

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. XXXI.

An Act for facilitating the Sale of Church Patronage belonging to Municipal Corporations in certain Cases. [4th *July* 1838.]

WHEREAS by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, (as the same Act is altered by another Act passed in the then next Session of Parliament, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in* England *and* Wales, *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage,*) it is enacted, that in every Case in which any Municipal Body Corporate, or any particular Class, Number, or Description of Members, or the governing Body of such Body Corporate, is or are, in their corporate Capacity, and not as charitable Trustees, seised or possessed of any Manors, Lands, Tenements, or Hereditaments whereunto any Advowson or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson, and every

5 & 6 W. 4. c. 76. s. 139.

6 & 7 W. 4. c. 77. s. 26.

every such Right of Nomination and Presentation, shall be sold, at such Time and in such Manner as the Ecclesiastical Commissioners for *England* may direct, so that the best Price may be obtained for the same; and the Council of such Body Corporate is authorized and required, with the Consent of the said Commissioners, to convey and assure, under the Common Seal of such Body Corporate, such Advowson, or such Right of Nomination or Presentation, to the Purchaser or Purchasers thereof: And whereas in some Instances the Manors, Lands, Tenements, or Hereditaments whereof some Municipal Corporations are seised were granted to them with an Obligation to nominate, provide, and sustain in certain Churches or Chapels able and fit Priests, Curates, Preachers, or Ministers, for the Performance and Administration of Ecclesiastical Duties and Rites therein, and for the Cure of the Souls of the Parishioners and Inhabitants of the Parishes or Places thereunto belonging; and although such Corporations have from Time to Time duly nominated and provided such Priests, Curates, Preachers, or Ministers, and paid Stipends for their Sustenance, and have either provided Houses for their Residence or made Allowances in lieu thereof, yet such Stipends and Allowances have not been fixed or assured by any competent Authority; and for Want of any regular Endowment or Augmentation of such Curacies they have not become Perpetual Cures, or Benefices Presentative, and the Curates have not become Bodies Politic and Corporate, within the Meaning of an Act passed in the First Year of the Reign of His Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of poor Clergy*, and of an Act passed in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the further Support and Maintenance of Curates within the Church of* England, *and for making certain Regulations respecting the Appointment of such Curates, and the Admission of Persons to Cures augmented by Queen* Anne's *Bounty, with respect to the Avoidance of other Benefices;* by reason whereof Doubts have arisen whether the Right of nominating Ministers to such Churches and Chapels can be sold under the Provisions of the said first herein-before recited Act; and it is expedient that such Doubts should be removed: Be it therefore declared and 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 every Right of Nomination of every such Priest, Curate, Preacher, or Minister, which at the Time of the passing of the first herein-before recited Act was vested in any Municipal Corporation, or in any Member of such Corporation in virtue of his Office as such, shall and may be sold, at such Time and in such Manner as the said Commissioners may direct, and shall by such Conveyance or Assurance as is in the said first-recited Act mentioned become vested in the Purchaser thereof, his Heirs and Assigns; and that from and after such Sale and Assurance every such Curacy, Preachership, or Ministry shall become a Benefice Presentative within the Meaning of the said recited Act of the Thirty-sixth Year of the Reign of King *George* the Third; and every such Curate, Preacher, or Minister, and his Successors for ever, shall become and be a Body

1 G. 1. c. 10. s. 54.

36 G. 3. c. 83. s. 3.

Right of Nomination vested in Municipal Corporations may be sold.

Body Politic and Corporate within the Meaning of the said recited Act of the First Year of the Reign of King *George* the First, and shall have perpetual Succession, and shall be capable of taking and holding in perpetuity all such Lands, Tithes, Tenements, Hereditaments, Monies, Goods, and Chattels as shall be granted unto or purchased for them respectively by the Governors of the Bounty of Queen *Anne*, or by other Persons contributing with the said Governors as Benefactors; and every such Purchaser, his Heirs and Assigns, may present to such Benefice, from Time to Time when and as the same shall become vacant, in the same Manner, to all Intents and Purposes, as Patrons may now present to Benefices Presentative.

Notwithstanding any Sale, the Property to be liable to same Obligations as previous thereto.

II. And be it enacted, That notwithstanding any such Sale and Conveyance as aforesaid, every such Corporation, and the Property belonging thereto, shall continue liable to the same Obligations (if any) of providing for and maintaining or contributing to the Maintenance of any such Priest, Curate, Preacher, or Minister, to which such Corporation and Property would have been liable if no such Sale and Conveyance had taken place; and such Liability (if any) may be enforced by the same Means, at the Instance of Her Majesty, Her Heirs or Successors, or otherwise, as if the first herein-before recited Act had not been passed, and the Right of nominating such Priest, Curate, Preacher, or Minister had remained vested in such Corporation.

Municipal Corporations may augment and endow Priestships, &c. as heretofore.

III. Provided always, and be it hereby further enacted, That nothing in this Act or in the said first-recited Act contained shall preclude any Municipal Corporation seised of any Manors, Lands, Tenements, or Hereditaments subject to an Obligation to nominate and provide any such Priest, Curate, Preacher, or Minister, from augmenting and endowing such Priestship, Curacy, Preachership, or Ministry, either by the assigning of a competent Portion of such Manors, Lands, Tenements, or Hereditaments to such Priest, Curate, Preacher, or Minister, and his Successors, or by charging thereon an annual Stipend, either in Money or in Kind, for his and their Use and Benefit, in as full and ample Manner as such Corporation might have done before the passing of the said first-recited Act: Provided always, that no such Augmentation or Endowment shall be valid without the Consent of the Lords Commissioners of Her Majesty's Treasury or any Three of them.

Act to apply to previous, present, and future Sales.

IV. And be it enacted, That this Act shall be deemed and taken to apply as well to Sales already made, and to Sales now in progress, as also to Sales which shall hereafter be made.

Act may be amended this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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