



ANNO QUADRAGESIMO PRIMO

# GEORGII III. REGIS.

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## Cap. 64.

An Act for establishing a new Church or Chapel, lately erected in or near *Kirkgate Street*, within the Town and Parish of *Leeds*, in the West Riding of the County of *York*.

[20th June 1801.]

**W**HEREAS the Inhabitants of the Parish of *Leeds*, in the West Riding of the County of *York*, have for late Years considerably increased in Number, and are likely to continue so to do: And whereas the Churches and Chapels there are not sufficient to accommodate the Inhabitants of the said Parish, professing the Doctrine of the Church of *England*, who are inclined to attend Divine Service therein; and it would be of great Benefit and Utility to the said Inhabitants if a new Church or Chapel was established in the said Parish, for the celebrating of Divine Service according to the Rites and Ceremonies of the Church of *England*: And whereas the Reverend *John King*, of *Leeds* aforeaid, Clerk, hath lately purchased to him and his Heirs the Inheritance in Fee Simple in Possession of and in a certain Piece or Parcel of Ground, containing upon the Surface thereof One thousand three hundred and thirty-five square Yards, situate in or near *Kirkgate Street* in the Town of *Leeds* aforeaid; and also a Building lately erected thereon, as and for a Chapel or Place of Religious Worship, called or known by the Name of *Zion Chapel*, or *Saint James's Church*, with the Vaults under the same, and the Vestry, and all other Erections adjoining thereto; and also the Pulpit, Reading Desk, Galleries, Pews, Seats, Benches, and all other Fixtures and Ornaments in and about the said Buildings and Premises:

[Loc. & Per.]

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mises:

mises: And whereas the said *John King* hath, since the Purchase of the said Church or Chapel, laid out and expended considerable Sums of Money in and about the Repairs thereof, and hath now completed and finished the same in a proper, decent, and very commodious Manner, fit for performing Divine Service therein: And whereas the said *John King* is desirous to promote, as far as in him lieth, the Service of Almighty God, and to have the said intended Church or Chapel consecrated, set apart, and dedicated to and for such Service, and established as a Place of Divine Worship, according to the Usage of the Church of *England*, for ever: And whereas the Reverend *Peter Haddon* Clerk, Vicar of the Vicarage of *Leeds* (by and with the Consent and Approbation of the Patrons of the said Vicarage, and also by and with the Consent and Approbation of his Grace the Archbishop of *York*), in Consideration of the Premises, hath consented and agreed, as far as in him lies, that the said *John King* shall and may nominate and appoint the first and second Minister of the said Church or Chapel; but the same cannot be effectually done, or the said several other Matters be carried into Execution, so as to answer the Intention of the Parties interested therein without the Aid and Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subject the said *John King*, doth most humbly beseech 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 the said Piece or Parcel of Ground, situate in or near *Kirkgate Street* aforesaid, and containing One thousand three hundred and thirty-five square Yards upon the Surface thereof, and whereon the said Church or Chapel hath been so erected as aforesaid, with the Appurtenances belonging thereto, shall, from and after the passing of this Act, be vested in, and the same is and are hereby from thenceforth vested in the said *John King*, his Heirs and Assigns, to the Use, Intent, and Purpose, that the said Building intended for a Church or Chapel shall and may be set apart, consecrated, and dedicated to the Service of Almighty God as and for a Place of Divine Worship, according to the Rites and Ceremonies of the Church of *England*, for ever; and the same shall be, and is hereby declared to be a perpetual Cure and Benefice, and shall be called by the Name of The Church or Chapel of *Saint James in Leeds*, for ever.

Chapel and Ground vested in Mr. *King* and his Heirs.

Chapel, Pews, and Vaults vested in the Minister and his Successors, except as to Pews and Vaults for Mr. *King* and his Heirs.

II. And be it further enacted, That the said Church or Chapel, when consecrated, and the Freehold and Inheritance thereof respectively, and of all the Appurtenances thereunto respectively belonging, shall be, and the same is and are hereby vested in the said *John King* and his Successors, Ministers of the said Church or Chapel; nevertheless, as to the Right and Interest of and in the said Pews, Seats, and Vaults, with their Appurtenances, to and for the only proper Use and behoof of the said *John King*, his Heirs and Assigns, until the Sale of the said Pews, Seats, and Vaults; and that it shall be lawful for the said *John King*, his Heirs and Assigns, from Time to Time to sell, let, and dispose of the said Pews, Seats, and Vaults, upon such Terms and Conditions, and in such Manner as he or they shall think proper, subject nevertheless to the Payment of a Salary to the Minister of the said Church or Chapel for the Time being, as herein-after mentioned:

Right of Presentation in Mr. *King* for

III. And be it further enacted, That when and so soon as the said Church or Chapel shall be consecrated, it shall be lawful for the said *John*

*John King*, or in case of his Death, then for such Person or Persons as he shall by any Writing or Writings under his Hand and Seal for that Purpose have appointed, or in case no such Appointment shall have been made; then for the Heirs and Assigns of the said *John King*, and he and they respectively is and are hereby authorized and empowered to nominate the first Minister; and in case of Death, Resignation, or Avoidance of such Minister, to nominate the second Minister of the said Church or Chapel; and from and after the Death, Resignation, or Avoidance of such second Minister, the Patronage, Advowson, free Disposition, Nomination, and Donation of and to the said intended Church or Chapel, shall for ever appertain to, and the same are hereby vested in the Vicar of the said Parish of *Leeds* for the Time being; and that such Vicar for the Time being shall and may, upon every Vacancy or Avoidance after the second Vacancy or Avoidance of the said Church or Chapel as aforesaid, present a Minister to officiate in the same; and every Minister of the said Church or Chapel shall be thereto admitted and licensed by the Archbishop of *York* for the Time being; and the said intended Church or Chapel, and the Minister thereof, and also the Person who shall act as or in the Nature of Church or Chapel Warden thereof respectively for the Time being, to be appointed as herein-after directed, shall be under and subject to the ordinary Jurisdiction of the Archbishop of *York* and his Successors, and shall be visited in such Manner as other Churches or Chapels in the Diocese of *York* are visited.

the First and Second Nomination, then to the Vicar of *Leeds*, etc.

IV. And it is hereby further enacted, That in case the said Office or Place of Minister of the said Church or Chapel, shall, at any Time or Times hereafter be suffered to remain void for the Space of Six Calendar Months, without any Nomination or Presentation thereto by the said *John King*, or his Heirs or Assigns, or such other Person or Persons as aforesaid, by virtue of this Act, then and in every such Case it shall and may be lawful for the Vicar of the said Parish of *Leeds* for the Time being, to nominate and present, by Writing under his Hand, a fit and proper Person, duly qualified, to be the Minister of the said Church or Chapel; and that every such Person, after such Nomination and Presentation, and a Licence obtained from the Archbishop of *York* for the Time being, shall be deemed and taken to be the Minister of the said Church or Chapel, to all Intents and Purposes whatsoever, in the same Manner as if such Person had been nominated and presented by the said *John King*; and in case the said Vicar shall not nominate and present a Minister to the said Church or Chapel within Six Calendar Months next after he is hereby authorized and empowered so to do, then and in every such Case the Nomination or Presentation of a Minister to the said Church or Chapel, shall lapse to the Patrons of the said Vicarage for the Time being, and from them to the Metropolitan, and from him to the Crown, according to the Course of Law in Presentative Livings or Benefices; and the Right of Nomination of a Minister to the said Church or Chapel shall and may be recovered, and the Office and Place of Minister thereof shall and may cease, and be determined, in like Manner as the Presentation or Incumbency in any Presentative Benefice may now be recovered.

Power to the Vicar to nominate, in case of remaining void for Six Months, etc.

V. And be it further enacted, That during every such Vacancy of the said Office or Place of Minister of the said Church or Chapel, and until such Minister, so nominated, shall be licensed and appointed thereto as aforesaid, the Church or Chapel Warden for the Time being shall, and

During Vacancy of Minister, the Church or Chapel Warden to cause and

the Chapel  
to be served  
by a proper  
Person.

and is hereby required to cause the said Church or Chapel to be served and supplied by some proper Person or Persons in Manner herein-after directed, and that the Person or Persons so serving or supplying the same shall be paid and allowed, for his and their Care and Pains therein, a reasonable Recompence, for such and so long Time as he or they shall so serve or supply the same.

Duty to be  
performed in  
the said  
Church or  
Chapel.

VI. And it is hereby further enacted, That as soon as conveniently may be after the passing of this Act, the said Church or Chapel shall be consecrated by his Grace the Archbishop of York; and that the Minister thereof shall, and he is hereby required, on every Sunday Morning and Afternoon, and on every Christmas Day and Good Friday, in the Morning and Afternoon, to read or cause to be read in the said Church or Chapel the Prayers prescribed in the Book of Common Prayer or publick Liturgy of the Church of England; and shall on every Sunday throughout the Year, as well in the Morning as in the Afternoon, and also on every Christmas Day and Good Friday in the Morning, preach or cause to be preached a Sermon in the said Church or Chapel; and the Minister for the Time being shall, when thereunto required, assist the Vicar of the said Vicarage, at the Monthly and other Sacraments of the Lord's Supper, at the said Parish Church; but no other Duty of a Parochial Kind shall be performed in the said Church or Chapel, except the reading the Prayers, and preaching, administering the Sacrament of the Lord's Supper, and burying.

This Act not  
to extend to  
making any  
new Parish,  
or to make  
the Inhabi-  
tants of Leeds  
liable to the  
Repairs of  
this Chapel.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to erect or make any new Parish, or to affect or alter any Payments or Assessments, either Parliamentary or Parochial, except in the Cases herein specially provided for; and that none of the Parishioners of the said Parish of Leeds, shall be subject or liable to the Repairs of the said intended Church or Chapel, or to any Charge, Rate, or Assessment on Account of such Repairs, other than the Sums herein-after directed to be paid by the Owners of any Seats or Pews in the said Church, for or towards the Repairs thereof.

Provision for  
the Minister  
of the said  
Church or  
Chapel.

VIII. And be it further enacted, That for the Support and Maintenance of the Minister of the said Church or Chapel for the Time being, there shall be paid and payable to him, Yearly and every Year, any Sum not less than the Sum of Seventy Pounds; and for that Purpose the said Pews and Seats to be disposed of by the said John King, his Heirs or Assigns, shall be sold, let, or otherwise disposed of, subject to a perpetual Rent Charge secured thereon of such Sum as the said John King, his Heirs or Assigns, shall think proper and ascertain, not less than the said Sum of Seventy Pounds, to be paid and payable by the Owners or Occupiers of the said Seats or Pews, to the Minister for the Time being, Quarterly, at the Four usual Days of Payment; that is to say, on Christmas Day, Lady Day, Midsummer Day, and Michaelmas Day in every Year, the First of such Payments to be made on such of the said Days as shall first happen after the Consecration of the said Church or Chapel; and if Default shall be made of or in the Payment of such yearly Sum of Money as shall be so fixed upon, or any Part thereof, by the Space of Thirty Days next over or after any of the Days whereon the same ought to be paid as aforesaid, then and in every such Case it shall be lawful for the said Minister for the Time being, or any Person or Persons authorized by him so to do, to seize, enter upon, and take Possession of

the said Seats or Pews, or any of them, and to let the same, and to receive the Rents thereof, until thereby or therewith there shall be received so much Money as will satisfy and pay the Arrear of the said Salary then due and owing as aforesaid, and also all such Costs and Expences as the said Minister may be put unto or have incurred in consequence of such Delay, being in Arrear, and unpaid, and of his taking Possession of and letting such Pews or Seats as aforesaid, and the Overplus of the Money so received, if any, shall be repaid, on Demand, to the Owners or Occupiers of the Seats or Pews so seized and let; or else the said Minister for the Time being may sue for and recover the said yearly Sum or Rent so in Arrear, by Action of Debt, or upon the Case, for the Use and Occupation of such Pews or Seats, or any of them, to be brought against the Owner or Owners, Occupier or Occupiers thereof, in the Name of the Minister of the Church or Chapel of *Saint James* in *Leeds*, in the County of *York*, in any of the Courts of Record at *Westminster*, with full Costs of Suit.

IX. Provided always, and be it further enacted, That the Minister of the said Church or Chapel for the Time being, shall be and he is hereby declared to be enabled to purchase, accept, and take in Perpetuity to him and his Successors, any Lands, Tenements, or Hereditaments, or other Income or Revenue whatsoever, so as the same shall not exceed in the Whole the annual Value of Two hundred Pounds, over and above the said yearly Rent Charge, for the Support and Maintenance of the Minister, and also for the Purposes of repairing or rebuilding of such Church or Chapel; any Law or Statute to the contrary thereof in anywise notwithstanding.

Minister may take Lands, &c. for his Maintenance over and above his Salary.

X. And be it further enacted, That for every Burial in any of the said Vaults, there shall be paid and payable to the Vicar of the said Parish of *Leeds*, a Surplice Fee of Twelve Shillings and Sixpence, and to the Minister of the said Church or Chapel a Surplice Fee of Twelve Shillings and Sixpence.

Fees to be paid for Burials.

XI. And it is hereby further enacted, That after the said intended Church or Chapel shall be consecrated as aforesaid, the said Church or Chapel, and the Walls and Fences thereof, shall be supported and kept in Repair by the Owners and Occupiers of the said Pews or Seats in the said Church or Chapel for the Time being, and all the Expences to be incurred by the Church or Chapel Warden thereof as herein-after mentioned, shall be paid and defrayed by the said Owners and Occupiers in Manner herein-after directed.

Church or Chapel, &c. to be kept in Repair by Owners and Occupiers of Pews.

XII. And it is hereby further enacted, That when and as often as any Repairs shall be necessary to be made or done in, to, or about the said Church or Chapel, or the Walls or Fences thereof, or any Money to be raised to bear and defray the Expences of the Church or Chapel Warden, relative to the said Church or Chapel, then and in every such Case the Owners or Proprietors of the said Pews or Seats, or the major Part of them, assembled and met in the said Church or Chapel, pursuant to Notice to be for that Purpose given in the said Church or Chapel on some *Sunday* after Morning Service at least Ten Days previous to such Meeting, shall and may, and they are hereby required to make or cause to be made a Rate sufficient to answer and pay the Expences aforesaid, upon all the Proprietors of Pews or Seats in the said Church or Chapel, in

Money to be raised for Repairs, &c. by an Assessment on Pew Owners.

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equal Degree, in Proportion to the original Price or Value given or paid for each Pew or Seat respectively, or in Proportion to the annual Rent thereof respectively; and every such Rate shall and may be forthwith collected, gathered in, and received from the said Proprietors of Pews or Seats in the said Church or Chapel for the Time being, by the said Church or Chapel Warden for the Time being; and in case any such Proprietor or Proprietors, his, her, or their Executors or Administrators, shall at any Time or Times neglect or refuse to pay to the said Church or Chapel Warden for the Time being the Sum or Sums so charged and assessed on him, her, or them respectively by any such Rate, by the Space of Fourteen Days next after a personal Demand made, or Notice in Writing left at the usual or last Place of Abode of the Person or Persons required to pay the same, or in case such Proprietor or Proprietors shall not reside in the said Parish, upon Notice being affixed upon the Door of the Pew or Pews of such Proprietor or Proprietors, then and in every such Case it shall be lawful for the said Church or Chapel Warden for the Time being to use such and the like Means for the Recovery of every such Rate, and the Money therein and thereby charged and assessed upon such Proprietor or Proprietors, as by the Laws and Statutes of this Realm are provided for compelling the Payment of Assessments for the Repairs of Parish Churches.

Minister to  
appoint  
Clerk and  
Sexton, etc.

XIII. And be it further enacted, That it shall be lawful for the Minister of the said Church or Chapel for the Time being, to nominate and appoint proper Persons to the Offices or Places of Clerk and Sexton, and to such other Offices or Places as he shall think proper, and from Time to Time to remove or displace any such Officer or Officers, and appoint others in their Stead, or in the Stead of such of them as shall die, or decline or become incapable to perform their Offices respectively.

Appointment  
of Chapel  
Warden, etc.

XIV. And it is hereby further enacted, That the Minister of the said Church or Chapel, and the Proprietors of Pews or Seats in the said Church or Chapel, for the Time being, assembled and met therein on Five Days Notice, to be previously given in the said Church or Chapel on some *Sunday* Forenoon, immediately after Divine Service, or the major Part of them so assembled, shall and may, on some convenient Day, within Twenty Days next after the Consecration of the said Church or Chapel, and annually and every Year afterwards on *Easter Monday*, of which Notice shall be given on *Easter Sunday* in the Forenoon, after Divine Service, appoint and chuse, by Ballot or otherwise, some Person out of the Number of Proprietors of Pews in the said Church or Chapel for the Time being, as and for Church or Chapel Warden of the said Church or Chapel, which said Person so to be appointed and chosen, shall continue in the said Office until the *Easter Monday* following, and until another Church or Chapel Warden shall be nominated and appointed to, and accept the said Office; and every Person so to be appointed and chosen as aforesaid, shall, and he is hereby required to accept and take upon him the Office of Church or Chapel Warden as aforesaid, upon Pain that every Person so appointed, and neglecting or refusing to accept or execute the said Office, (not being a Second Time, contrary to his Inclination, appointed thereto within the Space of Ten Years), shall forfeit and pay to the last preceding Church or Chapel Warden the Sum of Five Pounds, to be recovered by him by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, together with double  
Costs

Costs of Suit, and to be applied towards the Repairs and Support of the said Church or Chapel; and then and in every such Case, or in case the said Church or Chapel Warden shall die before the Expiration of the said Year next after his Appointment to the said Office, it shall be lawful for the Minister and Proprietors for the Time being, assembled in the said Church or Chapel, in pursuance of Ten Days Notice, to be given as before directed, or the major Part of them so assembled, to nominate and appoint some other fit Person to the said Office, in the Room and Place of such Church or Chapel Warden so dying or refusing as aforesaid, and such Person shall thereupon accept and take upon him the said Office, on Pain of the like Forfeiture, to be recovered and applied in like Manner as if such Person had been originally elected and chosen to the said Office, and had refused to accept the same.

XV. And it is hereby further enacted, That the Person so appointed to, and accepting the said Office of Church or Chapel Warden of the said Church or Chapel as aforesaid, shall and may, and he is hereby authorized, empowered, and required to collect the said Rates to be made as herein-before directed, and all Briefs to be collected in the said Church or Chapel; and by and out of the Monies arising by such Rates, to pay all Bills for the Repairs of the said Church or Chapel, and also to find and provide Bread and Wine for the Holy Communion, and Books and Surplices for the Minister, and all other incidental Charges and Expences thereof, and to do, perform, and transact all other Matters and Things requisite and necessary for and concerning the Management and Support of the said Church or Chapel.

Chapel Warden's Duty.

XVI. And it is hereby further enacted, That the Keys of the said intended Church or Chapel shall from Time to Time be kept by, and left in the Custody of the Church or Chapel Warden of the said Church or Chapel for the Time being, who shall also have the Custody and keeping of the Plate, Furniture, Records, and Books belonging to the said Church or Chapel, and shall and may deposit and keep the same in the Vestry Room of the said Church or Chapel, or in such other Place as the Owners or Proprietors of Pews or Seats, or the major Part of them, shall from Time to Time direct, in a strong Chest to be for that Purpose provided, with Two secure Locks and different Keys; One of which Keys shall be from Time to Time kept by the said Church or Chapel Warden, and the other by the Minister of the said Church or Chapel for the Time being.

Keys, &c. of the Chapel to be left in the Custody of the Chapel Warden.

XVII. And it is hereby further enacted, That every Person so to be elected and chosen into, and accepting the Office of Church or Chapel Warden as aforesaid, shall, and he is hereby enjoined and required to keep a true and perfect Account of all and every Sum and Sums of Money by him received and paid during his Continuance in the said Office under and by virtue of this Act, and to enter all such Receipts and Payments in a proper Book or Books to be kept by the said Church or Chapel Warden for that Purpose; which said Book or Books, and Account, shall and may be from Time to Time inspected by any Owner or Proprietor of a Pew or Seat in the said Church or Chapel, upon Demand.

Chapel Warden to keep an Account.

VIII. And

Limitation  
of Actions.

XVIII. And it is hereby further enacted, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be brought within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the County of *York*, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if it shall appear to be so done, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Suit or Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs upon Demurrer, then and in every of the said Cases the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the Recovery of the same, as any Defendant or Defendants hath or have by Law for the Recovery of Costs in any other Case.

Right of the  
Vicarage of  
*Leeds* not to  
be prejudiced.

XIX. And it is hereby further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to prejudice, impeach, or affect any Right, Title, Interest, Claim, or Demand of the Vicar of the said Parish of *Leeds*, or his Successors, or of or to any Tithes, Offerings, Surplice Fees, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, or Advantages arising within the said Parish of *Leeds*, and belonging to the said Vicar or his Successors (save the Right of Nomination to the said Church or Chapel, and Fees for Burials as herein-before provided) but the said Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, and Advantages, shall be paid and payable in the same Manner as they were respectively before the passing of this Act, or would or ought to have been in case the same had not been made; any Thing in this Act contained to the contrary notwithstanding.

General  
Saving.

XX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons, Bodies Politick and Corporate, and his, her, and their Successors, Executors, and Administrators, (other than and except the said *John King*, his Heirs and Assigns) all such Right, Title, and Interest, of, in, to, or out of the same Piece or Parcel of Ground, and the said Church or Chapel erected thereon, as they, every or any of them, had before the passing of this Act, or would have been entitled to in case this Act had not been made.

Publick Act.

XXI. And it is hereby further enacted, That this Act shall be deemed, taken, and allowed, in all Courts of Justice within this Realm, to be a Publick Act, and all Judges and Justices are hereby required to take Notice thereof as such without the same being specially pleaded.