



ANNO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. 9.

An Act for the Division of the Rectory of *Winwick*  
in the County Palatine of *Lancaster*.

[18th *May* 1841.]

**W**HEREAS the Perpetual Advowson of the Rectory and Parish Church of *Winwick* in the County Palatine of *Lancaster*, and within the Diocese of *Chester*, stands limited to the Use of such Person or Persons, for such Estate or Estates, Interest or Interests, upon and for such Trusts, Intents, and Purposes, and with, under, and subject to such Charges, Powers, Declarations, and Provisions, and generally in such Manner and Form, as the Right Honourable *Edward* Earl of *Derby* and the Right Honourable *Edward Geoffrey Smith Stanley* commonly called Lord *Stanley*, eldest Son and Heir Apparent of the said Earl, at any Time or Times and from Time to Time during their joint Lives, by any Deed or Deeds in Writing, with or without Power of Revocation and new Appointment, to be sealed and delivered by both of them in the Presence of One Witness or more, shall direct, limit, or appoint, and in default of and until such Direction, Limitation, or Appointment, or in case of any such, then so far as the same, if partial or incomplete, shall not extend, and in the meantime subject and without Prejudice thereto, to the Use of the said *Edward* Earl of *Derby* and his Assigns, during his natural Life, without Impeachment of Waste, and from and immediately after the Determination of that Estate to the only proper  
[*Private.*] Use

Use of the said *Edward Geoffrey Lord Stanley*, his Heirs and Assigns, absolutely and for ever: And whereas the Reverend *James John Hornby* Clerk is the Rector of the Rectory and Parish Church of *Winwick* aforesaid: And whereas the said Rectory extends over the several Towns or Townships of *Winwick-with-Hulme, Houghton-with-Middleton* and *Arbury, Croft-with-Southworth, Newton-in-Mackerfield, Lowton, Ashton-in-Mackerfield, Culcheth, Kenyon, Golborne, and Haydock*, which contain together a Population of more than Eighteen thousand Inhabitants, and which Population is rapidly increasing: And whereas the Tithes of the said respective Townships have been commuted under the Act for the Commutation of Tithes in *England*: And whereas the Rector of the said Rectory or Parsonage Church is possessed of and entitled to the Capital Messuage called *Winwick Hall*, and the Appurtenances thereof, and several other Messuages, Buildings, and Lands, the Income whereof, and of the several other Emoluments belonging to the said Benefice, is very considerable: And whereas an Act was passed in the Fifty-eighth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifty-ninth Year of the Reign of His said Majesty King *George the Third*, 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 another Act was passed in the Third Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Fifth Year of the Reign of His said Majesty King *George the Fourth*, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty, and in the Third Year of the Reign of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His said Majesty King *George the Fourth*, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the First and Second Years of the Reign of His late Majesty King *William the Fourth*, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes.'* And whereas another Act was passed in the Second and Third Years of the Reign of His said late Majesty, to render more effectual the aforesaid Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George the Third*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to prolong for Ten Years Her Majesty's Commission for building new Churches*: And whereas another Act was passed in the First and Second Years of the Reign of Her said Majesty Queen *Victoria*, intituled *An Act to amend and*

58 G.3. c.45.  
59 G.3.c.134.  
3 G.4. c.72.  
5 G.4. c.103.  
7 & 8 G.4. c.72.  
1 & 2 W.4. c.38.  
2 & 3 W.4. c.61.  
7 W.4. & 1 Vict. c.75.  
1 & 2 Vict. c.107.

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render

render more effectual the Church Building Acts : And whereas another Act was passed in the Second and Third Years of the Reign of Her said Majesty Queen Victoria, intituled *An Act to make better Provision for the Assignment of Ecclesiastical Districts to Churches or Chapels augmented by the Governors of the Bounty of Queen Anne, and for other Purposes* : And whereas it would tend greatly to the Good of the Inhabitants of the said Parish of *Winwick* if the same were divided into separate Districts for Ecclesiastical Purposes, and if Provisions were made for the Endowment of such separate Districts out of the Revenues of the said Rectory : And whereas if separate Ecclesiastical Districts should be created as aforesaid it would be necessary that the present Rectory House called *Winwick Hall*, and the Offices, Pleasure Grounds, and Gardens attached thereto, should be greatly altered and reduced, and that certain contiguous Roads of Approach and certain Fences should be partially altered and constructed anew, the same being adapted to the said Rectory with its present Emoluments ; and it would also be necessary that Parsonage Houses should be provided for the Incumbents of certain of the Districts to be separated as aforesaid, and that Funds should be provided for the several Objects as aforesaid : And whereas the several Purposes aforesaid (however beneficial the same may be) cannot be effected without the Aid and Authority of Parliament : Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Edward* Earl of *Derby* and *Edward Geoffrey* Lord *Stanley*, do most humbly beseech 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, That all Provisions in the Acts herein-before referred to, or in any Act of Parliament now in force for the promoting the building of additional Churches, shall apply to the said Parish of *Winwick*, and be applied for carrying this Act into execution, in the same Manner as if the same Acts and the several Provisions thereof had been re-enacted by this Act, except only so far as the same are altered by this Act, or are inconsistent with any of the Provisions in this Act contained.

Provisions of the recited Acts extended to this Act.

II. And be it enacted, That the separate Ecclesiastical Districts which shall be made under the Powers of the said Acts herein-before referred to and of this Act shall be made as follows ; *videlicet*, the Townships of *Winwick-with-Hulme* and *Houghton-with-Middleton* and *Arbury* aforesaid shall continue a distinct Ecclesiastical District, and each of the said Townships of *Croft-with-Southworth*, *Newton-in-Mackerfield*, *Lowton*, *Ashton-in-Mackerfield*, *Culcheth*, *Kenyon*, *Golborne*, and *Haydock*, shall by itself be made a distinct Ecclesiastical District.

Plan of Separation.

III. Provided always, and be it enacted, That, notwithstanding any thing in the Acts herein-before referred to to the contrary, it shall be lawful to effect such Separation wholly or partially as aforesaid during the Incumbency of the said *James John Hornby*, with his Consent, to be expressed in Writing.

Separation may be made during the present Incumbency.

IV. And

New District  
Rectories  
and Vicar-  
age.

IV. And be it enacted, That as such Separation shall take place each of the said separate Districts shall for ever thereafter for all Ecclesiastical Purposes, except as is by this Act otherwise provided, be a separate Parish of itself, and (except as respects the said District comprising the said Township of *Culcheth*) shall be a distinct Rectory, and the Rector of the District comprising the said Townships of *Winwick-with-Hulme* and *Houghton-with-Middleton* and *Arbury* aforesaid shall continue the Rector of *Winwick*, and the Rector of each of the said other distinct Rectories shall be called by the Name of the District Rector of the Township comprehended within his District; and the said District comprising the said Township of *Culcheth* shall be a distinct Vicarage, and the Vicar of the District comprising such last-mentioned Township shall be called by the Name of the Vicar of *Culcheth*.

New Rectors  
and Vicar to  
have Cure of  
Souls within  
their Dis-  
tricts, &c.

V. And be it enacted, That as each District Rectory or Vicarage to be created as aforesaid shall be separated as aforesaid, and the Rector or Vicar thereof, as the Case may be, shall be duly instituted and inducted thereto, the Rector or Vicar for the Time being, as the Case may be, shall have the Cure of the Souls of the Inhabitants of such District, to the same Extent and in like Manner as the present Rector of *Winwick* may be entitled to, and shall for ever thereafter be subject to such legal Provisions as to Presentation, Institution, and Induction, and to all such Ecclesiastical Jurisdiction (save and except the Provisions as to holding several Benefices, which shall be regulated by Law), as are now by Law applicable to the said present Rectory of *Winwick*, and each such Incumbent shall from the Time of such his Institution and Induction as aforesaid have the like Authority and Powers over the Curates and Ministers of the several Chapels and Churches within his Ecclesiastical District as the Rector of *Winwick* is now entitled to.

Endowment  
of new Rec-  
tors and  
Vicar.

VI. And be it enacted, That each such Incumbent as aforesaid shall be entitled (in addition to the like Surplice Fees as are payable to the Rector of *Winwick*, to Pew Rents, if any, arising within the same, and to a Parsonage House and Glebe, if any, to be provided for him as in this Act is provided,) to all the Tithes, or the Commutation Rent for the same, arising within such Rectory or Vicarage, or the Township comprehending the same, and to all Remedies for obtaining the same to which the Rector of the said present Rectory or Parish Church of *Winwick* aforesaid would have been entitled if this Act not been passed.

Exoneration  
of Rector of  
*Winwick*  
from Cure  
of Souls in  
separate  
Districts;

VII. And be it enacted, That the Rector of the said Rectory of *Winwick* shall, from and after such Separation as aforesaid, and for ever thereafter, be exonerated from the Cure of the Souls of the Inhabitants within the respective Districts which shall be so separated as aforesaid, but shall be and continue entitled to all other the Tithes, Tithe Rents, Glebe Lands, and Emoluments whatsoever arising and being within the said present Rectory of *Winwick* which are not hereby provided as an Endowment for the other separate Rectories and Vicarage to be created as aforesaid.

VIII. And

VIII. And be it enacted, That as the respective Townships shall be separated and have an endowed Rector and Vicar as aforesaid, the Rector of *Winwick* aforesaid and his Successors, and all the Tithes and Tenths within the said present Parish of *Winwick* which are chargeable therewith, shall be for ever thereafter exonerated and discharged from the Stipends and Charges now payable by such Rector to the respective Curates of the Chapels or Churches of such Townships, save and except the Sum of Fifty Pounds payable to the Curate of *Saint Thomas's* Church in *Ashton-in-Mackerfield*, herein-after mentioned, and which is to be exclusively charged on the Tithes and Tenths of the Rectory of *Ashton-in-Mackerfield* as herein-after mentioned.

and from certain Stipends and Charges now payable by him.

IX. And be it enacted, That, in addition to the Provision made for them respectively as aforesaid, the respective Rectors and Vicar of the said District Rectories and Vicarage within which endowed Curacies exist shall be entitled to all the Endowments and Emoluments to which the respective Curates of the same respective Townships are now entitled, save and except the Stipends and Charges from which the Rector of the said present Parish of *Winwick* and his Successors, and the Tithes and Tenths within the same Parish, is and are exonerated as aforesaid, and save and except the Rights of the Curate for the Time being of the Chapelry of *Newton-in-Mackerfield* aforesaid, and save and except the Rights of the Curate for the Time being of the Chapel of *Saint Thomas* in *Ashton-in-Mackerfield* aforesaid.

Additional Provision for Incumbents of certain of the new Benefices.

X. And be it enacted, That each Rectory and Vicarage created in pursuance of this Act shall be a separate Ecclesiastical Benefice, and every Incumbent of every such Rectory or Vicarage shall be a Body Corporate in the same Manner as Rectors and Vicars of any Ecclesiastical Benefice now are by Law, and may take such Endowments in Messuages, Lands, or Tithes, or any such Augmentation, as shall be granted to him or his Successors in pursuance of this Act or otherwise.

Incumbents of new Benefices to be Bodies Corporate.

XI. And be it enacted, That the Patrons and Incumbents of such Rectories and Vicarage shall respectively be subject to the like Laws as are now in force in respect to Ecclesiastical Benefices and to the Presentation thereto.

Patrons and Incumbents.

XII. And be it enacted, That in case the said Benefices to be created in pursuance of this Act, or any or either of them, shall at any Time or Times be suffered to remain void by the Space of Six Months without any Nomination within that Time of a fit Person to serve the same by the Patron thereof for the Time being, the same shall be subject to lapse to the Bishop of the Diocese for the Time being, and from him to the Lord Archbishop of *York*, and from the Lord Archbishop of *York* to the Crown, according to the Course of Law used in Cases of Presentative Livings and Benefices within the Diocese, and the Right of Presentation to the aforesaid several Benefices or any of them may be recovered, and the Incumbencies thereof respectively shall cease and be determined in like Manner and by the like Methods as the Presentation to or Incumbency in any Rectory or

Provisions in case of Lapse.

[Private.]

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Vicarage

Vicarage within the said Diocese may be now respectively recovered or determined.

Incumbency  
of new  
Benefices.

XIII. And be it enacted, That the respective Persons who at the Time of the passing of this Act shall be the respective Perpetual Curates of the respective Chapels within any of the said Districts (except *Newton-in-Mackerfield*, and except the Curate of *Saint Thomas* in *Ashton-in-Mackerfield*,) within which Perpetual Curacies exist shall, if they shall be respectively Curates thereof at the respective Times at which the same shall become District Rectories and a District Vicarage as aforesaid, be entitled to be respectively presented thereto.

Patronage  
during In-  
cumbency of  
Mr. Hornby.

XIV. And be it enacted, That if the District Rectories or Vicarage by this Act authorized to be created, or any of them, shall be created during the Incumbency of the said *James John Hornby* as Rector of *Winwick* aforesaid, the First Turn or Right of Presentation to every such District Rectory or Vicarage, (subject to the Right of Perpetual Curates under the Provision lastly herein-before contained,) shall be and the same is hereby vested in him the said *James John Hornby*.

Subsequent  
Patronage.

XV. And be it enacted, That (subject as aforesaid) the Advowson, Right of Patronage, and Presentation to the respective District Rectories and Vicarage to be created as aforesaid shall be vested in the Person or Persons for the Time being entitled to the Advowson of the Rectory of *Winwick* aforesaid.

No Separation  
until the  
Alteration of  
*Winwick*  
Hall ;

XVI. And be it enacted, That no such Separation as aforesaid shall take place until such Alterations of *Winwick Hall* as are herein-after mentioned shall have been completed.

nor as to Gol-  
borne and  
*Haydock*,  
until Increase  
of Population  
and Churches  
built ;

XVII. And be it enacted, That no separate Ecclesiastical District shall be formed of the said Township of *Golborne*, or of the said Township of *Haydock*, until the Population in the District so to be formed shall amount to Two thousand Persons, and Churches capable of affording Accommodation for Six hundred Persons shall have been provided within such District.

nor as to  
*Kenyon*.

XVIII. And be it enacted, That the said Township of *Kenyon* shall not be formed into a separate Ecclesiastical District until the Population thereof shall amount to Six hundred Persons, and a Church capable of affording Accommodation to Two hundred and fifty Persons shall have been provided within the said Township.

Mode of  
ascertaining  
Population.

XIX. And be it enacted, That, with a view to such Separation as aforesaid of the said respective Townships of *Golborne*, *Haydock*, and *Kenyon*, the Overseers of the Poor of the Parish of *Winwick* aforesaid for the Time being shall, when required by the Bishop of the Diocese within which such Parish shall be, by Writing under his Hand, ascertain and make a Return under their Hands to the said Bishop of the Population of the said last-mentioned Townships, or of any of them ; and such Return shall be deposited in the said Bishop's Registry.

XX. And

XX. And be it enacted, That until the said respective Townships of *Golborne*, *Haydock*, and *Kenyon* aforesaid shall become separate Ecclesiastical Districts under the Provisions of this Act, but no longer, the same shall continue subject to the same Spiritual Authority and the same Liabilities as they are now respectively subject to.

Spiritual Authority of Ecclesiastical Districts.

XXI. And be it enacted, That (subject to the Rights of the existing Curates or Ministers thereof) the Right of Presentation to the respective Chapels within the said new Rectories and Vicarage to be separated as aforesaid (except the Chapel of *Newton-in-Mackerfield* aforesaid) shall, when the same shall be respectively separated as aforesaid, be in the respective Incumbents for the Time being of the Rectory or Vicarage within which such Chapels shall be situate; and that (subject as aforesaid) the Curacies of the said Chapels shall be consolidated with the respective District Rectories within which the same shall be situated; provided that (notwithstanding such Consolidation) the said Curacy of the Chapel of *Saint Thomas* in *Ashton-in-Mackerfield* shall continue a Perpetual Curacy.

Patronage of Chapels in new Districts to be in the Incumbents of the new Benefices.

XXII. And be it enacted, That the respective Chapels or Churches of *Lowton*, *Croft-with-Southworth*, and *Culcheth* aforesaid, and the Church which is now being built in *Wargrave* in *Newton-in-Mackerfield* aforesaid, shall be the respective Parish Churches of the said District Rectories and Vicarage of the same respective Places, when the Separation thereof shall have taken place as aforesaid; and that the Church of the *Holy Trinity* in *Ashton-in-Mackerfield* aforesaid shall, when the said District Rectory of *Ashton-in-Mackerfield* shall have been created as aforesaid, be the Parish Church thereof.

As to which shall be the Parish Churches in certain of the new District Parishes.

XXIII. And be it enacted, That the Tithes and Tithe Rent payable to the Rector of the said Rectory of *Ashton-in-Mackerfield* shall be for ever thereafter charged with the Payment to the Perpetual Curate for the Time being of *Saint Thomas's* Chapel in the same Township of the annual Sum of Fifty Pounds, which before the passing of this Act had been charged upon the Tithes of the Rectory of *Winwick*, such annual Sum to be paid Half yearly, the first Payment to be made at the Expiration of Six Calendar Months next after the Institution of the first Rector of *Ashton-in-Mackerfield* aforesaid.

Charge on Rectory of Ashton in favour of Curate of St. Thomas's Chapel.

XXIV. And be it enacted, That if the said District Rectory of *Ashton-in-Mackerfield* aforesaid shall be created during the Incumbency of the Reverend *Edmund Sibson* as Curate of *Saint Thomas's* Chapel, then and from the Period at which the first Rector of the said District Rectory of *Ashton-in-Mackerfield* shall have been instituted, and during the Continuance of such Incumbency of the said *Edmund Sibson*, he the said *Edmund Sibson* shall be entitled to such Proportion of the Tithes and Tithe Rents and other Emoluments with which the said Rectory of *Ashton-in-Mackerfield* is endowed by this Act as (taking into account the said annual Sum of Fifty Pounds and the other Emoluments of the said *Edmund Sibson* as such Curate) shall amount to one equal Moiety of such Tithes and Tithe Rents

Provision for present Curate of St. Thomas's Chapel.

Rents and other Emoluments of the same Rectory and Curacy, and the same shall be recoverable by the said *Edmund Sibson*, his Executors or Administrators, by any Proceedings at Law or in Equity against the Rector of *Ashton-in-Mackerfield* aforesaid for the Time being.

Maintenance  
of District  
Churches.

XXV. And be it enacted, That each of the respective Churches and Chapels within the respective Districts which shall be made distinct Ecclesiastical Districts in pursuance of this Act, except the said Chapel in *Newton-in-Mackerfield* until the same shall be consolidated with the District Rectory of *Newton-in-Mackerfield*, shall be from Time to Time maintained at the sole Costs and Charges of the Inhabitants of such District, and all Sums of Money requisite for such Repairs shall be raised, levied, and applied by the like Ways and Means in all respects whatsoever, and in the same Manner and under the same Regulations (*mutatis mutandis*), as the Sums of Money requisite for the Repairs of the Mother Church of the said Parish of *Winwick* have heretofore been raised, levied, and applied.

Maintenance  
of Winwick  
Church.

XXVI. Provided always, and be it enacted, That the Liability of the Inhabitants of each District that shall be separated as aforesaid to contribute to the Maintenance and Repairs of the said Parish Church of *Winwick* shall cease at the Expiration of Twenty Years, to be computed from the Time at which the Separation of such District shall be completed, and the first Rector or Vicar thereof shall have been instituted thereto; and after all the said Districts shall have been separated, the Charge of maintaining and repairing the said Parish Church of *Winwick* shall, after the Expiration of the said Period of Twenty Years, fall exclusively on the Inhabitants of the said Parish as reduced for Ecclesiastical Purposes in pursuance of the Provisions herein contained.

Right of  
Inhabitants  
in Winwick  
generally to  
be buried  
in Winwick  
Churchyard.

XXVII. And be it enacted, That it shall be lawful for any of the Inhabitants within the said present Parish of *Winwick* to be buried in the Churchyard of *Winwick* aforesaid, without being subject or liable to any other Fees than would have been payable if this Act had not been passed; but such Privilege shall cease as to the Inhabitants of the respective Districts which shall be separated as aforesaid at the Expiration of Twenty Years next after the Separation thereof in pursuance of this Act shall have taken place.

Private  
Chapels and  
Burying  
Places not to  
be affected.

XXVIII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice the Rights of any Persons whatsoever to any private Chapels, Vaults, or Burying Places in *Winwick* Church aforesaid, or in the Churchyard of *Winwick*, or the Liabilities of such Persons to keep such Chapels, Vaults, or Burying Places in repair.

Alteration  
and Reduc-  
tion of Win-  
wick Hall,  
&c.

XXIX. And be it enacted, That the said Parsonage House called *Winwick Hall*, and the Offices, Gardens, and Pleasure Grounds, and the Roads and Fences belonging thereto, shall be altered and reduced with reference to the diminished Income to which the Rector of *Winwick* aforesaid shall be entitled after the Separation of such District Rectories and Vicarage aforesaid, and that such Alteration and Re-



duction shall be made within Twenty-four Calendar Months after the said *James John Hornby* shall, by Death or otherwise, have ceased to be the Incumbent of *Winwick* aforesaid, or shall in the Manner herein-before expressed have signified his Consent to such Ecclesiastical Separation as aforesaid being effected during his Incumbency, and such Alteration and Reduction shall be made in such Manner as the Patron for the Time being of the said Rectory of *Winwick*, and the Ordinary, and (if he shall be living, and shall be the Incumbent of *Winwick* aforesaid,) the said *James John Hornby*, shall direct, and as shall be expressed in Writing and designated in One or more Plan or Plans to be signed by the said Patron and Ordinary alone, or by them and the said *James John Hornby*, as the Case may be.

XXX. And be it enacted, That if the Scheme and Plans for such Alteration and Reduction as aforesaid shall not have been determined on during the Incumbency of the said *James John Hornby*, and the said Patron and Ordinary shall not within Twenty-four Calendar Months after the said *James John Hornby* shall have ceased to be Incumbent of the said Rectory of *Winwick* have determined on and signed the Plan or Plans for such Alteration and Reduction as aforesaid, then the same (having reference to the Provisions of this Act) shall be made in such Manner as Her Majesty's Commissioners for building new Churches shall by Writing under their Common Seal approve.

XXXI. And be it enacted, That it shall be lawful for the said Patron and Ordinary, and the said *James John Hornby*, at any Time or Times after the passing of this Act, and during the Incumbency of him the said *James John Hornby* as Rector of *Winwick* aforesaid, to agree as to the Manner in which such Reduction and Alteration as aforesaid of *Winwick Hall* and the Appurtenances thereof shall be made, and to cause the same to be designated in One or more Plan or Plans; and the Instrument and Plans showing the Manner in which such Alteration and Reduction is to be made (the same being first authenticated by the Signature of the said Patron and Ordinary, and of the said *James John Hornby*,) shall be deposited in the Registry of the Bishop of the Diocese within which the said Parish of *Winwick* shall be situate; and such Alteration and Reduction, whether made during the Incumbency of the said *James John Hornby* or after the Determination thereof, shall be made in such Manner as shall be expressed in such Instrument and Plan or Plans.

XXXII. Provided always, and be it enacted, That the Expences of effecting such Alteration and Reduction as aforesaid (including the Painting, Papering, Repairs, and other Matters necessary in consequence of such Alteration and Reduction, and which Expences are to be raised as herein-after mentioned,) shall not exceed the Sum of Three thousand five hundred Pounds.

XXXIII. And be it enacted, That if such Alteration and Reduction as aforesaid shall take place during the Incumbency of the said *James John Hornby*, the same shall be effected under his Direction, having reference to the Plan which shall have been agreed on as aforesaid;

[*Private.*]

Commissioners for building new Churches to determine on Plan of Alteration, &c. in case Patron and Ordinary do not agree.

Power to Patron, Ordinary, and present Incumbent to settle Plan of future Alteration.

Limiting the Expences of Alteration, &c.

Alteration, &c. during Incumbency of Rev. J. J. Hornby to be effected

under his  
Direction.

said; and in that Case he the said *James John Hornby*, his Heirs, Executors, and Administrators, shall be and he and they is and are hereby exonerated from all Claims and Demands by or on behalf of his Successor in the said Rectory of *Winwick* for Dilapidations as arising out of such Alterations as aforesaid, or in proceeding to make the same.

Power to  
vary Plans.

XXXIV. Provided always, and be it enacted, That it shall be lawful for the Persons who are by this Act authorized to determine on the Plans for such Alteration and Reduction as aforesaid of *Winwick Hall*, and the Appurtenances thereof, to vary such Plans from Time to Time, so that the Variation thereof be expressed in Writing, and signed by them, and that thereby a greater Outlay than as hereinbefore expressed be not charged as herein-after authorized.

Provision for  
new Parson-  
age Houses.

XXXV. And be it enacted, That the respective Houses (with the Appurtenances thereto belonging) now occupied by the respective Curates of the said Townships of *Croft-with-Southworth*, *Lowton*, *Ashton-in-Mackerfield*, and *Culcheth*, and the House recently erected in *Wargrave* in *Newton-in-Mackerfield*, for the Use of the Curate thereof, shall, when the said respective Townships shall have become distinct Ecclesiastical Districts under this Act, become and be for ever thereafter the respective Parsonage or Glebe Houses of the respective Incumbents thereof; and that in order to provide suitable Residences for the respective Incumbents of the other District Rectories to be created in pursuance of this Act, and to provide Glebe for the Incumbents of the respective Benefices to be created in pursuance of this Act, it shall be lawful for the Patron for the Time being of the said Rectory of *Winwick*, the Ordinary of the Diocese within which the said Rectory shall be situate, and the Rector of the same Rectory for the Time being, to apply any Sum or Sums not exceeding in each Case such Sum as is herein-after mentioned towards the Erection or Purchase of a House and Offices, which shall be suitable for actual Occupation by the Incumbent of such Benefice; and also to purchase any Land for the Site of such House, and any Garden, Orchard, or Land contiguous thereto, or any other Land within the local Limits of each such District, Rectory, or Vicarage, so that the whole Amount of Land so purchased in each such District Rectory shall not exceed Twelve Statute Acres, nor in such Vicarage Six Statute Acres; and any House to be erected or purchased as aforesaid, and any Lands to be purchased as aforesaid, shall, from and after the Erection and Purchase thereof respectively, be deemed and taken to be the House of Residence and Glebe respectively of such Benefice for all Purposes whatsoever.

Houses, &c.  
to be con-  
veyed to  
Incumbent.

XXXVI. And be it enacted, That all Houses, Lands, and other Hereditaments by this Act attached to any of the Benefices to be created as aforesaid, and that shall be purchased, given, granted, or conveyed for any of the Purposes aforesaid, shall be vested in the Rector or Vicar (as the Case may be) of the Benefice to which the same shall be attached, or for whom the same shall be purchased, given, or granted, and his Successors, notwithstanding any Law or Statute to the contrary.

XXXVII. Pro-

XXXVII. Provided always, and be it enacted, That, exclusive of such Glebe as is herein-before authorized to be provided, it shall not be lawful to raise, under the Provisions of this Act, a greater Sum (beyond the Expences attending the raising the same) than Eight hundred Pounds for the Residence of any One Rector or Vicar.

Limit of Sum raiseable for Parsonage Houses.

XXXVIII. And be it enacted, That it shall be lawful for all or any of the following Parties, being seised, possessed of, or entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments which, or Part of which, shall be thought by the said Patron and Ordinary and Rector of *Winwick* for the Time being proper to be purchased for the Purposes of the Act, to sell and dispose of and convey or release the same to the Persons and in the Manner in which the same ought to be conveyed in pursuance of this Act, and to enter into all necessary Agreements for that Purpose; (that is to say,) all Corporations, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Married Women seised in their own Right or entitled to Dower, Guardians, Committees of Lunatics and Idiots, Trustees or Feoffees in Trust for charitable or other Purposes, Executors and Administrators; and the Power so to sell and convey as aforesaid may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, unborn, or not to be found; and as to such Married Women as if they were Sole, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power under the Authority of this Act if they had respectively been under no Disability; and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability.

Parties under Disability enabled to sell and convey.

XXXIX. And be it enacted, That the Consideration to be paid for the Purchase of any such Premises shall be in a gross Sum.

Consideration to be a gross Sum.

XL. And be it enacted, That the Owners of any such Premises, and all Parties by this Act enabled to convey any such Premises, may agree to accept, and, subject to the Restrictions in this Act contained as to the Payment thereof, may accept Satisfaction for the Value of such Premises.

Acceptance of Compensation for Price of Premises.

XLI. And with respect to the Consideration Money to be paid for any Premises to be purchased as aforesaid from any Party under any Disability or Incapacity, and not having Power to sell or convey, except under the Provisions in this Act contained, be it enacted, That such Consideration Money shall not be less than shall be determined by the Valuation of Two able practical Surveyors; one of whom shall be nominated by the Patron and Ordinary and Rector of

Amount of Compensation to be ascertained by Valuation in case of Parties under Disability.

*Winwick*

*Winwick* for the Time being, and the other by the other Party; and if such Two Surveyors cannot agree in the Valuation, then by such Third Surveyor as such Two Surveyors shall for that Purpose nominate; and each of such Two Surveyors, if they agree, or if not, then the Surveyor nominated by the said Two Surveyors, shall annex to the Valuation a Declaration of the Correctness thereof.

Form of Con-  
veyances.

XLII. And be it enacted, That all Conveyances of Buildings and Lands so to be purchased as aforesaid may be according to the Form in the Schedule to this Act annexed, or as near thereto as the Circumstances of the Case will admit; and all such Conveyances shall be effectual, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and to destroy all such Estates Tail and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Premises comprised in such Conveyances as shall have been purchased by the Consideration therein mentioned, but although Terms of Years be thereby merged they shall in Equity afford the same Protection as if they had been kept on foot and assigned to a Trustee to attend the Reversion and Inheritance.

Purchase  
Money pay-  
able to Par-  
ties under  
Disability  
amounting to  
200*l.* to be  
deposited  
in Bank of  
England.

1 G. 4. c. 35.

Application  
of Monies  
deposited.

XLIII. And for the Purpose of providing for the Deposit and Application of the Purchase Money to be paid in respect of any such Buildings and Lands which may belong to Parties under Disability, be it enacted, That if any such Purchase Money shall be payable in respect of any such Premises, or any Interest therein, which any Corporation, Tenant for Life or for any other partial or qualified Interest, Married Woman seised in her own Right or entitled to Dower, Guardian, Committee of Lunatic or Idiot, Trustee, Executor or Administrator, or Person under any Disability, shall be entitled to, and shall, under the Powers of this Act, be enabled to convey or dispose of the same, shall, if it amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Rector or Vicar of the Rectory or Vicarage on whose Account such Purchase shall be made, pursuant to the Method prescribed by an Act of the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and pursuant to the general Orders of the said Court; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

In the Purchase or Redemption of the Land Tax, or the Discharge of any Debt or Incumbrance affecting the Land in respect of which such Money shall have been paid, or affecting other Lands settled therewith to the same or the like Uses, Trusts, or Purposes; or,

In the Purchase of other Lands, to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes, and in the same

Manner as the Lands in respect of which such Money shall have been paid stood settled; or  
In Payment to any Party becoming absolutely entitled to such Money.

XLIV. And be it enacted, That such Money may be so applied as aforesaid upon an Order of the Court of Exchequer made on the Petition of the Party who would have been entitled to the Rents and Profits of the Premises in respect of which such Money shall have been deposited; and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Three *per Centum* Consolidated or Three *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and until such Annuities or Securities shall be ordered to be sold or converted into Money for the Purposes aforesaid, the Interest, Dividends, and annual Proceeds thereof shall from Time to Time be paid to the Party who would for the Time being have been entitled to the Rents and Profits of the Premises; and the Order for such Investment and Application of the Interest, Dividends, and annual Proceeds thereof may be made on the like Petition.

Order for Application.

XLV. And with respect to any such Purchase Money which shall not amount to the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, be it enacted, That the same shall either be paid into the Bank of *England*, and applied in manner herein-before directed with respect to Sums amounting to or exceeding Two hundred Pounds, or the same may lawfully be paid to Two Trustees, to be nominated by the Parties entitled to the Rents or Profits of the Premises in respect whereof the same shall be payable, such Nomination to be signified by Writing under the Hands of the Parties so entitled; and in case of the Coverture, Infancy, Lunacy, or other Incapacity of the Parties entitled to such Monies, such Nomination may lawfully be made by their respective Husbands, Guardians, Committees, or Trustees, but such last-mentioned Application of the Monies shall not be made unless the Patron, Ordinary, and Rector of *Winwick* for the Time being approve thereof, and of the Trustees named for the Purpose, such Approval to be signified in Writing under their Hands; and the Money so paid to such Trustees, and the Produce arising therefrom, shall be by such Trustees applied in the Manner herein-before directed with respect to Money paid into the Bank of *England*, but it shall not be necessary to obtain any Order of the Court for that Purpose.

Sums not amounting to 200*l.* but exceeding 20*l.* to be deposited or invested in Trustees.

XLVI. And with respect to any such Money which shall not exceed the Sum of Twenty Pounds, be it enacted, That the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Premises in respect whereof the same shall be payable, for their own Use and Benefit, or in case of the Coverture, Infancy, Idiocy, Lunacy, or other Incapacity of any such Parties, then such Money shall be paid for their Use to the respective Husbands, Guardians, Committees, or Trustees of such Persons.

Sums not exceeding 20*l.* to be paid to Parties.

[*Private.*]

3 u

XLVII. And

Where Parties refuse to convey, or do not show Title, the Purchase Money to be deposited.

XLVII. And for the Purpose of providing for the Payment and Application in certain Cases of the Purchase Money to be paid in respect of any such Premises not belonging to Parties under Disability, be it enacted, That in the following Cases, (that is to say,) if the Owner of any such Premises or of any Interest therein, on Tender of the Purchase Money either agreed or awarded to be paid, refuse to accept the same, or if any such Person fail to make out a Title to the Premises in respect whereof such Purchase Money shall be payable, or to the Interest therein claimed by him, to the Satisfaction of the Patron, Ordinary, and Rector of *Winwick* for the Time being; or if such Owner be gone out of the Kingdom, or cannot be found, or be not known, or refuse to convey such Premises in pursuance of this Act, it shall be lawful for the said Patron, Ordinary, and Rector to deposit the Purchase Money payable in respect of such Premises, or any Interest therein, in the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there to the Credit of the Parties interested in such Premises (describing them so far as can be done); subject to the Controul and Disposition of the said Court; and upon Receipt of such Money the Cashier of such Bank shall give to the Party paying in such Money a Receipt for such Money, specifying therein for what and for whose Use (described as aforesaid) the same shall have been received, and in respect of what Purchase the same shall have been paid in; and thereupon all the Interest in such Premises in respect whereof such Purchase Money shall have been deposited shall vest absolutely in the Person and his Successors in whom the same would have vested under a Conveyance made thereof in pursuance of this Act.

Application of Monies so deposited.

XLVIII. And be it enacted, That upon the Application by Petition of any Party making claim to the Money so deposited as last aforesaid, or any Part thereof, the said Court of Exchequer may, in a summary Way, as to such Court shall seem fit, order the same to be laid out or invested in the public Funds, or may order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interest of the Parties making claim thereunto, and may make such other Order in the Premises as to such Court shall seem fit.

Court of Exchequer may direct Investment or Payment of Money in respect of Leases for Lives, Years, &c., or Reversions.

XLIX. Provided always, and be it enacted, That where any such Purchase Money so paid into the Court of Exchequer shall have been paid in respect of any Lease for Lives or Years, or any Estate in Premises less than the whole Fee Simple thereof, or of any Reversion dependent on any such Lease or Estate, it shall be lawful for the Court of Exchequer, on the Petition of any Party interested in such Money, to order that the same shall be laid out, invested, accumulated, and paid in such Manner as the said Court may consider will give to the Parties interested in such Money the same Benefit therefrom as they might have legally had from the Lease, Estate, or Reversion in respect of which such Money shall have been paid, or as near thereto as may be.

L. And

L. And be it enacted, That if any Question arise respecting the Title to the Premises in respect whereof such Monies shall have been so paid or deposited as aforesaid, the Parties respectively in possession or receipt of the Rents of such Premises at the Time of such Premises being purchased shall be deemed to have been lawfully entitled to such Premises, until the contrary be shown to the Satisfaction of the Court; and unless the contrary be shown as aforesaid the Parties so in possession, and all Parties claiming under them, or consistently with their Possession, shall be deemed entitled to the Money so deposited, and to the Dividends or Interest of the Annuities or Securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession deemed to be the Owner.

LI. And with respect to Costs in Cases of Monies deposited in the Bank of *England*, be it enacted, That the Court of Exchequer may in all such Cases, except where Monies shall have been so deposited by reason of the wilful Refusal of any Party entitled thereto to receive the same, or to convey or release the Premises in respect whereof the same shall be payable, order the Costs of the following Matters, including therein all reasonable Charges and Expences incident thereto, to be paid out of any Monies authorized to be raised by this Act, or out of the Tithes by this Act authorized to be mortgaged; (that is to say,) the Costs of the Purchase of the Premises, or which shall have been incurred in consequence thereof, and the Costs of the Investment of such Monies in Government or Real Securities, and of the Re-investment thereof, or of the Government or Real Securities purchased therewith, in the Purchase of other Premises; and also the Costs of obtaining the proper Orders for any of the Purposes aforesaid, and of the Orders for the Payment of the Dividends and Interest of the Government or Real Securities upon which such Monies shall be invested, and for the Payment out of Court of the Principal of such Monies, or of the Government or Real Securities whereon the same shall be invested, and of all other Proceedings relating thereto, except such as are occasioned by Litigation between adverse Claimants.

Costs in case of Money deposited.

LII. And be it enacted, That the Monies required for the Purpose of making such Alterations and Reductions in and about the Residence of the said Rector of *Winwick*, including the Painting, Papering, Repairs, and other Matters necessary in consequence of such Alteration and Reduction, and of building or providing suitable Residences for the Incumbents of the District Rectories and Vicarage to be created as aforesaid, and for providing Glebe Lands as aforesaid, and the Amount of all Costs, Charges, and Expences which have been and shall be incurred preparatory and with a view to this Act, and in obtaining and passing the same, and of the Proceedings and Instruments for ascertaining the Amount thereof, and the Expences of raising such Monies, and the Interest of all such Monies when raised, shall be a Charge on all the Tithes and Tithe Rents issuing and arising within the said Parish of *Winwick*, except the Tithes and Tithe Rents of the Township of *Winwick-with-Hulme* and of the Township of *Houghton-with-Middleton* and *Arbury*, and shall be satisfied in manner herein-after mentioned, rateably and proportionally, and according to the

Monies raised to be charged on the Tithes and Tithe Rents.

Power to mortgage the Tithes.

the Amount of the respective Portions of such Tithes and Tithe Rents, by the respective Incumbents of the respective Ecclesiastical Rectories and Vicarage into which the said Parish shall be divided in pursuance of the said Act; and it shall be lawful for the Patron of the said Rectory of *Winwick*, and the Ordinary of the Diocese within which the same shall be situate, and the Rector of the said Rectory of *Winwick* for the Time being, by Deed, to demise such Tithes and Tithe Rents to any Person or Persons, or Body or Bodies Politic or Corporate, who shall be willing to lend or advance the same Monies, or to such Person or Persons as such Lender or Lenders may nominate or appoint, for any Term or Terms of Years, but to be subject to a Proviso or Provisoes in such Mortgage or Mortgages to be contained for the Cesser of every such Term or Terms of Years on Payment to the Party or Parties, Body or Bodies Politic or Corporate, who shall advance the same, or any Part or Parts thereof, his, her, or their Executors, Administrators, Successors, or Assigns, of the Principal Sum or Sums so to be borrowed, and such Interest as shall become due for the same, at the Times and in Manner herein-after mentioned; (that is to say,) the Interest thereof, or of so much thereof as from Time to Time shall remain unpaid, at such Rate as shall be agreed upon, not exceeding Five Pounds for every One hundred Pounds by the Year, to be paid by equal half-yearly Payments on the Days to be therein appointed, and one Thirty-fifth Part of the Principal Money at the End of the first Year from the Day of advancing or lending such Sum or Sums of Money respectively, and a like Thirty-fifth Part of the Principal Money at the End of each Year, until the Principal shall be repaid.

Power to Mortgagees to recover Principal and Interest.

LIII. Provided always, and be it enacted, That whenever the Principal Money or Interest to be secured by any such Mortgage or Mortgages, or any Part thereof respectively, shall be in arrear and unpaid for more than Forty Days after the same respectively shall become due, it shall be lawful for the Mortgagee or Mortgagees, his or their Executors, Administrators, Successors, or Assigns, to recover the same respectively, or so much respectively as shall be then due, and the Costs and Charges attending the Recovery thereof, by Perception and Retention of the said Tithes and Tithe Rents in such Manner as Rents reserved on Leases of Tithes may by Law be recovered.

Not more than One Year's Interest and One Instalment of Principal to be recovered by the Means expressed in preceding Clause.

LIV. Provided always, and be it enacted, That from and after every Avoidance of a Benefice the Tithes or Tithe Rents whereof shall be chargeable as aforesaid, no Person or Persons, or Body Politic or Corporate, to whom any such Mortgage as aforesaid shall have been made, his, her, or their Executors, Administrators, Successors, or Assigns, shall be entitled to recover in the Manner herein-before mentioned any more than One Year's Arrear of Interest which may have accrued before such Avoidance upon any Principal Sum to be secured by such Mortgage, or more than One Instalment of Principal Money which shall have fallen due before such Avoidance.

On Avoidance, Incumbent or his

LV. Provided always, and be it enacted, That upon every Avoidance of a Benefice, the Tithes and Tithe Rents whereof shall be charged



charged in pursuance of this Act, the Incumbent avoiding the same, or his Executors or Administrators, as the Case may be, shall pay so much of the Half-yearly Payment of Interest on the Principal Money secured by any such Mortgage or Mortgages, and which shall be a Charge on such Benefice, as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Half Year, and shall also pay so much of the annual Instalment which shall fall due next after such Avoidance of every Principal Sum charged on such Benefice as shall be in proportion to the Time which at such Avoidance shall have elapsed of the current Year.

Representatives to pay Portion of Interest and Instalment of Principal.

LVI. And be it enacted, That the Amount of the Costs, Charges, and Expences hereby charged as aforesaid shall be ascertained from Time to Time by any Person or Persons to be appointed by the Lord Bishop of the Diocese within which the said Parish of *Winwick* shall be situate, and the Certificate of such Person or Persons shall be conclusive Evidence as to the Sum or Sums which shall become a Charge as aforesaid; and if at any Time or Times any Question, Doubt, or Difference shall exist as to the Amount of Charge on the Tithes and Tithe Rents of the said Benefices, or any of them, in respect of any Sum or Sums which shall be raised as aforesaid, such Difference shall be left to the Determination of the Lord Bishop of the Diocese within which the said Parish of *Winwick* shall be situate, or of such Person as he shall by Writing under his Hand nominate to determine the same; and the Determination of the said Lord Bishop or his Nominee, to be given in Writing under his Hand, and to be deposited in the Registry of the said Diocese, shall be conclusive.

Questions as to Amount of Charge on such Benefice to be determined by the Bishop or his Nominee.

LVII. And be it enacted, That the Money so to be borrowed shall be paid into the Hands of the Persons hereby authorized to raise the same, and the Receipt or Receipts of such Persons shall be a sufficient Discharge to the Person or Persons who shall advance and pay the Money, and the Persons so receiving the same Monies shall apply the same to the Purposes in and for which the same shall be raised as aforesaid, and as soon as such Purposes shall be completed shall make out an Account of their Receipts and Payments, and enter them in a Book fairly written, which shall be signed by them; and if any Balance shall remain in the Hands of such Persons after the Payment aforesaid, the same shall be paid in discharge of the Principal Debt secured by any such Mortgage or Mortgages, so far as such Balance will extend to pay, and so as to reduce proportionably the annual Instalments of such Debt, or such of the said Instalments as shall not have fallen due; all which Accounts, when made out, completed, and allowed, shall be deposited, together with the Vouchers, in the Registry Office of the said Diocese.

How Monies borrowed are to be paid.

LVIII. And be it enacted, That it shall be lawful for the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy to advance and lend, at One or more Time or Times, out of the Money which has arisen or shall from Time to Time arise from that Bounty, or from Grants by Parliament in aid thereof, any Sum or Sums of Money by this Act authorized to be raised;

Governors of Queen Anne's Bounty may advance Monies authorized to be raised by this Act.

[Private.]

raised; and such Mortgage or Mortgages as aforesaid shall be made for Repayment, in manner aforesaid, by Instalments, of the Principal Sum or Sums so to be advanced, with Four Pounds *per Centum per Annum* Interest for the same respectively, by such Half-yearly Payments as aforesaid.

Patron of Winwick may contract for Purchase of Right of Presentation to Newton Chapel.

LIX. And whereas it will greatly tend to effect the beneficial Objects of this Act if the Patron of the said Rectory of *Winwick* were enabled to purchase the Advowson of the Perpetual Curacy or Chapelry of *Newton-in-Mackerfield* aforesaid, and that when such Purchase shall have been made, and the Rectory of *Newton-in-Mackerfield* aforesaid shall have been created, under the Provisions of this Act, the Right of Appointment to the said Chapelry should be vested in the Rector of *Newton-in-Mackerfield* aforesaid for the Time being, and the Free Chapel at *Newton-in-Mackerfield* aforesaid should become a Chapel of Ease belonging to the said Rectory of *Newton-in-Mackerfield*; be it therefore enacted, That all the Provisions in this Act contained in respect to the Sale of Buildings and Lands for Parsonage Houses and Glebe, and for facilitating the Conveyance of the same, shall (as near as Circumstances will admit) be applicable to the Sale and Conveyance of the said Advowson of the said Perpetual Curacy or Chapelry of *Newton-in-Mackerfield* aforesaid, to the Patron for the Time being of the said Rectory of *Winwick*, as if the same Provisions were here repeated and expressly applied to the same Advowson.

Payment of Purchase Money into Court.

LX. Provided always, and be it enacted, That the Consideration for the Purchase of the said Advowson of the said Curacy or Chapelry of *Newton-in-Mackerfield* aforesaid, in case the same shall be settled in strict Settlement, or a Title cannot be made thereto except by force of this Act, shall be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there, *ex parte* the Patron of *Winwick*, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four; and that the Certificate of the said Accountant General, together with the Receipt of One of the Cashiers of the Bank of *England*, to be thereto annexed, and therewith filed in the proper Office of the said Court of Chancery, of the Payment into the Bank of the said Purchase Money, shall be a good and effectual Discharge for the same.

Application of such Money.

LXI. And be it enacted, That the said Money when so paid in as aforesaid shall be applied, under the Direction of the said Court of Chancery, in the Manner in which Monies arising from the Sale of Lands and Buildings sold under the Powers of this Act are hereinbefore directed to be applied.

Right of Patronage to Newton

LXII. And be it enacted, That when the Rectory of *Newton-in-Mackerfield* aforesaid shall have become a distinct Ecclesiastical District

District under the Provisions of this Act, and a Clerk shall have been presented, instituted, and inducted thereto, and the Advowson of the said Perpetual Curacy or Chapelry of *Newton-in-Mackerfield* aforesaid shall have been purchased under the Provisions of this Act, the same Curacy or Chapelry shall be annexed to and consolidated with the said District Rectory of *Newton-in-Mackerfield* (subject to the Incumbency of the existing Curate thereof), and (subject as aforesaid) the Right of Presentation to the said Chapel of *Newton-in-Mackerfield* shall be for ever thereafter vested in the Rector of the said Rectory of *Newton-in-Mackerfield* for the Time being.

Chapel after Consolidation with Newton Rectory.

LXIII. Provided always, and be it enacted, That nothing in this Act contained shall affect the Right of Presentation to the said Chapel of *Newton-in-Mackerfield* until the same shall be consolidated with the said District Rectory of *Newton-in-Mackerfield*, but that the Owner for the Time being of the Advowson of the said Chapelry shall, until such Consolidation, be entitled to the Right of Presentation thereto as if this Act had not been passed.

Right of Presentation to Newton Chapel till Consolidation.

LXIV. And be it enacted, That after the said Chapelry of *Newton-in-Mackerfield* shall be consolidated with the said District Rectory of *Newton-in-Mackerfield* the said Chapel there shall be maintained in the same Manner as the Church of the same Rectory.

Maintenance of Newton Chapel after Consolidation.

LXV. Provided always, and be it enacted, That all Acts, Matters, and Things by this Act authorized to be done, and every Consent required to be signified by the Patron of any of the aforesaid Rectories and Vicarage, or of the said present Rectory of *Winwick*, may be done and signified by the Patron or Patrons for the Time being of the said respective Benefices, whether One or more, who shall be seised of the Advowson thereof in possession, whether for an Estate of Inheritance or any less Estate, and by any such Patron or Patrons being a Married Woman or Married Women notwithstanding her or their Coverture, and by the Guardians or Committees of any such Patron or Patrons being an Infant or Infants, Lunatic or Lunatics, or Idiot or Idiots respectively; and every Act, Matter, and Thing which shall be so done, and every Consent which shall be so signified, shall be as valid and effectual as if the Party or Parties by whom or on whose Account such Act, Matter, or Thing shall be done and such Consent signified was or were seised of the said Advowson in Fee Simple in possession, and free from any Incapacity.

Provision in case of Incapacity of Patron.

LXVI. Provided also, and be it enacted, That in all Cases in the Execution of this Act where the Rector of the said Rectory of *Winwick* shall be lunatic every Act, Matter, and Thing done by the Committee of any such Rector being lunatic shall be as effectual as if the same were done under the Authority of this Act by such Rector if he were of sound Mind.

or of Rector of Winwick.

LXVII. And be it enacted, That all and every the Deeds, Instruments, Certificates, and Consents in Writing to be executed and given in pursuance of this Act shall be registered in the Episcopal Registry

Instruments to be deposited in Bishop's Registry.

of the Lord Bishop of the Diocese in which the said Parish of *Winwick* shall be situate, in a Book or Books to be kept for that Purpose by the Registrar of the said Registry; and that such Registrar shall be paid for every such Registration the Fees following; (that is to say,) for every such Deed or Instruments, Certificate or Writing, having thereon a Certificate of its Registration subscribed by such Registrar or his Deputy, where the same shall not contain more than Twenty Folios of Seventy-two Words each, the Sum of Five Shillings and no more, and where the same shall exceed Twenty such Folios, the further Sum of Four-pence *per* Folio for every Folio above the first Twenty Folios; and the like Fees shall be paid to the said Registrar for every Copy of any Deed or Instrument, Certificate or Writing, which shall be so registered, having a Certificate thereon subscribed by the said Registrar or his Deputy of the same being a true Copy; which Copy and Certificate such Registrar or his Deputy is hereby required to give on Payment of such Fees as aforesaid; and the Copy of any Deed or Instrument, Certificate or Writing, so to be registered as aforesaid (having thereon such Certificate as aforesaid, and the Handwriting of such Registrar or his Deputy being duly proved), shall be admitted as Evidence by all Judges, Justices, and others.

As to Dis-  
tribution and  
Management  
of Charities  
in Winwick,  
&c.

LXVIII. And whereas divers Bequests and Charitable Foundations have been from Time to Time made and instituted for the Benefit of Inhabitants of the Parish of *Winwick*, or of certain of the Townships within the same: And whereas after the passing of this Act Doubts may arise as to the Proportions in which certain of the Charities aforesaid should be distributed, and the Persons by whom they shall be administered; be it therefore enacted, That it shall be lawful for the Rector of *Winwick* for the Time being, with the Consent of the Patron of *Winwick* and the Ordinary of the Diocese for the Time being, from Time to Time to make such Regulations as to them shall seem meet for the Distribution and Management of the Charities aforesaid, due Regard being had to the Intentions of the Benefactor or Testator in each Case, so far as the same can be carried into effect, after the passing of this Act, which Regulations shall be conclusive and binding on all Parties.

General  
Saving.

LXIX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators respectively, (save and except the said *Edward* Earl of *Derby* and his Assigns, and the said *Edward* Earl of *Derby* and *Edward Geoffrey* Lord *Stanley* and their Appointees, and the said *Edward Geoffrey* Lord *Stanley*, his Heirs and Assigns,) all such Estate, Right, Title, Interest, Claim, and Demand of, in, to, or out of the Advowson of the present Rectory of *Winwick* aforesaid, and all and singular the Tithes, Tithe Rents, Glebe Lands, and Emoluments of the same Benefices respectively, as they or any of them had before the passing of this Act, or could or might have held or enjoyed in case this Act had not been passed.

LXX. And

LXX. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof in all Courts of Justice.

Act as  
printed by  
Queen's  
Printers to  
be Evidence.

SCHEDULE referred to by the foregoing Act.

*Form of Conveyance.*

I [or We] of in consideration of the Sum  
of Pounds paid to me [or us], or, as the Case may  
be, into the Bank of England, in the Name and with the Privity of  
the Accountant General of the Court of Exchequer, ex parte "The  
Rector or Vicar of the Rectory or Vicarage on whose Account the  
Purchase of the Premises herein conveyed is made" [or to A. B. of  
and C. D. of Two Trustees appointed to  
receive the same], pursuant to an Act passed in the Year of  
the Reign of Her Majesty Queen Victoria, intituled [*here set forth  
the Title of the above Act*], by such Rector or Vicar [*as the Case  
may be*], do hereby convey to the said Rector or Vicar [*as the Case  
may be*] and his Successors all [*describing the Premises to be con-  
veyed*], together with all Ways, Rights, and Appurtenances thereto  
belonging, and all such Estate, Right, Title, and Interest in and to  
the same as I am [or we are] or shall become seised or possessed  
of, or am [or are] by the said Act empowered to convey; to hold  
the Premises to the said Rector or Vicar [*as the Case may be*] and  
his Successors for ever, according to the true Intent and Meaning  
of the said Act. In witness whereof I [or we] have hereunto set  
my Hand and Seal [or our Hands and Seals] the Day  
of in the Year of our Lord