



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 41.

An Act to enable His Majesty to grant Part of His Majesty's Allotment of the disafforested Forest or Chase of *Needwood*, in the County of *Stafford*, for the Erection of a Church, and the Endowment of the Minister thereof, and for building and establishing the said Church. [5th June 1805.]

WHEREAS by an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for dividing, allotting, and inclosing the Forest or Chase of Needwood, in the County of Stafford*, it was recited, that the King's most Excellent Majesty was pleased to Himself, His Heirs and Successors, of the Forest or Chase of *Needwood*, containing about Nine thousand four hundred Acres of Land, lying within the Honour or Lordship of *Tutbury*, Parcel of the Estates and Possessions of the Duchy of *Lancaster*, in the County of *Stafford*, subject to such Common of Pasturage, and other Rights, as the Freeholders and Copyholders of Messuages, Lands, and Tenements, within certain Townships therein mentioned were entitled unto; and also reciting that the said Forest or Chase was divided into and consisted of Four distinct and separate Wards or Districts, called by the respective Names of *Tutbury Ward*, *Marchington Ward*, *Yoxall Ward*, and *Barton Ward*, and that the said Four several Wards lay, or were reputed to lie, within the several Parishes following (that is to say) *Tutbury Ward* within the Parish of *Tutbury*, *Marchington Ward* within the Parish of *Hanbury*, *Yoxall Ward*

Recital of Act
41 Geo. 3.

[Loc. & Per.]

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within

within the Parish of *Yoxall*, and *Barton Ward* within the Parish of *Tatenhill*, all which said Parishes were within the County of *Stafford*; and it was (among other Things) thereby enacted, that the Commissioners appointed by the said Act should, after setting out Roads and Plots of Land for the Purposes mentioned in the said Act, set out and allot to the Tythe Owners of the said Four Parishes certain Portions of the said Four Wards respectively, in full Satisfaction and Discharge of all and all Manner of Tythes whatsoever, within and upon the said Forest or Chase; and it was further enacted, that the said Commissioners should set out and assign unto the Freeholders and Copyholders having a Right of Common of Pasture or other Rights within the said Forest or Chase, so much of the open Parts of the said Forest or Chase, and of the Oak Trees or the Value thereof standing and growing on the said open Parts, being under the Girth or Square of Six Inches, as they the said Commissioners should adjudge to be equal in Value to One full Moiety or Half Part as well of the said Forest or Chase, and of all Inclosures and Incroachments thereon, as also of the said Oak Trees; and it was further enacted, that all and singular the Residue and Remainder of the said Forest or Chase not therein before directed to be allotted, nor thereby vested in or declared to belong to any Person or Persons should be set out and allotted by the said Commissioners unto the King's Majesty, His Heirs and Successors: And whereas by reason of the inclosing of the said Forest or Chase, and of bringing into a State of Cultivation so large a Tract of Land, a new and progressively increasing Population may be expected to arise: And whereas many Parts of the said Forest or Chase are at a great and inconvenient Distance from the surrounding Parish Churches and Chapels, which being already appropriated and occupied, will not admit a new Influx of People; and it would tend to promote the Worship of Almighty God, and be beneficial to the Inhabitants of the said late Forest or Chase if a Church, with a Church Yard or Burying Ground thereto, was erected and built in some central Part of the said Forest or Chase, in order to be consecrated and set apart for the publick Worship of Almighty God, according to the Usage of the Church of *England*: And whereas certain of the said Inhabitants and others are desirous of carrying the said pious and laudable Plan into Execution, and of bearing the Expence of erecting a Church and an House for the Residence of the Minister or perpetual Curate thereof in the said late Forest or Chase, and His Majesty is most graciously disposed to give a sufficient Portion of the Land to be allotted to His Majesty as aforesaid for the Purpose of having a Church with a Church Yard, and an House for the Residence of the Minister or perpetual Curate thereof erected thereon, and also a competent Portion of Land for endowing the said Church, and providing a Maintenance for the Minister thereof; but the same cannot be done without the Aid and Authority of Parliament: 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 the Right Honourable *George Venables Lord Vernon*, the Right Honourable *William Lord Bagot*, *Isaac Hawkins Browne* or *Badger* in the County of *Salop*, Esquire, the Reverend *Thomas Gysborne* of *Yoxall Lodge* in the County of *Stafford*, Clerk, *Edward Sneyd* or *Byrkley* otherwise *Brickley Lodge* in the same County, Esquire, *John Gysborne* of *Hollybush* in the Parish of *Hanbury*, in the same County, Esquire,

Trustees appointed.

and *Robert John Harper* of the *New Lodge*, in the Parish of *Hanbury* aforesaid, Esquire, and such other Person and Persons as shall from Time to Time be nominated and appointed, in Manner herein-after directed, in the Place or Stead of any of them dying or refusing to act, in the Trusts hereby in them reposed, shall be and they are hereby appointed Trustees for causing a Church or Chapel with a Church Yard or Burying Ground, and an House for the Residence of the Minister or perpetual Curate thereof, to be erected, and completed in the said disafforested Forest or Chase of *Needwood*, and for collecting, receiving, and applying all and every such Sum and Sums of Money and Donations as have been or shall be subscribed or given for the Purposes aforesaid, or any of them, and for putting this Act into Execution.

II. Provided always, and be it enacted, That any Three of the said Trustees or their Successors, to be appointed as herein-after mentioned, shall be competent, at all Times, when no other Trustee or Trustees shall attend to execute the Powers of this Act, or any of them.

Three Trustees may act.

III. And be it further enacted, That the said Trustees, or the major Part of them, may, by Writing under their Hands, appoint a proper Person or Persons to be their Clerk or Treasurer, for the Purpose of receiving the Monies subscribed or to be subscribed towards building the said intended Church and House for the Residence of the Minister or perpetual Curate thereof, and for other the Purposes of this Act, which said Clerk and Treasurer so to be appointed shall give such Security for the due Application of all Monies which shall be so by him or them received as the said Trustees, or the major Part of them, shall think necessary.

Trustees may appoint a Clerk and Treasurer.

IV. And be it further enacted, That it shall and may be lawful for the Chancellor and Council of His Majesty's Duchy of *Lancaster*, for the Time being, and they are hereby empowered and directed within Six Months next after the passing of this Act (or within Six Months next after the Commissioners appointed by the said Act of the Forty-first Year of His present Majesty's Reign, shall have made their First Award) by Deed in Writing under the Seal of the said Duchy, to grant and convey, in the Name of His Majesty, His Heirs or Successors, such Part or Parcel of His Majesty's Allotment of the said late Forest or Chase in *Tutbury Ward* aforesaid, not being less than Five Acres nor more than Ten Acres in Quantity, as the Chancellor and Council of the said Duchy for the Time being shall think fit, with convenient Roads or Ways thereto over His Majesty's Allotments, unto the said Trustees appointed or to be appointed by virtue of this Act, and their Heirs for ever, in Trust, and for the Purpose of there being erected and made thereon a Church, and Church Yard or Burial Ground, and an House for the Residence of the Minister or perpetual Curate of the said Church, with proper Outbuildings, and a Garden or Gardens, and Plot or Parcel of Land to the same; which said Deed or Writing, so sealed as aforesaid, and duly inrolled with the Auditor for the North Parts of the said Duchy for the Time being, shall be effectual and sufficient in Law to vest in the said Trustees and their Heirs the Fee Simple and Inheritance of the Land therein to be comprized and described, without any Licence to take or purchase in Mortmain, and notwithstanding an Act of the First Year of the Reign of Her late Majesty Queen *Anne*, intituled, *An Act for the better Support of Her Majesty's*

The Chancellor and Council empowered to convey Land to the Trustees for a Church, and an House for the Minister, to be erected thereon.

Majesty's Household, and the Honour and Dignity of the Crown, or any other Act or Acts or other Impediment or Disability whatsoever.

A Church to be built, and a Church-yard to be made and inclosed.

Benches and Kneeling Places to be provided for the Poor Inhabitants, free of Rents or other Payments.

A House for the Minister to be erected.

Trustees may contract with Persons for building the Church, &c.

Account of Contracts and other Proceedings of Trustees, and of all Monies received and paid, to be entered in a Book.

V. And be it further enacted, That it shall and may be lawful for the said Trustees, or the major Part of them, and such Person and Persons as shall be employed by them, to erect and build, or cause to be erected and built, upon the said Parcel of Land so to be granted and conveyed as aforesaid, a Church, to be consecrated and set apart for Divine Service, according to the Rites and Ceremonies of the Church of *England*, and to make and erect Pews, Conveniencies, and Ornaments, in the said Church; and to place and set down Benches, Seats, and Kneeling Places therein, in convenient Situations, to be fixed by the said Trustees, or the major Part of them, and to occupy at least One Half Part of the Area of the said Church, for the Use and Accommodation of the poor Inhabitants of the said disafforested Forest or Chase for ever, but without taking any Rent, Payment, or Gratuity, for or on Account of such Benches, Seats, or Kneeling Places; and also take in and inclose with proper Walls or Fences the said Church, and a sufficient Portion of the said Parcel of Land for a Church Yard or Burying Ground, and to make convenient Roads or Ways thereto through and over His Majesty's Allotments of the said Forest or Chase; and also to erect and build, or cause to be erected and built, upon the aforesaid Parcel of Land, or some Part thereof, a fit and proper House for the Residence of the Minister or perpetual Curate of the said Church, with proper Offices, Outbuildings, and Conveniencies, and a Garden or Gardens, and Plot of Land thereto, and to inclose and fence the same, and to construct and execute the several Works aforesaid, in such Manner as the said Trustees, or the major Part of them, shall think proper.

VI. And be it further enacted, That at any Meeting or Meetings of the said Trustees for putting this Act into Execution, of which Ten Days Notice shall be given to all the said Trustees, it shall be lawful for the said Trustees, or the major Part of them assembled at such Meeting or Meetings, to receive Proposals from, and in their own Names, or in the Name of their Clerk or Treasurer, to contract with, any Surveyor or Surveyors, Builder or Builders, or Workmen, for the building and finishing the said intended Church, and the intended House for the Minister or perpetual Curate thereof, and providing proper Materials for those Purposes, and also for purchasing proper Materials for erecting and making Seats, Kneeling-Places, Pews, Ornaments, and Conveniencies, and for doing, completing, and finishing the several Works aforesaid.

VII. And be it further enacted, That an Account of all and every Contract and Contracts so to be made for the said intended Buildings and Works, and of all other Proceedings of the said Trustees, and of all Sums of Money which shall be received and paid by them, under or by virtue of this Act, shall be written and entered in a Book or Books to be provided and kept by the said Trustees for that Purpose, and such Book and Books, and all original Contracts in Writing so to be made as aforesaid, shall be kept at the Office of the Clerk or Treasurer to the said Trustees, and shall be open at all seasonable Times to the Inspection of the Subscribers to the said intended Church without Fee or Reward.

VIII. And

VIII. Provided always, and be it enacted, That in case a Church shall not be erected on the said Parcel of Land so to be granted and conveyed as aforesaid, and completed and made proper for the Performance of Divine Service therein, within the Space of Six Years from the passing of this Act, then the said Trustees or their Heirs shall, and they are hereby required to reconvey the said Parcel of Land so to be granted as aforesaid, and every Part thereof, unto and to the Use of the King's Majesty, His Heirs and Successors for ever, and the same shall again become Parcel of the Possessions of the said Duchy of *Lancaster*.

If a Church is not built within Six Years, the Land to be reconveyed to His Majesty.

IX. And be it further enacted, That so soon as the said Church shall be erected and finished and endowed according to the Provisions herein-after contained, and, in the Judgement of the Lord Bishop of *Lichfield* and *Coventry* for the Time being, made fit for the Performance of Divine Service therein, it shall be consecrated with the Burying Ground appropriated thereto, and after such Consecration the same Church shall be and be deemed a perpetual Cure, and shall be called and distinguished by the Name of *Christ's Church in Needwood* for ever; and it shall be lawful for the said Bishop of *Lichfield* and *Coventry* for the Time being from Time to Time to license a Minister or perpetual Curate to the said Church (duly qualified according to Law) to officiate and perform Divine Service therein, being presented or nominated as herein-after mentioned; and the Minister or perpetual Curate of the said Church for the Time being shall be deemed and taken by virtue of this Act to be incorporated and made One Body Politick and Corporate, and shall have perpetual Succession, and shall sue and be sued by the Name of *the Minister or perpetual Curate of Christ's Church in Needwood*; and the said intended Church and Church Yard, and also the House to be erected for the Residence of the said Minister or perpetual Curate, with the Offices, Outbuildings, Gardens, Land, and Appurtenances to the same, shall be vested in the said Minister or perpetual Curate for the Time being, and his Successors, Ministers or perpetual Curates of the said Church for ever, in like Manner as the Freehold and Inheritance of a Parish Church and Parsonage or Vicarial House are by the Laws of this Realm vested in the Incumbent thereof; and the said intended Church and the Minister or perpetual Curate thereof for the Time being, as also the Persons who shall act as Churchwardens thereof for the Time being, shall be under and subject to the ordinary Jurisdiction of the Bishop of *Lichfield* and *Coventry*, and his Successors, in all Respects according to the ecclesiastical Jurisdiction by Law established.

Church to be consecrated, and Minister licensed by the Bishop.

Minister to have perpetual Succession.

Church, and Church-yard, and House, vested in the Minister.

The Church and Churchwardens to be subject to the Jurisdiction of the Bishop.

X. And be it further enacted, That the Advowson, Right of Patronage, and Nomination to the said intended Church shall appertain and belong to and be hereby vested in the King's Majesty, His Heirs and Successors, for ever, in Right, and as Parcel of the Possessions of His Majesty's Duchy of *Lancaster*.

Right of Advowson vested in His Majesty.

XI. And be it further enacted, That the Minister or perpetual Curate of the said intended Church for the Time being shall himself every *Sunday* Morning read in the said Church the Morning Prayers prescribed in the Book of Common Prayer or publick Liturgy of the Church of *England*, and in the Afternoon of every *Sunday* the Evening Prayers prescribed

Duty of the Minister.

scribed in the said Book of Common Prayer, and shall on every *Christmas Day*, and on every Day in *Passion Week*, and on every *Easter Monday* and *Tuesday*, and on *Ascension Day*, read in the said Church the Morning Prayers prescribed in the said Book of Common Prayer for such Days respectively, and shall on every *Sunday Morning* throughout the Year, and on every *Christmas Day* and *Good Friday*, and on every Day on which Divine Worship is ordered by Authority to be celebrated, in the Morning preach a Sermon in the said Church, and shall also on every *Easter Sunday*, *Whit Sunday*, and *Christmas Day*, and on the *Sunday* next before the Feast of *Saint Michael*, in every Year, administer the Holy Sacrament of the Lord's Supper in the said Church; and the said Minister or perpetual Curate may also baptize Children, visit the Sick, and bury the Dead, within the said disafforested Forest or Chase.

Rectors and Vicars of the Four Parishes not prevented from performing Religious Offices.

XII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall prevent, exclude, or excuse, the several Rectors or Vicars of the said Four several Parishes before-mentioned, when applied to, from baptizing Children, visiting the Sick, and burying the Dead, of the Ward of or belonging to their several Parishes respectively.

Register of Christenings and Burials to be kept.

XIII. And be it further enacted, That all Christenings and Burials to be solemnized or performed in the said intended Church shall be entered in a Register to be provided and kept for that Purpose, in like Manner as Christenings and Burials in Parish Churches are registered.

Rights of the Rectors and Vicars of the Four Parishes not to be prejudiced.

XIV. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend or be construed to extend to prejudice, impeach, or defeat any Right, Title, Interest, Claim, or Demand of the several Rectors and Vicars of the Parishes of *Tutbury*, *Hanbury*, *Yoxall*, and *Tatenbill* aforesaid, or any of them respectively, or the Curates or other Officers of the Churches of the said Parishes respectively, or their respective Successors to any Tythes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, or Advantages arising within the said several Parishes and belonging to them or any of them respectively, but the said Tythes, 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 this Act had not been made.

Double Fees to be taken for Services performed in the intended Church, and One-Half to be paid to the Rector or Vicar of the Parish, from which the Duty arises.

XV. And, in order that the Erection of the said intended Church may not in anywise prejudice the said Four several Parish Churches before-mentioned, nor lessen the Revenues thereof, be it further enacted, That there shall be paid to the Minister or perpetual Curate, Clerk, and Sexton, of the said intended Church, and their respective Successors for the Time being for the Performance of their several Offices there, double the Fees which are usually and of right ought to be paid for the Performance of such Office in the Parish of the respective Ward in or out of which the Duty, Service, or Office may arise; and that the said Minister, Clerk, and Sexton, and their respective Successors, shall from Time to Time collect and receive such double Fees, and account for and pay One Moiety or equal Half Part thereof, to the Rectors, Vicars, Clerks, and Sextons for the Time being of the said several Parishes respectively, in or out of which respectively

tively the Duty, Service, or Office to be performed at the said intended Church may arise, to be divided among them in such Shares and Proportions as the Fees payable at the same Parish Churches respectively are divided, and that the remaining Moiety shall be divided between the Minister, Clerk, and Sexton of the said intended Church, in such Shares and Proportions as Fees of the like Nature, and for the like Services are usually or of right ought to be divided among the Rectors, Vicars, Clerks, and Sextons, of the said Parish Churches respectively.

XVI. And be it further enacted, That it shall be lawful for the Minister or perpetual Curate for the Time being of the said Church to nominate and appoint such Person or Persons from Time to Time as he shall think fit to officiate as Clerk and Sexton in or for the said Church; and also from Time to Time to displace and remove such Clerk and Sexton as the said Minister or perpetual Curate for the Time being shall think fit; and the said Minister or perpetual Curate shall pay unto the Clerk the yearly Salary of Five Pounds, and unto the Sexton the yearly Salary of Two Pounds, on *Midsummer Day* in every Year.

Clerk and
Sexton to be
appointed.

XVII. And be it further enacted, That the Minister or perpetual Curate of the said intended Church, with the Inhabitants of the said Four several Wards assembled in the said Church, or the Vestry belonging to the same, on Fourteen Days Notice to be previously given in the said Church on some *Sunday* Forenoon immediately after Divine Service, shall and may on some convenient Day within Twenty-one Days next after the Consecration of the said Church, and annually every Year afterwards on *Easter Tuesday*, of which Notice shall be given in the said Church on *Easter Sunday* in the Forenoon, immediately after Divine Service, elect and appoint Two Persons, being Inhabitants of some or One of the said Four Wards, to be Churchwardens of the said Church (not being of the People commonly called *Quakers*) One to be chosen by the said Minister or perpetual Curate, and the other by the major Part of the Inhabitants so assembled; which said Churchwardens so to be from Time to Time elected shall be sworn into their Office by the proper ecclesiastical Officer or Officers exercising Ecclesiastical Jurisdiction within the Diocese of *Lichfield* and *Coventry*, and shall have the like Powers and Authorities relating to the said intended Church, as the Churchwardens of any other Church within the Diocese of *Lichfield* and *Coventry* do or may lawfully execute, and shall continue in the said Office until the *Easter Tuesday* following, and until other Churchwardens shall be nominated and appointed to execute the said Office; and every Person so to be appointed and chosen as aforesaid, shall and they are hereby required to accept and take upon them the Office of Churchwarden as aforesaid, upon pain that every Person and Persons so appointed and neglecting or refusing to accept and execute the said Office (not being a second Time contrary to his or their Inclination appointed thereto within the Space of Three Years, unless there shall not be a sufficient Number of other Inhabitants in the said Four Wards, fit and proper to be appointed) shall forfeit and pay to the last preceding Churchwardens the Sum of Five Pounds to be recovered by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, and applied towards the Repairs and Support of the said intended Church, together also with Double Costs of Suit; and then and in every such Case, and in case the said Churchwardens, or One of them, shall die before the Expiration

Churchwardens to be
appointed.

To be sworn
by the proper
Ecclesiastical
Officers.

tion of the Year next after his or their Appointment to the said Office, it shall and may be lawful for the Minister or perpetual Curate, and Inhabitants, for the Time being, assembled in the said intended Church, in pursuance of Ten Days Notice, to be given in Manner before directed, or the major Part of them so assembled, to nominate and appoint some other fit Person or Persons to the said Office in the Room and Place of such Churchwarden or Churchwardens so refusing to act or dying as aforesaid, and such Person and Persons shall thereupon accept and take upon him or them the said Office on pain of the like Forfeiture, to be recovered and applied in like Manner as aforesaid, as if such Person or Persons had been elected and chosen to the said Office and had refused to accept the same.

No Grave or Burying Place to be made in the Church.

XVIII. And, to the End that the said intended Church may be kept clean and decent, and prevented from being injured, be it further enacted, That no Grave or Burying Place shall be made or allowed within the said intended Church, but only in the intended Church Yard, to be inclosed and consecrated as aforesaid.

Church to be kept in Repair by a Rate or Levy on the Inhabitants of the Four Wards.

XIX. And be it further enacted, That when and so soon as the said intended Church shall be built and completed, the same shall from thenceforth for ever be supported and kept in Repair by a general Rate or Levy upon the Inhabitants of and within the said four several Wards called *Tutbury Ward, Marchington Ward, Yoxall Ward, and Barton Ward*, in like Manner as the Churches of the said Four several Parishes are supported and kept in Repair.

Trustees to cause Seats or Pews to be erected.

XX. And be it further enacted, That the said Trustees appointed by this Act, and their Successors to be appointed as herein-after mentioned, shall, and they are hereby authorized to cause to be erected and made so many Seats or Pews in the said intended Church, and in such Situations as they the said Trustees, or the major Part of them, shall from Time to Time think proper, so that One Half Part at the least of the Area of the said Church be appropriated and kept open and free for the Use and Accommodation of the poor Inhabitants of the said disafforested Forest or Chase for ever as before directed; and the Right, Property, and Interest of and in the said several Seats or Pews to be erected as aforesaid, shall be and are hereby declared to be vested in the said Trustees, their Heirs and Assigns, in Trust, to be sold and disposed of, and conveyed by them, or the major Part of them, if they or the major Part of them shall think fit and expedient, unto any Person or Persons dwelling or residing at the Time of such Sale or Sales in any of the Four Wards or Parishes before mentioned, either in Fee Simple, or for any less Estate or Interest, or otherwise at the Discretion of the said Trustees, or the major Part of them, for the highest and best Prices that can be obtained for the same, and the Money arising by such Sale shall be applied towards the Purposes of this Act: Provided always, that such of the said Seats or Pews as shall remain undisposed of at the Expiration of Two Years from the Consecration of the said Church, and such of them as shall not be conveyed in Fee Simple absolutely, shall (subject to such Sale and Sales) be and are hereby vested in the Minister or perpetual Curate of the said Church and his Successors for ever, to be let out by him (subject to the Restrictions herein after mentioned) to any Person or Persons dwelling or residing in

Rights of Seats and Pews vested in the Trustees.

Pews undisposed of to be let by the Minister.

any

any of the Four Wards or Parishes before mentioned, who shall be willing to contract or agree for the same at such annual Rent or Rents as shall be fixed by the said Trustees, or the major Part of them, at a General Meeting for that Purpose as herein-after mentioned: Provided also, that such Persons as shall subscribe towards erecting the said Church shall be entitled in Proportion to the Amount of the Sums subscribed by them to the Preference of Purchase of the said Seats or Pews at such Price or Prices as aforesaid.

XXI. Provided always, and it is hereby declared and enacted, That no Seat or Pew shall be erected in the said Church without the Consent of the major Part of the said Trustees for the Time being signified in Writing under their Hands.

No Seat or Pew to be erected without the Consent of the Trustees.

XXII. And be it further enacted, That the said Trustees, or the major Part of them, shall, and they are hereby required to cause the several Seats or Pews in the said Church to be numbered, and the several Numbers of the said Seats or Pews, and also the several annual Rents at which the same respectively are to be annually let by the Minister or perpetual Curate of the said intended Church, to be entered in a Book, which Book shall be kept and preserved in the Vestry of the said Church, and shall be open to the Inspection of all Persons renting or occupying, or applying to rent or occupy, any of the said Seats or Pews at all seasonable Times, without Fee or Reward.

Seats or Pews to be numbered, and the Numbers and Rents at which they are to be let, to be entered in a Book.

XXIII. And be it further enacted, That Two Third Parts in Number of the Seats or Pews to be erected in the said Church; and which shall not be sold or disposed of as aforesaid, shall be let by the said Minister or Curate for the Time being at such Prices by Way of annual Rent as the said Trustees or the major Part of them may think proper; but that the remaining Third Part in Number of the said Seats shall not be let for a Sum exceeding Five Shillings for each Sitting, nor for less than the Sum of One Shilling for each Sitting, by the Year; and in letting or letting the said Two Third Parts of the said Seats, the Rents of which are not by this Act limited, Preference shall be given in the Choice of such Seats or Pews to Persons subscribing the largest Sum or Sums of Money for building and completing the said Church as aforesaid, provided such Preference be claimed within One Month next after the Rates or Prices at which the said Seats or Pews are to be let or set shall have been fixed and ascertained as aforesaid; and if any Dispute or Disputes respecting the said Seats or Pews shall arise between Two or more Subscribers of equal Sums of Money, such Dispute and Disputes shall be determined at a Meeting of the said Trustees by Ballot.

Two Third Parts in Number of Seats or Pews to be let at such Rents as the Trustees shall think fit. The remaining Third at limited Rents.

Preference to Persons subscribing the largest Sums.

XXIV. And be it further enacted, That if any of the Rents agreed to be paid for any of the said Seats or Pews shall remain in Arrear and unpaid for the Space of One Calendar Month next after the same shall have become due, and Payment whereof shall have been duly demanded, that then it shall be lawful for the Minister or perpetual Curate of the said Church for the Time being to re-enter upon such Seat or Seats, Pew or Pews, and re-let the same; and also to sue for and recover the said Rent and Rents so in Arrear by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster;

For Recovery of Seat Rents.

wherein no Effoin, Privilege, Protection, Wager of Law, or more than One Imparance shall be allowed, or to levy such Rent by Distrels and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said County of *Stafford*, which Warrant such Justices are hereby empowered and required to grant, upon Proof being made before them on Oath that such Rent has been demanded and remains unpaid, which Oath such Justices are hereby empowered and required to administer without Fee or Reward.

Renters of Seats or Pews to hold them without Molestation.

XXV. Provided always, That it shall and may be lawful for the Renters of such Seats or Pews, so long as they shall respectively pay the Rents for the same, to hold and enjoy such Seats or Pews so to be let or set to them, without any Molestation or Disturbance whatsoever at the respective Rents so to be fixed by the said Trustees as aforesaid.

Seats or Pews not to be underlet at higher Rents or assigned for Premiums.

XXVI. Provided also, That no such Renter or Occupier of such Seats or Pews shall demise or let the same, or any of them, or any Kneeling or Sitting therein, to any Person or Persons whomsoever, for a larger or greater Rent than he, she, or they, respectively shall pay for the same, or receive any Sum of Money or other Advantage for assigning or giving up the Right to the Use or Occupation of such Seats or Pews, upon pain of forfeiting the Use and Occupation of such Seats or Pews; and in which Case the same shall become forfeited, and the Minister or perpetual Curate of the said intended Church shall from thenceforth have Power to let the same Seats or Pews to any other Person or Persons subject to the Provisions and Restrictions aforesaid.

Penalty on Minister taking larger Rents than those fixed by the Trustees.

XXVII. And be it further enacted, That in case the Minister or perpetual Curate of the said intended Church, or his Successors, shall at any Time demand, take, or receive any greater Rent for such Seats or Pews, or any of them than shall be settled by the said Trustees in Manner aforesaid, or shall receive or take or permit to be received or taken any Fine, Gratuity, Fee, or Reward from any Person or Persons as a Consideration for letting such Seats or Pews, such Minister or perpetual Curate so offending shall forfeit and pay the Sum of Ten Pounds, to be recovered by Action at Law with Double Costs of Suit by any Person who shall sue for the same, in which Action no Effoin, Protection, or Wager of Law, or more than one Imparance shall be allowed.

For recovering Subscription Monies.

XXVIII. And be it further enacted, That in case of Failure of Payment of any Money subscribed or to be subscribed for or towards the Purposes of this Act, or of any Part thereof, for the Space of Thirty Days after Demand thereof by the said Trustees, or the major Part of them, or by such Person or Persons as they the said Trustees, or the major Part of them, shall for that Purpose by Writing under their Hands authorize and appoint, then it shall be lawful for any Two or more Justices of the Peace for the said County of *Stafford*, upon Complaint made to them by the said Trustees, or the major Part of them, to summon, by Writing under their Hands and Seals, the Party or Parties so making Default, to appear before them, and after his, her, or their Appearance, or in Default of Appearance, the Service of the said Summons being proved before the said Justices upon Oath (which they are hereby authorized to administer) the said Justices,

Justices, or any Two or more of them, shall proceed to hear and determine the said Complaint, and upon the Proofs, Evidence, and Testimonies produced or made before them on Oath, to be by them administered, (and which they are hereby authorized to administer) they the said Justices shall by Writing under their Hands and Seals, adjudge and determine the Case, and give and award such reasonable Allowance and Compensation of and for the Sum and Sums of Money so due and in Arrear as they shall adjudge to be just, and also such Costs and Charges, not exceeding Ten Shillings, as to them shall seem reasonable; and in case any Person or Persons shall refuse to comply with the Order and Determination of such Justices, that then the said Justices shall and they are hereby authorized and required by Warrant under their Hands and Seals to levy the Money so to be awarded by them, with such Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or making Default of Payment as last aforesaid, rendering the Surplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale, or otherwise it shall be lawful for the said Trustees to sue for and recover the Amount of such Subscription or Subscriptions in their own Names, or in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or upon the Case, Bill, Plaint, or Information, wherein no Effoin, Protection, or Wager of Law, or more than one Imparance shall be allowed.

XXIX. And be it further enacted, That all such Monies as shall be subscribed, advanced, or paid by any Person or Persons whomsoever towards defraying the Expences of this Act, shall be considered, deemed, and taken as Part of their several Subscriptions towards the building the said intended Church and House for the Residence of the Minister or perpetual Curate thereof; and that as well all such Subscriptions for or towards the obtaining of this Act, as all Subscriptions towards erecting and completing the said intended Church, shall in the first Place be liable to and applied towards the paying and defraying the Charges and Expences attending the obtaining and passing of this Act.

Money subscribed or advanced towards the Expences of obtaining this Act, to be deemed Part of subscription Money.

XXX. And be it further enacted, That all and every Sum and Sums of Money subscribed for the Purposes of this Act, which shall remain in the Hands of the said Trustees or their Treasurer or Banker, after Payment of all the Charges and Expences of building and completing the said intended Church and the House for the Residence of the Minister or perpetual Curate thereof, and all other Expences incident to and attending the obtaining of and carrying into Execution this Act, shall, by the said Trustees or their Treasurer or Banker, be paid into the Hands of the Bishop of *Lichfield* and *Coventry* for the Time being, to be by him disposed of or applied for the Benefit of the Minister or perpetual Curate of the said Church, in such Manner as the said Bishop shall think fit and proper.

Residue of Subscription Money, not applied for the Purposes of the Act, to be paid to the Bishop for the Benefit of the Minister.

XXXI. And, for the further and better endowing of the said intended Church, and providing a competent Maintenance and Support for the Minister or perpetual Curate thereof, be it further enacted, That it shall and may be lawful for the Chancellor and Council of the said Duchy of *Lancaster* for the Time being, and they are hereby empowered and directed

The Chancellor and Council empowered to convey Land for endowing the Church, and the better Support of the Minister.

rected when and so soon as the said intended Church shall be erected (or at any Time previous thereto, in case they shall think proper) by Deed in Writing under the Seal of the said Duchy, to grant and convey, in the Name of His Majesty, His Heirs or Successors, such Part or Parts of His Majesty's Allotment or Allotments of the said late Forest or Chase, not being less than One hundred Acres, nor more than One hundred and fifty Acres in Quantity, in such Situation or Situations as the Chancellor and Council of the said Duchy for the Time being shall think fit, with convenient Roads or Ways over the Allotments of His Majesty thereto, unto the said Trustees appointed or to be appointed by virtue of this Act, and their Heirs for ever, in Trust nevertheless for and for the sole Benefit of the Minister or perpetual Curate of the said intended Church, and his Successors for ever, as Part and Parcel of his and their Benefice; which said Deed or Writing so sealed as aforesaid, and duly inrolled with the Auditor for the North Parts of the said Duchy for the Time being, shall be effectual and sufficient in Law to vest in the said Trustees and their Heirs the Fee Simple and Inheritance of the Lands therein to be comprized and described in Trust as aforesaid, without any Licence to take or purchase in Mortmain, and notwithstanding the said Act of Parliament of the First Year of the Reign of Queen Anne, intituled, *An Act for the better Support of Her Majesty's Household, and the Honour and Dignity of the Crown*, or any other Act or Acts or other Impediment or Disability whatsoever.

Power for the
Minister to
lease.

XXXII. And, to the End that the said Lands so to be conveyed as last aforesaid may be inclosed and brought into a State of Cultivation and Improvement, be it further enacted, That it shall and may be lawful for the said Minister or perpetual Curate of the said intended Church and his Successors, with the Approbation of the Chancellor and Council of the said Duchy, and with the Consent of the Bishop of *Lichfield and Coventry* for the Time being, signified in Writing under his Hand, to grant any Lease or Leases of the said last-mentioned Lands, or any Parts or Part thereof, unto such Person or Persons as he the said Minister or perpetual Curate for the Time being shall think fit, for any Term or Number of Years not exceeding Forty Years, to be computed from the Date or Dates thereof respectively, so as no such Lease be made dishonourable of Waste, and so as no Sum of Money or other Gift be taken by way of Fine or Foregift for any such Lease or Leases, and so as the best Rent or Rents that can be gotten for the same be reserved thereon respectively unto the said Minister or perpetual Curate and his Successors, during the Term to be thereby granted, and so as such Rent or Rents be made payable quarterly, and the usual Power of Re-entry for Non-Payment of such Rent or Rents, and such other Clauses and Covenants be contained therein as are usually inserted in Leases of Farms in that Neighbourhood, and so as the Lessee or Lessees to be named in such Lease or Leases do execute and deliver Counterparts of the same; and upon the Death, Cession, or Resignation of the said Minister or perpetual Curate or his Successor or Successors, a just Proportion of the Rents and Profits of such Lands or Grounds shall be received by the Minister or perpetual Curate making such Cession or Resignation, or by the proper personal Representative or Representatives of the Minister or perpetual Curate who shall so die, up to the Day of such Cession, Resignation, or Death, as the Case may

may be, any Law, Usage, or Prescription, or any Thing to be contained in such Lease or Leases to the contrary notwithstanding.

XXXIII. And be it further enacted, That, from Time to Time, and at all Times hereafter, when and as often as any Trustee or Trustees appointed by or to be appointed in pursuance of this Act, shall die or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Three of them, or for any surviving or remaining Trustees or Trustee, with the Consent of the Chancellor of the said Duchy of Lancaster for the Time being, (to be signified by Writing under his Hand) by any Writing or Writings under the Hands of the said Trustees for the Time being, or any Three of them, or under the Hands or Hand of any surviving or remaining Trustees or Trustee, to nominate, elect, and appoint One or more fit Person or Persons in the Room of such Trustee or Trustees so deceased or refusing to act, which Person and Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees, and shall and may, and he and they are hereby authorized and empowered to act to all Intents and Purposes, in as full, large, and ample Manner as the said Trustees hereby appointed are empowered to act, as often as Occasion shall be and require, and the said Lands so to be conveyed as aforesaid, shall become vested upon the Trusts aforesaid, in such continuing and new Trustees for the Time being, in like Manner as it they had been originally appointed by this Act.

For appoint-
ing new Trust-
tees.

XXXIV. And be it further enacted, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, it shall and may be lawful for him, her, or them, to appeal to the Justices of the Peace, at their then next General Quarter Sessions of the Peace to be holden in and for the said County of Stafford, or in case the said Complaint shall arise within Fourteen Days next before such General Quarter Sessions; then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace to be holden for the said County, who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint and Complaints of every Person and Persons thinking himself, herself, or themselves so aggrieved; and the said Justices, if they see Cause, shall and may, by Order of the said Sessions, mitigate at their Discretion any Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or otherwise may ratify and confirm the same with such Costs as to them shall seem reasonable, and to levy by their Order or Warrant such Costs so to be awarded by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse to obey the same; but the Person and Persons so appealing as aforesaid shall, and they are hereby respectively directed and required to give Notice in Writing to the said Trustees for the Time being, or to their Clerk or Treasurer, of such their Intention of bringing or prosecuting any Appeal fourteen Days before the said Quarter Sessions, and that within Five Days next after such Notice given, enter into a Recognizance or Recognizances before some Justice of the Peace for the said County of Stafford, with two sufficient Sureties, with Condition to try such Appeal at the then next Quarter Sessions of the Peace, or the then second Quarter Sessions of the Peace, which shall be held in and for the said County next and immediately after bringing such Appeal, and also, in case such

Appeal to the
Quarter Ses-
sions.

Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf, and every such Appeal shall, at such next or second General Quarter Sessions (as the Case may require), be there heard, and finally determined.

Proceedings
not to be set
aside for want
of Form, nor
removed by
Certiorari.

XXXV. Provided always, That no Order made, touching or concerning any of the Matters aforesaid, or any of the Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Custom, to the contrary in anywise notwithstanding.

Limitation of
Actions.

XXXVI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action shall be commenced within Six Calendar Months next after the Fact committed and not afterwards; and the Defendant or Defendants in any 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 the Authority of this Act; and if it shall appear to have been so done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or shall discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendants have in other Cases by Law.

General
Issue.

General Sav-
ing.

XXXVII. Saving nevertheless to the King's most Excellent Majesty, His Heirs and Successors (save in respect to the Lands to be granted and conveyed as aforesaid), and to all Bodies Politick and Corporate and their Successors, and to all and every other Person and Persons whomsoever, their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest, as they or any of them might have or claim, in as ample Manner and Form as if this Act had not been made.

Publick Act.

XXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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