



CHAPTER clxv.

An Act to provide for the Union of the Benefices of Saint Anne and Saint Mary both in the City of Manchester; and for other purposes. A.D. 1890.
[4th August 1890.]

WHEREAS by virtue and in pursuance of an Act made and passed in the seventh year of the reign of Her late Majesty Queen Anne the parish of Manchester in the county palatine of Lancaster being as in the said Act stated of large extent and then very populous and having in it only one church and some chapels of ease which were not large enough to contain the third part of the then inhabitants another church for the commodious performing and hearing of divine service was erected and built within the said parish and such church is now known by the name of Saint Anne's Church in Manchester:

And whereas by an Act passed in the twenty-sixth year of the reign of His late Majesty King George the Second chapter forty-five intituled "An Act for building a new church within the town of Manchester in the county of Lancaster" after stating that it was thought necessary that one other church should be erected and built in some convenient place within the town of Manchester and that the warden and fellows of the College of Christ in Manchester founded by King Charles proposed to allot part of the parsonage close in Manchester to the said church the said warden and fellows were empowered to allot and enclose parcel of the parsonage close for the site of a church and churchyard and thereon to erect and build a new church to be set apart consecrated and dedicated for the service of Almighty God as a place for divine worship according to the usages of the Church of England And it was enacted that the patronage advowson free disposition nomination and donation of and to the said new church when and as soon as the same should be erected and consecrated should appertain unto and were thereby vested in the warden and fellows of the College of Christ in

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A.D. 1890. Manchester founded by King Charles and their successors for ever
— And that from and after the said warden and fellows should have nominated any incumbent to the said church and such incumbent should be thereto admitted and instituted by the bishop of the diocese the said incumbent should be thenceforth incorporated and should have perpetual succession by the name of rector of Saint Mary's Church in Manchester and that the freehold and inheritance of the said new church should thenceforth appertain to and be vested in the said incumbent and his successors in the same manner as the freehold and inheritance of a parish church is vested in the incumbent thereof And to the end and intent that the said new church might be kept clean and decent it was enacted that no graves or burying places should be made or allowed within the body of the said new church but only in the said new churchyard to be enclosed and consecrated as in the Act mentioned And it was further enacted that after the said new intended church should be built finished and consecrated for divine service as aforesaid the same should be supported and kept in repair by the warden and fellows and their successors and that in consideration thereof the freehold of the new churchyard should be vested in the same warden and fellows and their successors for ever :

And whereas by an Order of Her Majesty in Council made on the fourteenth day of September one thousand eight hundred and thirty-eight a chapelry district was annexed to Saint Mary's Church :

And whereas by the Parish of Manchester Division Act 1850 it was amongst other things enacted that it should be lawful for Her Majesty's Commissioners for building new churches by a scheme or schemes to be prepared by them and for Her Majesty in Council by an order or orders ratifying the same at such time or times and from time to time as they might deem expedient but in each and every case with the consent of the bishop of the diocese to sever and disannex from the parish of Manchester such parts or portions of the said parish as to them might seem fit and to annex and assign the same respectively to the several churches and chapels not being the cathedral or collegiate church of Manchester which had then been duly consecrated within the then limits of the parish of Manchester and to set out declare and constitute for such churches and chapels respectively and to annex thereto a district or districts for spiritual purposes within such boundaries as they might consider most suitable or convenient Provided that no such scheme or order setting out declaring constituting or annexing any district for or to any church or chapel then constituted should without the consent of the then incumbent thereof take effect

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until the next avoidance of such church or chapel And that every district constituted under the provisions of that Act should subject to the provision therein-after contained be a parish for all spiritual and ecclesiastical purposes And it was enacted that the Ecclesiastical Commissioners should apply the moneys paid to them under the provisions of that Act in payment of (inter alia) such yearly or other sums of money as the Commissioners should see fit to the rectors incumbents or ministers of the rectories parishes or districts then existing or thereafter to be constituted within the parish of Manchester save as therein mentioned in addition to other endowments and surplice and other fees but subject to a limitation under which no rector incumbent or minister was to receive more than would make up his income to one hundred and fifty pounds exclusive of surplice and other ecclesiastical dues and pew rents (if any) until all the rectors incumbents or ministers of rectories parishes or districts in the parish of Manchester should be in receipt of yearly incomes of one hundred and fifty pounds exclusive as last aforesaid : A.D. 1890.

And whereas by an Order of Her Majesty in Council made on the twenty-fourth day of June one thousand eight hundred and fifty-six pursuant to the said Act a district was assigned and annexed to the said church of Saint Anne and the patronage of the said church is now vested in the Bishop of Manchester and his successors :

And whereas by an Order of Her Majesty in Council made on the twelfth day of August one thousand eight hundred and eighty-five the patronage of the said church of Saint Mary was transferred to and became vested in the Bishop of Manchester and his successors in exchange with the dean and canons for the advowson of Saint Mary's Moston in the diocese of Manchester :

And whereas the Reverend Richard Tonge honorary canon of the cathedral of Manchester is the present rector of the church and parish of Saint Anne aforesaid :

And whereas there is at present no rector of the said church or parish of Saint Mary :

And whereas Jonathan Robert Hampson and Joseph John Alexander are the present churchwardens of the church of Saint Mary and John Wise and Charles James Ernest Crosse are the present churchwardens of the church of Saint Anne :

And whereas the present resident population of the district assigned to the church of Saint Mary was at the date of the last census one thousand five hundred and seventy and the church is inconveniently situated for the greater part of the parishioners and

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A.D. 1890. the church itself is in a dilapidated condition and is now closed and is not used for divine service :

And whereas the present resident population of the district assigned to the church of Saint Anne at the date of the last census was four hundred and eleven and the church is conveniently situated not only for the parishioners of the district assigned to the church of Saint Anne but also for the parishioners of the district assigned to the church of Saint Mary and for the large non-resident population employed in business in the said parishes in the daytime and the church of Saint Anne has recently been restored and re-decorated at a large expense :

And whereas in these circumstances it is expedient that the ecclesiastical parishes and benefices of Saint Anne and Saint Mary shall be united into one parish and benefice for all ecclesiastical purposes and that the fabric and materials of the church of Saint Mary be sold and an agreement between the Lord Bishop of Manchester of the first part the Reverend Richard Tonge of the second part the dean and canons of Manchester of the third part the Corporation of Manchester of the fourth part and Richard Milne-Redhead of the fifth part set forth in the Schedule to this Act has been entered into for the purpose of vesting the site of the churchyard in the mayor aldermen and citizens of the city of Manchester to be used and enjoyed as an open space for the benefit of the city of Manchester and for providing that after the removal of the fabric of the church the site thereof shall be laid to the churchyard and used and enjoyed only as an open space for the benefit of the city of Manchester and for the payment by the Corporation of the annual sum in the said agreement mentioned and it is expedient that the said agreement should be confirmed and that the dean and canons of Manchester as the present representatives of the warden and fellows of the said College of Christ in Manchester should be freed from all liability in respect of the maintenance and repair of the said church and the maintenance of the churchyard in consideration of the payment of the annual sum of fifty pounds to be made by them to the rector of the united parish as provided by this Act and that such provision should be made as in this Act contained with respect to the patronage of the united benefice and otherwise with reference thereto :

And whereas the Lord Bishop of Manchester has consented to this Act and the Bill for this Act was approved by resolutions of meetings of the vestries of the parishes of Saint Anne and Saint Mary duly convened for the purpose and the said Reverend Richard Tonge as rector of the church of Saint Mary and the said Jonathan

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Robert Hampson Joseph John Alexander John Wise and Charles James Ernest Crosse as such churchwardens as aforesaid have consented to this Act: A.D. 1890.

And whereas the objects aforesaid 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:—

1. This Act may be cited for all purposes as the Saint Anne and Saint Mary Manchester (Union of Benefices) Act 1890. Short title.

2. In this Act the following expressions have (unless the context otherwise requires) the meanings hereby respectively assigned to them (that is to say):— Interpretation.

“The united parish” means the ecclesiastical parish of Saint Anne and Saint Mary constituted by this Act:

“The diocese” means the diocese of Manchester or other the diocese in which the united parish is for the time being included:

“The bishop” means the lord bishop of the diocese for the time being:

“The dean and canons” means the dean and canons of Manchester as the present representatives of the warden and fellows of the College of Christ in Manchester founded by King Charles:

“The rector” means the rector for the time being of the united parish:

“The Corporation” means the mayor aldermen and citizens of the city of Manchester.

3. On the passing of this Act the contiguous parishes and benefices of Saint Anne and Saint Mary shall be united and form one united benefice or parish for all ecclesiastical purposes to be called by the name of the parish of Saint Anne and Saint Mary and be held together jointly by one rector and the powers provisions conditions rights and appendages annexed or appurtenant to either of the said parishes shall be united consolidated and amalgamated with the united parish. United parish constituted.

4. After the union of the said benefices the parishes whereof the benefices shall be united shall become and continue united but for ecclesiastical purposes only and the church of Saint Anne shall be the church of the united parish. United parish to be one parish for ecclesiastical purposes only.

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Parishes to
continue
separate for
certain
purposes.

5. Notwithstanding the union of the said two parishes under this Act the said parishes shall as to all endowments estates and other property and all rates and taxes and parochial and other privileges liberties and rights whatsoever except such as are affected by this Act continue and remain distinct in the same manner as they were before such union and the parishioners of such parishes shall continue severally to elect churchwardens and other parish officers for the said parishes in the same manner as they could have done before such union and the churchwardens so to be elected in each of the said parishes shall together be churchwardens of the church of the united parish :

The existing and continuing endowments of the parish of Saint Mary and the annual sums of fifty pounds and thirty pounds payable by the dean and canons and by the Corporation respectively under this Act shall anything in the Parish of Manchester Division Act 1850 notwithstanding not be taken into account in the application by the Ecclesiastical Commissioners of the moneys paid to them under the provisions of the lastly-mentioned Act but such existing endowments and annual sums are to be specially devoted to spiritual purposes for the parish of Saint Mary and are not to be appropriated by the rector to his personal use.

First incum-
bent.

6. The said Reverend Richard Tonge shall be and is hereby appointed to be the first incumbent of the united parish.

Confirming
scheduled
agreement.

7. The agreement made between the bishop of the first part the said Reverend Richard Tonge of the second part the dean and canons of the third part the Corporation of the fourth part and Richard Milne-Redhead of Holden Clough in Bolton by Bowland in the county of York of the fifth part as set forth in the Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

As to consent
of the dean
and canons
of Man-
chester.

8. And whereas the Very Reverend John Oakley late dean of Manchester died since the Bill for this Act was introduced into the House of Commons and by reason thereof the said agreement has not been executed by the dean and canons and their consent to this Act as amended in Committee in the House of Commons has not been proved Therefore this Act shall not be of any effect as against the dean and canons or any person claiming through or under them unless or until they signify their consent to this Act under their common seal and such consent or a copy thereof be enrolled in the Chancery Division of the High Court within six months after the passing of this Act and after the enrolment of the consent it shall be deemed part of this Act and be as

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binding and conclusive upon them and their representatives and all persons claiming through or under them as aforesaid as if the consent had been obtained before the passing of this Act and the consent may be given in the form or to the effect following (to wit):—

A.D. 1890.

We the dean and canons of Manchester do hereby consent to the Saint Anne and Saint Mary Manchester (Union of Benefices) Act 1890.

9. From and after the passing of this Act the site of the churchyard of the church of Saint Mary shall vest in the Corporation to be used and enjoyed only as an open space for the benefit of the city of Manchester.

Site of Saint Mary's churchyard to vest in Corporation.

10. Within twelve months after the passing of this Act the rector may and shall pull down and remove the church of Saint Mary and the materials thereof shall be sold or disposed of by him in such manner as he shall think fit and the site of the said church shall thereupon be laid to the said churchyard and (subject to the provisions herein-after contained for resuming possession thereof for the erection of a church) shall vest in the Corporation to be used and enjoyed only as an open space for the benefit of the city of Manchester.

Saint Mary's Church to be pulled down.

11. The moneys arising from the sale of the fabric and materials of the said church shall be applied by the rector in payment so far as the same will extend of the costs charges and expenses of and incident to the preparing applying for and obtaining this Act and of carrying out the provisions of the sections of this Act with respect to the fittings plate ornaments and furniture of the said church and the removal of stained glass tablets and monuments therefrom.

Application of sale moneys.

12. If at any time after the passing of this Act the bishop and the rector shall declare in writing that the spiritual needs of the united parish render it desirable that the site of the said church shall again be used for the erection of a church in connexion with the Church of England the rector shall deliver a copy of such declaration to the Corporation and at the expiration of six months from the date of such delivery the rector shall be entitled to resume possession of the site of the said church and the same shall thenceforth be appropriated for the erection of a church and in such case the church erected on the said site shall have the like rights of way over the adjoining churchyard as are now enjoyed in respect of the existing church together with all necessary rights of light.

Site of church may be resumed for purposes of a church in certain events.

13. So long as the Corporation shall have the use of the site of the said church as an open space they shall pay to the rector the sum

Annual payment to

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A.D. 1890. of thirty pounds per annum (in addition to the other endowments
— of the rector) such payment to commence as from the date of the
rector by passing of this Act and to be paid half-yearly on the twenty-fourth
Corporation. day of June and the twenty-fifth day of December and the first
half-yearly payment shall be due and payable on the twenty-fifth day
of December one thousand eight hundred and ninety.

User of open 14. The said churchyard and the site of the said church shall
space subject be used only as an open space for the benefit of the city of
to terms of Manchester subject to the conditions contained in the said
agreement. agreement.

Liability for 15. From and after the passing of this Act the dean and canons
repair of shall pay to the rector an annual sum of fifty pounds by equal half-
Saint Mary's yearly payments such payments to commence as from the passing of
Church to cease on this Act and in consideration of such payments the dean and canons
certain pay- shall be relieved of all liability for the maintenance and repair of
ments being made to the church of Saint Mary.
rector.

Provision as 16. Before the fabric and materials of Saint Mary's Church are
to fittings sold the rector shall cause the font communion table communion
plate &c. plate organ and bells and such other ornaments fittings and
in Saint furniture as the bishop thinks fit and as are not otherwise dealt with
Mary's by this Act to be removed to some place of safe custody until the
Church. same or such parts thereof as may be suitable for the purpose can
be removed to and the same shall thereupon be removed to some
church or churches now standing or hereafter to be erected within
the ancient parish of Manchester and which shall be agreed upon by
the bishop and the rector for the time being of the united parish
The registers deeds records books and documents belonging to or
kept in Saint Mary's Church shall be removed to and kept in Saint
Anne's Church.

Removal of 17. Before Saint Mary's Church is sold any stained or painted
stained glass windows tablets or monuments in such church if not previously
glass &c. removed by the heirs executors administrators relatives or friends
from Saint of the person or of some or one of the persons to whose memory
Mary's the same shall have been erected who shall be entitled to remove
Church. the same if they so think fit shall at the cost of the rector to be paid
out of the proceeds of the sale of the materials of the said church
be carefully removed and fixed in some convenient part of the
church of Saint Anne Every such removal of windows tablets or
monuments may be made without a faculty from the bishop and
shall be free from the payment of any fees to the incumbent of the
church of Saint Anne or to any officer of the same or of the parish
thereof.

The SCHEDULE referred to in the foregoing Act. A.D. 1890.

AN AGREEMENT made the fourteenth day of July one thousand eight hundred and ninety between the Right Reverend James Lord Bishop of Manchester (herein-after referred to as "the Bishop") of the first part the Reverend Richard Tonge Honorary Canon of Manchester Rector of the Church and Parish of Saint Anne in Manchester aforesaid of the second part the Warden and Fellows of the College of Christ in Manchester founded by King Charles otherwise styled the Dean and Canons of Manchester (herein-after referred to as "the Dean and Canons") of the third part the Mayor Aldermen and Citizens of the city of Manchester (herein-after referred to as "the Corporation") of the fourth part and Richard Milne-Redhead of Holden Clough in Bolton by Bowland in the West Riding of the County of York Esquire of the fifth part.

Whereas a Bill is now pending in the House of Commons providing for the union of the benefices of Saint Anne and Saint Mary Manchester and for the sale of the fabric and site of the church of Saint Mary And whereas the said Richard Milne-Redhead being a relation and heir-at-law of persons who have been buried in the churchyard of the said church of Saint Mary has in conjunction with other persons presented a petition on merits to the said House praying to be heard against the said Bill and that the same may not pass into law And whereas it has been agreed subject to confirmation by Parliament that the arrangements intended to be made by the Bill with respect to the sale of the fabric and site of the church of Saint Mary Manchester should be varied and that the provisions herein-after contained with respect to such fabric and site should be substituted for the provisions contained in the Bill and that in view of the arrangements hereby made with respect to the site of the said church the several provisions herein-after contained with respect to the churchyard surrounding the said church the freehold of which is vested in the dean and canons should subject to confirmation by Parliament be also entered into and that the said Richard Milne-Redhead should cause the petition against and opposition to the said Bill to be withdrawn Now therefore these presents witness and it is hereby agreed by and between all the parties hereto as follows:—

1. From and after the passing of the Act the site of the churchyard of Saint Mary shall vest in the Corporation and their successors in fee simple to be used and enjoyed as an open space for the benefit of the city of Manchester The Corporation shall not under their general powers sell or appropriate the said churchyard for any purpose whatsoever.

2. Within twelve months after the passing of the Act the said church of Saint Mary shall be pulled down and removed by the said Richard Tonge or

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A.D. 1890. other the rector for the time being of the said united parishes and the materials sold or disposed of by him in such manner as he shall think fit and the site of the said church shall thereupon be laid to the churchyard and used and enjoyed by the Corporation only as an open space for the benefit of the city of Manchester aforesaid.

3. The moneys arising from the sale of the said church shall be applied by the said Richard Tonge or other such rector as aforesaid in payment so far as the same will extend of the cost of and incident to obtaining the Act and of carrying out the provisions of clauses nine and ten of the Bill.

4. If at any time after the passing of the Act the bishop and the rector for the time being of the united parish shall declare in writing that the spiritual needs of the united parish renders it necessary or expedient that the site of the said church shall again be used for the erection of a church in connexion with the Church of England the rector of the united parish shall deliver a copy of such declaration to the Corporation and at the expiration of six calendar months from the date of such delivery the said rector shall be entitled to resume possession of the site of the said church and the same shall thenceforth be appropriated for the erection of a church and in such case the church erected on the said site shall have the like rights of way over the adjoining churchyard as are now enjoyed in respect of the existing church together with all necessary rights of light.

5. So long as the Corporation shall have the use of the site of the said church they shall pay to the rector of the united parish the sum of thirty pounds per annum who shall be entitled to receive the same in addition to the other endowments of such rector the said annual payment to commence as from the date of the passing of the Act and to be paid half-yearly on the twenty-fourth day of June and twenty-fifth day of December.

6. The said churchyard and the site of the said church shall be used by the Corporation only as an open space for the benefit of the city of Manchester subject to the following conditions:—

- (A.) The premises shall be kept fenced and in proper order and repair by and at the expense of the Corporation :
- (B.) No public meetings for any purposes whatsoever shall be allowed on the premises :
- (C.) The existing graves shall not be in any way interfered with except by filling or covering the same with soil or other suitable material :
- (D.) Immediately upon taking possession of the premises the Corporation shall cause a correct plan to be made of the said churchyard showing by consecutive numbers the exact position of each grave and shall further cause an index to be prepared giving an exact copy of every legible inscription upon the face of every gravestone or monument in such churchyard by reference to the number on the said plan A copy of such plan and index engrossed on parchment and certified by the city surveyor as correct shall be forthwith lodged by the Corporation at the Diocesan Registry in Manchester.

A.D. 1890.

7. If the site of the church shall be resumed under clause four the church-yard shall continue to be used as an open space subject to the conditions of clause six and to the following further regulation:—

(A.) The persons resorting to any church which may be erected on the said site shall be entitled to the like rights of way as are now enjoyed with respect to the existing church.

8. The said Richard Milne-Redhead will cause the said petition against and opposition to the said Bill to be withdrawn and shall if required consent to the confirmation of this agreement by Parliament.

9. This agreement is conditional on the same being confirmed by Parliament in its present form or with such modifications as may be approved by each of the parties hereto.

IN WITNESS whereof the Corporation and the deans and canons have respectively caused their common seals to be hereunto affixed and the rest of the parties hereto have hereunto set their hands and seals the day and year first before written.

Signed sealed and delivered by the
within-named Bishop of Man-
chester in the presence of
E. P. CHARLEWOOD,
Secretary to the Bishop.

J. MANCHESTER.

L.S.

Signed sealed and delivered by the
said Richard Tonge in the pre-
sence of
JAMES HEELIS,
Solicitor Manchester.

RICH. TONGE.

L.S.

The common seal of the Corporation
of the City of Manchester was
hereunto affixed in pursuance of
an order of the council of the
said city in the presence of
JOHN MARK,
Mayor.
THOMAS HUDSON,
Assistant Town Clerk.

L.S.

Signed sealed and delivered by the
above-named Richard Milne-
Redhead in the presence of
FRA. HAMPSON,
Solicitor Manchester.
JAMES HEELIS.

R. MILNE-REDHEAD.

L.S.

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