

ANNO QUARTO

GEORGII IV. REGIS.

CAP. LXXIX.

An Act for building additional Places of Worship in the Highlands and Islands of *Scotland*.

[18th *July* 1823.]

WHEREAS in the Highlands and Islands of *Scotland* many of the Parishes are so extensive that it is impossible for many of the Inhabitants to attend Divine Service at the Parish Church; and it is also impossible for the Ministers serving the Cure thereof to visit the more distant Inhabitants of such Parishes: And whereas it is necessary that these Evils should be remedied by providing and erecting additional Places for the Celebration of Divine Service, according to the Form of the Church of *Scotland* as by Law established, in such Parishes: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 Barons of the Court of Exchequer in *Scotland* to issue, for the Purposes of this Act, Precepts from Time to Time upon the Receiver General of *Scotland*, for the Payment, out of any Public Money then in his Hands, of the Sum or Sums specified in such Precepts, in the Manner therein directed, not exceeding the Sum of Ten thousand Pounds in any one Year, and not exceeding in the whole the Sum of Fifty thousand Pounds.

Court of Exchequer in Scotland to issue, for the Purposes of this Act, a Sum not exceeding 10,000*l.* per Ann. or 50,000*l.* in the Whole.

His Majesty may appoint Commissioners to meet in London or Westminster.

II. And be it further enacted, That it shall be lawful for His Majesty, by a Commission under His Royal Sign Manual, to nominate, constitute, and appoint such Persons as His Majesty shall deem fit to be His Commissioners for carrying into Execution the Purposes of this Act, and to order in such Appointment that any Three or more of such Commissioners may act in the Execution of the Powers of this Act; and such Commissioners are hereby directed to meet from Time to Time in *London* or *Westminster*, for the Purposes of this Act, and at all such Meetings in case of an Equality of Voices the Chairman shall have a casting Vote.

Commissioners may appoint a Secretary and Clerk, &c. and allow to them reasonable Salaries as shall be approved by the Treasury.

III. And be it further enacted, That it shall and may be lawful for the said Commissioners to appoint a Secretary and Clerk, and to employ such Surveyors and other fit Persons, and to do every such Act, Matter, and Thing as such Commissioners shall deem necessary and think proper for the Purpose of enabling them to execute the Powers given to them by this Act, and may assign and pay to all such Persons such reasonable Salaries and Rewards for their Services as shall be approved by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*.

Treasury to direct the Application of the Money, which shall be issued out of any Monies in the Hands of the Receiver General of Scotland.

IV. And be it further enacted, That it shall and may be lawful for the said Commissioners of the Treasury, or any Three or more of them for the Time being, and they are respectively authorized to direct to be issued and advanced all such Sums of Money as shall appear to them to be necessary, to such Person or Persons, in such Manner and in such Proportions as the said Commissioners acting in the Execution of this Act, or any Five of them respectively, shall, by Writing under their Hands, from Time to Time desire, and as shall be approved of by the said Commissioners of the Treasury, or any Three or more of them for the Time being; and such Monies may and shall be issued out of any Monies then in the Hands of the Receiver General of *Scotland*, upon an Order to that Effect by the Barons of the Court of Exchequer in *Scotland*, pursuant to such Authority; which Sums to be issued and advanced shall be applied to the Payment of Allowances and Rewards as aforesaid, and in defraying all necessary Charges and Expences in or about the Execution of this Act, without other Accounts than before the said Barons of the Court of Exchequer; and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatever imposed by Authority of Parliament; but that an Account of the said Charges and Expences, so long as the said Commission shall remain in force, shall be laid before both Houses of Parliament on or before the Twenty-fifth Day of *March* in each Year, if Parliament shall be then sitting, but if Parliament shall not be then sitting, then within Fourteen Days after the Commencement of the then next Session of Parliament.

Account to be laid before Parliament.

Heritors possessed of Land to the Amount of 100*l.* Scots valued Rent may

V. And be it further enacted, That at any Time after the passing of this Act it shall and may be lawful for any Two or more Heritors possessed of Land each to the Amount of One hundred Pounds *Scots* of valued Rent in any Parish in the Highlands or Islands of *Scotland*, to apply to the Commissioners acting in the

Execution of this Act, stating the Circumstances and Situation of the Parish in respect of its Place or Places of Religious Worship, and submitting to the said Commissioners what it may appear to them to be proper to be done in this Behalf. apply to the Commissioners respecting a Place of Worship.

VI. And be it further enacted, That upon receiving any such Application the said Commissioners shall direct Notice thereof to be given to the Incumbent of the Parish from whence such Application shall come, who shall cause such Notice to be read from the Precentor's Desk, after the Morning Service, on the First *Sunday* after the same shall be received by him, and shall also cause a Copy thereof to be affixed on the Door of the Parish Church. Notice to be given to the Incumbent, who shall give Notice to the Parishioners.

VII. And be it further enacted, That from and after the Expiration of a certain Time to be specified in such Notice it shall and may be lawful for the said Commissioners to inquire into the Circumstances of the Case, and to settle and determine whether an additional Place of Religious Worship should be provided in such Parish; and if they shall so settle and determine, to ascertain and settle the proper Situation for, with Access to, and the Size and Description of the Building which shall be erected or purchased and fitted up, pursuant to this Act, as an additional Place of Religious Worship, to be and become an Assistant Church in such Parish, for the Use and Convenience of the Inhabitants thereof, and of any adjoining Parish or Parishes, with a Churchyard or Place of Burial, if such shall be deemed necessary, and of the Dwelling House, with such Offices and Appurtenances as it may be proposed, or as the said Commissioners may think it proper should be afforded to the Minister to be appointed pursuant to this Act to officiate at such Assistant Church. Commissioners to determine whether an additional Church should be provided.

VIII. And be it further enacted, That in all Cases where any such Assistant Church and Dwelling House, with Offices, shall be proposed to be erected, or to be purchased and fitted up pursuant to this Act, it shall be set forth in the Application to the said Commissioners herein-before directed how and in what Manner Ground for the Scite thereof, and also Ground sufficient for a Churchyard or Place of Burial, where such shall be deemed necessary, with Access thereto, and also Ground for a Garden for the Minister, if not less than Half a *Scotch* Acre can be provided and secured, and whether such Ground is to be given and granted without valuable Consideration, or is proposed to be paid for out of the Money granted by this Act: Provided always, that in this last Case the Sum proposed to be paid shall be specified; and if it shall be proposed that any Building already erected shall be appropriated and fitted up as an Assistant Church pursuant to this Act, it shall in like Manner be specified in such Application whether the same is to be given and granted without valuable Consideration, or whether it is to be purchased, and in this last Case the Price proposed shall be specified. Application for an additional Church shall specify Particulars as to Ground, &c.

IX. And be it further enacted, That it shall and may be lawful for any Heir of Entail in *Scotland*, with or without valuable Consideration, to give and grant irrevocably to the said Commissioners such Land or Heritage as may be necessary for all or any of these Purposes Heirs of Entail may grant Land for such Purpose, with or without Consideration.

Purposes, without being subject to or incurring any Forfeiture or Irritancy under any Deed of Entail by virtue of which he or she may hold the same, any Law or Practice to the contrary notwithstanding.

Conveyances to be made in Form following.

X. And be it further enacted, That all Conveyances or Assurances which shall be made of any Lands and Heritages for the Purposes of this Act, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit:

Form.

'I (*or*, we) of do hereby grant, dispone, and convey to the Commissioners acting in the Execution of an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest to and in the same and every Part thereof, to hold to the said Commissioners, or such Person or Persons as they shall appoint, to be devoted for ever to the Purposes specified in and by virtue and according to the true Intent and Meaning of the said Act passed in the Fourth Year of the Reign of His present Majesty. In witness whereof, I have set my Hand to these Presents, written by [*insert the Name and Description of the Writer*] this Day of in the Year of our Lord before these Witnesses [*insert Names and Description of Witnesses, who will also subscribe as Witnesses*].'

Conveyances to be registered in the Register of Sasines.

And all such Conveyances and Assurances shall be registered within Sixty Days of the Date thereof in the general or particular Register of Sasines, and shall thereupon be valid and effectual in Law to all Intents and Purposes, and shall be a complete Bar to all other Rights, Titles, Trusts, and Interests and Incumbrances to, in, or upon the same whatsoever; and no Stamp Duty shall be paid for or in respect of any such Conveyances or Assurances, any Law to the contrary notwithstanding.

Size and Description of Building, &c. to be settled by the Commissioners.

XI. And be it further enacted, That the Size and Description of the Building for any such Assistant Church, and of a Dwelling House for the Minister, with Offices as aforesaid, and the Manner in which, and the Person or Persons by whom, the same shall be executed and completed, or purchased and fitted up as directed by this Act, shall be ascertained and settled by the said Commissioners acting in the Execution of this Act, together with the Expence thereof, and of enclosing the same, the total Amount whereof, including the Price to be paid for the Ground or Premises where the same shall be paid out of the Money hereby granted, shall not exceed the Sum of One thousand five hundred Pounds in any one Case.

Church to be completed, and Barons of the Exchequer in Scotland to issue Precept to Receiver General to pay the

XII. And be it further enacted, That after the Erection or Purchase of any such Church, Building, or Premises shall have been determined upon by the said Commissioners, the same shall be completed and appropriated for the Purposes of this Act in such Manner as shall be directed by them; and upon receiving an Order under the Hands of the said Commissioners, or any Three of them, it shall and may be lawful for the Barons of the Exchequer in *Scotland*, to issue their Precept or Precepts to the Receiver General of *Scotland*, directing him

him to pay in such Manner as shall be directed in any such Precept or Precepts the Sum or Sums therein specified, and the said Receiver General shall thereupon pay every such Sum out of any Public Money then in his Hands, and the same shall be allowed in his Accounts. Money therein specified.

XIII. And be it further enacted, That the said Commissioners acting in the Execution of this Act, upon being satisfied in respect to the Completion of any Church with a Dwelling House and Premises for the Minister, according to the Directions given by them pursuant to this Act, shall ascertain and fix the Stipend which shall be paid and payable to the Minister to be nominated and appointed to officiate at such Church from the Date of his Appointment, not exceeding the Sum of One hundred Pounds *per Annum* in any Parish, and shall certify the same under their Hands to the said Barons of the Exchequer in *Scotland*, whereupon and thereafter the said Barons shall issue their Precepts for the Payment of such Stipend Half-yearly at such Two Terms in the Year during the Life-time of the Person entitled to the same, and in such Manner as shall have been fixed and determined by the Commissioners acting in the Execution of this Act, which they are hereby authorized to do. Minister's Stipend not to exceed 100*l.* per Ann. to be paid Half yearly.

XIV. And be it further enacted, That the said Commissioners shall certify to His Majesty's Secretary of State for the Home Department the Completion of such Church and Premises, and the Amount of the Stipend to be paid and payable to the Minister officiating thereat, and the Manner in which they propose that the same should be paid to such Minister by the Receiver General of *Scotland*, out of any Public Money which may be in his Hands at the Time or Times of such Payment; and it shall and may be lawful for His Majesty, His Heirs and Successors, thereupon, and in any Case where a Vacancy shall happen thereafter, to nominate and appoint a fit Person to be the Minister of such Church, with the Right to the Stipend thereof, in the same Manner that His Majesty or any of his Predecessors has granted a Presentation to the Minister of any Parish Church in *Scotland*, the Patronage of which is in the Crown. Commissioners to certify to the Secretary of State the Completion of the Church and the Stipend to be paid to the Minister. Presentation in His Majesty.

XV. And be it further enacted, That upon receiving such Presentation the Person therein nominated shall be admitted as the Minister to officiate at such Church, in the same Manner and according to the Form prescribed for the Admission of any Person as a Minister of a Parish Church in *Scotland*; and every Person so admitted as the Minister of such Church shall be deemed and taken to be an Assistant Minister to the Minister of the Parish in which such Church shall be situated, and in respect of such Minister shall be and remain in the same Situation as an Assistant Minister now is in respect of the Minister of any Parish in *Scotland*, of whom he is the Assistant, save and except that he must perform the Duties of a Minister of the Gospel at the Church to which he is appointed by virtue of this Act. On receiving Presentation Minister to officiate in the Church, and shall be deemed Assistant to the Minister of the Parish.

XVI. Provided always, and be it further enacted, That the Number of Churches with Assistant Ministers to be established under the Provisions of this Act shall not at any Time exceed Forty. Churches not to exceed 40.

Minister to appoint Elders, not to exceed Seven.

XVII. And be it further enacted, That every Person, admitted a Minister to any Church by virtue of this Act, shall have Power and Authority, and he is hereby directed and required, to choose and appoint from among his Congregation any Number of fit Persons he may think proper, not exceeding Seven, to be the Elders of such Church; and the Elders so appointed may resign or be removed, and Vacancies shall be supplied in the Manner in which Resignations and Removals take place or Vacancies are supplied among Elders in the Case of Parish Churches in *Scotland*.

Collections may be received at the Church and applied to the Poor.

XVIII. And be it further enacted, That the Minister and Elders of any such Church shall be and they are hereby enabled to receive Collections at the Door thereof, and to receive voluntary Donations or charitable Contributions, and to apply the same for the Relief of the Poor of the Congregation frequenting such Church.

A Precentor to be appointed at a Salary not exceeding 5*l.* per Ann. also a Beadle at 3*l.* per Ann.

XIX. And be it further enacted, That it shall and may be lawful for any Minister admitted to any such Church to appoint a fit Person to officiate as Precentor therein, with a Salary not exceeding Five Pounds *per Annum*, and also a fit Person to be the Beadle of such Church, with a Salary not exceeding Three Pounds *per Annum*, which Salaries shall be paid and payable to such Precentor and Beadle respectively, in the same Way and Manner that the Stipend to the Minister shall by the said Barons be directed to be paid.

Appropriation of the Seats in the Church.

XX. And be it further enacted, That the whole Area of every such Church shall be set apart for free Seats for all Persons frequenting the same, save and except a Portion thereof to be fixed before the opening of such Church, not exceeding One-fifth of the same, which shall be appropriated for Pews to be let from Time to Time as the Commissioners acting in the Execution of this Act shall direct, the Rents whereof shall be paid to the Receiver General of *Scotland*, and shall form a Fund for the maintaining in repair such Churches and Dwelling Places and Premises belonging thereto, to be issued by the said Receiver General for such Repairs, upon the Precept or Precepts of the said Barons, who are hereby empowered to make all Regulations, and give all Directions which to them may seem necessary to ensure the letting of such Pews, the collecting the Rents thereof, and the Application of the same for the Purposes aforesaid, as also for ascertaining from Time to Time the Nature and Extent of the Repairs necessary, and the Manner in which the same should be performed.

Commissioners to report their Proceedings yearly to Parliament.

XXI. And be it further enacted, That the said Commissioners acting in the Execution of this Act shall once in every Year report their Proceedings under this Act in Writing to both Houses of Parliament, with such Observations as they shall think proper.

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