



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xxxvi.

An Act for uniting the Offices of Minister and
Chaplain of *Saint Philip's Church in Liverpool.*

[13th July 1857.]

WHEREAS by an Act passed in the First Year of the Reign
of King *George the Fourth*, intituled *An Act for regulating
and supporting a new Church or Chapel within the Town
of Liverpool in the County Palatine of Lancaster, and for the Solemnization of Marriages therein*, after reciting amongst other things
that *John Cragg Esquire* had lately appropriated and set apart a
certain Piece of Land situate on the North Side of *Hardman Street*
in *Liverpool*, and had erected, at his own Expense, a Gothic Building
as and for a Church or Chapel on Part of the said Piece of Land, and
that the same was then finished; and also reciting that, with the Con-
sent and Approbation of the Mayor, Aldermen, Bailiffs, and Common
Council of *Liverpool*, as Patrons of the Rectory or Parish Church of
Liverpool, and of the Rectors of the said Parish, the said Church had
been lately duly consecrated, it was amongst other things enacted,
that such Church should be called "the Church of *Saint Philip*" in
the Town of *Liverpool* in the County Palatine of *Lancaster*, and that
there should be regularly a Minister, and also a Chaplain, to officiate

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together at the said Church, and that upon every Vacancy in the said Church which should happen within the Space of Forty Years, to commence and be computed from the Time the said Church had been consecrated, it should be lawful for the said *John Cragg*, the Founder of the said Church and the Patron thereof, for the Term of Forty Years, from Time to Time, when and as there should be Occasion during the said Forty Years, to nominate and present under his Hand and Seal a fit and proper Person duly qualified to be Minister or Chaplain, as the Case might be, of the said Church; and from and after the Expiration of the said Term of Forty Years, the Patronage, free Disposition, Nomination, Appointment, and Right of Presentation of the said Minister and Chaplain to the said Church should for ever appertain and belong to, and the same was thereby vested in, the Mayor, Aldermen, Bailiffs, and Common Council of *Liverpool* for the Time being, or the major Part of them, in Common Council assembled; provided always, that the said Minister and Chaplain so appointed, and every other Minister and Chaplain to be thereafter appointed to the said Church, should be separately and distinctly subject to the lawful Jurisdiction of the Ordinary in all Things, and should be considered as holding a separate and distinct Benefice or Curacy, which should be subject to lapse, and to all such other Operations of the Laws Ecclesiastical of this Realm, in like Manner as if there were but One such Minister or Chaplain appointed to the said Church by virtue of the said Act; and it was also enacted, that the Minister and Chaplain for the Time being of the said Church (unless prevented by Sickness or other reasonable Cause, to be approved of by the Bishop or Ordinary of the Diocese), should alternately, every *Sunday* Morning, read in the said Church or Chapel the Morning Prayers and other Services prescribed in the Book of Common Prayer or Public Liturgy of the United Churches of *England* and *Ireland*, and in the Afternoon of every *Sunday* alternately in like Manner read therein the Evening Prayers and other Service prescribed in the Book of Common Prayer, and should, Two Days in each Week in *Lent*, and on each and every Day in *Passion Week*, and on such other Days as were, or might be appointed to be kept holy in like Manner read in the said Church the Morning Prayers and other Service so prescribed for such Days respectively; and should, on every *Sunday* throughout the Year alternately as well in the Morning as in the Evening, and on every *Christmas Day* and *Good Friday* in the Morning, after Divine Service performed, preach a Sermon in the said Church, and should on every *Good Friday*, *Easter Day*, *Whit Sunday*, and *Christmas Day*, and also upon the First *Sunday* in every Month (except in the Months in which *Easter Day* and *Whit Sunday* shall happen) administer the Holy Sacrament in the said Church, according to the Rites and Ceremonies of the

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United Church of *England* and *Ireland*; and it was also enacted, that the Minister and Chaplain so be appointed to the said Church should reside in or near to the Town of *Liverpool*, and perform the Duties of the said Church in manner therein-before directed, and that all Fees to be received and retained by such Minister and Chaplain for their own Use should be equally divided between them; and it was also enacted, that for the Maintenance of the Minister and Chaplain for the Time being of the said Church, the Persons who should be Wardens thereof for the Time being, and their Successors, should, by and out of the Rents of Pews or Seats erected therein, yearly pay to every Minister and Chaplain appointed by the Patron of the said Church a Sum not less than One hundred and seventy-five Pounds each, without any Deduction or Abatement for Taxes or otherwise howsoever, on the Twenty-ninth Day of *April* and Twenty-ninth Day of *October* in each Year, by even and equal Portions, and a due Apportionment of the said Salary should from Time to Time be made between the Executors and Administrators of any Minister or Chaplain of the said Church dying in the Interval between the half-yearly Days of Payment and the Successors of such Minister or Chaplain so dying, for and in respect of the Half Year wherein such Death should happen, and Provision was made in the said Act for recovering and enforcing Payment of the said Salaries respectively: And whereas the Office of Minister of the said Church having become vacant, the Reverend *Charles Henry Burton* Master of Arts (having been previously nominated and presented by the said *John Cragg*), was licensed thereto on or about the Fifteenth Day of *August* One thousand eight hundred and forty-six: And whereas the Office of Chaplain of the said Church afterwards became vacant, and the said *Charles Henry Burton* (who was then Minister of the said Church) was also nominated and presented by the said *John Cragg* to the said Office of Chaplain, and the Archbishop of *Canterbury*, by Writing under the Seal of the Office of Faculties at *Doctors Commons*, dated the Twenty-third Day of *April* One thousand eight hundred and forty-seven, granted unto the said *Charles Henry Burton* Licence or Dispensation freely and lawfully to hold together as long as he should live the Offices of Minister and Chaplain of the said Church, and the said *Charles Henry Burton* was thereupon licensed to the said Office of Chaplain of the said Church on the Twenty-fourth Day of *April* One thousand eight hundred and forty-seven: And whereas by the Act (Fifth and Sixth of *William* the Fourth, Chapter 5 & 6 W. 4. c. 76) for the Regulation of Municipal Corporations in *England* and *Wales*, it was enacted, that in every Case in which any Body Corporate, or any particular Class, Number, or Description of Members, or the governing Body of any Body Corporate then was or were in their Corporate Capacity, and not as Charitable Trustees, seised or

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or possessed of any Advowson in gross, or had any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson and Right of Nomination and Presentation should be sold at such Time and in such Manner as the Commissioners appointed by His Majesty to consider the State of the Established Church in *England* and *Wales*, with reference to Ecclesiastical Duties and Revenues, might direct, so that the best Price might be obtained for the same, and that the Proceeds of such Sale should be paid to the Treasurer of the Borough, and should be by him invested in Government Securities for the Use of the Body Corporate, and the annual Interest payable thereon should be carried to the Account of the Borough Fund; provided that in any Case of Vacancy arising before any such Sale should have taken place and been completed, such Vacancy should be supplied by the Presentation or Nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated: And whereas the Bishop of *Chester* is the Ordinary of the Diocese in which the said Church of *Saint Philip* is situated: And whereas Forty Years from the Date of the Consecration of the said Church expired on the Twenty-ninth Day of *October* last: And whereas the Advowson of the Rectory or Parish Church of *Liverpool* has been sold by the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* to *John Stewart* Esquire, who now is or claims to be the Owner thereof, and consents to the passing of this Act: And whereas Doubts have arisen whether the Dispensation of the Archbishop of *Canterbury* was effectual at Law to enable the said *Charles Henry Burton* to hold together the said Offices of Minister and Chaplain of the said Church, and whether One of the said Offices has not been void ever since the said *Charles Henry Burton* was licensed as Chaplain of the said Church, and is not now void, and whether the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* can sell and convey the Advowson of the said Church, or the Right of Nomination or Presentation thereto, unless and until the Vacancy be supplied in manner provided by the last-mentioned Act; and it is expedient that such Doubts should be removed, and that such Advowson or Right of Nomination or Presentation should be sold pursuant to the Provisions of such Act: And whereas it is desirable that the Offices of Minister and Chaplain of the said Church should be united: And whereas the Nomination, Presentation, and Licence of the said *Charles Henry Burton* to hold both the said Offices proceeded (if contrary to Law) entirely upon Misapprehension, and it is reasonable that such Nomination, Presentation, and Licence should be confirmed: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

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Lords Spiritual, Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. The Offices, Benefices, or Curacies of Minister and Chaplain of the Church of *Saint Philip* in *Liverpool* aforesaid shall be and the same are hereby united into One Office, Benefice, or Curacy, with respect to the Rights, Powers, Salaries, Emoluments, Duties, and Obligations which, under or by virtue of the first-recited Act, attached to the said Two Offices, Benefices, or Curacies respectively, and shall for all Purposes be held and considered to have been so united, and to have been lawfully held by the said *Charles Henry Burton* on and from the Twenty-fourth Day of *April* One thousand eight hundred and forty-seven, and from and after the passing of this Act the Incumbent for the Time being of the said Church shall be styled the Minister thereof, and shall continue to exercise, take, receive, perform, and be subject to all the Rights, Powers, Salaries, Emoluments, Duties, and Obligations which, under or by virtue of the first-recited Act, attached to the said Two Offices, Benefices, or Curacies respectively; and the said *Charles Henry Burton* shall be and continue Minister of the said Church until he shall die or resign or be lawfully deprived or removed from such Office, or vacate the same by being admitted to some other Benefice or Ecclesiastical Preferment, which by the Laws relating to the holding of Benefices in Plurality cannot be held in conjunction with any other Benefice or Ecclesiastical Preferment.

Offices of Minister and Chaplain united, and Incumbent to be styled Minister.

II. The Mayor, Aldermen, and Burgesses of the Borough of *Liverpool* shall sell the Advowson of the said Church of *Saint Philip* in *Liverpool*, or the Right of Nomination or Presentation thereto, 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 Proceeds of such Sale shall be paid to the Treasurer of the said Borough, and shall be by him invested in Government Securities for the Use of the Body Corporate; and the annual Interest payable thereon shall be carried to the Account of the Borough Fund of the said Borough, or such Proceeds may be otherwise applied according to the Law for the Time being in force relating to the Application of the Proceeds of the Sale of Advowsons by Municipal Corporations in *England*: Provided, that in any Case of Vacancy arising before such Sale shall have taken place and been completed, such Vacancy shall be supplied by the Presentation or Nomination of the Bishop of *Chester* for the Time being.

Power to Corporation to sell Advowson of the said Church.

III. Nothing in this Act contained shall be held or construed to prejudice, diminish, alter, or affect any of the Rights, Privileges, Powers, *[Local.]* 5 M Savings Right of the Patrons, &c.

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Powers, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Liverpool*, as Patron of the said Church, or other the Patrons thereof for the Time being, or of the Patron or of the Rector for the Time being of the Parish or Parish Churches of *Liverpool* aforesaid.

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