *William Knight* Clerk, the Patrons of the Vicarage of the Parish Church of *Saint Philip and Jacob*, and the Right Reverend Father in God *Charles John*, by Divine Permission Lord Bishop of *Gloucester* and *Bristol*, in whose Diocese the said Parish is situate, and the Reverend *James William Lyon Bowley*, the present Vicar of the said Parish of *Saint Philip and Jacob*, have respectively given their Consent to the said Out-Parish being constituted and created such a separate and distinct Parish as aforesaid: And whereas by virtue of an ancient and special Usage or Custom within the said Out-Parish the Vestry of the said Out-Parish is a Select Vestry, and the Qualifications of Vestrymen within the said Out-Parish are of a special and peculiar Character, and are not determined or regulated by the Acts in force for the Regulation of Parish Vestries: And whereas by an Act of Parliament passed in the Thirty-eighth Year of the Reign of His Majesty King *George* the Third, being Chapter 69 (Local and Personal), and intituled *An Act for separating the Two Parishes called the Out-Parish of Saint Philip and Jacob and the Parish of Saint George in the County of Gloucester as to the Maintenance of the Poor and the Repairs of the Highways of those Parishes, and as to all Rates, Assessments, and Taxes (except the Land Tax), and for providing a Workhouse for the Reception of the Poor of the said Parish of Saint George, and for the better Relief and Management of the Poor of both Parishes*, Provision

was

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was made as to the Appointment of the Overseers of the Poor of the said Out-Parish of *Saint Philip and Jacob*, and by the 22d Section of the said Act it was enacted, that the Vicar, Churchwardens, and Vestrymen for the Time being of the said Out-Parish should on *Easter Monday* One thousand eight hundred and one, or within One Month thereof, elect and make a Return to His Majesty's Justices of the Peace acting for the District in which the said Out-Parish lies of Three proper Persons to serve the Office of Overseers of the Poor of the said Out-Parish as therein provided, and that the said Justices should and they were thereby required to appoint such Three Persons to be Overseers of the Poor for the said Out-Parish accordingly, One of whom, *videlicet*, that first named in the said Return and Appointment, should continue to serve the said Office One Year; One other of whom, *videlicet*, that next named in the said Return and Appointment, should continue to serve the said Office Two Years; and the other of whom, *videlicet*, that last named in the said Return and Appointment, should continue to serve the said Office Three Years, and that after the said Year One thousand eight hundred and one, yearly upon *Easter Monday* or within One Month after, One proper Person in the said Out-Parish should in like Manner be elected and returned and appointed to be One of the Overseers of the Poor for the said Out-Parish for the Term of Three Years then next ensuing in the Place of the Overseer whose Term for which he was elected and appointed to serve the said Office would then expire, so as always to keep up the Number of Three Overseers in the said Out-Parish, each of whom should continue to serve in the said Office Three Years, for the Purpose of avoiding the Inconvenience which had been until then felt in the said Out-Parish from the said Office of Overseer being served by Persons who for Want of Experience have been unqualified to serve the same; and by other Sections of the said Act further Provisions were made with respect to the Election and Appointment of Overseers in the Place of those refusing to serve, dying, removing out of the Parish, or becoming incapable of discharging the Duties of the said Office, and every such Election and Appointment was to be made in the same or the like Manner: And whereas in pursuance of the said Provisions the said Vicar and the said Churchwardens and Vestrymen of the said Out-Parish of *Saint Philip and Jacob* have ever since elected and returned the Overseers of the Poor for the said Out-Parish in the Manner prescribed in the said Act: And whereas it is desirable and expedient that the Vestry of the said Out-Parish, instead of being such Select Vestry as before-mentioned, should be a Parish Vestry of all the Inhabitants of the said Out-Parish constituted, assembled, held, and regulated according to the Provisions of the Public Act, 58th *George III.*, Chapter 69, and the other Acts of Parliament now in force with respect to Parish Vestries (and which are herein-after referred

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referred to as "the Parish Vestries Acts"), and that the Election and Return of the Overseers of the Poor of the said Out-Parish should be made at and by such Parish Vestry: And whereas it is also expedient and necessary to make other and different Provisions as to the Appointment of Churchwardens within the said new Parish created by this Act: And whereas these Objects 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:

Commence-
ment of Act.

1. This Act shall commence and take effect upon and from the First Day of *January* One thousand eight hundred and sixty-six.

Short Title.

2. This Act may be cited for all Purposes as "The Parish of *Saint Philip and Jacob Without Act, 1865.*"

Out-Parish
of Saint
Philip and
Jacob con-
stituted a
distinct
Parish.

3. That Part of the present Parish of *Saint Philip and Jacob* which is now commonly called and known as the Out-Parish of *Saint Philip and Jacob*, and which is situate within the *Clifton* Poor Law Union, shall from and for ever after the Commencement of this Act be and be deemed and taken to be of itself a distinct Parish to all Intents and Purposes whatsoever, except as herein-after provided, by the Name of "the Parish of *Saint Philip and Jacob Without*," and shall be separate from and independent of the Residue of the Parish of *Saint Philip and Jacob* called or known as the In-Parish as before mentioned, and the Inhabitants within the Limits of the said Out-Parish shall thenceforward be the Parishioners of such new Parish, and shall be exempt from bearing any Parish Offices or Charges within the said In-Parish, and from all Deficiencies, Dues, and Contributions for or in respect of the same, except as herein-after provided.

Present
Districts
and Rights
of Incum-
bents, &c,
preserved.

4. Provided always, That nothing herein contained shall, except as herein expressly provided, in any way alter or affect the before-mentioned Ecclesiastical Districts of the *Holy Trinity, Saint Simon, Saint Jude, Saint Luke*, and *Emanuel*, or the Rights, Powers, and Privileges of the Incumbents thereof respectively, or of any other Persons in respect of the said Districts respectively, or the Right of Patronage, Presentment, or Appointment to the Churches of the same respectively, or the Performance of Ecclesiastical Duties within the same respectively, or the Marriages, Churchings, Christenings, and Burials within the same respectively, or the Endowments, Pew Rents, Fees, Oblations, and Offerings within the same respectively.

Church of
Holy Trinity
to be the

5. The Church of the *Holy Trinity* within the District of the *Holy Trinity* before mentioned shall be the Parish Church of the said
new

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new Parish by the same Name of the Church of the *Holy Trinity*, and shall be deemed and taken to be a Parish Church to all Intents and Purposes, save as herein provided, and shall remain a Perpetual Cure and Benefice, and every Perpetual Curate thereof shall remain and be One Body Politic and Corporate by the Name of "the Perpetual Curate of the Parish of *Saint Philip and Jacob Without*," and may sue and be sued as such.

Church of
the Out-
Parish.

6. The Minister or Person who at the Time of the Commencement of this Act shall be the Perpetual Curate of the said District Church of the *Holy Trinity* shall become and be the Perpetual Curate of the said new Parish, without any further or other Nomination, Presentation, Admission, Institution, or Induction to the same.

Minister of
Holy Trinity
to be Perpe-
tual Curate
of new
Parish.

7. The Persons who at the Time of the Commencement of this Act shall be the Parish Clerk and Sexton respectively of the said District Church of the *Holy Trinity* shall respectively become and be the Parish Clerk and Sexton of the said new Parish; and the future Clerk and Sexton of the said new Parish shall be appointed from Time to Time in the like Manner as the Clerk and Sexton of the said Church have been hitherto appointed, and the present and future Clerks and Sextons shall be removable in the like Manner as at present they are subject to be removed.

Parish Clerk
and Sexton
of new
Parish.

8. Notwithstanding anything in this Act contained, that Part of the said new Parish hereby created which at the present Time does not form Part of any of the said Ecclesiastical Districts within the said Out-Parish, but is attached to and forms Part of the said In-Parish for Ecclesiastical Purposes, shall still remain attached to and form Part of the said In-Parish as an Ecclesiastical District, and the Inhabitants of such Ecclesiastical District shall be and remain bound and liable to serve and discharge all such Ecclesiastical Offices within the In-Parish of *Saint Philip and Jacob*, as they otherwise would or might have been bound or liable to serve, and to the Payment of all such Offerings, Oblations, Obventions, Fees, Dues, or Duties whatsoever as now are or may hereafter be payable by them to or claimable by the Vicar for the Time being of the present Parish of *Saint Philip and Jacob*, or to or by the Parish Clerk or Sexton thereof.

Inhabitants
of certain
Part of new
Parish to
continue
liable to Ec-
clesiastical
Offices, and
to pay
Dues, &c.
to Vicar,
&c. of
Parish of
*Saint Philip
and Jacob*.

9. This Act or anything herein contained shall not in any way lessen, abridge, alter, or affect the Rights, Powers, and Privileges of, or the Benefits or Advantages belonging to or receivable by, the present or future Vicar for the Time being of the said Parish of *Saint Philip and Jacob* further or otherwise than is herein expressly declared and provided; and in particular nothing herein contained shall deprive

Saving
Rights of
Vicar of St.
*Philip and
Jacob*.

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him of the Tithes or Rentcharges or Payments in lieu of Tithes arising or issuing out of Lands or Hereditaments in any Part of the said Out-Parish, and belonging to such Vicar, or affect his Rights in relation thereto.

Vestry of
new Parish
to be a
Parish
Vestry of
Inhabitants.

10. The Select Vestry of the said Out-Parish heretofore held shall not after the Commencement of this Act be held or assembled, and the Perpetual Curate for the Time being of the said new Parish, and all other the Persons who shall be assessed and rated for the Relief of the Poor in respect of annual Rent, Profit, or Value arising from any Lands or Hereditaments situate in the said new Parish, shall be the Vestrymen of the said new Parish, and from and after the Commencement of this Act shall be and constitute a Parish Vestry within the Meaning of the "Parish Vestries Acts," and such Vestry shall be held, assembled, and regulated in accordance with the Provisions of such Acts, and in the same Manner as other Parish Vestries are by Law held, assembled, and regulated.

Powers of
Vestry.

11. The said Vestry shall have and may exercise from and after the Commencement of this Act all the Rights, Powers, and Authorities which Parish Vestries are by Law authorized and empowered to have and exercise, and also all other Rights, Powers, and Authorities (if any) which but for the passing of this Act might have been exercised by the Select Vestry of the said Out-Parish.

Appoint-
ment of
Overseers.

12. From and after the Commencement of this Act, when and so often as any Persons are to be elected and returned to Her Majesty's Justices of the Peace to be appointed to serve the Office of Overseers of the Poor of the said Out-Parish, as by the said Act 38 *George III.* c. 69 (Local and Personal) provided, such Election and Return shall be made by the Parish Vestry constituted and assembled under this Act.

Except as to
such Elec-
tion and
Return
38 Geo. 3.
c. lxix. to
apply.

13. Except so far as concerns the Persons or Body of Persons by whom the Overseers of the Poor of the said Out-Parish are from and after the Commencement of this Act to be elected and returned, the Overseers of the Poor of the said Out-Parish shall continue to be elected, returned, and appointed at the same Time and in the same Manner in all respects, and shall serve for the same Time and in the same Order and Relation as is provided by the said Act 38 *George III.* c. 69 (Local and Personal), and all the Clauses and Provisions of the said Act with respect to the Overseers of the Poor of the said Out-Parish shall extend and apply to the Overseers to be elected and returned by the Perpetual Curate, Churchwardens, and Inhabitants in Vestry as by this Act directed, and such Overseers shall be for all

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all Purposes the Overseers of the Poor of the said new Parish hereby created.

14. Nothing herein contained shall in any way prejudice or affect any Election, Return, or Appointment of any Overseer of the Poor of the said Out-Parish already duly made or to be duly made at any Time before the Commencement of this Act under or in pursuance of the said Act, 38 *George III.* c. 69 (Local and Personal), and every Person so elected, returned, or appointed as an Overseer of the Poor may and shall serve and act as such in all respects, and for the same Period as he would or might have done if this Act had not been passed; nor shall anything herein contained prejudice or affect any other Act, Matter, or Thing already duly done or to be duly done at any Time before the Commencement of this Act by the said Select Vestry under and in accordance with the Provisions of the said Act 38 *George III.* Chapter 69 (Local and Personal).

Overseers elected, returned, &c. before Commencement of Act not to be affected.

15. The said Vestry hereby provided for shall be duly assembled within Ten Days next after the Commencement of this Act, and at such Meeting Two Churchwardens for the said new Parish shall be elected or appointed, one of whom shall be elected by the said Vestry and the other shall be nominated and appointed by the Perpetual Curate of the said new Parish, and such Churchwardens shall hold Office until the next regular Time for the Election and Return of Overseers of the Poor for the said new Parish, and at such regular Time for the Election and Return of Overseers in that and every subsequent Year Two Churchwardens for the said new Parish shall be in like Manner elected or appointed, and shall hold Office until the Appointment of their Successors, and any Vacancy from Time to Time occurring in the said Office shall be filled up in like Manner.

Appointment of Churchwardens.

16. The Churchwardens for the Time being of the said new Parish shall have and may exercise all the same Rights, Powers, and Authorities within the said new Parish as the Churchwardens of the said Parish of *Saint Philip and Jacob* have had and might have exercised within the Out-Parish of *Saint Philip and Jacob*, but without Prejudice to the Provisions herein contained as to the said Ecclesiastical District within the said new Parish still to be attached to the In-Parish.

Powers of Churchwardens.

17. The Select Vestry of the Parish of *Saint Philip and Jacob*, so far as it relates to the In-Parish, but not further or otherwise, shall still continue after the Commencement of this Act, and retain its old Powers, Rights, and Authorities; but after the Appointment under this Act of Churchwardens of the new Parish hereby created the Two Churchwardens

Select Vestry of Parish of St. Philip and Jacob continued.

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Churchwardens of the said In-Parish shall be Churchwardens of the said In-Parish only, save that for Ecclesiastical Purposes they shall have Jurisdiction over the said Ecclesiastical District in the said new Parish attached to the said In-Parish.

Expenses of
Act.

18. All the Costs, Charges, and Expenses of or incidental to the applying for or towards this Act, or the obtaining thereof, shall be borne and paid by and defrayed out of the Poor's Rate of the said Out-Parish hereby created a new Parish.

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