Declarations in lieu thereof, and of remunerating Witnesses, and of requiring and enforcing the Production upon Oath of Books, Contracts, Agreements, Accounts, and Writings, which by and under the Provisions of the said recited Act the Poor Law Commissioners are invested with for the Purposes thereof.

Act may be amended, &c.

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 And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

County of } WE, the undersigned Rate-payers of the Union
to wit. } of do hereby give you Notice that we appeal from the Certificate of [*here insert the Name or Names of the Poor Law Commissioner or Assistant Poor Law Commissioner, and Barrister,*] made in pursuance of an Act passed in the Fourth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to provide for the Payment of Debts, Charges, and Incumbrances affecting Houses of Industry and Workhouses, and of Advances made, conformably with previous Usage, for the lawful Purposes of such Houses of Industry and Workhouses, in certain Cases, in Ireland," to the Assistant Barrister of upon the following Causes or Grounds; that is to say [*here state the Grounds of Appeal*].

Witness our Hands, this Day of One thousand eight hundred and .

(Signed)

To
Clerk of the Guardians of the Poor of the Union of .

CAP. XLII.

An Act to remove Doubts as to the Division of the Parish of *Winterbourne* in the County of *Gloucester* into Two Parishes. [21st *June* 1841.]

58 G. 3. c. 45.

'WHEREAS by an Act of Parliament passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, it was enacted, that in every Case in which the Commissioners acting in the Execution of the said Act should be of opinion that it would be expedient to divide any Parish into Two or more distinct and separate Parishes for all Ecclesiastical Purposes whatever, it should be lawful for the said Commissioners, with the Consent of the Bishop of the Diocese in which such Parish was locally situated, signified under his Hand and Seal, to apply to the Patron or Patrons of the Church of such Parish for his Consent to make such Division, and for such Patron or Patrons to signify his or their Consent thereto under his Hand and Seal; and the said Commissioners should,

upon

'upon the Consent of the said Patron or Patrons so signified, 'represent the whole Matter to His Majesty in Council, and 'should state in such Representation the Bounds by which it 'was proposed, with such Consent as aforesaid, to divide such 'Parish, together with the relative and respective Proportions 'of Glebe Lands, Tithes, Moduses, or other Endowments 'which would by such Division arise and accrue and remain 'and be within each of such respective Divisions, and also the 'relative Proportions of the estimated Amount of the Value or 'Produce of Fees, Oblations, Offerings, or other Ecclesiastical 'Dues or Profits which might arise and accrue within each of 'such respective Divisions; and if thereupon His Majesty in 'Council should think fit to direct such Division to be made, 'such Order of His Majesty in Council should be valid and 'good in Law for the Purpose of effecting such Division; pro-'vided always, that no such Division of any Parish into distinct 'Parishes should completely take effect until after the Death, 'Resignation, or other Avoidance of the existing Incumbent of 'the Parish to be divided; and it was by the same Act pro-'vided and further enacted, that all Tithes, Moduses, Endow-'ments, or other Ecclesiastical Dues or Profits belonging to 'the Incumbent of any such Parish, whether by Endowment, 'Prescription, Usage, or otherwise, should, when so divided as 'aforesaid, belong to and be recoverable by the Incumbents of 'the Churches of each of the Divisions respectively of the 'Parish to which they should be assigned, in like Manner in 'every respect as they were before recoverable by the Incum-'bent of the original Parish; and it was by the same Act further 'provided and enacted, that during the Incumbency of the 'existing Incumbent of any such Parish, every new Church 'therein built, purchased, assigned, or provided as the intended 'Parish Church of any Division intended to become and be a 'distinct Parish should remain a Chapel of Ease, and should be 'served, during the Incumbency of such Incumbent of the 'original Parish, by a Curate to be nominated by such Incumbent 'and licensed by the Bishop of the Diocese, and paid in manner 'therein-after directed; and it was by the same Act further 'enacted, that every such distinct and separate Parish as afore-'said should, when such Division as aforesaid should become 'complete by the Death, Resignation, or other Avoidance of 'the existing Incumbent of the original Parish, be deemed 'either a Rectory, Vicarage, Donative or Perpetual Curacy, and 'the Spiritual Person serving the same, the Rector, Vicar, or 'Perpetual Curate thereof, or Person having Cure of Souls 'therein, acording to the Nature of the original Church of the 'Parish so divided, and should be for ever thereafter subject 'to the Laws, Provisions, and Regulations, as to Presentation 'and Appointment, and as to Institution, Collation, Induction, 'or Licence, and to all such Jurisdiction of the Bishop or other 'Jurisdiction, and to holding Benefices, as were by Law appli-'cable to the original Parish; and it was by the same Act 'further enacted, that all Acts of Parliament, Laws, and Cus-

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'toms, relating to publishing Banns of Marriage, Marriages, 'Christenings, Churchings, and Burials, and the registering 'thereof, and to all Ecclesiastical Fees, Oblations, or Offer- 'ings, should apply to such separate and distinct Parishes and 'District Parishes so made as aforesaid, when they should so 'become complete, separate, and distinct Parishes, or District 'Parishes, under the Provisions of that Act, after the Death, 'Resignation, or other Avoidance of the existing Incumbents 'respectively in each such Parish or Extra-parochial Place, and 'to the Churches and Chapels thereof, and to the Ecclesiastical 'Persons having Cure of Souls or serving the same, in like 'Manner in every respect as if the same respectively had been 'ancient, separate, and distinct Parishes, and Parish Churches 'by Law, to all Intents and Purposes; and it was by the same 'Act further provided and enacted, that no Banns of Matri- 'mony should be published, or Marriages celebrated or solem- 'nized, or Baptisms or Churchings had, by any Person what- 'ever, within any Church or Chapel of any such separate and 'distinct Parish so made by any such Division as aforesaid, or 'in any private House therein, or within any such District 'Church or Chapel, or in any private House within such 'District, nor should any Burials be performed within any 'Cemetery appertaining or belonging to any such Church or 'Chapel by any Person whatever, except by the Incumbent of 'the Church of the Parish or Extra-parochial Place from which 'such Parish should have been separated, or some Curate of 'such Incumbent, duly licensed in that Behalf, until after the 'Death, Resignation, or other Avoidance of the Spiritual Per- 'son who shall be the Incumbent of the Church of the Parish 'or Extra-parochial Place at the Time of the Consecration of 'any such Church or Chapel of any such separated Parish or 'District Parish; and from and after the Death, Resignation, 'or other Avoidance of the then Incumbent, to be certified 'under and according to the Provisions of that Act, Banns of 'Matrimony might be published, and Marriages celebrated 'and solemnized, and Baptisms, Burials, and Churchings had, 'within the Church or Chapel of any such separated Parish or 'District Parish, provided the same were respectively pub- 'lished, celebrated, solemnized, and had according to the Law 'and Canons in force within the Realm in that Behalf; and 'all such Banns as should be published, and also all and every 'such Marriage and Marriages as should be celebrated and 'solemnized, in any such Church or Chapel, after the Entries, 'under and according to the Provisions of that Act, of the 'Notification, under the Hand and Seal of the Bishop of the 'Diocese, of the Death, Resignation, or other Avoidance of 'the Incumbent of the Church of the Parish or Extra-paro- 'chial Place, should be as good, valid, and effectual, to all 'Intents and Purposes, as if the same were published, cele- 'brated, and solemnized in the Church of the Parish or Extra- 'parochial Place in which the same should be situate: And 'whereas the said Commissioners having made a Represen-

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'tation to His late Majesty King *William* the Fourth in Council, 'stating that when the last Census was taken the Parish of '*Winterbourne* in the County of *Gloucester* and Diocese of *Bristol* 'contained a Population of Two thousand eight hundred and 'eighty-nine Persons, and that there was, besides the Parish 'Church which afforded Accommodation to Five hundred 'Persons, One Chapel in the said Parish, which was situated 'at *Frenchay* in the Tithing of *Hambrook*, and was called the 'Chapel of *Saint John the Baptist*, and which had been recently 'consecrated, and in which Divine Service was regularly per-'formed, and which afforded Accommodation for Eight hundred 'Persons, including Five hundred Free Seats for the Use of the 'Poor; and also stating, that, having taken into consideration 'all the Circumstances attending the same Parish, it appeared 'to them to be expedient that the said Parish should be divided 'into Two distinct and separate Parishes under the Sixteenth 'Section of the said Act passed in the Fifty-eighth Year of the 'Reign of His Majesty King *George* the Third (being the first 'before-mentioned Enactment of such Act), and that the said 'Parishes should be named respectively the Parish of *Winter-'bourne* and the Parish of *Saint John the Baptist, Frenchay*, and 'that the said Chapel at *Frenchay* should be the Parish Church 'of the said Parish of *Saint John the Baptist, Frenchay*, with 'certain Boundaries in such Representation set forth; and also 'stating, that the whole of the Glebe Land lying within the 'Parishes of *Winterbourne* and *Saint John the Baptist, Frenchay*, 'would belong to the Parish of *Winterbourne*, that the Tithes 'arising from the Lands specified in the Schedule thereunto 'annexed, and valued at One hundred and seventy-six Pounds 'Ten Shillings *per Annum*, and being One Sixth of the Tithes 'of the then existing Parish of *Winterbourne*, would belong to 'the Parish of *Saint John the Baptist, Frenchay*, that there were 'no Moduses or other Endowments arising in the said Parish 'of *Winterbourne*, that it was estimated that the Value or Pro-'duce of Fees, Oblations, Offerings, and other Ecclesiastical 'Dues, which then arose in the said Parish of *Saint John the 'Baptist, Frenchay*, were less by One Half than those which 'arose in the Parish of *Winterbourne*, but would probably in-'crease; and also stating that the Consents of the Lord Bishop 'of *Bristol*, and of the Presidents and Scholars of *Saint John 'Baptist College* in *Oxford*, the Patrons of the Parish Church of '*Winterbourne*, had been obtained, as required by the above-'mentioned Enactment of the said Act of the Fifty-eighth Year 'of His Majesty King *George* the Third, and His said Majesty 'having taken the said Representation, together with a Map 'thereunto annexed, into consideration, was pleased, by and 'with the Advice of His Privy Council, to approve thereof, and 'to order that the proposed Division should be accordingly 'made and effected agreeably to the Provisions of the said 'Acts: And whereas the said Chapel of *Frenchay* was con-'secrated on the Twenty-first Day of *August* One thousand 'eight hundred and thirty-four, at which Time the Reverend

'*John*

'*John Crosby Clark*, Batchelor of Divinity, was the Rector of 'the said original Parish Church of *Winterbourne*: And whereas 'the Order in Council before set forth bears Date the Twenty-'seventh Day of *May* One thousand eight hundred and thirty-'six: And whereas the said Reverend *John Crosby Clark* 'resigned his said Living shortly after the Consecration of the 'said Chapel of *Frenchay*, and before the Date of the said 'Order in Council, and thereupon the Reverend *William* '*Birkett Allen*, Doctor in Civil Law, was presented by the said 'President and Scholars of *Saint John Baptist College* in *Oxford* 'to the Rectory of *Winterbourne*: And whereas it has been 'considered, that in the Provision in the said Act of Parliament 'that no Division of any Parish into distinct Parishes shall 'completely take effect until after the Death, Resignation, or 'other Avoidance of the existing Incumbent of the Parish to 'be divided, the Word "existing" had reference to the Time 'of the Consecration of the said Chapel of *Frenchay*, and not 'to the Date of the said Order in Council; and it has there-'fore been considered that the Division of the said original 'Parish of *Winterbourne* into Two distinct Parishes became 'complete for all Purposes immediately upon the said Order in 'Council having been made, and accordingly the President and 'Scholars of *Saint John Baptist College* in *Oxford*, as the Patrons 'of the Parish Church of *Frenchay*, on the Third Day of *April* 'One thousand eight hundred and thirty-nine, presented the 'Reverend *Thomas Chandler Curties* to the Rectory of *Saint* '*John the Baptist*, *Frenchay*, and the said *Thomas Chandler* '*Curties* was thereupon duly instituted to the same Rectory; 'and the said *Thomas Chandler Curties* having afterwards resigned 'such Living, the said President and Scholars of *Saint John* '*Baptist College* in *Oxford* presented the Reverend *John Carter* 'to the same Rectory, who was duly instituted thereto, and is 'now considered to be and officiates as the Rector of the Parish 'Church of *Saint John the Baptist*, *Frenchay*; and from the Date 'of the said Order in Council until the Presentation of the said '*Thomas Chandler Curties* to the Rectory of *Saint John the Baptist*, '*Frenchay*, the Tithes by such Order in Council appropriated to 'the Parish of *Saint John the Baptist*, *Frenchay*, were received 'by the former Curate of the said Chapel of *Frenchay*, and 'since the Presentation of the said *Thomas Chandler Curties* 'to the same Rectory such Tithes have been received by him 'and the said *John Carter* during their respective Incumbencies, 'and from the Date of the said Order in Council Banns of 'Marriage have been published, and Marriages celebrated or 'solemnized, and Baptisms and Churchings had, within the 'said Parish Church of *Saint John the Baptist*, *Frenchay*, and 'in private Houses within the said Parish of *Saint John the* '*Baptist*, *Frenchay*, and Burials have been performed within the 'Cemetery appropriated or belonging to such Church, by the 'said *Thomas Chandler Curties* and *John Carter*, and divers other 'Clergymen, only a small Proportion thereof having been pub-'lished, celebrated, solemnized, or performed by the Incumbent

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'of the said original Parish Church of *Winterbourne*, or his 'Curate duly licensed in that Behalf: And whereas it is expe- 'dient, in order that there may not exist any Question as to the 'Validity of such of the said Banns, Marriages, Baptisms, 'Churchings, and Burials as were not published, celebrated, 'solemnized, or performed by the Incumbent of the said 'original Parish Church of *Winterbourne*, or his Curate duly 'licensed in that Behalf, or as to any similar Banns, Marriages, 'Baptisms, Churchings, and Burials which may be published, 'celebrated, solemnized, or performed hereafter, and in order 'for every other Purpose to remove all Doubt as to whether 'the said original Parish Church of *Winterbourne* was completely 'divided into Two distinct Parishes immediately upon the said 'Order in Council being made, to enact,' and 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 the Division of the said original Parish of *Winterbourne* into the said Two distinct Parishes of *Winterbourne* and *Saint John the Baptist, Frenchay*, shall, as well for past as for future Purposes, be deemed and taken to have completely taken effect from the Date of the said Order in Council.

Division of Parish of Winterbourne to be deemed to have been effected from Date of the Order in Council.

CAP. XLIII.

An Act to continue until the Thirty-first Day of *December* One thousand eight hundred and forty-two, and until the End of the then next Session of Parliament, an Act of the Tenth Year of King *George* the Fourth, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*.

[21st *June* 1841.]

'WHEREAS an Act was passed in the Tenth Year of the 'Reign of His late Majesty King *George* the Fourth, 'intituled *An Act to provide, until the First Day of* December *'One thousand eight hundred and thirty-four, for the Government 'of His Majesty's Settlements in* Western Australia *on the Western 'Coast of* New Holland: And whereas the said Act has been 'continued by several subsequent Acts; and by an Act passed 'in the First and Second Years of the Reign of Her present 'Majesty the same was continued until the Thirty-first Day 'of *December* One thousand eight hundred and forty-one, and 'until the End of the then next Session of Parliament; and it 'is expedient that the said Act should be further continued;' 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

10 G. 4. c. 22.

1 & 2 Vict. c. 46.