

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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Cap. ccclxxvi.

An Act for uniting the Rectory of *North Lynn* with the Perpetual Curacy of *Saint Margaret with Saint Nicholas* in the Borough of *King's Lynn*, all in the County of *Norfolk*. [13th *August* 1846.]

WHEREAS the Parish of *Saint Margaret* in the Borough of *King's Lynn* in the County of *Norfolk* contains a Population of about Twelve thousand Inhabitants, and the Means of providing for the Spiritual Duties thereof are very inadequate: And whereas the Patronage and Right of Presentation of and to the Perpetual Curacy of *Saint Margaret with Saint Nicholas* in the said Parish is in the Dean and Chapter of the Cathedral Church of *Norwich*, and the Reverend *Stephen Allen* Clerk is the Incumbent of the said Perpetual Curacy: And whereas the average annual Income of the said Perpetual Curacy amounts to the Sum of One hundred and thirty-four Pounds, or thereabouts, in addition to which Income the Incumbent for the Time being of the said Perpetual Curacy has heretofore received, and still receives, the Sum of Two hundred Pounds *per Annum* out of the Corporate

Funds of the said Borough of *King's Lynn*, but the Payment of such Sum of Two hundred Pounds *per Annum* will cease upon the first Avoidance of the said Perpetual Curacy: And whereas under or by virtue of an Order of Her Majesty in Council, bearing Date the Twenty-fifth Day of *February* One thousand eight hundred and forty-six, made in pursuance of an Act passed in the Session of Parliament held in the Sixth and Seventh Years of Her Majesty's Reign, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes*, the District of *Saint John, Lynn*, has been duly constituted out of the said Parish of *Saint Margaret*; and it is by the said Order directed that there shall be paid by the Ecclesiastical Commissioners for *England*, in each and every Year, to the Minister for the Time being of such District, when duly licensed according to the said Act, the Sum of One hundred Pounds, and upon any Building within such District being duly licensed by the Bishop of the Diocese for the Performance of Divine Service according to the same Act there shall be paid by them in like Manner to such Minister the further Sum of Thirty Pounds, making in the whole the Sum of One hundred and thirty Pounds, and that so soon as any Church or Chapel within such District shall have been duly consecrated as the Church or Chapel of such District, and such District shall have thereupon become, according to the Provisions of the same Act, a new Parish for Ecclesiastical Purposes, there shall be paid by them in each and every Year to the Perpetual Curate for the Time being of such new Parish the Sum of One hundred and fifty Pounds; and it is by the said Order directed, that such respective Payments shall be payable half-yearly on the First Day of *May* and First Day of *November* in each and every Year, and that the First such Payment, or a proportionate Part thereof, shall be made on the First Day of *May* or *November* next after the Day of the Date of the Licence of such Minister or new Building, or of the Consecration of such Church or Chapel as aforesaid, as the Case may be: And whereas a Church for the said District of *Saint John, Lynn*, is in the course of being erected: And whereas the Parish of *North Lynn* in the said County of *Norfolk* is contiguous to the said Parish of *Saint Margaret*, and contains a Population of Thirty-eight Persons only, or thereabouts, and there is no Church in the said Parish of *North Lynn*: And whereas the annual Income of the Rectory of *North Lynn* consists of the Commutation Rent-charge payable out of the Lands in the said Parish of *North Lynn*, and out of certain other Lands comprised in a District called *North Clenchwharton* (Parcel of the said Rectory), in lieu of the Tithes of the said Rectory, and which Rent-charge, as awarded by the Tithe Commissioners for *England* and *Wales*, amounted to the yearly Sum of Five hundred and forty-nine Pounds, and of the Rents and Profits arising from the Glebe of the said Rectory, which contains Twenty-six Acres and Thirteen Perches, and is of the yearly Value of Fifty-two Pounds: And whereas with a view to make better Provision for the Cure of Souls in the said Parishes of *North Lynn* and *Saint Margaret*, and with a view to the better Distribution of the Income of the said Benefices, it has been proposed that the said Perpetual Curacy shall, after the Completion of the Agreement herein-after mentioned for the Purchase of

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the Advowson of the said Rectory of *North Lynn*, and upon the first Avoidance of such Rectory, be annexed to the said Rectory, so that the said Rectory and Perpetual Curacy may form One united Benefice: And whereas the Sum of Seven thousand Pounds is required for the Purchase of the said Advowson, and it has been proposed that the said Ecclesiastical Commissioners for *England* should pay and contribute the Sum of Five thousand Pounds towards such Purchase, upon Condition that the said Ecclesiastical Commissioners should be empowered by this Act to charge the said Benefices, after the same shall have been united by this Act, with the Payment to the Minister or Perpetual Curate for the Time being of the District or new Parish (as the Case may be) of *Saint John*, *Lynn*, of any yearly Sum, not exceeding the Sum of One hundred and fifty Pounds, which yearly Sum shall be either wholly or in part in lieu of the Endowment or Endowments so to be provided by them the said Commissioners under the said Order in Council, and that they the said Commissioners and their Successors, and the Estates and Monies vested in and possessed by them, shall, to the Extent and Amount of any such Charge, be by this Act exonerated and discharged from the Payment of such Endowment or Endowments and all Liability in respect thereof; and certain Inhabitants of the said Borough and other Persons have raised the Sum of Two thousand Pounds by Subscription amongst themselves, for the Purpose of paying the Remainder of said Sum of Seven thousand Pounds: And whereas for the Purpose of carrying the said Proposal into effect *Daniel Gurney* of *North Runcton* in the County of *Norfolk*, Esquire, being One of the Subscribers of the said Sum of Two thousand Pounds, has entered into an Agreement with the Owners of the Advowson of the said Rectory (but subject to obtaining the Sanction and Authority of Parliament) for the Purchase of such Advowson for the Sum of Seven thousand Pounds, and it is intended that the same should immediately after the passing of this Act be conveyed to and vested in the said Dean and Chapter: And whereas the said Parishes of *Saint Margaret* and *North Lynn* are both within the Diocese of *Norwich*, and the said Proposals have been approved by the Right Reverend *Edward* Lord Bishop of *Norwich* and by the said *Stephen Allen*, and by the said Ecclesiastical Commissioners for *England*; but the same cannot be carried into effect without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subject the said *Edward* Lord Bishop of *Norwich* doth beseech, and Your Majesty's most dutiful and loyal Subjects the said Dean and Chapter of the Cathedral Church of *Norwich* 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 it shall and may be lawful for the Dean and Chapter of the Cathedral Church of *Norwich* (notwithstanding the Mortmain Acts) and the said *Daniel Gurney* to complete the Purchase of the said Advowson of the Rectory of *North Lynn*, in pursuance of the Agreement for Purchase herein-before mentioned in that Behalf; and that, notwithstanding any thing in the herein-before recited Act contained, it

Power to Dean and Chapter of Norwich to complete the Purchase of the Rectory of North Lynn.

Ecclesiastical Commissioners to

apply 5,000*l.* towards the same.

it shall be lawful for the said Ecclesiastical Commissioners for *England*, without any other Authority than this Act, to sell and dispose of so much of the Capital Stock which under the Provisions of the said Act has been transferred to them by the Governors of the Bounty of Queen *Anne* as shall be necessary to produce the said Sum of Five thousand Pounds, and to pay and apply the same towards the Purchase of such Advowson as aforesaid, and (if necessary) to become Parties to such Conveyance or Conveyances, and to accept such Receipt or Receipts as may be necessary for duly conveying and vesting the said Advowson to and in the said Dean and Chapter and their Successors, and for exonerating the said Commissioners from Liability to see to the further Application of such Monies.

Upon the Purchase, and upon the first Avoidance of the Rectory, the Perpetual Curacy and Rectory to be consolidated, and the Dean Chapter to have the Patronage thereof.

II. And be it further enacted, That after the Completion of the said Purchase, and upon the first Avoidance of the said Rectory of *North Lynn*, the said Perpetual Curacy of *Saint Margaret with Saint Nicholas* shall immediately become and be annexed and united to the said Rectory to all Intents and Purposes whatsoever, and that the said Rectory and Perpetual Curacy shall for ever thereafter be incorporated and consolidated, and be presented to, holden, and enjoyed, as One Benefice with Cure of Souls, by the Name or Description of "The Rectory of *North Lynn* with the Perpetual Curacy of *Saint Margaret with Saint Nicholas* annexed;" and that the said *Stephen Allen*, or such other Person as shall at the Time when such Annexation and Union as aforesaid shall take effect be the Incumbent of the said Perpetual Curacy (unless the same shall then be vacant), shall thereupon become and be the Incumbent of the said united Benefice; and that the Incumbent for the Time being of the said united Benefice shall have, receive, and take all the Tithes, Commutation, Rent-charge, Profits, Oblations, Obventions, and all other Ecclesiastical Emoluments to the said Rectory and Perpetual Curacy respectively incident, belonging, or appertaining, and heretofore accustomed to be taken or enjoyed by the Incumbents thereof respectively, subject to any such Charge as aforesaid, and shall make all Payments heretofore payable by the respective Incumbents of the said Rectory and Perpetual Curacy in respect of the same; and that the Dean and Chapter of the Cathedral Church of *Norwich* and their Successors shall for ever thereafter have and be entitled to the Patronage and Right of Presentation of and to the said united Benefice, in the same Manner to all Intents and Purposes as they would have had and been entitled to the Patronage and Right of Presentation of and to the said Perpetual Curacy if this Act had not been passed.

North Lynn and St. Margaret to be 1 Parish for Ecclesiastical Purposes. North Lynn exempt from Church Rates for Saint Margaret.

III. And be it enacted, That for all Ecclesiastical Purposes the said Parishes of *North Lynn* and *Saint Margaret* shall be deemed One Parish, but that for all other Purposes and in all other respects the said Parishes shall be and remain separate and distinct Parishes: Provided always, that all Rates which shall at any Time or Times hereafter be raised or levied for the Maintenance and Repair of the Churches in the said Parish of *Saint Margaret*, shall be raised and levied in the said Parish of *Saint Margaret* alone, to the Exoneration

of the said Parish of *North Lynn*, in the same Manner in all respects in which the same would have been raised and levied if this Act had not passed.

Ecclesiastical Commissioners may charge the united Benefice with the Payment of an annual Sum to the Minister of the District Church of Saint John, Lynn.

IV. And be it enacted, That at any Time or Times and from Time to Time after such Annexation and Union as aforesaid shall have taken place, it shall be lawful, by the joint Authority of the said Ecclesiastical Commissioners for *England* and Her Majesty in Council, by a Scheme and Order according and subject to the Provisions of the said recited Act and the Acts therein recited, to subject and charge the said united Benefice, and the Rent-charge and Rent-charges in lieu of Tithes, Tithes, Lands, and other Hereditaments thereunto belonging, or held and enjoyed therewith, and all the Emoluments, of what Nature soever the same may be, of or belonging to or receivable or recoverable at Law in respect of the same, with the Payment for ever thereafter to the Minister or Perpetual Curate for the Time being of the said District or new Parish (as the Case may be) of *Saint John*, *Lynn*, of any annual Sum or Sums not exceeding in the whole the annual Sum of One hundred and fifty Pounds, to commence at such Time or Times, and to be paid and payable in such Proportions and at such Periods of the Year, and to be recoverable in such Manner as by the same joint Authority shall be determined.

So much of a certain Order in Council of 25th Feb. 1846 as provides for the Endowment of the Minister of Saint John, Lynn, to become void.

V. And be it enacted, That so soon as any such Charge as aforesaid shall have been effected, so much of the herein recited Order of Her Majesty in Council, bearing Date the Twenty-fifth Day of *February* last, as provides for the Endowment or Endowments of the Minister or Perpetual Curate of the said District or new Parish (as the Case may be) of *Saint John*, *Lynn*, by the Ecclesiastical Commissioners for *England*, shall, to the full Amount of such Charge, but no further, become and be utterly void and of none Effect; and to the Extent of any such Charge or Charges, if more than One, the same shall be, and be held to be, in full Satisfaction of the Provisions of the said recited Act relating to the Endowment of Districts and new Parishes constituted thereunder.

General Saving.

VI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Persons and Person, Bodies Politic or Corporate, and their respective Heirs, Successors, Executors, and Administrators, (other than and except the Ecclesiastical Commissioners for *England*, the Dean and Chapter of the Cathedral Church of *Norwich*, and the said *Daniel Gurney*, their respective Successors, Heirs, Executors, and Administrators, the Right Reverend *Edward* Lord Bishop of *Norwich* and his Successors, and the said *Stephen Allen* and his Successors,) all such Estate, Right, Title, Interest, Benefit, Claim, or Demand in, to, or out of the said Advowson of the said Rectory of *North Lynn*, and the Advowson of the said perpetual Curacy of *Saint Margaret with Saint Nicholas*, or either of them, and the Tithes, Oblations, Obventions, and Ecclesiastical Emoluments thereof respectively, as they, every

or any of them, had before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Public Act. VII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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