us, for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed*]; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of .

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [County] aforesaid.

*J.S.* (L.S.)
*H.M.* (L.S.)

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FORM (B.)

*Certificate of Dismissal.*

} WE of of Her Majesty's Justices of the Peace for the [County]
to wit. } of certify, That on the Day of
in the Year of our Lord at in the said [County] *A.B.* being charged before us, and consenting to our deciding upon the Charge summarily, for that [he the said *A.B., stating the Offence charged, and the Time and Place when and where alleged to be committed*], we did, having summarily adjudicated thereon, dismiss the said Charge.

Given under our Hands and Seals, this Day of at in the [County] aforesaid.

*J.S.* (L.S.)
*H.M.* (L.S.)

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FORM (C.)

*Conviction upon a Plea of Guilty.*

} BE it remembered, That on the Day of in
to wit. } the Year of our Lord at in the said [County], *A.B.*, being charged before us, the undersigned of Her Majesty's Justices of the Peace for the said [County], for that [he the said *A.B., &c., stating the Offence, and the Time and Place when and where committed*], and pleading Guilty to such Charge, he is thereupon convicted before us of the said Offence; and we adjudge the said *A.B.* for his said Offence to be imprisoned in the [House of Correction] at in the said [County], [and there kept to Hard Labour] for the Space of .

Given under our Hands and Seals, the Day and Year first above mentioned, at in the [County] aforesaid.

*J.S.* (L.S.)
*H.M.* (L.S.)

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## CAP. CXXVII.

**An Act to make better Provision for the Union of contiguous Benefices, and to facilitate the building and endowing of new Churches in spiritually destitute Districts.** [14th *August* 1855.]

'WHEREAS an Act was passed in the Second Year of Her Majesty's Reign, intituled 'An Act to abridge the holding of Benefices in Plurality, and to make better Provision 1 & 2 Vict. c. 106.
'for the Residence of the Clergy; and in such Act Provision is contained authorizing the
'Union, by Order of Her Majesty in Council, after such Inquiry and Notice, and with
'such Consent and upon such Certificate as is therein mentioned, of Two or more Benefices,
'or One or more Benefice or Benefices, and One or more Spiritual Sinecure Rectory or
'Rectories, Vicarage or Vicarages, in the same Parish or contiguous to each other, of which
'the aggregate Population should not exceed One thousand five hundred Persons, and the
'aggregate yearly Value should not exceed Five hundred Pounds: And whereas a nothe

'Act

13 & 14 Vict. c. 98.

'Act was passed in the Fourteenth Year of Her Majesty's Reign, intituled *An Act to amend the Law relating to the holding of Benefices in Plurality*, by which Act the Provision herein-before referred to was extended so as to be applicable to and for the Union of Benefices, Sinecure Rectories, and Vicarages in the same Parishes or contiguous to each other, and of which the aggregate Population should not exceed One thousand five hundred Persons, notwithstanding the aggregate yearly Value should exceed Five hundred Pounds: And whereas it is expedient to amend the said recited Acts, and further to extend the same, so as to make better Provision for the Union of contiguous Benefices in Cases where such Union may be advantageous to the Interests of Religion:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Contiguous Benefices may be united without regard to Population or yearly Value.

I. Under the Provisions of this Act, it shall and may be lawful to unite Two or more Benefices or One or more Benefice or Benefices and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, contiguous to each other, without regard to aggregate Population or aggregate yearly Value, and without any Limitation as to the same, and that the Union of such Benefices shall and may be effected in the Manner herein-after provided.

On Representation of Inhabitants of any Two or more Parishes that their Benefices might be advantageously united, the Bishop shall inquire into the same.

II. Whenever it shall be represented in Writing to the Bishop of the Diocese by the Inhabitants of any Two or more such Parishes in Vestry assembled, or the major Part of them respectively, due Notice of the Representation proposed to be made having been given in the usual Manner, that the Benefices of the Parishes of which they are Inhabitants may, with Advantage to the Interests of Religion, be united, the Bishop of the Diocese to whom such Representation in Writing may be made shall inquire into the Circumstances of the Case; and if on such Inquiry it shall appear to such Bishop that such Union may usefully be made, and that the Patron or Patrons of the Benefices, Rectories, or Vicarages proposed to be united are consenting thereto, such Consent being signified in Writing under the Hands of such Patron or Patrons, or that the Patronage of any new Church or Churches proposed to be erected under this Act is to be vested in such Patron or Patrons as herein-after is provided, the said Bishop shall cause a Statement in Writing of the Facts, certified and signed by himself, to be submitted to Her Majesty's Commissioners for building new Churches, and the said Commissioners shall institute Inquiry, and, if they see fit, may propose a Scheme for the Union of such Benefices and for the other Purposes of this Act; and Her Majesty's said Commissioners shall and may for the Purposes of this Act exercise such Powers and Privileges as they now exercise or claim to exercise for the Purchase of Sites, the Erection of new Churches, and other Objects within the Commission of the said Commissioners, to the full Extent as such Powers and Privileges are now exercised or claimed to be exercised by the said Commissioners.

Church Building Commissioners may propose Scheme for transfer of surplus Revenues to poor Parishes.

III. Whenever it shall appear to the Commissioners for building new Churches, upon Inquiry into the Circumstances of the Case, that the total Revenue of any Benefices proposed to be united would be more than sufficient for the due Maintenance and Support of the Incumbent of the Benefice when united, and of such Curate or Curates as may be needed for the same, and that the whole or some specified Part or Parts of the Glebe Lands, Houses, Tithes, Tenements, or Hereditaments, or other permanent Endowments in lieu of Tithes, belonging to the Benefice or Benefices proposed to be united, or any of them, might with Advantage to the Interests of Religion be made subject to a certain annual Rentcharge in perpetuity in favour of some other specified Benefice in the same Diocese, or be excepted out of such Union, and transferred and annexed to such other specified Benefice having no Provision or competent Provision belonging thereto, as an Endowment or a further Endowment for the same, the Church Building Commissioners, with the Consent of the Patron or Patrons of the Benefices proposed to be united, may entertain or propose a Scheme or Plan for such Rentcharge or Transfer and Annexation: Provided always, that the Consents of such Patrons shall be signified in Writing, and that in any Case where the Patronage of any such Benefice may be vested in any Individual not wholly entitled to dispose of the same, the Consent of the next Heir, being of full Age, to the Right of such Patronage, shall also be signified in Writing.

IV. The

Scheme to be posted on Church Doors, &c.

IV. The Church Building Commissioners, so soon as they shall have prepared a Scheme for the Purpose of more effectually carrying out the proposed Union of Benefices, or a Scheme for the Transfer of Surplus Revenues, shall seal the same with their Seal, and shall cause to be affixed on or near to the principal outer Door of the Church or Churches of the Parishes proposed to be united, and in the usual Place of Notice in the said Parishes, a Copy or Copies of such Scheme, and shall deliver Copies of the same to the Bishop of the Diocese, and to the Patrons, Ministers, Churchwardens, Overseers, and Vestry Clerks of the Benefices proposed to be united, together with a Notice to any Person or Persons interested, that they or any of them may within Two Months show cause to the said Commissioners against the proposed Union of Benefices, or the Transfer of surplus Revenues, or as to any Part or Parts of any Scheme relating thereto; and if within such Period of Two Months no Cause be shown, or if upon Consideration of any Objection the Church Building Commissioners shall be of opinion that the Cause shown is not sufficient, the said Commissioners shall then certify the Statement and Certificate of the Bishop as aforesaid, together with their Scheme, to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty in Council to make and issue any Order or Orders for uniting such Benefices into One Benefice with Cure of Souls for Ecclesiastical Purposes, and for such other Purposes as are herein provided: Provided always, that if any Petition or Statement is lodged by way of Protest, or any Appeal is made against the Scheme or any Part thereof, as herein-after is provided, no such Order or Orders in Council shall be made or issued until such Petition or Statement has been duly considered, or the Parties to such Appeal have been duly heard.

Parties interested may show Cause against Scheme.

If no sufficient Cause shown, Commissioners to certify to Queen in Council.

Proviso.

Protests against the Scheme may be considered by Judicial Committee.

V. It shall and may be lawful for any Person or Persons interested, who may have been heard by the said Commissioners against the proposed Union of any Benefices, or against subjecting the Endowments or Revenues thereof, or any Part of them, to any Rentcharge or Transfer or Annexation, or against any Part or Parts of any Scheme certified by them to Her Majesty in Council, to appeal to Her Majesty in Council against such Scheme or any Part thereof, in the usual Manner, or such Person or Persons may, at their Option, state in Writing, by way of Protest, his, her, or their Objections to such Union or any Part or Parts thereof, and the Commissioners shall annex such written Statement or Protest to their Certificate to the Queen in Council, and Her Majesty in Council may order and direct that such Objections shall be considered by the Judicial Committee of the Privy Council; and the said Judicial Committee shall make report to Her Majesty in Council thereupon, and may propose to Her Majesty in Council to affirm, vary, or dismiss the Scheme certified by the Commissioners, or to return the same to the said Commissioners for Alteration or Amendment; and Her Majesty in Council may affirm, vary, or dismiss the Scheme accordingly, or return the same to the Commissioners to be reconsidered as to any Parts thereof.

Queen in Council may make Orders affirming or approving any Scheme.

VI. It shall be lawful for Her Majesty in Council, by any Order or Orders affirming or approving any Scheme of the Commissioners, and directing a Union of any Parishes, or by any other Order or Orders, to direct that such or such Part of any Lands, Tithes, Tenements, or Hereditaments, or other permanent Endowments of the Benefices proposed to be united, shall be subject to such Rentcharge, or excepted out of such Benefice when united, and be transferred and annexed to such other specified Benefice, and upon the Order or Orders directing such Rentcharge or Transfer and Annexation coming into operation the Lands, Houses, Tithes, Tenements, or Hereditaments, or other permanent Endowments, so directed to be subject to such Rentcharge, or to be transferred and annexed, shall, without any further Deed, Transfer, or other Assurance, become and be for ever subject to such Rentcharge or annexed to such Benefice, as the Case may be, and shall be held and enjoyed by the Incumbent thereof for the Time being as the Endowment or a Part of the Endowment thereof, subject and without Prejudice nevertheless, to all Leases, Grants, Rents, Charges, and Incumbrances existing at the Time of such Rentcharge or Transfer and Annexation legally affecting the same, except so far as any such Apportionment as aforesaid may affect the same respectively; and all such Lands, Houses, Tithes, Tenements, and Hereditaments, or other permanent Endowments when so transferred or annexed as aforesaid, shall belong to and the same and the Rents and Profits thereof shall be recoverable by

by the Incumbent of such Benefice for the Time being, in the same Manner and by the same Remedies as were applicable thereto before such Transfer and Annexation.

Orders in Council to be gazetted and registered, and to have Force of Law.

VII. The Order or Orders in Council affirming any Scheme, or directing any Union of Parishes, Rentcharge, Transfer, or Annexation as aforesaid, shall, as soon as may be after the making thereof by Her Majesty in Council, be inserted and published in the *London Gazette*, and shall be registered in the Registry of the Diocese, and the Registrar of the Diocese is hereby required to make such Registry; and such Order in Council, so soon as the same shall have been gazetted, shall have full Force and Effect of Law in all respects and as to all Things therein contained, any Law, Statute, Canon, Grant, Usage, or Custom to the contrary notwithstanding: Provided always, that nothing in this Act contained shall be construed to affect the Rights and Interests of any of the Incumbents of Benefices united under the Provisions thereof who at the Time of the making such Order in Council were in possession respectively of such Benefices, without the Consent of such Incumbent expressed in Writing.

Commissioners may propose Scheme for Erection of new Church or Parsonage, Removal of old Church or Parsonage, Sale of Site, &c. for Purposes of this Act.

VIII. If for the Purposes and Objects of this Act it shall be found necessary or desirable to provide for the Erection of any new Church or Parsonage House, for the pulling down or Removal of any existing Church or Parsonage House, in either of the Benefices proposed to be united, for the Sale of the Materials or Site of the same, for the Appropriation of any Plate or other Property held in trust by the Churchwardens of any Church to be pulled down, for the Disposal of any Organ in such Church, for the Appropriation or Re-appropriation of any Pews or Sittings in the Church of the United Benefice left standing, for the Transfer of any Lectureships, the Sale of any Parsonage Houses, with their Appurtenances, for Compensation to Parish Clerks or other Officers, for Arrangement with respect to Fees or Vestry-rooms, it shall and may be lawful for the Church Building Commissioners to make Proposals thereupon as Part of their Scheme, and such Proposals or any of them shall be subject to Objection and Protest as herein provided: Provided nevertheless, that nothing in this Act contained shall authorize the Sale of any Plate heretofore used for the Purposes of the Holy Communion, but the same shall be transferred, with the Consent of the Bishop of the Diocese, to the Church of the united Benefice, or if such Plate be not needed for such Church then to any other Church or Chapel or Churches or Chapels within the Diocese which the said Bishop may select.

No Burial Ground. or Site of Church, to be sold under this Act. Vaults and Tablets.

IX. Nothing in this Act contained shall be taken or construed to legalize the Sale or letting of any Burial Ground or Churchyard, or of the Site of any Church to be pulled down, if there shall have been any Interments or Deposits in any Grave or Vault under the Site of such Church; and if there shall be any Tablets or Monuments erected in such Church, such Tablets or Monuments, if not removed by the legal Representatives of the Parties to whom the same were erected, shall be carefully removed, at the Cost and Charge of the Parties removing the Church, and shall be fixed by them in some convenient Part of the Church thereafter to be constituted the Church of the United Parishes.

Church and Vestry of Church left standing to be the Church and Vestry of united Parishes.

X. From and after the Union of any Two or more Benefices under this Act, the Church left standing and remaining within such united Benefice shall be the Church of the united Parishes, and all Meetings of Vestry for Ecclesiastical Purposes within such Parishes shall be Vestry Meetings of the Parishes united under this Act; and the Vestry-room of the Church left standing within such united Parishes shall be held to be the Vestry-room of the united Parishes for the Use of the Parishioners thereof, and also the Vestry-room for secular Purposes for the Parishioners of each of the Parishes forming the united Parish, and for the Care and Preservation of the Deeds, Muniments, and Records belonging to the same: Provided always, that nothing in this Act contained shall be taken or construed to interfere with any Privileges or Liberties whatsoever reserved to any Parishes in the City of *London*, by an Act of the Twenty-second Year of His Majesty King *Charles* the Second, commonly called the City of *London* Fire Act.

Bishop of London may, under certain circumstances,

XI. ‘ And whereas by the Act of the Session holden in the Sixth and Seventh Years of ‘ Her Majesty, Chapter Seventy-seven, it was enacted, that out of the Proceeds of any Lands, ‘ Tithes, Tenements, or other Hereditaments in the Principality of *Wales*, vested or to be

‘ vested

'vested in the Ecclesiastical Commissioners for *England* by or under the Provisions of the 'said recited Acts or that Act, it should be lawful, by the Authority therein mentioned, to 'make Provision, in whole or in part, for the competent Maintenance of any Spiritual Person 'or Persons (being a Native or Natives of the Principality aforesaid) who might be licensed 'by the Bishop of the Diocese for the Time being to officiate in any Church or Chapel within '*London* or *Westminster* or the Suburbs thereof, duly consecrated for the Performance of 'Divine Service according to the Rites and Ceremonies of the United Church of *England* 'and *Ireland*, in the *Welsh* Language, and such Bishop was thereby authorized to license any 'Spiritual Person or Persons accordingly:' It shall be lawful for the Bishop of *London*, if he sees fit, to appropriate for the Performance of Divine Service in the *Welsh* Language, so long as such Provision shall continue to be made by the Ecclesiastical Commissioners for *England*, One of the Churches within his Diocese which might under this Act be pulled down: Provided always, that before such Appropriation sufficient Provision shall be made to the Satisfaction of the said Bishop for the Repairs, Maintenance, and Support of the Fabric of the Church, so long as such Church remains so appropriated.

appropriate for Service in Welsh One of the Churches in London otherwise to be pulled down.

XII. 'And whereas Difficulties might arise in the Case of endowed Lectureships, when 'the Lectures have been customarily preached in a Church which may be taken down under 'the Authority of this Act:' It shall therefore be lawful for the Bishop of any Diocese for the Time being to prepare from Time to Time under his Hand and Seal a Scheme or Schemes for transferring such Lectures to other Churches, to be preached therein at such Times as to the said Bishop may appear convenient; and such Scheme shall be submitted by the said Bishop to the Charity Commissioners under the "Charitable Trusts Act, 1853," and such Scheme, if approved of by them, or subject to such Alterations therein as may appear to the said Commissioners advisable, and as shall be approved of by the said Bishop, shall be valid for effecting the Purposes therein mentioned, and shall be registered in the Registry of the Diocese: Provided nevertheless, that nothing in this Act contained shall give the Bishop any Power respecting the Appointment of a Lecturer without the Consent of the Incumbent of the Church in which such Lecturer is to officiate.

Bishop may prepare a Scheme for Transference of Lectures from Churches to be pulled down.

XIII. When any Church is pulled down, under the Provisions of this Act, Her Majesty's Commissioners for building new Churches, with the Consent of the Bishop of the Diocese or Chancellor of the Diocese under his Hand and Seal, shall and they are hereby authorized to alter and readjust the Pews or Seats and the Appropriation thereof in the Church of the united Benefice left standing, so that not less than One Third of the Sittings in such Church shall be free and unappropriated, and the Remainder be placed at the Disposal of the Churchwardens, under the Control and Direction of the Bishop, of such Church, for the Use of the Parishioners of such united Benefice.

Commissioners may re-appropriate Pews of Churches left standing in united Benefices.

XIV. After any Order in Council under this Act shall have obtained full Force of Law, the Fee Simple and Inheritance of the Site of any Church or Parsonage House by such Order in Council directed to be pulled down, and of the Building Materials of such Church or Parsonage House, shall, without any further Transfer, Conveyance, or other Form of Law being had, observed, or required, belong to and be vested in Her Majesty's Commissioners for building new Churches, in trust to make Sale or dispose of such Sites and Materials or any Part thereof, where the same may be sold, under the Powers and for the Purposes of this Act, and in further trust to apply the Proceeds of such Sale or Sales from Time to Time to such of the same Purposes as in the said Order in Council may be indicated; and the said Commissioners, with the Consent of the Bishop of the Diocese under his Hand and Seal, may make a valid Conveyance in Fee Simple to any Body or Person of the Site of any Church or Parsonage House pulled down under this Act, or by virtue of any Order in Council authorized hereby: Provided always, the said Commissioners shall give Two Calendar Months Notice in the *London Gazette* previous to the Sale or Disposal of such Site or any Part thereof, in order that thereby Facilities may be afforded for appropriating such Site to sanitary Purposes, public Improvements, or the Improvements of public Streets in the Vicinity; and if within Two Months from the Time such Notice shall have been inserted in the *London Gazette* the said Commissioners shall not receive an Offer which in their Judgment shall be satisfactory for the Purchase of such Land for the Purposes aforesaid, it shall be

Sites of Churches to be pulled down to vest in Commissioners, in trust to sell, and apply the Proceeds to Purposes indicated in Order in Council.

Commissioners may make valid Conveyances of such Sites.

Proviso.

be lawful for them to make Sale or to dispose of such Ground, at such Time and at such Prices and in such Manner as in their Discretion shall seem fit, and to apply the Proceeds of such Sale or Sales, from Time to Time, for or towards the Purposes herein-before mentioned.

Commissioners to report.

XV. The Church Building Commissioners shall make an annual Report to Parliament respecting their Proceedings in pursuance of this Act.

Extent of Act.

XVI. This Act shall extend only to that Part of the United Kingdom called *England* and *Wales*.

Continuance of Act.

XVII. The Operation of this Act shall be limited to Five Years from the Date of the same receiving the Royal Assent.

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## CAP. CXXVIII.

### An Act further to amend the Laws concerning the Burial of the Dead in *England*. [14th *August* 1855.]

15 & 16 Vict. c. 85.
16 & 17 Vict. c. 134.
17 & 18 Vict. c. 87.

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the Dead in *England* beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the last Session of Parliament (Chapter Eighty-seven), "to make further Provisions for the Burial of the Dead in *England* beyond the Limits of the Metropolis:" And whereas it is expedient that further Provision should be made for the Burial of the Dead, and that the said Acts should be amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Orders in Council under the recited Acts may be varied by like Orders.

I. It shall be lawful for Her Majesty, by and with the Advice of Her Privy Council, from Time to Time to postpone the Time appointed by any Order in Council for the Discontinuance of Burials, or otherwise to vary any Order in Council made under any of the said recited Acts or this Act, (whether the Time thereby appointed for the Discontinuance of Burials thereunder or other Operation of such Order shall or shall not have arrived,) as to Her Majesty, with such Advice as aforesaid, may seem fit; and every Order of Her Majesty in Council made before the passing of this Act for varying any Order previously made under the said Acts or any of them shall be deemed valid and effectual in Law.

Penalty on Persons burying contrary to the Provisions of Orders in Council.

II. If any Person, after the Time mentioned in any Order in Council under the said Acts or any of them, or this Act, for the Discontinuance of Burials, shall knowingly and wilfully bury any Body or in anywise act or assist in the Burial of any Body in any Church, Chapel, Churchyard, Burial Ground, or Place of Burial or (as the Case may be) within the Limits in which Burials have by such Orders been ordered to be discontinued, in violation of the Provisions of any such Order, every Person so offending shall, upon summary Conviction before Two Justices of the Peace, forfeit a Sum not exceeding Ten Pounds.

Power to Churchwardens to call Vestry Meetings for providing Burial Grounds. Where Order in Council has been made, or

III. The Churchwardens or other Persons to whom it belongs to convene Meetings of the Vestry of any Parish in which no Burial Board has been appointed may, at any Time, at their Discretion, without Requisition of Ratepayers for that Purpose, convene a Meeting of such Vestry for the Purpose of determining whether a Burial Ground shall be provided for the Parish; and where any Order in Council has been made before the passing of this Act for discontinuing Burials (wholly or subject to any Exception or Qualification) in any Burial Ground of any Parish for which no Burial Board has been appointed, or Notice