

## No. V.

An Act to regulate the temporal affairs of  
 Churches and Chapels of the United Church  
 of England and Ireland in New South Wales.  
 [6th September, 1837.]

ENGLISH CHURCH  
TEMPORALITIES.

WHEREAS by an Act of the Governor of New South Wales with Preamble.

the advice of the Legislative Council thereof passed in the seventh year of the reign of His present Majesty King William the Fourth intituled "*An Act to promote the building of Churches and Chapels and to provide for the maintenance of Ministers of Religion in New South Wales*" it is amongst other things provided that before any sum of money shall be issued from the Colonial Treasury towards the building of any church or chapel and minister's dwelling trustees not less than three nor more than five in number shall be nominated by the persons contributing towards the building of the same for the approval of the Governor and Executive Council and that the real estate in the site of such church chapel or minister's dwelling and of any lands or hereditaments thereunto belonging shall be conveyed to the said trustees when approved and to the heirs of the survivor of such trustees upon trust for the erection maintenance and repair of the said church or chapel or minister's dwelling and for the provision out of the revenues belonging to or arising from the use of the said church or chapel in such manner as shall be lawfully appointed of all things necessary for the celebration of Divine worship therein And whereas by the same Act the said Governor with the advice of the Executive Council was empowered within six months after the passing thereof to nominate not less than three nor more than five of the pewholders of any church or chapel already built and repaired at the public expense and for ministers whereof stipends were issued from the Colonial Treasury to be trustees of such church or chapel and minister's dwelling and to whom the real estate thereof should be conveyed in manner and upon trust as aforesaid And whereas with regard to churches chapels and minister's dwellings of the United Church of England and Ireland it is expedient to make further provision for regulating the manner in which persons building or contributing towards the building of a church chapel or minister's dwelling shall proceed to the nomination of such trustees as aforesaid and for providing a succession of properly qualified trustees upon such vacancies arising as hereinafter mentioned and also for lawfully appointing and more particularly directing in what manner pursuant to the said Act the revenues to arise under their several trusts shall be applied and generally for regulating the affairs of churches and chapels and the dwellings of ministers of the United Church of England and Ireland within the said Colony Be it therefore enacted by His Excellency the Governor of New South Wales with the advice of the Legislative Council thereof That whenever any person or persons shall at his her or their own cost and expense erect or provide a church or chapel which shall be approved by the Bishop of the Diocese for the celebration of public worship according to the use of the United Church of England and Ireland or any minister's dwelling burial ground or glebe land or whenever any number of persons shall by subscription contribute any sum not less than three hundred pounds for or towards erecting or providing a church or chapel and minister's dwelling or burial ground

Mode of appointing  
original trustees.

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or glebe land as aforesaid it shall and may be lawful for the person or persons so erecting or providing the same at his her or their own cost to nominate as trustees of such church or chapel any number of persons not less than three nor more than five and for the subscribers towards erecting or providing such church or chapel and minister's dwelling burial ground or glebe land as aforesaid to elect by plurality of votes from among themselves any number of trustees within the limits aforesaid (subject to the approval of the Governor and Executive Council under the provisions of the said recited Act) and such election shall take place at a meeting of the subscribers of the time and place of holding which fourteen days previous notice shall have been duly given and every person having subscribed and paid one pound towards the erection of any such church or chapel of the United Church of England and Ireland and being also a member of the said Church shall be entitled to vote at all elections of trustees for the same until such church or chapel shall have been completed.

Trustees to be  
members of the said  
church not publicly  
impugning any of  
its doctrines.

2. And be it enacted That every person so to be nominated or elected a trustee of any church or chapel of the United Church of England and Ireland shall be a member of the said church frequenting its public services and not known to impugn publicly any of its doctrines and the names of all trustees so nominated or elected as aforesaid shall be registered in a book to be kept for this purpose by the Registrar of the Bishop of the Diocese.

Trustee disqualified  
by absence or other-  
wise to be removed.

3. And be it enacted That any such trustee as aforesaid who shall leave the Colony and shall be absent therefrom more than six months in succession or whose ordinary residence shall be more than twenty miles distant from the church or chapel of which he is a trustee or who shall be a confirmed lunatic or shall be or shall become disqualified as hereinbefore mentioned shall and may be removed from his office by a general meeting of trustees assembled after fourteen days previous notice given by the remaining trustees of such church or chapel or the greater number of them.

Mode of electing a  
new trustee at meet-  
ing convened by old  
trustees.

4. And be it enacted That whenever and as often as any trustee nominated or elected as aforesaid under the provisions of this Act shall die or resign his office with the consent of his co-trustees or shall be removed as aforesaid the surviving or continuing trustees shall forthwith call a meeting of the subscribers if the church or chapel shall not have been then completed and consecrated or of the pewholders and renters of sittings therein after that period (as the case may require) for the purpose of electing a new trustee in the place of one so dying or desiring to resign or removed as aforesaid and the election of such new trustee shall at all times before the completion and consecration of such church or chapel be made by the subscribers thereto and shall at all times after the completion and consecration thereof be made by the pewholders and renters of sittings and the same notice shall be given of the time and place of the said meeting and the same proceedings shall be observed in all other respects as to the election of such trustee as upon the original nomination or election of trustees Provided however that no trustee shall be permitted to resign his office until he shall duly have accounted to the satisfaction of his co-trustees for all sums of money at any time received by him in his said trust.

In default of trustees  
subscribers or pew-  
holders to convene  
meeting for election  
in their default  
Bishop to appoint  
new trustees.

5. And be it enacted That if the surviving or continuing trustees of any church or chapel of the United Church of England and Ireland shall not within one month after the death resignation or removal of any trustee give public notice of a meeting of subscribers or pewholders and renters of sittings as the case may be for the election of

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of a new trustee it shall and may be lawful for any six of the subscribers or pewholders and renters of sittings upon giving fourteen days public notice to assemble a meeting as the case may be of the subscribers or pewholders and renters of sittings being members of the said United Church and to proceed to the election of a new trustee and if no such meeting be held nor election proceeded with within two months after the death resignation or removal of any trustee as aforesaid it shall and may be lawful for the Bishop of the Diocese by writing under his Episcopal seal to nominate from among the subscribers or pewholders a fit and proper person to become a trustee of such church or chapel as aforesaid.

6. And be it enacted That the new trustee to be nominated as aforesaid pursuant to this Act shall become jointly with the continuing or surviving trustees or trustee a trustee of the site of the church or chapel or of the minister's dwelling burial ground or glebe land in respect whereof he shall be so nominated and that all such deeds and assurances shall be made and executed as shall be necessary legally to effectuate and complete his appointment as such new trustee.

7. And be it further enacted That it shall and may be lawful for such trustees so nominated elected or appointed in respect of any church or chapel as aforesaid or for the major part of them and they are hereby authorized and required to set apart one-sixth part of the whole number of sittings contained in the same to be appropriated free of any charge whatsoever to the use and accommodation of persons choosing to occupy the same during the time of the celebration of public worship or of any rite or ordinance pertaining thereto and also one pew containing not more than six sittings nor less than four for the use and occupation free from all charges of the family or household of the clergyman licensed to officiate in such church or chapel and it shall and may be lawful for such trustees or the major part of them and they are hereby authorized and required to assess and fix equitably the annual rent or rate for each pew or sitting in every such church or chapel with the exception of such pews and sittings as are hereinbefore declared to be free from charge and to make agreements and contracts with any persons desirous to hire or engage the same according to such assessed rent or rate Provided that nothing herein contained shall prevent any person having erected or provided a church or chapel or burial ground in manner hereinbefore mentioned at his or her own cost and expense from retaining for the use of himself or herself and his or her heirs one pew in such church or chapel free from rent or from reserving any sufficient portion of such ground at his or her disposal as a place of burial for ever.

8. And be it enacted That all contributors and subscribers in money or value of not less than the sum of five pounds towards the building of any such church or chapel being members of the said United Church of England and Ireland shall have a right to become each the renter of a pew in preference to any other person who shall not have contributed thereto and such contributors and subscribers shall amongst themselves have priority in the choice of pews as to situation size and seats not exceeding six according to the amount of their contributions the greater contributor or subscriber to have the prior choice and the choice of equal contributors or subscribers to be determined if need be by lot.

9. And be it enacted That at any time after the passing of this Act prior to Easter Tuesday next ensuing and upon Easter Tuesday in every year the trustees of every such church or chapel as aforesaid shall meet in the vestry or in some other convenient place and shall elect one of their number to act as churchwarden until the

Easter

New trustee to become joint trustee of the church or chapel &c.

Trustees to set apart free seats and clergyman's pew and fix pew-rents for remainder.

Subscribers to have prior choice of pews.

Election of church-wardens.

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Easter Tuesday next ensuing and at the same time and place the pewholders and renters of sittings in such church or chapel qualified as is hereinafter required shall elect one of the said pewholders to act as churchwarden for the same period and the clergyman licensed to officiate in the said church or chapel shall at the same time and place nominate one other of the said pewholders to act as churchwarden also for the same period and the said three persons so elected and nominated shall jointly execute the office of churchwarden with the powers by this Act hereinafter declared and according to the true meaning and intent thereof and in case any one of the churchwardens shall die or resign or become disqualified during the year for which he shall have been elected or nominated it shall and may be lawful for the trustees or the pewholders and renters of sittings or the officiating clergyman respectively as the case may be to elect or nominate in manner aforesaid one other churchwarden to serve until the Easter Tuesday which shall be next ensuing.

In default of election  
Bishop to nominate  
churchwardens.

10. And be it enacted That in case any of the aforesaid parties shall fail to make an election or nomination of a churchwarden on the day appointed it shall and may be lawful for the Bishop of Australia having notice thereof to appoint a trustee or pewholder as the case may be to serve as churchwarden and if any dispute shall arise touching the election of any churchwarden the said Bishop shall make enquiry thereinto by himself or his commissioners and shall make such order touching the same as to him shall appear expedient.

Powers of church-  
wardens.

11. And be it enacted That it shall and may be lawful for the churchwardens who shall be so elected or nominated or for any two of them to collect and gather all and every sum or sums of money which may be due and payable for pews or sittings in such church or chapel for which they have been so elected or nominated according to the rate or rent assessed and fixed for the same by the trustees as aforesaid and any subscriptions and donations which may be receivable on account of any such church or chapel minister's dwelling burial ground or glebe land and to apply for the said sum or sums and to sue for the recovery of the same from all persons who shall fail or refuse to pay the same according to the terms of their engagement and such churchwardens out of such monies so received or recovered so far as the same will extend shall regularly pay the salaries allotted to all lay persons holding any office in or about the church or chapel according to certain rates and at certain periods which shall be determined upon by the majority of renters of pews or sittings in vestry assembled and shall expend any sums which may remain after payment of such salaries as aforesaid in repairing or keeping in substantial repair any part of the said church or chapel or of the walls roof doors windows or other parts of the same or of any steeple belfry chancel or vestry room thereunto belonging or of the bells clock font tables rails pews seats galleries organ or organ loft or any books or vestments used in the celebration of public worship together with the fences and walls enclosing the church-yard or burial-ground of such church or chapel or the gates to the same or any drains or walks therein and also to repair or keep in repair the mansion-house and premises occupied by the clergyman licensed as aforesaid to officiate in the church or chapel from which such sum or sums of money are derived together with the outbuildings thereto attached and the fences walls drains or gates belonging to any portion of land being in the occupation of such clergyman as aforesaid in virtue of his being licensed to officiate in such church or chapel and also to provide all things which may be necessary for the due and orderly celebration of public worship and the administration of the sacraments in such church or chapel as aforesaid according to the directions contained in the Rubrics of the

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Book of Common Prayer and in the Constitutions and Canons Ecclesiastical relating to Divine Service and the administration of the Sacraments agreed upon with the King's Majesty's License in the Synod begun in London in the year one thousand six hundred and three.

12. And be it enacted That at every vestry meeting to be holden on Easter Tuesday in each year for the election and nomination of churchwardens the churchwardens of the year preceding or some one of them shall produce and exhibit a book (to be paid for from the produce of the pew rents) wherein shall be contained a fair and correct entry and account of all monies received and expended by them during the year preceding under and in accordance with the provisions of this Act and shall certify the said account by subscribing their names thereto and the said book together with such surplus or balance as shall be proved by it to be remaining in the hands of the outgoing churchwardens shall be by them or by some one of them delivered over to the churchwardens or one of them who shall be nominated and elected for the ensuing year.

13. And be it enacted That every person who shall have entered into agreement with the trustees or churchwardens of any church or chapel as aforesaid to engage any pew or sitting therein and shall have paid the rent due upon the same up to the last quarter day and every person having been for the space of one year and upwards a contributor of not less than one pound annually towards the maintenance of any such church or chapel and being a member of the United Church of England and Ireland as aforesaid shall be entitled to give at every vestry meeting of pewholders and at the election of any trustee or trustees churchwarden or churchwardens under this Act one vote in proportion to every single sitting for which he shall so have made agreement and paid rent or for every pound so contributed Provided always that no person shall under any pretence be allowed to possess or to give at any such meeting or election more than six votes in all on account of any pew or pews engaged and paid for or of any such contribution towards the maintenance of such church or chapel.

14. And be it enacted That whenever any rate of payment shall have been assessed and fixed for the pews and sittings in any church or chapel and it shall appear to the churchwardens for the time-being or to the major part of them that the produce of such rate or rent will be insufficient to defray the several charges and costs necessary for effecting and providing all things required by this Act it shall and may be lawful for such churchwardens or for any two of them by ten days previous notice publicly given in such church or chapel during the time of public worship to call a general vestry meeting of the trustees and churchwardens of such church or chapel for the purpose of taking into consideration the expediency of amending and increasing such rate or rent and if it shall appear to the majority of trustees and churchwardens present at such meeting not being fewer in number than three that the rate or rent already established will not be sufficient to provide for all such necessary costs and charges it shall and may be lawful for the said majority of trustees and churchwardens to assess and appoint such higher rate of rent to be charged for pews or sittings as by them shall be deemed sufficient to meet such costs and charges and to appoint and declare how long such higher rate shall continue to be charged and collected and upon the three Sundays next ensuing upon which public worship shall be celebrated in such church or chapel and during the time of such celebration such trustees shall direct and cause notice to be given of the said intended increase of rent to be charged upon pews and sittings

Churchwardens to  
keep and produce  
accounts of all  
monies received and  
expended by them.

Persons qualified to  
vote at elections of  
trustees or church-  
wardens.

Churchwardens to  
raise pew-rents in  
certain cases after  
notice.

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sittings and at the expiration of six months from the last publication of such notice the said increased rent or charge shall and may be demanded and collected from all persons continuing to occupy any pew or sitting in such church or chapel or not giving three months previous notice to the churchwardens of their intention to relinquish the same.

No pewholders to be removed except in manner herein mentioned.

15. And be it further enacted That any person having engaged any pew or sitting and continuing to pay rent for the same according to the rate fixed for the same or as it may be from time to time assessed afresh as aforesaid and also conducting himself or herself in such church or chapel so as not wilfully maliciously or necessarily to disturb the performance of public worship or to molest or annoy any part of the congregation attending the same shall not be under any pretence whatsoever removed or ejected without his or her own consent from the occupation and free possession of such pew or sitting at all times when the said church or chapel shall be open for the performance of public worship the administration of any sacrament or other rite or ceremony according to the use of the United Church of England and Ireland Provided nevertheless that if any person having engaged any pew or sitting in any church or chapel under agreement to pay for the same according to the rate or rent assessed thereupon shall suffer such rent to fall into arrear and to continue unpaid for three months after the same shall have been demanded by the churchwardens or by any person empowered by them or the major part of them or if any person having engaged as aforesaid any such pew or sitting shall refuse to pay for the same such increased rate of rent as the trustees according to the provisions hereinbefore described shall thereupon assess and affix publicly notifying the same as by this Act is described and required or if any person engaging and occupying any such pew or sitting and continuing to pay the rent assessed upon the same shall by any unsuitable noise gesture or deportment wilfully and irreverently interrupt the celebration of public worship or shall designedly and habitually disturb or annoy any part of the congregation within the said church or chapel in all such cases it shall and may be lawful for the churchwardens or any two of them to make a presentment thereof in writing to the Bishop of Australia who shall thereupon issue his monition to every such defaulter or offender and in case such defaulter or offender shall not forthwith pay all such arrears or shall not amend and desist from the practice so complained of it shall be lawful for the said Bishop within fourteen days from the receipt by him of a repeated presentment in writing from the said churchwardens to issue a warrant under his seal declaring the pew or sitting occupied by the party complained of to be vacant and at liberty to be disposed of to any other party desiring to engage the same under the provisions of this Act Provided nevertheless that if within fourteen days from the receipt of such repeated presentment any caveat in writing shall be delivered to the Registrar of the Diocese of Australia by the party complained of or by any other person on his or her behalf the said Bishop shall not proceed to issue such warrant until he shall have enquired by his Registrar into the circumstances of the case and shall be fully satisfied that there is a just and reasonable cause for the complaint laid in such presentment as aforesaid Provided nevertheless that if upon a representation addressed to the Bishop of the Diocese by the major part of the pewholders and renters of sittings in any church or chapel as aforesaid in vestry assembled after fourteen days clear notice setting forth the expediency of altering the arrangement of the pews within the said church or chapel for increasing the general accommodation and without diminishing the due proportion of free sittings therein

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a faculty shall be issued under the seal of the said Bishop authorizing such alteration it shall and may be lawful for the churchwardens of such church or chapel to proceed with and complete the same and for the trustees of the said church or chapel to make a fresh distribution of the pews and sittings any thing in this Act contained to the contrary notwithstanding.

16. Provided always and be it enacted That notwithstanding any thing contained in this Act or in the said recited Act of the seventh year of the reign of His said Majesty it shall be lawful for any person or persons erecting or providing a church or chapel of the United Church of England and Ireland as aforesaid at his her or their own expense or for the subscribers jointly contributing any sum not less than three hundred pounds towards erecting any such church chapel or minister's dwelling to nominate the Bishop of Australia for the time-being and his successors to be the sole trustee and successive trustees of such church or chapel and minister's dwelling with any burial ground or glebe land which may be thereunto respectively annexed and upon such nomination being declared to the Governor and Executive Council the site of such church chapel and minister's dwelling and such burial ground and glebe land respectively shall be conveyed to and vested in the said Bishop and his successors upon the trusts hereinbefore declared except as hereinafter mentioned and such sum or sums of money shall be issued to him from the Colonial Treasury towards the building of any church or chapel or minister's dwelling of the said United Church as it may be lawful to issue to trustees under the provisions of the said recited Act passed in the seventh year of His present Majesty.

17. Provided also and be it further enacted That it shall be lawful for the pewholders who shall be present at the vestry or other meeting to be held in respect of any church or chapel already built on the Easter Tuesday which shall be in the year one thousand eight hundred and thirty-eight in conformity to this Act to nominate if they shall see fit by a plurality of votes (to be estimated as hereinbefore provided) the Bishop of Australia and his successors to be the sole trustee and successive trustees of such church or chapel in the place and stead of any other trustees who may have been already nominated in respect thereof by virtue of the said recited Act of the seventh year of the reign of his present Majesty or otherwise howsoever and the site of such church or chapel and of any minister's dwelling together with any glebe or burial ground thereto respectively belonging shall in such case be as soon as convenient conveyed to and vested in the said Bishop and his successors upon the same trusts except as herein-after provided.

18. Provided always and be it enacted That whenever the Bishop of Australia for the time-being shall be sole trustee of any church or chapel as aforesaid it shall be lawful for the pewholders and renters of sittings in the said church or chapel to nominate at each annual meeting to be held on Easter Tuesday pursuant to this Act one of the said pewholders as aforesaid and one other in lieu of the trustee to be named by his co-trustees as hereinbefore provided to execute the office of churchwarden jointly with the person to be nominated by the officiating clergyman without prejudice nevertheless to the power hereinbefore reserved to the said Bishop of naming one or more other churchwardens in default of such being otherwise appointed and provided further that whenever the said Bishop shall be sole trustee the power of setting apart and assessing the rents of pews and of making agreements for letting the same hereinbefore given to the lay trustees to be appointed under this Act shall be vested in and exercised by the churchwardens for the time-being.

Pewholders in vestry  
assembled on the  
Easter Tuesday in  
1838 may nominate  
the Bishop of Aus-  
tralia as sole trustee  
in place of any other  
trustees howsoever  
nominated.

Whenever the  
Bishop of Australia  
shall be sole trustee  
pewholders and  
renters of sittings  
may appoint church-  
wardens to act  
jointly with the  
person to be nomi-  
nated by the  
officiating cler-  
gyman.

Bishop becoming  
sole trustee church-  
wardens to assess the  
the rents of pews  
and let the same.

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No minister to officiate unless duly licensed.

19. And be it enacted That from and after the passing of this Act no person shall be or shall be received as chaplain or minister or permitted suffered or allowed to sing or say the common or open prayer or to minister the sacraments or to preach any sermon in any church or chapel consecrated according to the use of the United Church of England and Ireland within this Colony and its Dependencies unless he be first approved and thereunto licensed by the Archbishop of the Province or the Bishop of the Diocese or (in case the See be vacant) by the guardian of the spiritualities under his seal.

Minister's right to occupation of dwelling-house and glebe.

20. And be it enacted That it shall and may be lawful for the clergyman in holy orders of the United Church of England and Ireland who shall be duly licensed by the Bishop to officiate in any church or chapel under this Act so long as he shall be so licensed to have free access and admission to and in such church or chapel and the burial ground belonging thereto and every part thereof respectively at all times as he shall think fit and freely to exercise his spiritual functions therein respectively without any hindrance or disturbance of the trustees of the same or any person whatever and such officiating minister shall and may during such times as aforesaid freely use have possess and enjoy the minister's dwelling-house garden appurtenances and glebe belonging to such church or chapel and receive have and take the rents profits and issues and every part thereof respectively Provided always that no such liberty of access and admission to such house of residence as aforesaid nor occupation of the same for any length of time whatsoever shall be construed to confer any right of property in the same upon the clergyman or other parties by whom such house of residence and the appurtenances may have been so occupied nor any right or title to retain possession of the same after the license of such clergyman shall have been withdrawn cancelled or revoked by the Bishop of the Diocese upon cause shewn nor shall the same be pleaded in bar of any action of ejectment which may be brought by or on behalf of the trustees or churchwardens of any church or chapel as aforesaid for recovering possession of such house of residence and the appurtenances thereof.

When any glebe shall be capable by improvement of producing more than £150 per year trustees may upon that sum being secured to the officiating minister apply the residue in building and endowing other churches.

21. And be it enacted That whenever and as often as it shall happen that the glebe land belonging to any church or chapel under this Act not being in possession or occupation of any clergyman licensed to officiate in such church or chapel or with the consent of the clergyman being in such possession or occupation may be improved by building upon the same or otherwise so as to admit a greater yearly profit being derived therefrom than the sum of one hundred and fifty pounds and security be given for payment to the clergyman who shall next be licensed to officiate in such church or chapel and also to the present officiating clergyman if any so consenting as aforesaid of the said sum of one hundred and fifty pounds annually it shall and may be lawful for the trustees of such church or chapel with the further consent in writing of the Bishop of the Diocese to enter into and upon the said glebe land and to let the same upon leases for any term not exceeding twenty-eight years reserving the rents issues and profits thereof to the said trustees for the time-being who shall and may receive and apply the said rents issues and profits upon trust in the first place to pay to the officiating minister of the said church or chapel the full sum of one hundred and fifty pounds yearly as and for an allowance for the said glebe and in the next place with the consent of the Bishop to apply the same or any part thereof in or towards building or enlarging the church or chapel of the parish or place to which such glebe land is annexed or a residence for the clergyman of

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of the same if it be necessary and afterwards in or towards building or enlarging a church or chapel of the United Church of England and Ireland in any other place in the same township or district and in the payment of a stipend of one hundred pounds yearly to the officiating minister for the time-being of the last-mentioned church or chapel and as often as the rents issues and profits of any such glebe land so let by the trustees will admit thereof upon trust with the consent of the Bishop in manner aforesaid to apply the same in or towards the building of other such churches or chapels and houses of residence for clergymen and endowing the officiating ministers thereof respectively to the extent of one hundred pounds yearly as aforesaid Provided nevertheless that in cases where the residence appropriated for the clergyman licensed to officiate in any church or chapel shall be situate upon the glebe pertaining to the same it shall and may be lawful for the trustees of such church or chapel and they are hereby required to reserve any portion of such glebe not exceeding one-fifth of the whole which shall be approved by the Bishop to be appropriated to the personal use and occupation of the said clergyman in addition to the sum of one hundred and fifty pounds per annum to be secured to him as aforesaid from the rents and proceeds of such glebe.

22. And be it enacted That as soon as any church or chapel as aforesaid with a minister's dwelling where the same may be required shall be erected and completed the accounts of the trustees shall thereupon be finally wound up and audited by not less than three auditors to be elected from among themselves by the subscribers towards the erection of such church or chapel in manner hereinbefore provided for election of trustees and laid before the subscribers thereto for their inspection and allowance and being so allowed shall be published in two or more of the public newspapers of the Colony.

23. And be it enacted That it shall and may be lawful for the officiating minister duly licensed by the Bishop as aforesaid and the churchwardens for the time-being of any church or chapel under this Act to permit any monuments to be erected or placed in such parts as they may deem convenient of such church or chapel or of the enclosed ground about the same or in the burial ground belonging thereto or vaults to be dug and made in the said burial ground upon the payment to the said churchwardens for the use of the said church or chapel for such permission by the person or persons desiring to erect or place any monument in the said church chapel or enclosed ground about the same or in the said burial ground or to dig and make any vault in the said burial ground of such charges as are contained and set forth in the Schedule to this Act over and above the fees which may be legally demanded for such burial.

24. And be it enacted That it shall and may be lawful for any person or persons erecting or placing any monument in the said church or chapel or enclosed ground about the same or digging or making any vault in the said burial ground by and with such permission as aforesaid to have and maintain and keep up such monument or vault according to the terms of such permission to and for the sole and separate use of the said person or persons and his or their heirs for ever.

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*Sydney Building.*

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## SCHEDULE TO WHICH THIS ACT REFERS.

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Erecting a tablet or monument in any Church not less than five pounds nor more than twenty pounds.

Erecting a monument in the ground adjoining any Church not being the burial ground any sum not less than three pounds nor more than ten pounds.

Burial in a brick or stone grave in the burial ground one pound.

Headstone or footstone (each) ten shillings.

A stone covering over such grave one pound.

A vault for each person it is capable of containing one pound ten shillings.

A raised tomb over a vault for each person it is capable of containing one pound ten shillings.

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