



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. 9.

An Act to amend an Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Division of the Rectory of Winwick in the County Palatine of Lancaster.*

[21st July 1845.]

WHEREAS an Act was passed in the Fourth Year of Your present Majesty, intituled *An Act for the Division of the Rectory of Winwick in the County Palatine of Lancaster:* 4 & 5 Vict. c. 9.

And whereas since the passing of such Act Your Majesty's Commissioners for building new Churches, under and by virtue of the Provisions of such Act, and of an Act 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,* with the requisite Consents therein expressed of the Right Reverend the Lord Bishop of *Chester* (Ordinary of the said Parish of *Winwick*), of the Right Honourable *Edward* Earl of *Derby*, of the Right Honourable *Edward Geoffrey* Lord *Stanley*, (the Patrons of the said Rectory or Parish Church of *Winwick*), and of the Reverend *James John Hornby*, the Rector and Incumbent of the said Parish of *Winwick*, duly prepared and made a Representation to Your Majesty in Council that it was expedient that such Parts of the

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said

said Parish of *Winwick* as were comprised in the several Towns or Townships of *Croft-with-Southworth*, *Newton-in-Makerfield*, and *Culcheth*, should be divided into Three distinct and separate Parishes for all ecclesiastical Purposes whatsoever, and that One of such distinct and separate Parishes should comprise the Township of *Newton-in-Makerfield*, and be called the Parish and distinct Rectory of *Newton-in-Makerfield*, with Boundaries described in such Representation; and that one other of such distinct and separate Parishes should comprise the Township of *Culcheth*, and be called the Parish and distinct Vicarage of *Culcheth*, with Boundaries also described in such Representation; and that the other of such distinct and separate Parishes should comprise the Township of *Croft-with-Southworth*, and be called the Parish and distinct Rectory of *Croft-with-Southworth*, with Boundaries also described in such Representation: And whereas in such Representation Your Majesty's said Commissioners further represented to Your Majesty the Amount of the Glebe Land situate in the Township of *Winwick-with-Hulme* in the said Parish of *Winwick*, which would remain in the said Parish of *Winwick* and belong to the Rector thereof, and also the estimated Value of the Tithes, or commuted Rents in lieu of Tithes, which would arise in and belong to the Parish of *Winwick*, and of those which would arise in and belong to the said new Parish of *Newton-in-Makerfield*, and of those which would arise in and belong to the said new Parish of *Culcheth*, and of those which would arise in and belong to the said new Parish of *Croft-with-Southworth*; and also the estimated Amount of the Value or Produce of the Oblations, Offerings, and other ecclesiastical Dues which would arise in the said Parish of *Winwick*, in the said Parish of *Newton-in-Makerfield*, in the said Parish of *Culcheth*, and in the said Parish of *Croft-with-Southworth*, respectively; and also the estimated permanent Endowments which would accrue to the several Churches or Benefices of *Emanuel* at *Newton-in-Makerfield*, *New Church* at *Culcheth*, and *Christ Church* at *Croft-with-Southworth*, after the Separation thereof as therein mentioned; and also the estimated permanent Endowments, arising from Tithes and Glebe, which would remain to the said Parish of *Winwick* after the Separation of such last-mentioned Benefices: And whereas Your Majesty, at the Court held at *Windsor* on the Twenty-eighth Day of *November* last past, having taken such Representation, together with the Map thereunto annexed, into consideration, was pleased, by and with the Advice of Your Majesty's Privy Council, to approve thereof, and to order, as it was thereby ordered, that the proposed Division shall be accordingly made and carried into effect agreeably to the Provisions of the said herein firstly and secondly mentioned Acts referred to in such Representation for the Division of the Parish of *Winwick*: And whereas, since the passing of the said herein-before first-mentioned Act, Your Majesty's said Commissioners, under and by virtue of the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His 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*, with the Consent therein required of the Lord Bishop of *Chester*, duly prepared and made a Representation to Your Majesty in

Order in
Council,
28th Nov.
1844.

59G.3.c.134.

Council, that, having taken into consideration all the Circumstances attending the newly formed Parish of *Newton-in-Makerfield*, it appeared to Your Majesty's said Commissioners expedient that a particular District should be assigned to the Chapel of *St. Peter-at-Newton* situated in the said newly formed Parish of *Newton-in-Makerfield*, and that such District should be named the Chapelry District of *St. Peter Newton-in-Makerfield*, with Boundaries as described in such Representation, and that Banns of Marriage should be published, and that Marriages, Baptisms, Churchings, and Burials should be solemnized and performed, in the said Chapel of *St. Peter*, and that the Fees arising therefrom should be received by and belong to the Minister thereof: And whereas Your Majesty, at the Court held at *Windsor* on the Third Day of *February* last past, having taken the said Representation, together with a Map of the proposed District thereunto annexed, into consideration, was pleased, by and with the Advice of Your Majesty's Privy Council, to approve thereof, and to order, as it was thereby ordered, that the proposed Assignment be accordingly made, and that the Recommendation of Your Majesty's said Commissioners, in respect of the Publication of Banns, and the Solemnization of Marriages, Baptisms, Churchings, and Burials, and the Appropriation of the Fees arising therefrom, should be carried into effect, agreeably to the Provisions of the said Act: And whereas the said Orders in Council have been according to Law duly registered in the Diocese of *Chester*: And whereas it is desirable that the Orders in Council herein-before mentioned should be confirmed; and it is necessary, in order completely to carry into effect its beneficial Objects, that the Act herein-before first recited for the Division of the said Rectory of *Winwick* should be in certain Particulars amended and enlarged: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Edward Earl of Derby* and *Edward Geoffrey Lord Stanley*, do most humbly beseech 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 Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Orders in Council herein-before referred to, and all the Matters and Things contained in the respective Representations to Her Majesty in Council on which such Orders in Council were respectively made, shall, except so far as the same are altered or affected by this Act, be and the same are hereby confirmed.

Order in
Council,
3d Feb. 1845.

Orders in
Council con-
firmed.

II. And be it enacted, That so much of the herein-before first-recited Act for the Division of the said Rectory of *Winwick* as enacts that the Township of *Kenyon* should by itself be made a distinct Ecclesiastical District, and so much of the said Act as enacts that such Township shall not be formed into a separate Ecclesiastical District until the Population thereof shall amount to Six hundred Persons, and a Church capable of affording Accommodation to Two hundred and fifty Persons shall have been provided within such Township, shall be and the same is hereby repealed.

Repeal of
ss. 2. and 18.
of 4 & 5 Vict.
c. 9. as to
Separation
of Kenyon.

III. And be it enacted, That from and after the passing of this Act the said Township of *Kenyon* shall form and be Part of the newly

Kenyon to
be Part of
the new

Parish of Culcheth, and such Parish to be hereafter called the Rectory of Newchurch, whereof the Rev. F. A. Bartlett to be the first Rector.

newly formed Parish of *Culcheth*, and shall be under the Spiritual Care of the Incumbent of such Parish; and the said Parish of *Culcheth*, with the said Township of *Kenyon* annexed thereto, shall be a Rectory, and shall be called the Parish and Rectory of *Newchurch*, and shall not be a Vicarage, any thing in the said Order in Council first herein mentioned notwithstanding; and the Reverend *Frederick Augustus Bartlett*, the present Incumbent of such Vicarage, without any fresh Presentation, Institution, or Induction thereto, or other Form of Law being had, observed, or required, shall be to all Intents and Purposes Rector of the said Parish and Rectory.

The Tithes of *Kenyon* annexed to the Rectory of *Newchurch*.

IV. And be it enacted, That all the Tithes arising within the said Township of *Kenyon*, or any Commutation in lieu of Tithes, shall (subject as herein-after mentioned) for ever thenceforth be annexed to the said Parish and Rectory of *Newchurch*, in addition to the Tithes and other Endowments annexed to the Vicarage of *Culcheth* under the first herein mentioned Order in Council, and the same shall belong and be paid to the said *Frederick Augustus Bartlett* as Rector thereof, and his Successors.

Repeal of ss. 2. and 17. of 4 & 5 Vict. c. 9. as to *Golborne* and *Lowton*.

V. And be it enacted, That so much of the herein-before first-recited Act as provides that the Township of *Golborne* in the said Parish of *Winwick* shall be a distinct Ecclesiastical District, and that no such separate Ecclesiastical District shall be formed of such Township until the Population thereof shall amount to Two thousand Persons, and a Church capable of affording Accommodation for Six hundred Persons shall have been provided within such District, shall be and the same is hereby repealed; and that so much of the said first-recited Act as provides that the Township of *Lowton* shall be a separate Ecclesiastical District shall be and the same is hereby repealed.

Golborne annexed to the Parish of *Lowton*, and the Rev. J. Pennington to be the first Rector.

VI. And be it enacted, That the said Township of *Golborne* shall from and after the passing of this Act be annexed to the said Township of *Lowton* in the said Parish of *Winwick*, and that the said Townships of *Golborne* and *Lowton* shall be One Parish and Rectory, and shall be called the Parish and Rectory of *Lowton*, and that the present Church within the said Township of *Lowton* shall be the Parish Church of the said Parish and Rectory, and the Reverend *John Pennington*, the present Minister of such Church, shall be Rector thereof, without any fresh Presentation, Institution, or Induction thereto, or other Form of Law, being had, observed, or required.

The Tithes of the Township of *Lowton* annexed to that Rectory.

VII. And be it enacted, That all the Tithes arising within the said Township of *Lowton*, or any Commutation in lieu thereof, shall (subject as herein-after mentioned) thenceforth be annexed to the said Parish and Rectory of *Lowton*, and the same shall belong and be paid to the said *John Pennington* as Rector thereof and his Successors.

Subject to first Presentation reserved to

VIII. And be it enacted, That the first Turn or Right of Presentation to the said Parish and Rectory of *Newchurch*, and the said Parish and Rectory of *Lowton*, on the next Vacancy in each Case, shall

shall belong to the said *James John Hornby*, if he shall then be Rector of the said Rectory of *Winwick*, and, subject thereto, that the Advowson, Right of Patronage and Presentation to each such Parish and Rectory, shall be vested in the Person or Persons for the Time being entitled to the Advowson of the said Rectory of *Winwick*.

Rev. J. J. Hornby, the Advowson of *Lowton* to vest in the Patron of *Winwick*.

IX. Provided always, and be it enacted, That if at any Time after the passing of this Act a Church capable of accommodating at least Five hundred Persons shall be built within the said Township of *Golborne*, with such Proportion of Free Seats therein, and according to such Plans, as shall be approved of by the Bishop of the Diocese for the Time being, and such Church shall be consecrated, or if at any Time after the passing of this Act, and before the building and Consecration of a new Church within the said Township of *Golborne*, a District not then containing within its Limits any consecrated Church or Chapel in use for the Purposes of Divine Worship, and consisting of the said Township of *Golborne*, shall be constituted under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to make better Provision for the Spiritual Care of populous Parishes*, and a Church shall, subsequently to such District being constituted, be built and duly consecrated therein, the said Township of *Golborne* shall no longer form Part of the Rectory and Parish of *Lowton*, but such Township shall, whichever shall first happen in either of such Cases, thenceforth become and be a separate Parish and Rectory, and shall be called the Parish and Rectory of *Golborne*; and if such should happen during the Incumbency of the said *James John Hornby*, the present Rector of *Winwick*, the first Turn or Right of Presentation to the said Parish Church and Rectory of *Golborne* shall belong to and may be exercised by him, but if the same should not happen during such Incumbency, then the Advowson, Patronage, and Right of Presentation to such Parish Church and Rectory shall belong to and may be exercised by the Person or Persons for the Time being entitled to the Advowson of the said Rectory of *Winwick*.

In certain Events *Golborne* to be separated from *Lowton*, and to become a distinct Rectory and Parish, and in such Case the Advowson, subject to Rev. J. J. Hornby's first Turn, as before, to vest in the Patron of *Winwick*.

X. And be it enacted, That if a District shall be constituted under the said last-recited Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, consisting as aforesaid of the Township of *Golborne*, the Provisions of such last-mentioned Act relating to Districts thereunder constituted shall apply to the District of *Golborne*, so far as the same are applicable thereto, and are not inconsistent with and repugnant to the Provisions of this Act; and if a Church shall afterwards be built and consecrated within such District, the Provisions of such last-mentioned Act relating to Parishes thereunder constituted shall apply to the said Church and Parish of *Golborne*, so far as the same are applicable thereto, and are not inconsistent with and repugnant to the Provisions of this Act: Provided that in such Case the Advowson, Right of Patronage, and Presentation thereto, shall belong to and may be exercised by the same Person or Persons as aforesaid, and in the same Manner as if such Parish and Rectory had been formed as aforesaid independent of the Provisions of the last-recited Act.

If *Golborne* be made a District under 6 & 7 Vict. c. 37. the Provisions of that Act to apply where not inconsistent with this Act.

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XI. And

Golborne to be rated to the Repairs of Lowton Church until the Separation.

XI. And be it enacted, That so long as the said Township of *Golborne* shall continue Part of the Rectory and Parish of *Lowton*, and no longer, it shall be liable to be rated, proportionably with the said Township of *Lowton*, for the Repairs of the Church of such Parish, and shall also continue liable for Twenty Years, and no longer, from the Time of passing this Act, to the Maintenance and Repairs of the Parish Church of *Winwick*; and that the Tithes, or Commutation in lieu thereof, so long as the said Township of *Golborne* shall continue Part of the said Parish and Rectory of *Lowton*, shall continue to belong to and be received by the Rector of *Winwick* for the Time being.

Repeal of ss. 2 and 17 of 4 & 5 Vict. c. 9. as to Haydock and Ashton.

XII. And be it enacted, That so much of the said herein-before first-recited Act as provides that the Township of *Haydock* and the Township of *Ashton-in-Makerfield* shall each be a distinct Ecclesiastical District shall be and the same is hereby repealed.

Ashton, except the Town End, constituted the Rectory of Ashton-in-Makerfield, and the Rev. H. H. Sherlock declared the first Rector, and entitled to all the Tithes of the whole Township of Ashton, subject, as in the former Act, during Rev. E. Sibson's Incumbency of St. Thomas.

XIII. And be it enacted, That from and after the passing of this Act the whole of the said Township of *Ashton-in-Makerfield* (except that Part which is called the Town End) shall form the said Parish and Rectory of *Ashton-in-Makerfield*, and shall be called by the Name of the Parish and Rectory of *Ashton-in-Makerfield*; and that the Church of *Holy Trinity* in the said Township of *Ashton-in-Makerfield* shall be the Parish Church of such Parish and Rectory; and that the Reverend *Harold Hopley Sherlock*, the present Incumbent of such Church, shall be the Rector of such new Parish and Rectory, without any fresh Presentation, Institution, or Induction, or other Form of Law, being had, observed, or required; and all the Tithes, or Commutations in lieu thereof, (subject as herein-after provided,) arising and accruing out of the whole of the said Township of *Ashton-in-Makerfield*, shall belong and be paid to the Rector thereof for the Time being; but such Tithe and Tithe Rents shall be for ever thereafter charged with the Payment to the Vicar of *St. Thomas's* Church in the said Township, as herein-after enacted, of the annual Sum of Fifty Pounds heretofore charged upon the Tithes of the Rectory of *Winwick*, such annual Sum to be paid half-yearly, the first Payment to be made at the Expiration of Six Calendar Months after the Time of the passing of this Act; and such Tithe, or Tithe Rents, or other Emoluments, with which the said Parish and Rectory of *Ashton-in-Makerfield* is by this Act endowed, shall, during the Incumbency of the Reverend *Edmund Sibson* as Incumbent of the said Church of *St. Thomas*, in the said Township of *Ashton-in-Makerfield*, be subject to the Payment to the said *Edmund Sibson*, as such Incumbent, of such Proportion of the said Tithes, Tithe Rents, and other Emoluments with which the said Rectory and Parish of *Ashton-in-Makerfield* is by this Act endowed, as are mentioned and declared in the said herein-before first-recited Act as payable to the said *Edmund Sibson* if the said Township of *Ashton-in-Makerfield* had been created during the Incumbency of the said *Edmund Sibson* a distinct Rectory under the Provisions of such Act.

Advowson of Ashton Rectory, sub-

XIV. And be it enacted, That if during the Incumbency of the said *James John Hornby*, the present Rector of *Winwick*, the said

Harold Hopley Sherlock shall cease to be Rector of the said Parish and Rectory of *Ashton-in-Makerfield*, the said *James John Hornby*, as such Rector of *Winwick*, shall be entitled to the first Turn or Right of Presentation to the said Parish and Rectory of *Ashton-in-Makerfield*, and, subject thereto, the Advowson, Right of Patronage, and Presentation to the said Parish and Rectory shall be vested in the Person or Persons for the Time being entitled to the Advowson of the Rectory of *Winwick* aforesaid.

ject to Rev. J. J. Hornby's first Turn, vested in the Patron of *Winwick*.

XV. And be it enacted, That from and after the passing of this Act that Part of the said Township of *Ashton-in-Makerfield* which is called the Town End, and the whole of the said Township of *Haydock*, shall form a separate Parish and Vicarage, and shall be called the Parish and Vicarage of *Saint Thomas* in *Ashton-in-Makerfield*, and that the present Church of *St. Thomas* in *Ashton-in-Makerfield* shall be the Parish Church of such Parish and Vicarage.

Town End of *Ashton*, and the Township of *Haydock* constituted the Parish and Vicarage of *St. Thomas* in *Ashton*.

XVI. And be it enacted, That for the Purposes of this Act the said Town End of *Ashton-in-Makerfield* shall comprise and consist of all such Parts of the said Township of *Ashton-in-Makerfield* as shall lie to the Southward of a Line to be drawn as follows; (that is to say,) beginning at a Place where the Boundary between the said Township of *Ashton-in-Makerfield* and the said Township of *Haydock* crosses a certain Lane there called *Millfield Lane*; thence proceeding along the Centre of the said Lane to a certain other Lane in *Ashton-in-Makerfield* aforesaid, called *Dock Lane*; thence proceeding eastwardly along the Centre of such last-mentioned Lane to a Brook which crosses the same Lane about Sixty-five Yards beyond the Fourth Milestone from *Saint Helens*; thence crossing the same Lane to the North-easterly Abutment of a Bridge which crosses the said Brook; thence proceeding in a straight Direction to a Mere Stone standing in a certain other Lane in *Ashton-in-Makerfield* aforesaid, called *Nichol Lane*, near the Place where a public Footway enters the same Lane; thence proceeding along the Centre of such last-mentioned Lane to another Lane in *Ashton-in-Makerfield* aforesaid, called *Long Lane*; thence proceeding along the Centre of the said last-mentioned Lane to another Lane in *Ashton-in-Makerfield* aforesaid, called the *Brynn Lane*; thence proceeding along the Centre of such last-mentioned Lane to a Place where a certain Brook called *Coffin Lane Brook* crosses the same Lane; and thence following the Line of the said Brook in an Eastwardly Direction until it reaches the Boundary of the said Township of *Ashton-in-Makerfield*.

Boundaries of the Town End of *Ashton-in-Makerfield* defined.

XVII. And be it enacted, That all the Tithes or Commutation in lieu thereof arising out of the said Township of *Haydock* shall, (subject as herein-after mentioned) belong and be paid to the Vicar for the Time being of the said Parish and Vicarage of *Saint Thomas* in *Ashton-in-Makerfield*; but that One Moiety or equal Half Part of the net Proceeds of such Tithes or Commutation in lieu thereof with which the said Parish and Vicarage is by this Act endowed shall, during the Incumbency of the said *Edmund Sibson* as such Vicar as aforesaid, be by the said *Edmund Sibson* paid over to the said *Harold Hopley*

The Tithes of *Haydock* assigned to the Vicarage of *St. Thomas*, subject, during Rev. E. Sibson's Incumbency, to the Payment of one Moiety

to the Rector of Ashton. *Hopley Sherlock*, and his Successors as such Rectors as aforesaid, for his and their own Use and Benefit.

The Tithes of Haydock to be subject to further Charges on the Creation of Districts. XVIII. And be it enacted, That the said Tithes or Commutation in lieu thereof arising in the said Township of *Haydock* shall be further subject to the Payment of the annual Rent-charges thereon, as herein-after provided, on the Formation of a District or Districts to be hereafter taken out of the Townships of *Haydock* and *Ashton-in-Makerfield* respectively.

The Rev. E. Sibson to be the first Vicar of St. Thomas's in Ashton, and, subject thereto, the Patronage to vest in the Rector of Ashton. XIX. And be it enacted, That the Reverend *Edmund Sibson*, the present Curate of *Saint Thomas's* Church in *Ashton-in-Makerfield*, shall be and he is hereby declared to be the first Vicar of the said Parish and Vicarage of *Saint Thomas* in *Ashton-in-Makerfield*, without any fresh Presentation, Institution, or Induction thereto, or other Form of Law, being had, observed, or required; and that, subject to such Incumbency, the Advowson, Right of Patronage, and Presentation to the said Parish and Vicarage of *Saint Thomas* in *Ashton-in-Makerfield* shall belong to and may be exercised by the Rector for the Time being of the aforesaid Parish and Rectory of *Ashton-in-Makerfield*.

Provision for the Formation of a District in case a new Church or Churches shall be built in the Rectory of Ashton or the Vicarage of St. Thomas. XX. And be it enacted, That if at any Time hereafter a new Church or new Churches shall be built in the said Parish of *Ashton-in-Makerfield*, or in the said Parish of *Saint Thomas* in *Ashton*, or in either of such Parishes, it shall be lawful, on the Consecration of each such Church, for Her Majesty's Commissioners for building new Churches, with the Consents of the Bishop of the Diocese, the Patron or Patrons, and also of the said *James John Hornby* if he shall then be Rector of the said Rectory of *Winwick*, under their Hands, to represent to Her Majesty in Council that it would be expedient to form a consolidated District for such new Church, to be taken out of the respective Parishes of *Ashton-in-Makerfield* and *Saint Thomas* in *Ashton-in-Makerfield*, and the Boundaries of such District shall be described in such Representation, with a Map or Plan thereof thereunto annexed; and if thereupon Her Majesty in Council shall be pleased to approve and confirm such Representation, the Formation of each such consolidated District shall be valid in Law, and each such District shall be a Perpetual Curacy, and the Spiritual Person serving the same shall be Perpetual Curate thereof: Provided nevertheless, that no such new Church shall be consecrated until a Fund for the Maintenance of the Fabric of such Church and the Repairs thereof shall be provided, satisfactory to the Bishop of the Diocese for the Time being, both as to its Amount and Investment, and certified as being so by him, and such Certificate shall be annexed to the Deed or Sentence of Consecration of such Church.

Provision for a Charge on the Tithes of Haydock on the Formation of such District. XXI. And be it enacted, That from and after the Formation of each such consolidated District, the Tithes, or any Commutation in lieu thereof, arising within the said Township of *Haydock*, shall for ever thereafter be charged with the annual Payment of Forty Pounds to the Incumbent of each such consolidated District; and each such

such annual Sum shall be paid half-yearly to each such Incumbent, the first Payment to be made at the Expiration of Six Calendar Months from the Time when each such consolidated District shall have been formed, or such Church or Churches shall have been consecrated as aforesaid.

XXII. And be it enacted, That the first Turn or Right of Presentation to the first newly erected Church or newly formed District and Perpetual Curacy as aforesaid shall belong to and may be exercised by the said *James John Hornby*, if he shall on such respective Formation or Erection be Rector of the Rectory of *Winwick*, and, subject thereto, that the Advowson, Right of Patronage and Presentation to such Consolidated District and Perpetual Curacy shall belong to and may be exercised by the Rector for the Time being of the Parish of *Ashton-in-Makerfield*; and that the first Turn or Right of Presentation to such secondly formed consolidated District and Perpetual Curacy shall belong in like Manner to the said *James John Hornby*, if he shall then be Rector of the said Parish of *Winwick*, and that, subject thereto, the Advowson, Right of Patronage and Presentation to such secondly formed District and Perpetual Curacy shall belong to and may be exercised by the Vicar for the Time being of the Vicarage of *Saint Thomas in Ashton-in-Makerfield*.

Regulation as to the Patronage of such District when formed.

XXIII. Provided always, and be it enacted, That, notwithstanding any thing herein-before contained, it shall be lawful for the Ecclesiastical Commissioners for *England* acting under the Provisions of the said recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, at any Time after the passing of this Act, and before the Formation by Her Majesty's Church Building Commissioners of any such District or Districts as last herein-before mentioned, or before the Erection and Consecration of any new Church or Churches within the said Parishes of *Ashton-in-Makerfield* and *Saint Thomas in Ashton-in-Makerfield*, or either of them, with the like Consents, and subject to the same or the like Conditions as to Patronage and Endowment, to constitute any Part or Parts of the same Parishes, or either of them, a District or Districts under the Powers of such last-mentioned Act; and the Provisions of such last-mentioned Act relating to Districts thereunder constituted shall apply to each such District, so far as the same are applicable thereto, and are not inconsistent with and repugnant to the Provisions of this Act; and if a Church shall afterwards be built and consecrated within any such District the Provisions of such last-mentioned Act relating to Parishes thereunder constituted shall apply to each such Church, so far as the same are applicable thereto, and are not inconsistent with and repugnant to the Provisions of this Act.

Power for the Ecclesiastical Commissioners acting under 6 & 7 Vict. c. 37. to constitute any Part or Parts of the Parishes of *Ashton-in-Makerfield* and *St. Thomas in Ashton* a District or Districts.

XXIV. And be it enacted, That each Rector, Vicar, or Perpetual Curate for the Time being of each Parish or District formed by the herein-before mentioned Orders in Council, or by this Act, or to be formed in pursuance thereof, shall have exclusive Cure of Souls within and over each such Parish or District, and shall be subject to such legal Provisions as to Presentation thereto (except so far as is

Rectors or Vicars of new Parishes to have exclusive Cure of Souls.

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otherwise

otherwise provided by this Act), and to all such Ecclesiastical Jurisdiction (save and except the Provisions as to holding several Benefices, which shall be regulated by Law), as are by Law applicable to the said present Rectory of *Winwick*; and each such Incumbent shall, from the Time of his becoming by Law Incumbent, have the like Authority and Powers over the Curates and Ministers of the several Chapels and Churches in his Parish or District as the Rector of *Winwick* would have been entitled to if the said herein-before first-recited Act and this Act had not been passed.

Endowment
of Rectors,
Vicars, and
Perpetual
Curates.

XXV. And be it enacted, That each such Rector, Vicar, or Perpetual Curate for the Time being shall be entitled (in addition to any Endowments heretofore granted to his Benefice, and to the like Surplice Fees as are payable to the Rector of *Winwick*,) to Pew Rents, if any, of the Church of such Rectory, Vicarage, or Perpetual Curacy, and to a Parsonage House and Glebe, if any is or is to be provided for the same under the Provisions of the herein-before first-recited Act or otherwise; and each such Rector or Vicar shall be entitled to all the Tithes, or Commutation in lieu thereof, annexed to each such Rectory or Vicarage created under the Powers and Authorities aforesaid, or by this Act, and shall be entitled to all Remedies for obtaining the same, to which the Rector of the said present Rectory or Parish of *Winwick* would have been entitled if the herein-before first-recited Act or this Act had not been passed; and each such Perpetual Curate for the Time being shall have, in respect to any such Charge on Tithes as is created by this Act in favour of such Perpetual Curate, the like Remedies for obtaining and recovering the same as the Rector or Vicar of the Rectory or Vicarage on which such Rent-charge is made would have been entitled to in case of Non-payment of Tithe or any Commutation in lieu thereof.

Rectors,
Vicars, and
Perpetual
Curates, to
be Bodies
Corporate,
and em-
powered to
take Endow-
ments.

XXVI. And be it enacted, That each Rectory and Vicarage created by this Act, and each Perpetual Curacy to be created in pursuance of the Provisions thereof, shall be a separate Ecclesiastical Benefice; and every Incumbent for the Time being of each such Rectory, Vicarage, or Perpetual Curacy shall be a Body Corporate, in the same Manner as Rectors, Vicars, or Perpetual Curates now are by Law, and may take and hold such Endowments, in Messuages, Lands, or Tithes, or any such Augmentation, as shall be granted to him in pursuance of this Act or otherwise; and the Provisions of the herein-before first-recited Act as to Lapse shall apply to each such Rectory, Vicarage, or Perpetual Curacy.

Patrons to
be subject to
the Laws in
force as to
Benefices.

XXVII. And be it enacted, That the Patron or Patrons of each such Rectory, Vicarage, or Perpetual Curacy shall be subject to the like Laws as are or may be in force in respect to Ecclesiastical Benefices, and to the Presentation thereto, except so far as to Presentation as is by this Act otherwise provided.

Rector of
Winwick ex-
empted from
Cure of Souls

XXVIII. And be it enacted, That the Rector for the Time being of the said Rectory of *Winwick* shall for ever from and after the passing of this Act be exonerated from the Cure of Souls of the Inhabitants within the respective Parishes or Districts created by this

Act (and from the Cure of Souls of the Inhabitants of the Districts to be created in pursuance thereof, so soon as the same shall have been formed). in the new Parishes.

XXIX. Provided always, and be it enacted, That, notwithstanding any thing herein contained, the Monies required and which have been raised for the Purpose of paying the Expences of the Alterations and Reductions in and about the Residence of the said Rector of *Winwick*, as mentioned and provided for in the first herein-before recited Act, and the Amount of all Costs, Charges, and Expences incurred preparatory and with a view to such Act, and the Interest of all Monies raised under the Authority and for the Purpose aforesaid, shall be a Charge on all the Tithes and Tithe Rents issuing and arising within the said Parish of *Winwick*, except the Tithes and Tithe Rents of the Township of *Winwick-with-Hulme*, and of the Township of *Houghton with Middleton and Arbury*, and shall be satisfied in the Manner mentioned in such herein-before first-recited Act, rateably and proportionably and according to the Amount of the respective Portions of such Tithes and Tithe Rents by the respective Incumbents of the respective Ecclesiastical Rectories and Vicarage into which the said Parish shall have been or shall be divided under the Provisions of the herein-before first-recited Act or this Act; and the same Provisions which are enacted in the said herein-before first-recited Act as to mortgaging such Tithes for the Purpose of raising such Monies, and the Repayment and Recovery of such Monies so raised, and as to the Mode by which the Amount of the Costs, Charges, and Expences thereby charged shall be ascertained, and as to the Powers of the Governors of the Bounty of Queen *Anne* to lend any Sum or Sums of Money by that Act authorized to be raised, shall apply to each Parish or District formed under the first herein-before recited Act or this Act, or to be formed in pursuance thereof. Certain Charges imposed by the former Act continued by this Act.

XXX. And be it enacted, That Banns of Marriage may be published, and Marriages, Baptisms, Churchings, and Burials performed, or continue to be published and performed, in each of the Churches of the respective Rectories, Vicarage, or Perpetual Curacies created or to be created by this Act, or in pursuance thereof, or by any Order in Council in pursuance of the herein-before first-recited Act or this Act, and that the Fees arising therefrom shall belong and be paid to the respective Incumbents thereof. Marriages, &c. may be solemnized in the new Churches.

XXXI. And be it enacted, That the Parishes or Districts created by this Act or by the Authorities aforesaid shall only be Parishes or Districts for Ecclesiastical Purposes, and that nothing contained in the herein-before first-recited Act or this Act shall affect the Laws relating to the Relief, Settlement, or Management of the Poor within the said Parish of *Winwick*. This Act not to affect the Laws relating to the Settlement of the Poor.

XXXII. Provided always, and be it enacted, That the Rights of Burial of the Inhabitants of the Townships of *Ashton-in-Makerfield*, *Lowton*, *Haydock*, and *Golborne* shall not be affected or altered by this Act with respect to being buried in the Burial Grounds of the said Townships of *Ashton-in-Makerfield* and *Lowton*. Rights of Sepulture reserved in the Burial Grounds of Ashton and Lowton.

XXXIII. And

Certain
Rights of
Sepulture in
Winwick
Churchyard
reserved.

XXXIII. And be it enacted, That it shall be lawful for any of the Inhabitants of the said Parish of *Winwick* to be buried in the Churchyard of the Parish of *Winwick* aforesaid, without being subject or liable to any other Fees than would have been payable if the herein-before first-recited Act or this Act had not been passed; but such Privilege shall cease, as to the Inhabitants of the respective Parishes which shall be separated by this Act, or in pursuance thereof, or which shall have been separated by any Order in Council under the Provisions of the herein-before first-recited Act, at the Expiration of Twenty Years next after the Separation thereof (except in the Case of Persons having Vaults or Tombs erected and made in the Churchyard of *Winwick* aforesaid).

Not to affect
Rights to
private
Chapels.

XXXIV. Provided always, and be it enacted, That nothing in the herein-before first-recited Act or this Act contained, or any thing done in pursuance thereof, shall prejudice the Rights of any Persons whatsoever to any private Chapels, Vaults, or Burying Places in *Winwick* Church aforesaid, or in the Churchyard of *Winwick*, or alter the Liabilities of such Persons to keep such Chapels, Vaults, or Burying Places in repair.

Present
Parsonage
Houses to
be the Par-
sonage
Houses of
the new
Rectories or
Vicarage.

XXXV. And be it enacted, That the respective Houses, with the Appurtenances thereto belonging, now occupied by the respective Incumbents or Curates of *Lowton*, *Holy Trinity*, and *Saint Thomas's* in *Ashton-in-Makerfield*, shall, when the said respective Townships or Parts of Townships shall have become distinct Rectories or a distinct Vicarage under this Act, continue and be the respective Parsonage or Glebe Houses of the respective Incumbents thereof.

Provisions
of Church
Building
Acts to be
applicable to
this Act.

XXXVI. And be it enacted, That the Privileges, Exemptions, and Provisions of the several Acts recited in the Preamble to the first herein-before recited Act, being the Church Building Acts, may be used for the Purpose of carrying this Act into execution, so far as such Provisions are applicable to and not inconsistent with or repugnant to the Provisions of this Act.

New Parish
Churches to
be repaired
by the In-
habitants of
such respec-
tive Parishes.

XXXVII. And be it enacted, That each of the respective Churches within the Parishes and Districts which are created by this Act shall be from Time to Time maintained and repaired at the sole Costs and Charges of the Inhabitants of such Parish or District, and all Sums of Money requisite for such Repairs and Maintenance shall be raised, levied, and applied by the like Ways and Means in all respects whatsoever, and in the same Manner, and under the same Regulations, (*mutatis mutandis*), as the Sums of Money requisite for the Repairs and Maintenance of the Mother Church of the said Parish of *Winwick* have heretofore been raised, levied, and applied.

Appointment
of Church-
wardens.

XXXVIII. And be it enacted, That Two fit Persons shall be annually appointed Churchwardens for the Church of every Parish or District formed under the Orders in Council herein-before mentioned, or under this Act, or which shall hereafter be formed under the Provisions thereof; and the first Appointment of such Churchwardens shall take place One Month after the passing of this Act,
with

with reference to any Division or District already formed under the said Orders in Council, or formed under this Act, and afterwards at the next usual Period of appointing Churchwardens after the passing of this Act; and on the Formation of any further Parish or District in pursuance of this Act the Appointment of such Churchwardens for every such Parish or District shall take place at the next usual Period of appointing Churchwardens after the Formation of such Parish or District, and one of such Churchwardens shall be chosen by the Incumbent of the Rectory, Vicarage, or Perpetual Curacy created or to be created as aforesaid, and the other Churchwarden shall be chosen by the Inhabitants or the Majority of the Inhabitants residing in such Parish or District, having a similar Qualification to that which would enable Inhabitants to vote at the Election of Churchwardens for the said original Parish of *Winwick*; and such Election shall take place at a Meeting, to be summoned, in all respects, as such Incumbent, and, if there shall be no Incumbent, as the Churchwardens going out of Office, shall direct; and the Two Persons, when so chosen and appointed Churchwardens, shall appear and be admitted according to Law, and shall collect and receive the Rents, if any, of the Pews and Seats in the Church of such Parish or District, and shall also do, perform, and execute all lawful Acts, Matters, and Things necessary for and concerning the Repairs of such Church, and the Management, good Order, and Decency of Behaviour to be kept and observed in such Church by the Congregation thereof; and the Persons so to be chosen and appointed Churchwardens shall continue in their said Office until others shall be chosen and appointed in like Manner in their Stead.

XXXIX. And be it enacted, That the Inhabitants of every Parish or District created by the herein-before mentioned Orders in Council, or by this Act, or to be created in pursuance thereof, shall be entitled to meet in Vestry in all respects as the Inhabitants of any other Parish are entitled to do; and each such Vestry (except so far as is otherwise provided by this Act) shall have the same Powers and be subject to the same Provisions as a Parish Vestry.

Vestry Meetings may be held.

XL. Provided always, and be it enacted, That the Liability of the Inhabitants of each such Parish to contribute to the Maintenance and Repairs of the said Parish Church of *Winwick* shall cease at the Expiration of Twenty Years, to be computed from the Time at which the Separation of such Parish or District shall have been completed; and when all the said Parishes shall have been separated the Charge of maintaining and repairing the said Parish Church of *Winwick* shall, after the Expiration of the said Twenty Years, fall exclusively on the Inhabitants of the said Parish so reduced for Ecclesiastical Purposes in pursuance of the Provisions of the herein-before first-recited Act and this Act.

Liability to contribute to the Repair of *Winwick* Church continued for Twenty Years.

XLI. And be it enacted, That nothing in this Act contained shall alter or affect the Provisions of the herein-before first-recited Act relative to the Distribution and Management of the Bequests and Charitable Foundations of the Parish of *Winwick*, and of certain Townships within the same.

Not to alter the Distribution of Charitable Bequests.

[*Private.*]

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XLII. And

Provisions
of 4 & 5 Vict.
c.9. to apply
to this Act.

XLII. And be it enacted, That the Provisions of the herein-before first-recited Act shall be applied to and form Part of the Provisions of this Act, so far as the same are applicable thereto, or are not repealed by or inconsistent with or repugnant to the Provisions of this Act.

General
Saving.

XLIII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators respectively, (save and except the said *Edward* Earl of *Derby* and his Assigns, and the said *Edward* Earl of *Derby* and *Edward Geoffrey* Lord *Stanley*, and their Appointees, and the said *Edward Geoffrey* Lord *Stanley*, his Heirs and Assigns,) all such Estate, Right, Title, Interest, Claim, and Demand of, into, or out of the Advowson of the present Rectory of *Winwick* aforesaid, and all and singular the Tithes, Tithe Rents, Glebe Lands, and Emoluments of the same Benefices respectively, (except so far as the same are affected by this Act,) as they or any of them had before the passing of this Act, or could or might have held or enjoyed in case this Act had not been passed.

Act as printed
by Queen's
Printers to be
Evidence.

XLIV. And be it enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof in all Courts of Justice.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.