

ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

****

CAP. XLIX.

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.

[17th *August* 1839.]

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 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,* 58 G. 3. c. 45. 59 G. 3. c. 134. 3 G. 4. c. 72. 5 G. 4. c. 103.

Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years 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 render more effectual the Church Building Acts:* And whereas another Act was 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 Intention for augmenting the Maintenance of the poor Clergy:* 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 abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy:* And whereas it is expedient to explain and amend some of the Provisions of the said several recited Acts: 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, That so much of the said recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third as provides that no District Chapelry assigned to any Chapel of Ease or Parochial Chapel then already existing, or to any Chapel built or which might thereafter be built or acquired under the Powers of the said recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, or the herein-before recited Act passed in the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third, should become a Benefice by reason of any Augmentation of the Maintenance of the Curate by any Grant or Bounty under the Provisions of any Act or Acts of Parliament, or Law or Laws, for augmenting small Livings, shall be and the same is hereby repealed; and that so much of the said recited Act passed in the First Year of the Reign of His Majesty King *George* the First as provides that no Rector or Vicar of any Mother Church, or any other Ecclesiastical Person or Persons having Cure of Souls within the Parish or Place where a Church or Chapel augmented by the Governors

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.

1 G. 1. c. 10.

1 & 2 Vict. c. 106.

Repeal of so much of 59 G. 3. c. 134. as provides that certain District Chapelries should not become Benefices by reason of Augmentation by Q. Anne's Bounty; and of so much of 1 G. 1. c. 10. as provides that no Incumbent of the Mother

Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy shall be situate, or his or their Successors, should by virtue of that Act be divested or discharged from the same, but that the Cure of Souls, with all other Parochial Rights and Duties (such Augmentation and Allowance to the augmented Church or Chapel as aforesaid only excepted), should thereafter be and remain in the same State, Plight, and Manner as before the making of that Act, shall be and the same is hereby repealed, with respect only to those Churches or Chapels which have been already or hereafter may be augmented, and for or to which District Chapelries may have already been or may hereafter be assigned, under the Provisions of the herein-before recited Act passed in the Fifty-ninth Year of the Reign of His said Majesty *George* the Third: Provided always, that unless and until such District Chapelry be assigned the said Provision shall remain in full Force and Effect as if this Act had not been passed.

Church of a Parish in which an augmented Church or Chapel shall be situate shall be divested of Cure of Souls, except, &c.

II. And be it further enacted, That in the Case of any Church or Chapel which has already been or hereafter may be augmented by the said Governors of the Bounty of Queen *Anne*, and for or to which any District Chapelry has already been or hereafter may be assigned, whether before or after such Augmentation under the Provisions of the said recited Acts or some of them, such Church or Chapel, from and after such Augmentation, and the Assignment of such District Chapelry, shall be and is hereby declared to be a Perpetual Curacy and Benefice, and the Minister duly nominated and licensed thereto, and his Successors, shall not be a Stipendiary Curate, but shall be and esteemed in Law to be a Perpetual Curate, and a Body Politic and Corporate, with perpetual Succession, and may receive and take to himself and his Successors all such Lands, Tenements, Tithes, Rent-charges, and Hereditaments as shall be granted unto or purchased for him or them by the said Governors of the Bounty of Queen *Anne*, or otherwise; and such Perpetual Curate shall thenceforth have within the District Chapelry so assigned as aforesaid sole and exclusive Cure of Souls, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Parish or Place from which such District Chapelry shall have been taken, any Law or Statute to the contrary notwithstanding.

Any augmented Church or Chapel having a District to be a Perpetual Curacy, and the Minister to be an Incumbent, with perpetual Succession, &c., and to have exclusive Cure of Souls within the District.

III. And be it further declared and enacted, That it shall be lawful for the said Commissioners for building new Churches to assign a District Chapelry to any Church or Chapel, with such Consent as is required by the Acts of the Fifty-eighth and Fifty-ninth Years of His said Majesty King *George* the Third, respectively herein-before recited, or One of them, in the Manner specified and directed in and by such several Acts; and it shall be lawful for the said Governors of the Bounty of Queen *Anne* to augment such Church or Chapel, either before or after such District Chapelry has been formed or assigned, on the same Terms, Conditions, and Regulations as are or may be in force concerning such Augmentation.

Commissioners may assign Districts in the Manner specified by the Acts of 58 & 59 G. 3., and Governors of Q. Anne's Bounty may augment the Churches or Chapels.

IV. And

Such Augmentations to be subject to the Provisions of the 59G.3.c.134. touching the Assignment of Districts.

IV. And be it further enacted, That every such Church or Chapel so augmented to which a District Chapelry shall have been assigned as aforesaid shall be subject to the Provisions and Regulations contained in the herein-before recited Act of the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third, touching the Assignment of District Chapelries, except so far as is by this Act otherwise provided.

Provisions of 1 G. 1. c. 10. which enact that all augmented Churches, &c. shall be Perpetual Curacies, and the Ministers Bodies Politic, &c., not affected.

V. Provided always, and be it further enacted, That nothing herein contained shall alter or affect the Provisions of the herein-before recited Act passed in the First Year of the Reign of His Majesty King *George* the First, which enact that all Churches, Curacies, or Chapels which should at any Time thereafter be augmented by the said Governors of the Bounty of Queen *Anne* should be Perpetual Cures and Benefices, and that the Ministers duly nominated and licensed thereto, and their Successors respectively, should be Bodies Politic and Corporate, with perpetual Succession, and other Privileges and Capacities in the said Act mentioned, but that the same shall remain in full Force and Effect as if this Act had not been passed.

For extending the Provisions in 1 & 2 Vict. c. 106. for annexing isolated Places to the contiguous Parishes, or making them separate Benefices.

VI. And whereas by virtue of the said Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*, it is amongst other things enacted, that when with respect to his own Diocese it should appear to the Archbishop of the Province, or when the Bishop of any Diocese should represent to the said Archbishop, that any Tithing, Hamlet, Chapelry, Place, or District within the Diocese of such Archbishop, or the Diocese of such Bishop, (as the Case might be,) might be advantageously separated from any Parish or Mother Church, and either be constituted a separate Benefice by itself or be united to any other Parish to which it might be more conveniently annexed, or to any other adjoining Tithing, Hamlet, Chapelry, Place, or District, parochial or extra-parochial, so as to form a separate Parish or Benefice, or that any extra-parochial Place might with Advantage be annexed to any Parish to which it is contiguous, or be constituted a separate Parish for Ecclesiastical Purposes; and the said Archbishop or Bishop should draw up a Scheme in Writing (the Scheme of such Bishop to be transmitted to the said Archbishop for his Consideration) describing the Mode in which it appeared to him that the Alteration might best be effected, and how the Changes consequent on such Alteration in respect to Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, and in respect to Patronage and Rights to Pews, might be made, with Justice to all Parties interested; and if the Patron or Patrons of the Benefice or Benefices to be affected by such Alteration should consent, in Writing under his or their Hands, to such Scheme, or to such Modification thereof as the said Archbishop might approve, and the said Archbishop should, on full Consideration and Inquiry, be satisfied with any such Scheme or Modification thereof, and should certify the same and such Consent as aforesaid by his Report to Her Majesty in Council, it should be

lawful for Her Majesty in Council to make an Order for carrying such Scheme, or Modification thereof, as the Case might be, into effect; and such Order, being registered in the Registry of the Diocese, which the Registrar was thereby required to do, should be forthwith binding on all Persons whatsoever, including the Incumbent or Incumbents of the Benefice or Benefices to be affected thereby, if he or they should have consented thereto in Writing under his or their Hands; but if such Incumbent or Incumbents should not have so consented thereto, the Order should not come into operation until the next Avoidance of the Benefice by the Incumbent objecting to the Alteration, or by the surviving Incumbent objecting, if more than One should object thereto, and in such Case the Order should forthwith after such Avoidance become binding on all Persons whatsoever: And whereas it is expedient that the said Provisions should be extended to Cases notwithstanding the Vacancy or Vacancies of the Benefice or Benefices thereby to be affected; and also that when by such Order a separate Parish for Ecclesiastical Purposes is constituted, the same should become a Perpetual Curacy and Benefice, with Cure of Souls; be it therefore enacted, That any such Scheme or Modification may be drawn up according to the Regulations and Directions in such Act contained, subject to the Consent in Writing of the Patron or Patrons of the Benefice or Benefices to be affected thereby, under his or their Hands, notwithstanding the Vacancy of such Benefice or Benefices; and it shall be lawful for Her Majesty in Council thereupon to make an Order for carrying such Scheme, or Modification thereof, as the Case may be, into effect; and such Order, being registered in the Registry of the Diocese as directed by the said Act, shall come into operation and shall be forthwith binding on all Persons whatsoever, notwithstanding such Vacancy or Vacancies.

The Scheme or Modification may be made according to the Regulation of the recited Act, subject to the Consent of the Patron, notwithstanding Vacancy of Benefice.

VII. And be it further enacted, That the Provisions contained in the said last-recited Act touching the Party or Parties who shall be considered Patron or Patrons, and the Manner in which the Consent of the Patrons shall in certain Cases be given, for the Purposes of such Act, shall apply to the Consent of the Patron or Patrons hereinbefore last required to be given.

Who are to be considered Patrons for such Purpose.

VIII. And be it further enacted, That when by any Order of Her Majesty in Council as aforesaid a separate Parish for Ecclesiastical Purposes is constituted, the same shall, on Registration thereof, and with the Consent in Writing of the Incumbent or Incumbents of the Benefice or Benefices to be thereby affected, become a Perpetual Curacy and Benefice, and the Minister thereof, duly nominated and licensed thereto, and his Successors, shall be a Body Politic and Corporate, with perpetual Succession, and may receive and take to himself and his Successors all such Lands, Tenements, Tithes, Rentcharges, and Hereditaments as shall be granted unto him or them, and such Perpetual Curate shall thenceforth have, within the Limits of the District Parish formed under the Church Building Acts for the Church of such Perpetual Curacy, sole and exclusive Cure of Souls, and shall not in anywise be subject to the Control or Interference of the Incumbent or Incumbents of the Benefice or Benefices to

Where a separate Parish for Ecclesiastical Purposes is constituted by Order in Council, the same shall be a Perpetual Curacy with Cure of Souls within the District assigned to it by such Order.

to be affected by such Order, if he or they shall have consented to such Order as aforesaid; but if such Incumbent or Incumbents shall not have so consented thereto, this last-mentioned Provision shall not come into operation until the next Avoidance of the Benefice by the Incumbent objecting thereto, or by the surviving Incumbent objecting, if more than One shall object thereto, and in such Case the last-mentioned Provision shall forthwith after such Avoidance come into operation, and shall be binding on all Persons whatsoever.

Limiting the Provisions in 1 & 2 Vict. c. 107., enabling the Commissioners for building new Churches, with certain Consents, to make any Church or Chapel the Parish Church of any Parish, and the Parish Church a District Church or Chapel.

IX. And be it further enacted, That the Powers granted by the herein-before recited Act passed in the First and Second Years of the Reign of Her present Majesty (Chapter One hundred and seven) to Her Majesty's Commissioners for building new Churches, of making, with certain Consents, any Church or Chapel the Parish Church of the Parish within which the same is situate, instead of the ancient Parish Church, and of making such ancient Parish Church a District Church or Chapel, with or without a District, as the said Commissioners shall in such Case direct, shall not extend or be construed to extend to making any Church or Chapel now or hereafter to be built and endowed under the Powers of the last-mentioned Act, or the herein-before recited Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, the Parish Church, nor to the making any Church or Chapel the Parish Church as aforesaid, the Advowson, Right of Presentation, or Nomination of or to which shall belong to any other Person or Persons than to the Patron of such ancient Parish Church, without the Consent in Writing under the Hands of the Patron or Patrons and of the Incumbent or Minister of any such Church or Chapel herein mentioned.

Minister of a District Church or Chapel to have exclusive Cure of Souls within such District.

X. And be it further enacted, That where a Church or Chapel has been built or purchased and endowed and the Patronage thereof granted under the Provisions of the herein-before recited Acts of the First and Second Years of the Reign of His said Majesty King *William* the Fourth and of the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and seven, or either of them, and where a particular District has been assigned to such Church or Chapel under the Provisions of such first-named Act, the Minister or Perpetual Curate of such Church or Chapel shall have exclusive Cure of Souls within such District, and shall not be in anywise subject to the Control or Interference of the Rector, Vicar, or Minister of the Mother Church of the Parish or Place out of which such District shall have been taken, any Statute or Law to the contrary thereof notwithstanding.

For removing Doubts as to the Extent and Meaning of 1 & 2 Vict. c. 107. s. 13.

XI. And whereas it is by the said recited Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter One hundred and seven, enacted, that in all District Churches and District Chapelries the Licence of the Stipendiary Curate appointed to serve the Chapel of such Chapelry shall not be rendered void by the Avoidance of the Church of the Parish or District Parish in which such Chapel is situate, unless the same shall be revoked by

by the Bishop of the Diocese under his Hand and Seal: And whereas Doubts exist as to the Extent and Meaning of such Provision; be it therefore enacted and declared, That the same shall apply to the Licence of the Stipendiary Curate of a District Chapelry and to the Licence of the Stipendiary Curate of a District Parish Church.

Governors of Queen's Anne's Bounty may accept Endowments for Churches and Chapels built under Powers of the Church Building Acts;

XII. And whereas it is expedient to make Provision for the more permanent Security of the Endowments and Emoluments which shall have been or may hereafter be provided for the Use or Benefit of any Church or Chapel whether built, acquired, or appropriated, or to be built, acquired, or appropriated under the Authority of the said recited Acts or of any of them, or under any other Authority, or for the Use or Benefit of the Incumbent of any such Church or Chapel, or of the Spiritual Person serving the same; be it therefore enacted, That it shall and may be lawful for the said Governors of the Bounty of Queen *Anne* to accept, take, and hold any such Endowments and Emoluments upon the Trusts and for the Intents and Purposes for which the same shall have been or may hereafter be given or granted by the Person or Persons providing the same, in like Manner as any such Endowments or Emoluments may now be taken or held by any private Trustees or Trustee; and it shall and may be lawful for any Trustees or Trustee of any such Endowments or Emoluments to assign and transfer the same to the said Governors of the Bounty of Queen *Anne*, to be held and applied by them upon the same Trusts and for the same Intents and Purposes as the same previously to such Assignment and Transfer were held by such Trustees or Trustee: Provided always, that no such Gift, Grant, Assignment, or Transfer shall be made to the said Governors of the Bounty of Queen *Anne* until by an Instrument in Writing under their Common Seal they shall have signified their Consent to accept the same.

and Trustees of such Endowments may assign them to the said Governors; subject to Consent.

Money provided for such Endowments to be paid to the Treasurer of the said Governors, and his Receipt to be a good Discharge.

XIII. And be it further enacted, That in all Cases in which such Consent of the said Governors of the Bounty of Queen *Anne* shall have been so given, the Money provided for such Endowments shall be paid to the Treasurer for the Time being of the said Governors; and the Receipt or Receipts of such Treasurer shall be effectual Discharges or an effectual Discharge for so much Money as in such Receipts or Receipt shall be expressed, to the Person or Persons paying the same, and after obtaining such Receipts or Receipt the Person or Persons paying such Money shall be absolutely discharged from all Liability touching such Money, and from all Trusts relating thereto.

Governors of Queen Anne's Bounty may lay out at Interest any Purchase Monies paid to them under the Act 1 & 2 Vict. c. 23.,

XIV. And whereas by an Act passed in the First Year of the Reign of Her present Majesty (Chapter Twenty-three), intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy* (an Omission in which was supplied by another Act passed in the same Session of Parliament, Chapter Twenty-nine), it was enacted, that the Monies to arise from the Sale or Sales of the Residence House, Gardens, Orchards, and Appurtenances, and Lands, belonging to any Benefice by the said Act under certain Circumstances authorized to be sold, should be paid to the said Governors

and appropriate any Surplus of such Purchase Monies to the Benefice on account of which the Monies shall have been received.

Governors of the Bounty of Queen *Anne*, to be by them, with the Consent of the Ordinary and Patron, applied and disposed of in or towards the Erection or Purchase of some other House and Offices, or the Purchase of an Orchard, Garden, and Appurtenances, or Land for the Site of a House, any or either of them, together with Land contiguous thereto, and not exceeding Twelve Acres, suitable for the Residence and Occupation of the Incumbent of such Benefice: And whereas the said Act makes no Provision for authorizing the said Governors to lay out at Interest the Purchase Monies which in any Case shall be paid to them under the Authority thereof, in the meantime and until such Monies shall be applied and disposed of according to the Directions of the said Act, nor for the Application of the Surplus of such Monies in case the same Monies shall not be wholly applied and disposed of to the Purposes contemplated by the said Act; be it therefore enacted, That it shall be lawful for the said Governors and they are hereby required to lay out and invest the said Purchase Monies which shall from Time to Time come into their Hands under and by virtue of the said Act in the Purchase of such Stocks, Funds, and Securities, and at such Rate of Interest, as they shall think proper, and shall from Time to Time receive the Dividends and Interest which shall become payable in respect thereof, and add the same by way of Accumulation to the Principal, and so from Time to Time so long as the same shall remain in their Hands, or until the same, or so much thereof as shall be required, shall have been applied and disposed of by the said Governors in the Manner and for the Purposes in the said Act mentioned; and further, that in case, after the complete Execution of the Duty or Trust imposed on the said Governors by the said Act of Parliament, or of so much thereof as shall be in their Power, any Sum of Money shall remain in their Hands undisposed of, such Surplus shall be appropriated by the said Governors to the particular Benefice on account of which the same shall have been received, and shall be applicable and disposable by them for the Benefit of such Benefice, in such and the same Manner, and with such and the same Powers of Investment, and other Powers and Authorities in all respects, according to the Rules and Regulations of the said Governors for the Time being, as if the said Monies, or the Stocks or Funds which might be purchased therewith, had been appropriated by the said Governors to such Benefice out of the general Funds and Profits of the said Governors, or otherwise, for the Benefit and Augmentation thereof.

Power in certain Cases and with certain Consents to sell Lands purchased for or annexed to Benefices for the Augmentation thereof by the Gover-

XV. And whereas some of the Lands and Hereditaments which were formerly purchased by the Governors of the said Bounty, or were otherwise appropriated or annexed, by or with the Consent or Concurrence of the said Governors, to particular Benefices, for the Augmentation thereof, are situate at an inconvenient Distance from the Benefices to which they respectively belong, and in such and some other special Cases a Sale of the Lands and Hereditaments which have been or may hereafter be so appropriated or annexed may be deemed advantageous; be it therefore enacted, That in every Case where any Lands or Hereditaments which, in consequence of any Purchase, Allotment, Benefaction, Donation, or Exchange, or

otherwise howsoever, shall have been appropriated or annexed to any Benefice, for the Augmentation thereof, by or with the Concurrence of the said Governors of the Bounty of Queen *Anne*, are situate elsewhere than within the Parish or Parishes of such Benefice, or some adjoining Parish or Parishes, it shall be lawful for the Incumbent of such Benefice (with the Consent of the said Governors of the Bounty of Queen *Anne*, and of the Ordinary and Patron of such Benefice, to be testified as herein-after mentioned,) absolutely to sell and dispose of the said Lands or Hereditaments, or any Part thereof, to any Person or Persons whomsoever, either together or in Parcels, and either by public Sale or by private Contract, for such Sum or Sums of Money as to the said Governors, Ordinary, and Patron shall seem fair and reasonable; and upon Payment of the Purchase Money for the same, as herein-after directed, by Deed indented, or, in the Case of any Lands or Hereditaments of Copyhold or Customary Tenure, by Surrender or other Customary Mode of Assurance, to convey and assure the Lands or Hereditaments comprised in such Sale unto and to the Use of the Purchaser or Purchasers thereof, his, her, or their Heirs, Executors, Administrators, or Assigns respectively, or as he, she, or they shall direct or appoint: Provided always, that the Consent of the said Governors, Patron, and Ordinary to every such Sale shall be testified by their respectively executing the Deed or other Assurance by which the Lands or Hereditaments comprised in such Sale shall be conveyed or assured; except that in the Case of any Lands or Hereditaments of Copyhold or Customary Tenure which shall be conveyed or assured by Surrender such Consent may be testified by any Writing under the Corporate Seal, or the Hand and Seal, (as the Case may be,) of each of the consenting Parties, which Writing shall be produced to the Lord or Steward of the Manor of which the said Premises shall be holden, and shall be a sufficient Authority to him for accepting from the Incumbent and other necessary Parties a Surrender of the same Premises, and such Writing shall be entered with the Surrender upon the Court Rolls of the said Manor.

nors of the Bounty of Queen Anne.

How Consents to be testified.

XVI. And be it further enacted, That in every Case where any Lands or Hereditaments which shall have been so appropriated or annexed to any Benefice as aforesaid shall be situate within the Parish or Parishes of such Benefice, or some adjoining Parish or Parishes, but on account of any special Circumstance or Circumstances a Sale of the said Lands or Hereditaments, or any Part thereof, shall be deemed advantageous, it shall be lawful for the Incumbent of such Benefice, with the Consent of the said Governors of the Bounty of Queen *Anne*, and of the Ordinary and Patron of such Benefice, to be testified as aforesaid, and with the further Consent of the Archbishop for the Time being of the Province in which such Benefice is situated, to be testified in like Manner, to sell and dispose of and convey and assure the said Lands or Hereditaments, or any Part thereof, in such Manner as is herein-before directed or authorized with respect to any such Lands or Hereditaments where the same shall not be situate within any such Parish or Parishes as aforesaid.

Power in certain special Cases to sell Lands so purchased or annexed.

Power of Sale given by 1 & 2 Vict. c. 23. extended.

XVII. And whereas it is expedient that the Power which by the said Act of the First and Second Years of the Reign of Her present Majesty is given to the Incumbent of a Benefice, with the Consent and Approbation of the Ordinary and Patron thereof and of the Archbishop of the Province, to sell the Residence House, Gardens, Orchard, and Appurtenances belonging to his Benefice, with Land contiguous thereto not exceeding Twelve Acres, should be extended and made applicable to other Houses and Buildings belonging to any Benefice, under the Circumstances herein-after mentioned; be it therefore enacted, That in any Case in which any Dwelling House Shop, Warehouse, or other Erection or Building (other than the House of Residence) belonging to any Benefice shall be so old and ruinous as that it would be useless or inexpedient to expend Money in repairing and maintaining the same, or for other good and sufficient Reasons it shall be thought advisable to sell and dispose of the same, it shall and may be lawful for the Incumbent of such Benefice, and he is hereby authorized and empowered, with the Consent and Approbation of the Ordinary and Patron thereof and of the Archbishop of the Province, to be signified in the Manner prescribed by the last-mentioned Act, absolutely to sell and dispose of such Dwelling House, Shop, Warehouse, or other Erection or Building, with the Yards, Gardens, Orchard, Croft, and Appurtenances thereto belonging, or any of them, to any Person or Persons whomsoever, either altogether or in Parcels, and for such Sum or Sums of Money as to such Ordinary, Patron, and Archbishop shall appear fair and reasonable, and upon Payment of the Purchase Money for the same as herein-after mentioned, by Deed indented, or in the Case of Copyhold or Customary Hereditaments by Surrender or other customary Mode of Assurance, to convey and assure the Hereditaments which shall be so sold unto and to the Use of the Purchaser or Purchasers thereof, his or their Heirs or Assigns, or as he or they shall direct or appoint.

Purchase Monies to be paid to the Governors of the Bounty of Queen Anne;

XVIII. And be it further enacted, That the Monies to arise from any Sale or Sales which shall be made under any of the Provisions of this Act shall be paid to the said Governors of the Bounty of Queen *Anne*, and that the Receipts of the Treasurer for the Time being of the said Governors shall be sufficient Discharges for the said Monies, or for so much thereof as in such Receipts respectively shall be expressed to be received, and shall effectually release and exonerate the Person or Persons paying the same from all Responsibility in respect of the Application thereof; and further, that no Purchaser or Purchasers shall be in anywise bound or concerned to ascertain or inquire whether any special Circumstance or Circumstances or Reason or Reasons shall exist on account of which any such Sale or Sales as aforesaid may be deemed advantageous or advisable, or whether such Circumstance or Circumstances or Reason or Reasons shall be sufficient to authorize such Sale or Sales.

and to be by them appropriated to the parti-

XIX. And be it enacted, That all the Monies to arise from any such Sale or Sales as aforesaid (subject nevertheless, in the Case of any Lands or Hereditaments which shall have been appropriated or

annexed to any Benefice by or with the Concurrence of the said Governors of the Bounty of Queen *Anne*, to any Stipulation or Agreement which the said Governors in their Discretion may think proper to make for Payment thereout of the Costs and Expences of such Sale or Sales or any Part thereof) shall be appropriated by the said Governors to the particular Benefice to which the Hereditaments comprised in such Sale shall have previously belonged, and shall be applicable and disposable by them for the Benefit and Augmentation of such Benefice in such and the same Manner, and with such and the same Powers of Investment, and other Powers and Authorities, in all respects, according to the Rules and Regulations of the said Governors for the Time being, as if the said Monies, or the Stocks or Funds which might be purchased therewith, were then originally appropriated by the said Governors to such Benefice out of the general Funds and Profits of the said Governors, or otherwise, for the Benefit and Augmentation thereof.

cular Benefice on account of which the same shall have been received, and to be subject, in regard to the Application thereof, to all the Powers, Regulations, &c. of the said Governors.

XX. And be it enacted, That in any Case in which upon the Sale of any such Lands or Hereditaments as aforesaid the Patronage of the Benefice to which the same shall belong shall be in the Crown, or the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, or the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, then and in every such Case the Consent required by this Act on the Part of the Patron of such Benefice shall and may be testified by the Execution of such Deed or Assurance or other Writing as aforesaid by such and the same Persons as by the said Act of the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said Act, or by certain other Acts therein mentioned or referred to; and that in all other Cases the Consent required by this Act on the Part of the Patron of any Benefice shall be given by the Person or Persons who would be entitled to present or nominate or to collate to such Benefice in case the same were actually vacant at the Time of giving such Consent.

Who are to consent as Patrons.

XXI. And be it further enacted, That in the Construction of so much of the Act as relates to the Sales of Land and other Hereditaments, and the Application of the Monies to arise therefrom, the Word "Benefice" shall be taken to extend to and comprise all Rectories with Cure of Souls, Vicarages, Perpetual Curacies, and Chapelries the Incumbents of which respectively shall, in right thereof, be Corporations Sole.

Definition of the Term "Benefice."

XXII. And be it further enacted, That in any Case under the herein-before recited Acts (except the Act passed in the First and Second Years of Her present Majesty's Reign, Chapter One hundred and six,) or of this Act, where the Patronage of any Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place shall be in the Crown, or the Advowson and Right of Patronage thereof shall be Part of the Possessions of the Duchy of *Cornwall*, or where the Patron thereof shall be a Minor, Idiot,

How Consent of Patron is in certain Cases to be given under the recited Act.

Idiot, Lunatic, or Feme Covert, then and in every such Case the Consent required by such Acts on the Part of the Patron of any such Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place shall and may be testified in Writing under the Hands of such and the same Persons as by the said Act passed in the First and Second Years of the Reign of Her present Majesty, Chapter Twenty-three, are in like Cases directed or authorized to testify the Consent of the Patron to the Exercise of the several Powers given by the said Act, or by certain other Acts therein mentioned or referred to; and that in all other Cases the Consent required by the said recited Acts (except as aforesaid) and this Act on the Part of the Patron of any Rectory, Vicarage, Perpetual Curacy, District Parish Chapelry, District Chapelry, or Place shall be given by the Person or Persons who would be entitled to present or nominate or to collate thereto in case the same were actually vacant at the Time of giving such Consent, except so far as it is by any of such recited Acts or this Act otherwise expressly provided for.

To what Places the Act is to extend.

XXIII. And be it further enacted, That this Act shall extend only to that Part of the United Kingdom called *England* and *Wales*, and to the *Isle of Man*, and to the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark*.

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