



5 G. 4. c. 103.

7 & 8 G. 4.  
c. 72.

Majesty, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty and in the Third Year of His present Majesty, for building and promoting the building of additional Churches in populous Parishes*: And whereas another Act was passed in the Seventh and Eighth Years of the Reign of His present Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*: And whereas, under and by virtue of the said Acts, a large and handsome Stone Church has recently been erected on a Piece of Land situate on the South Side of a certain Street called *Oxford Street North*, in the Town of *Liverpool* in the County of *Lancaster*, with a Cemetery surrounding the same for the Burial of the Dead, comprising (including the Site of the said Church) Four thousand Square Yards: And whereas, in consequence of the Extent and Populousness of the Town and Parish of *Liverpool*, it may be deemed expedient to divide the same into Ecclesiastical Districts: And whereas, in the event of such Division being made, there would be, in consequence of the Poverty of the numerous Class of Inhabitants within the District necessarily to be assigned to such new Church, much Difficulty in securing a Provision for the due Repairs of the said Church, and for the Ministers of the same: And whereas, in order to obviate such Difficulties, the Mayor, Bailiffs, and Common Council of the said Town lately proposed and agreed to make the requisite Provision for the Repairs of the said Church, and for the Salaries of Two Ministers, out of the Corporate Funds of the Mayor, Bailiffs, and Burgesses of the said Town, upon having the said Church vested in them upon such Terms and Conditions as are herein-after mentioned, and the said Church has, in consequence of such Proposal and Agreement, been recently consecrated by the Right Reverend *John Bird*, Lord Bishop of *Chester*, and set apart for the Performance of Divine Worship therein according to the Rites and Usage of the United Church of *England* and *Ireland*, and called the Church of *Saint Martin-in-the-Fields*; and the Land surrounding the said Church has also been consecrated and set apart for a Place of Christian Burial for the Dead; but the said Agreement cannot be carried into execution 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 from and immediately after the passing of this Act, the said Piece of Land situate on the South Side of *Oxford Street North* in the said Town of *Liverpool*, and comprising Four thousand Square Yards, and the said Church on Part thereof erected, and the Walls surrounding the said Piece of Land, shall be and the same are hereby vested in the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* in the County of *Lancaster*, and their Successors, to the Use, Intent, and Purpose that the said Church shall for ever continue to be set apart and dedicated to the Service of Almighty God as a Place of Divine Worship according to the Rights and Usage of the United Church of *England* and *Ireland*, and to be called the Church of *Saint Martin-in-the-Fields*; and that the

Land and  
Church  
vested in  
Corporation

said Land shall also for ever continue to be set apart as a Cemetery or Place of Christian Burial for the Dead.

II. And be it further enacted, That the several Seats or Pews in the said Church shall be numbered, under the Direction of the Common Council for the Time being of the said Town; and that Two Seats or Pews, capable of containing not less than Six Persons each, near the Pulpit, in the Body of the said Church, shall be allotted for the Use of the Ministers and their Families respectively, and Two other Seats or Pews, capable of containing not less than Four Persons each, shall be also allotted for the Use of the Servants of the respective Ministers; and One other Seat or Pew in the Body of the said Church shall be allotted for the Use of the Churchwardens; for which Seats or Pews respectively no Rent whatever shall be paid.

Seats to be allotted for Ministers and Churchwardens.

III. And be it further enacted, That Seats or Sitting Places, to be marked with the Words "Free Seats," to accommodate at least Eight hundred and twenty-eight Persons, shall be appropriated and set apart in such Parts of the said Church as the Ordinary shall from Time to Time direct, and perpetually remain for the Use of the Poor of the said Parish of *Liverpool* for ever.

Seats for the Poor.

IV. And be it further enacted, That the Common Council of the said Town for the Time being shall have the letting of the Remainder of the Seats or Pews in the said Church not required to be set apart for the Ministers and Churchwardens and Poor, as hereinbefore mentioned, and that the Rents and Profits of the same shall form Part of the general Estate of the said Mayor, Bailiffs, and Burgesses; but no greater Sum than Twenty-one Shillings shall be charged or taken as the annual Rent of any One Sitting in the said Church; nor shall any Seat, Pew, or Sitting be let by public Auction, but only by private Contract; and a Priority shall be always given in the letting of any Seat or Pew to the Inhabitants of the said Parish of *Liverpool*; and the said Common Council for the Time being shall appoint, yearly, One fit and proper Person to be Churchwarden, and the first Minister of the said Church shall appoint, yearly, One fit and proper Person to be the other Churchwarden of the said Church, such Persons respectively being Occupiers of Seats in the said Church; and the said Common Council shall also provide an Organ to the said Church, and shall from Time to Time nominate and appoint the Organist to serve and officiate therein, and displace and remove such Organist from Time to Time upon just and reasonable Cause.

Common Council to dispose of Remainder of Seats, and to appoint One Churchwarden and an Organist.

V. And be it further enacted, That there shall be regularly a Minister and Assistant Minister, to officiate together at the said Church; and the Reverend *John Boughey Monk* Clerk, Master of Arts, shall and he is hereby declared to be the Minister of the said Church, and the Reverend *Nicholas Robinson* Clerk, Master of Arts, shall and he is hereby declared to be the Assistant Minister of the said Church; and that upon any Vacancy in the said Church which shall happen by Death, Resignation, Deprivation, or Avoidance, the

The Rev. J. B. Monk to be Minister; the Rev. N. Robinson, Assistant Minister. Future Patronage vested in the Corporation.

Patronage

Patronage or Right of Presentation of a Minister and Assistant Minister to the said Church shall be and the same is hereby vested in the Mayor, Bailiffs, and Burgesses of the said Town of *Liverpool* for ever; and the Mayor, Aldermen, Bailiffs, and Common Council of the said Town, and their Successors, or the major Part of them in Common Council assembled, shall and may, and they are hereby authorized, empowered, and required, from Time to Time, to nominate and present to the Ordinary, for his Licence, under the Common Seal of the said Town, a Minister and Assistant Minister of the said Church on every Vacancy and Avoidance thereof respectively; and the said Minister and Assistant Minister hereby and hereafter to be appointed as aforesaid shall be separately and distinctly subject to the lawful Jurisdiction of the Ordinary in all things, and shall be considered as holding a separate and distinct Benefice, which shall be subject to Lapse, and to all other Operations of the Laws Ecclesiastical of this Realm, in like Manner as if there was but One Minister of the said Church.

Service to be according to Church of England.

VI. And be it further enacted, That the Minister and Assistant Minister shall perform Divine Service in the said Church according to the Rites and Usages of the United Church of *England* and *Ireland*, dividing the Duties of the said Church equally between them; and if any Dispute arise touching such equal Division, the same shall be referred to the Lord Bishop of the Diocese for his Decision.

Residence of Minister and Assistant Minister.

VII. And be it further enacted, That the Minister and Assistant Minister hereby and hereafter to be appointed to the said Church shall reside in the said Town of *Liverpool*, or within the Distance of One Mile from the said Church, and perform in Person the Duties of the said Church, unless dispensed therefrom by the Ordinary for some special Cause; and all legal and customary Fees shall be equally divided between the said Minister and Assistant Minister.

Salary of the Minister and Assistant Minister.

VIII. And be it further enacted, That the yearly Salary of the Minister of the said Church shall be not less than Three hundred Pounds, and of the Assistant Minister not less than Two hundred Pounds, and that such Salaries shall be paid and payable by the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid, and their Successors, by Two equal half-yearly Payments, and shall be accordingly recoverable, by the Minister and Assistant Minister respectively, from the said Mayor, Bailiffs, and Burgesses, and their Successors, by Action at Law, as any other Debt or Demand; subject nevertheless as herein-after mentioned; and the said Mayor, Bailiffs, and Burgesses, and their Successors, shall pay unto the Clerk of the said Church such yearly Sum, not exceeding Fifty Pounds nor less than Twenty-five Pounds, to the Organist such yearly Sum, not exceeding Fifty Pounds nor less than Twenty-five Pounds, and to the Sexton such yearly Sum, not exceeding Twenty-five Pounds nor less than Ten Pounds, for their Wages respectively, as the said Common Council shall from Time to Time order and direct, having respect to their decent and diligent Behaviour in their respective Offices;

Offices; which said last-mentioned Salaries respectively shall be also recoverable from the said Mayor, Bailiffs, and Burgesses, and their Successors, by Action at Law, as any other Debt on Demand.

IX. Provided always, and be it further enacted, That in case the Minister or Assistant Minister of the said Church shall, in consequence of Dispensation from Residence for any Reason (except that of Sickness or Infirmity), cease to perform in Person the Duties of the said Church, that then and in such Case the Salaries herein-before specified shall be no longer payable by the said Mayor, Bailiffs, and Burgesses, to the Minister or Assistant Minister who shall so cease to perform in Person the Duties of the said Church, but the said Mayor, Bailiffs, and Burgesses, and their Successors, shall be only liable to pay and shall pay to such Minister or Assistant Minister, as the Case may be, a yearly Salary of One hundred Pounds, out of the Monies arising from the Rents of the Seats or Pews of the said Church.

In case of Nonresidence, certain Salaries from Pew Rents only to be paid.

X. And be it further enacted, That the said Church, and the Walls of the said Cemetery or Burial Ground, shall from Time to Time be kept in repair by and at the Expence of the said Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid, and their Successors, and they are hereby required to do the same agreeably to the Directions of the Ordinary.

Church to be kept in repair.

XI. And be it further enacted, That it shall and may be lawful for the First Minister of the said Church for the Time being, and he is hereby authorized and empowered, annually to nominate and appoint fit and proper Persons to officiate and serve as Clerk and Sexton in the said Church.

First Minister to appoint Clerk and Sexton.

XII. And be it further enacted, That the said Church and the Churchwardens thereof shall be under and subject to the Ordinary Jurisdiction of the Lord Bishop of *Chester*, and shall be visited in like Manner as other Churches within the Diocese of *Chester* are or may be visited.

Church, &c. to be under Jurisdiction of Bishop of Chester.

XIII. And be it further enacted, That the requisite Books for the Service of the said Church, and the Public Registers for the same, and an Iron Chest for the safe-keeping thereof, and the Surplices for the Ministers, and the Bread and Wine to be used at the Communion, and the requisite Plate and Furniture for the proper and decent Administration of Public Worship at the said Church, shall be provided, under the Direction of the Common Council for the Time being of the said Town, out of the Funds of the said Mayor, Bailiffs, and Burgesses.

Books, and Bread and Wine, &c. to be provided for the Church.

XIV. And be it further enacted, That Banns of Matrimony may be published, and Marriages celebrated, within the said Church, according to the Laws and Canons of this Realm, and which Banns so published, and Marriages so celebrated, shall be as good, valid, and effectual, to all Intents and Purposes, as if the same were published and celebrated in the Parish Church of *Liverpool* aforesaid.

Marriages may be solemnized.

[*Local.*]

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XV. And

Public Registers to be kept.

XV. And be it further enacted, That all Christenings and Marriages had and solemnized in the said Church, and all Burials in the said Cemetery thereto belonging, shall be registered by the Ministers thereof for the Time being in the Public Registers to be provided for that Purpose as aforesaid; and Transcripts or Copies thereof, signed by the Minister and Assistant Minister for the Time being, and their Signatures attested by the Churchwardens, shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Bishop of *Chester*, to be kept and preserved with the Copies of the Register Book of the Parish Church of *Liverpool*.

Appointment of Synodals and Procurations.

XVI. And be it further enacted, That there shall be paid, by the Minister and Assistant Minister of the said Church for the Time being, to the Lord Bishop of *Chester* for the Time being, the usual or customary Payments at the Feast of *Easter* every Year for Synodals, and for Procurations at every triennial or ordinary episcopal Visitation, according to the Custom of the Diocese of *Chester*, the same to be recovered in like Manner as Synodals and Procurations are by Law recoverable.

Regulations as to Burials.

XVII. And be it further enacted, That it shall not be lawful to break up the Pavement or to open the Soil beneath the same within the said Church for the Purpose of Burial, nor shall there be any Vault or Burial Place under any of the Walks or Avenues in the Cemetery leading to the Entrance Doors of the said Church, such Walks or Avenues being of the Width of not less than Seven Feet, nor within Ten Feet of the external Walls of the said Church, nor shall any Coffin be placed at a less Distance than Three Feet from the Surface of the said Churchyard, such Surface being taken and considered to be the Bottom of the Stone Plinth Course surrounding the said Church; and if any of the Churchwardens of the said Church shall permit or suffer any Corpse to be buried within Ten Feet of the Walls of the said Church, or under the Foot Walks or Avenues leading to the Entrance into the said Church, or any Coffin to be placed in the said Churchyard at a less Distance from the Surface than before specified, then and in every such Case such Churchwarden or Churchwardens shall forfeit any Sum not exceeding Fifty Pounds, which may be recovered in a summary Way before any Justice of the Peace for the Borough of *Liverpool*, and shall be levied by Distress and Sale of the Goods and Chattels of the Churchwardens or Churchwarden so offending, by Warrant under the Hand and Seal of such Justice, and when levied shall go and be applied to the Use of the Poor of the said Parish of *Liverpool*.

Cemetery may be disposed of by the Common Council.

XVIII. And be it further enacted, That in consideration of the said Mayor, Bailiffs, and Burgesses having taken upon themselves the Repairs of the said Church, and the Payment of the Salaries of the Minister and Assistant Minister thereof, such Portion of the said Cemetery in which Interments are authorized to be made under the Provisions of this Act shall and may be disposed of by private Contract, by the Common Council for the Time being of the said Town, for the Purposes of Vaults or Burial Places, and the Monies arising therefrom

therefrom shall be applied to and form Part of the general Estate and Funds of the said Mayor, Bailiffs, and Burgesses.

XIX. And be it further enacted, That there shall be paid to and into the Hands of the Minister or Assistant Minister of the said Church for the Time being, the Fees, Dues, and Perquisites specified in the Second Column of the Schedule annexed to this Act, and that the Minister and Assistant Minister of the said Church shall from Time to Time collect and receive such Fees, Dues, and Perquisites, and account for and pay, by equal half-yearly Payments in every Year, (to wit,) on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December*, to and into the Hands of the Rectors of the said Parish of *Liverpool* for the Time being, such Portion of the said Fees, Dues, and Perquisites as may be due to them, and to the Clerk and Sexton of the Parish Church of *Saint Peter* and Parochial Chapel of our Lady and *Saint Nicholas*, as specified in the said Schedule; and in case of Nonpayment of the said Fees, Dues, and Perquisites payable to the Rectors, Clerk, and Sexton of the said Parish Church and Parochial Chapel, at any Time or Times within Ten Days after either of the said half-yearly Days, such Fees, Dues, and Perquisites shall and may be sued for and recovered from the Minister or Assistant Minister of the said Church for the Time being, from Time to Time, by and in the Names of the Rectors of the Parish of *Liverpool* for the Time being, by Action of Debt for Monies had and received for their Use, in any of His Majesty's Courts of Record at *Westminster*, or any Court of Record for the said County of *Lancaster*, or the Salary payable by the Minister or Assistant Minister of the said Church may be sequestered until Payment thereof.

Fees for Marriages, &c.

XX. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to take away or abridge the Right of resorting to the Parish Church for Marriages, Christenings, Churchings, or Burials, or to affect in any respect the Fees payable at the same.

Reservation of Right as to Marriages, &c.

XXI. And be it further enacted, That nothing in this Act contained shall take away, change, or impeach any Estate, Right, Title, Interest, Property, Privilege, or Jurisdiction of the Bishop of *Chester* for the Time being, or any Right, Privilege, Offering, Oblation, Obvention, Emolument, Fee, Gratuity, Gift, Present, Advantage, or Benefit of the Patrons or Rectors of the said Parish of *Liverpool*, other than and except as herein specified.

Reservation of Right of the Bishop and of the Rectors of the Parish.

XXII. And whereas by an Act passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to repeal an Act passed in the Fifty-fourth Year of His late Majesty, for building a new Church within the Town and Parish of Liverpool in the County Palatine of Lancaster; to vest the said Church and the Ground thereunto belonging in the Mayor, Bailiffs, and Burgesses of the Town of Liverpool; to authorize the Purchase of Land in the said Town, to be appropriated to the Use of Public Cemeteries; and to restrict the Burial of Corpses in the*

Rectors, &c. may officiate in the Church on Occasions of Interment in the Land purchased for the Parish Cemetery.

present

*present Cemeteries of the Parish Church and Parochial Chapel there,* the Rectors and Churchwardens of the said Parish of *Liverpool*, and their Successors, were empowered to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Parish of *Liverpool*, (not exceeding Thirty thousand Yards in the whole,) for the Purpose of an additional Cemetery for the Use of the said Parish: And whereas, in pursuance of the Powers and Authorities of the said recited Act, the Rectors and Churchwardens of the said Parish have recently purchased a Piece of Land comprising Ten thousand Square Yards, situate on the South Side of the said Street called *Oxford Street North*, immediately adjoining on the West to the Cemetery of the said Church of *Saint Martin-in-the-Fields*, but separated therefrom by a Wall Fence, with an Iron Railing thereon; and which said Piece of Land so purchased as aforesaid has been recently consecrated by the said Lord Bishop of *Chester*, and set apart as a Place of Christian Burial for the Dead: And whereas by the said last-recited Act Authority was also given to the said Rectors and Churchwardens to erect and build, in the Cemeteries to be so purchased as aforesaid for the Use of the said Parish, convenient and fit Chapels for the Reception of the Dead immediately previous to Interment, and for the Performance of the Burial Service therein; and in order to save the Expence of the Erection of a Chapel in the Parish Cemetery adjoining to that belonging to the said Church of *Saint Martin-in-the-Fields*, it is desirable that Permission should be given, as herein-after mentioned, for the Reception of the Dead into the said Church, and the Performance of the Burial Service therein, upon Occasions of Interment in the said Cemetery so provided as aforesaid for the Use of the Parish of *Liverpool*; be it therefore enacted, That it shall and may be lawful for the Rectors of the said Parish of *Liverpool* for the Time being, and their Curates respectively, or for any Minister who may be specially appointed with the Consent of the Rectors, at such Times as may be fixed and appointed by the said Rectors and the Ministers of the said Church of *Saint Martin-in-the-Fields*, (and in case of any Difference thereon by the Lord Bishop of the Diocese of *Chester*,) to officiate in the said Church upon all Occasions of Interment in the Cemetery so provided for the Use of the said Parish, and at which Times so to be fixed and appointed as aforesaid the said Church shall be open for the Reception of the Dead therein, according to the usual Custom previous to Interment.

Public Register of Burials in Parish Cemetery to be kept separate.

XXIII. And be it further enacted, That all Burials in the said Cemetery so purchased for the Use of the said Parish shall be registered in Public Registers, to be provided for that Purpose by the Churchwardens for the Time being of the said Parish, separate and distinct from the Registers of the said Church of *Saint Martin-in-the-Fields*; and Transcripts or Copies thereof, signed by the Rectors of the said Parish for the Time being, shall be from Time to Time transmitted and sent to the Registrar of the Ecclesiastical Court of the Bishop of *Chester*, to be kept and preserved with the Copies of the other Register Books of the said Parish of *Liverpool*.

XXIV. And



XXIV. And whereas, from the great Increase of Inhabitants, the Duties of the Rectors and Curates of the said Parish of *Liverpool*, in the Visitation of the Sick, have become very laborious; and the Superintendence, Preservation, and Improvement of the Religious and Moral Habits of the Parishioners would be better attained if the said Parish were separated into Ecclesiastical Districts, for the Purpose of enabling the Ministers of the Churches and Proprietary Chapels in the said Parish the better to perform Ecclesiastical Duties therein; and in consequence of the Probability of the great Increase of the Population of the said Parish, and of the constant Fluctuations in the same, it is desirable that Authority should be given to alter the Boundaries of the said Ecclesiastical Districts; be it therefore enacted, That it shall be lawful for the Lord Bishop of the Diocese of *Chester*, by a Deed or Instrument in Writing under his Hand and Seal, to be enrolled in the High Court of Chancery, and registered in the Office of Registry of the Diocese of *Chester*, to assign such Districts as he may deem expedient to all or any of the Churches and Proprietary Chapels within the said Parish, (the Consent of the Patron and Incumbent of any Church or Proprietary Chapel during the present Incumbency, and after any Avoidance of the same the Consent of the Patron only, being first had and obtained in Writing,) and from and after the Assignment of such Districts as aforesaid it shall and may be lawful for the said Bishop of the Diocese, from Time to Time to alter and vary the Boundaries of any of such Districts, as in the Judgment of the said Bishop may be deemed expedient, in consequence of any Increase or Alteration of the Population of the said Parish or otherwise; and the Ministers for the Time being of the respective Churches and Proprietary Chapels to which any such District as aforesaid shall be assigned shall and they are hereby required, whenever requested, in addition to the Performance of the Duties attached to their respective Appointments, to visit the Sick, and perform the several Offices prescribed and to be performed upon the Visitation of the Sick in such Districts respectively, and in administering Private Baptism when duly required, according to the Laws and Canons of the United Church of *England* and *Ireland*; and the said Ministers, as to Residence within such Districts, shall be subject to all the Laws concerning the Residence of the Parochial Clergy, in like Manner as though such Districts were distinct Parishes, and the Churches or Chapels of such Districts were the Churches of such Parishes.

The Bishop authorized to assign and to alter Ecclesiastical Districts for Visitation of Sick, &c.

XXV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to take away, abridge, prejudice, or affect the Rights or Privileges of the Rectors of the said Parish, with regard to the general Superintendence of the same, as now legally vested in them.

Reservation of Rights of Rectors of Parish.

XXVI. And whereas the several Fees specified and enumerated in the Schedule to this Act annexed have been considered and adopted as the legal and customary Fees payable at the Parish Church of *Saint Peter* and the Parochial Chapel of our Lady and *Saint Nicholas*, and at several of the other Churches in the said Town; but there is

Fees payable at the Parish Church and the other Churches in *Liverpool*.

[*Local.*]

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Reason

Reason to believe that a considerable Variation in the Demand and Exaction of Fees at some of the said Churches has prevailed, and it is desirable, not only that such Irregularity should in future be prevented, but that One uniform System should be adopted as to the Demand of Fees, and that the Amount of Fees payable at all the Churches in the said Parish should be publicly made known; be it therefore enacted, That the several Fees specified and enumerated in the Schedule to this Act annexed shall be and the same are hereby declared to be the legal and customary Fees payable at the said Parish Church and Parochial Chapel, and at the several other Churches in the said Town, and which Fees, and no more, shall and may be demanded, received, and applied accordingly.

Table of Fees may be altered under Act of 59G.3.

XXVII. And whereas by the said recited Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, it was amongst other Things enacted, that it should be lawful for the said Commissioners, and they were thereby empowered, to make and fix any Table of Fees for any Parish, with the Consent of the Vestry or Select Vestry or Persons exercising the Powers of Vestry in such Parish, and with the Consent of the Bishop of the Diocese; and it was thereby declared, that all Fees so fixed might be demanded, received, sued for, prosecuted, and recovered by the Spiritual Person, or Clerk, or Sexton, to whom the same should be assigned, in like Manner and by such and the same Means as any ancient legal Fees of a like Nature might be sued for and recovered; be it therefore enacted, That in case it shall at any Time hereafter appear requisite or advisable to the said Commissioners to carry into execution the Powers and Authorities vested in them by the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty, and to make and fix a Table of Fees for the said Parish, or to make any Alteration in the Fees so specified and enumerated in the Schedule to this Act annexed, it shall and may be lawful for the said Commissioners, and they are hereby empowered, to make and fix such Table of Fees; or such Alteration of them as aforesaid, with the Consent of the Parishioners in general or special Vestry assembled, and also with the Consent of the Bishop of the Diocese of *Chester* for the Time being; and all Fees so fixed may be demanded, received, sued for, prosecuted, and recovered accordingly.

What to be deemed the Cemeteries of the Church of Saint Peter and the Chapel of Saint Nicholas.

XXVIII. Provided always, and be it further enacted, That the Parish Cemetery or Burial Ground called *Saint Mary's*, on the South Side of *Cambridge Street* in *Liverpool* aforesaid, and also the said Cemetery so purchased as aforesaid for the Use of the said Parish, under the Provisions of the said recited Act of the Fourth Year of His present Majesty, shall be and be deemed, to all Intents and Purposes, Cemeteries or Burial Grounds of and belonging to the Parish Church of *Saint Peter* and the Parochial Chapel of our Lady and *Saint Nicholas*; and such Fees only shall be demanded and exacted for Burials at the said Cemeteries respectively as are specified and enumerated in the Schedule to this Act as the Fees payable at the said Parish Church and Parochial Chapel.

XXIX. Pro-

XXIX. Provided also, and be it further enacted, That nothing in this Act contained shall be construed to take away, abridge, lessen, or alter the Fees, Dues, or Perquisites authorized to be taken at the Cemetery on the South Side of *Duke Street* in *Liverpool* aforesaid, under and by virtue of an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for providing an additional Cemetery in the Parish of Liverpool in the County of Lancaster.*

Not to affect Fees for Burial at the Cemetery in Duke Street.

XXX. And be it further enacted, That the Boundaries of the Districts to be from Time to Time appointed as aforesaid, together with a List of the Fees payable, shall be described and specified in fair and legible Characters, and fixed up on a Board in some conspicuous Part in the Inside of each of the Churches in the said Town, under the Directions of the Churchwardens of their respective Churches; and which Boundaries and List of Fees shall be renewed from Time to Time as often as the same shall happen to be defaced or obliterated.

Boundaries of Districts and Table of Fees to be fixed up in Churches.

XXXI. And be it further enacted, That in all Cases in which any Penalty or Forfeiture hereby imposed is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Justices upon Complaint to issue Summons.

XXXII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order, Judgment, or Determination made or given by any Justice or Justices of the Peace in pursuance of this Act, may, within Three Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace of the County of *Lancaster* at some General Quarter Sessions of the Peace to be holden at *Kirkdale*, the Party or Parties appealing first giving Twenty-one Days Notice in Writing at the least of his, her, or their Intention to bring such Appeal, and of the Matter and Cause thereof, to the Party or Parties against whom such Appeal shall be made, or whose Interests may be affected by such Appeal, and within Three Days after such Notice entering into a Recognizance before some Justice of Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into as aforesaid, are hereby authorized and required to hear and determine the Cause and Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties, or otherwise, as they the said

Appeal.

Justices

Justices shall think proper, and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatsoever.

Distress not  
unlawful for  
Want of  
Form.

XXXIII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall afterwards be done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Limitation of  
Actions.

XXXIV. And be it 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, every 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 *Lancaster*, 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 the Authority of this Act; and if it shall appear so to be 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 Action or Suit after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs in Demurrer, then and in any of the said Cases the Defendant or Defendants shall and may recover his, her, or their Costs, and have the like Remedy for the same as any Defendant or Defendants have or hath by Law for Costs in any other Case.

Form of  
Conviction.

XXXV. And be it further enacted, That each Conviction for any Offence against this Act shall be drawn up in the following Form of Words, or in any other Form of Words to the same Effect; *videlicet*,

‘ Borough of Liverpool, in  
‘ the County of Lancaster,  
‘ to wit. } BE it remembered, That on the                    Day  
‘                    of                    in the Year of Our Lord  
‘                    A. B. is convicted before me C. D. One of  
‘ His Majesty’s Justices of the Peace for the said Borough, [*speci-*  
‘ *fying the Offence, and Time and Place when and where the same was*  
‘ *committed, as the Case may be*]; and I do adjudge him, her, or  
‘ them to pay and forfeit the Sum of  
‘ Given under my Hand and Seal the Day and Year aforesaid.’

Expences of  
Act.

XXXVI. And be it further enacted, That the Expences of this Act shall be paid out of the Corporate Funds of the said Mayor, Bailiffs, and Burgesses of *Liverpool*.

XXXVII. Saving always to the King's most Excellent Majesty, His Heirs or Successors, and to the said Mayor, Bailiffs, and Burgeses, and to all and every other Persons, Bodies Politic and Corporate, and his, her, and their Heirs, Successors, Executors, and Administrators, their severall and respective Rights and Privileges as they 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. General Saving.

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

## SCHEDULE of FEES referred to.

	At the Parish Church, and Parochial Chapel, for the Rectors.	At the other Churches, one Moiety for the Rectors, and the other for the Ministers of the Church.
	£ s. d.	£ s. d.
For every Burial in the Church -	0 1 0	0 2 0
For - Ditto - in Churchyard -	0 0 6	0 1 0
For a Marriage by Licence - -	0 5 0	0 10 0
For - Ditto - by Banns - -	0 2 6	0 5 0
For a Churching - - - -	0 1 0	0 2 0
For breaking fresh Ground - -	0 1 8	0 3 4
For laying a flat Stone - - -	0 3 4	0 6 8
For erecting every Tomb - - -	0 6 8	0 13 4
For making a Vault - - - -	0 13 4	1 6 8
For entering every Register - -	0 0 6	0 1 0
For Copy of ditto - - - -	0 0 6	0 1 0
	At the Parish Church, and Parochial Chapel, for the Clerks.	At the other Churches, one Moiety for the Clerks of Ditto, and the other for the Clerks of the Parish Church and Parochial Chapel.
	£ s. d.	£ s. d.
For every Burial - - - -	0 0 6	0 1 0
For every Wedding - - - -	0 1 0	0 2 0
<i>For the Sextons of the Parish Church and Parochial Chapel and other Churches.</i>		£ s. d.
For ringing every Passing Bell, per Hour, at the Church } where rung - - - - -		0 1 0
For tolling per Hour - - - at - Ditto -		0 0 6
For ringing, per Hour, in Minutes - at - Ditto -		0 1 3
For tolling, per Ditto in Ditto - at - Ditto -		0 0 6
For making every Grave, Five Feet deep, at - Ditto -		0 1 0
For - - Ditto - - for a Child - at - Ditto -		0 0 6
And for the Sexton of the Parish Church, for every } Passing Bell at the other Churches - - - -		0 0 6