

[STATUTES OF GREAT BRITAIN AND IRELAND, 1803] [1]

[43° GEORGII III.]

CAP. CVIII.

An Act to promote the building, repairing, or otherwise providing of Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Church Yards and Glebes.

[27th July 1803.]

[1] **W**HEREAS a sufficient Number of Churches and Chapels for the Celebration of Divine Service, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, and of Mansion Houses with competent Glebes for the Residence of Ministers officiating in such Churches and Chapels, is necessary towards the Promotion of Religion and Morality:

And whereas the same are either wholly wanting or materially deficient in many Parts of *England* and *Ireland*:

And whereas many well disposed Persons would be desirous of contributing towards the Supply of such Defects, if they were enabled so to do in the Manner herein-after directed:

May it therefore please your Majesty that it may be enacted; and be it enacted by the King'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 all and every Person and Persons having in his or their own Right any Estate or Interest in Possession, Reversion, or Contingency, of or in any Lands or Tenements, or of any Property of or in any Goods or Chattels, shall have full Power, Licence, and Authority, at his and their Will and Pleasure,

Persons

by Deed or

by Deed enrolled in such Manner, and within such Time, as is directed

in *England* by the Statute made in the Twenty-seventh Year of the Reign of King *Henry* the Eighth, [2] and

in *Ireland* by the Statute made in the Tenth Year of the Reign of King *Charles* the First, for Enrolment of Bargains and Sales, or

by his, her, or their last Will or Testament in Writing duly executed according to Law, **Will**

such Deed, or such Will or Testament, being duly executed Three Calendar Months at least before the Death of such Grantor or Testator, including the Days of the Execution and Death, to give and grant to and vest in any Person or Persons, or Body Politick or Corporate, and their Heirs and Successors respectively, all such his, her, or their Estate, Interest, or Property in such **may give**

Lands or Tenements, not exceeding Five Acres, or **Lands not exceeding Five Acres, or**

Goods and Chattels, or any Part or Parts thereof, not exceeding in Value Five Hundred Pounds, **Goods and Chattels not exceeding 500 l.**

for or towards the erecting, rebuilding, repairing, purchasing, or providing **for the Purposes of this Act.**

any Church or Chapel where the Liturgy and Rites of the said United Church are or shall be used or observed, or

[1] [Public General Statutes, 1803. Given the short title *The Gifts for Churches Act, 1803* by the *Short Titles Act, 1896*. Repealed in 1992.]

[2] [An Acte concernyng enrolmentes of bargaines & contractes of Landes & Tenementes, 27 H 8 c 16, also called the Statute of Enrolments of 1535]

any Manſion Houſe for the Reſidence of any Miniſter of the ſaid United Church officiating, or to officiate in any ſuch Church or Chapel, or of any Out-buildings, Offices, Church Yard, or Glebe, for the ſame reſpectively,

and to be for thoſe Purpoſes applied,

according to the Will of the ſaid Benefactor in and by ſuch Deed enrolled, or by ſuch Will or Teſtament executed as aforeſaid expreſſed, the Conſent and Approbation of the Ordinary being firſt obtained, and

in Default of ſuch Direction, Limitation, or Appointment, in ſuch Manner as ſhall be directed and appointed by the Patron and Ordinary, with the Conſent and Approbation of the Parſon, Vicar, or other Incumbent;

and ſuch Perſon and Perſons, Bodies Politick and Corporate, and their Heirs and Succeſſors reſpectively, ſhall have full Capacity and Ability to purchaſe, receive, take, hold, and enjoy, for the Purpoſes aforeſaid,

as well from ſuch Perſons as ſhall be ſo charitably diſpoſed to give the ſame,

as from all other Perſons as ſhall be willing to ſell or aliene to ſuch Perſon or Perſons, Bodies Politick or Corporate,

any Lands or Tenements, Goods, or Chattels, without any Licence or Writ of *Ad quod damnum*, [3] the *Statute of Mortmain*, [4] or any other Statute or Law to the contrary notwithstanding:

Provided always, that this Act or any Thing therein contained, ſhall not extend to enable any Perſon or Perſons being within Age, or of non-ſane Memory, nor Women Covert without their Huſbands, to make any ſuch Gift, Grant, or Alienation; any Thing in this Act contained to the contrary in anywiſe notwithstanding.

But ſuch Powers not to extend to Perſons within Age, Infane, or Females Covert.

II. Provided alſo, and it is hereby further enacted, That no more than One ſuch Gift or Deviſe ſhall be made by any One Perſon, and

Only One ſuch Gift ſhall be made by One Perſon, and

that if any ſuch Gift or Deviſe as aforeſaid ſhall happen to exceed Five Acres in Lands or Tenements, or the Value of Five hundred Pounds in Goods and Chattels,

where it exceeds Five Acres or 500 £.

every ſuch Gift or Deviſe ſhall be good and valid to the Extent aforeſaid; and

it ſhall be lawful for the Lord Chancellor for the Time being, on Petition,

the Chancellor may reduce it.

to make Order

for reducing every ſuch Gift or Deviſe to and within the ſaid Limits, and

for allotting ſuch ſpecifick Five Acres, and if Occaſion ſhould require, ſuch ſpecifick Goods and Chattels as in his Judgment ſhall be moſt convenient, and

to make ſuch further Order touching the Premises as to him ſhall appear juſt and reaſonable.

III. Provided alſo, That no Glebe containing upwards of Fifty Acres, ſhall be augmented with more than One Acre under or by virtue of this Act,

No Glebe upwards of 50 Acres ſhall be augmented with more than one Acre.

but that the Exceſs, if any given or deviſed for the Purpoſe of ſuch Augmentation, ſhall be reduced in Manner aforeſaid, by the ſaid Lord Chancellor,

and ſuch Order thereupon ſhall be by him made as herein-before is directed in the Caſe of an Exceſs beyond Five Acres.

IV. And whereas it often happens

that ſmall Plots of Land held in Mortmain lie convenient to be annexed to ſome ſuch Church or Chapel, or Houſe of Reſidence, as aforeſaid, or to ſome Church Yard, or Curtilage thereto belonging, or convenient to be employed as the Scite of ſome ſuch Church or Chapel, or Houſe to be hereafter erected, and for the neceſſary and commodious Uſe and Enjoyment thereof, and

Plots of Land not exceeding One Acre-held in Mortmain, lying convenient to be annexed to ſome Church, etc.

that they might be ſo employed to the Advantage of the Publick, and without Detriment to the Proprietors thereof, if they were enabled to give and grant the ſame for the Purpoſes aforeſaid;

[3] [A writ of *ad quod damnum* (Latin, to ascertain “how much damage”) would (in this context) initiate the obtaining of a mortmain licence; so this passage was saying in effect that gifts (of land) to churches under this act could be done without mortmain licences.]

[4] [*The Charitable Uses Act, 1735*, also called the Statute of Mortmain of 1736, 9 G 2. c 36, forbade devises (gifts of land under wills) to charities; so this passage was saying in effect that gifts (of land) to churches under this act could be done despite this rule.]

may be granted either by Exchange or Benefaction for that Purpose.

be it therefore further enacted, That it shall be lawful for every Body Politick or Corporate, Sole or Aggregate, by Deed inrolled as aforefaid, with or without Confirmation, as the Law may require, to give and grant, either by Way of Exchange or Benefaction, any fuch fmall Plot of Land not exceeding One Acre, to any Perfon or Perfons, Body Politick or Corporate, his and their Heirs and Succeffors refpectively, to be held, ufed, and applied for the Purpofes aforefaid;

and fuch laft mentioned Perfon and Perfons, Bodies Politick and Corporate, and their Heirs and Succeffors refpectively, fhall have full Capacity and Ability, with Conſent of the Incumbent, Patron, and Ordinary, to take, hold, and enjoy fuch fmall Plot of Land for the Purpofes aforefaid, without any Licence or Writ of *Ad quod damnum*, [3] the *Statute of Mortmain*, [4] or any other Act or Law to the contrary notwithstanding.

Accommodation to be provided for Perfons reforting to Church, etc.

V. Provided alfo, and it is hereby further enacted and declared, That in every Parochial Church or Chapel hereafter to be erected ample Provision fhall be made for the decent and fuitable Accommodation of all Perfons, of what Rank or Degree foever, who may be entitled to refort to the fame, and whoſe Circumftances may render them unable to pay for fuch Accommodations.

Rights of giving or devifing not affected.

VI. Provided alfo, That nothing in this Act contained fhall be conſtrued to take away or abridge any Right of giving or devifing which already exiſts in any Perfon whatfoever.

[Original colophon]

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