



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. xl.

An Act for endowing a Church in the Township of *Everton* in the Parish of *Walton-on-the-Hill* in the County Palatine of *Lancaster*.

[29th April 1830.]

WHEREAS the Township of *Everton* in the Parish of *Walton-on-the-Hill* hath of late Years greatly increased in Population, and the present Parish Church of *Walton-on-the-Hill* and the Church in the said Township are inadequate to the Accommodation of the Inhabitants of the said Township; and the Erection and Endowment of a Church in the said Township within the said Parish of *Walton-on-the-Hill*, for the Performance and Celebration of Divine Service therein according to the Rites and Ceremonies of the Church of *England*, would be of great Benefit to the Inhabitants of such Township and Parish, and of general Utility: And whereas, in order to promote so useful a Measure, *Thomas Shaw* of the said Township of *Everton*, Esquire, hath agreed to give Two thousand eight hundred Square Yards, or thereabouts, of Freehold Land, and several Persons have subscribed a Sum sufficient for building such Church thereon, and considerable Progress hath been made in the Erection of the said Church; but the Intentions of the said Subscribers cannot be carried into complete Effect 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

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most

Committee
appointed.

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 *Thomas Shaw, John Hicks, James Raymond Barker, John Whitley, William Cooke, and John Ashton*, and the Survivors and Survivor of them, shall be and they are hereby appointed a Committee for carrying this Act into execution.

Church to be
completed.

II. And be it further enacted, That it shall be lawful for the said Committee to cause the building of the said Church to be completed according to the Plans and Elevation which have been agreed upon and submitted to the Bishop of the Diocese of *Chester* for his Sanction and Approbation.

Acceptance
of Convey-
ance of Land.

III. And be it further enacted, That it shall be lawful for the Committee hereby appointed, or the Trustees to be hereafter appointed for Superintendence and Management of the said Church, and they are hereby authorized and empowered, to accept and take from the said *Thomas Shaw* Esquire a Conveyance in Fee Simple of the said Piece or Parcel of Land situate on the East Side of *Shaw Street* in *Everton* aforesaid, with the Rights and Privileges and Appurtenances to the same belonging; and the same Piece of Land, when so accepted and taken as aforesaid, shall be and the same is hereby vested in the Committee until the Appointment of such Trustees, and after their Appointment, then in the said Trustees and their Successors for ever; and it shall be lawful for the said Trustees and their Successors to hold the same without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever, to the Use, Intent, and Purpose that the said Church may, when completed, be set apart, consecrated, and dedicated to the Service of Almighty God as a Place of Divine Worship according to the Liturgy and Usage of the Church of *England* for ever; and the said Church shall, from and after the Consecration thereof, be and the same is hereby declared to be a Perpetual Cure and Benefice, and shall be called "The Church of *Saint Augustine* in the Township of *Everton* aforesaid, in the Parish of *Walton-on-the-Hill* in the County Palatine of *Lancaster*."

Committee to
make equal
Calls on Sub-
scribers for
Amount of
Subscription.

IV. And be it further enacted, That the said Committee shall have full Power and Authority from Time to Time to make equal Calls on the respective Subscribers, their Executors or Administrators, for the Payment of the Sums of Money by them respectively subscribed, not exceeding the Sum of Twenty Pounds *per Centum* at any one Time, and so that such Calls shall be made at the Distance of One Calendar Month from each other, to be applied in and about the Completion of the said Church, and carrying this Act into effect; and if any of the said Subscribers, his, her, or their Executors or Administrators, shall refuse or neglect to pay any such Call or Sum of Money to the Person or Persons who shall be from Time to Time authorized and empowered by the said Trustees to receive the same, and also all Arrears of any Call or Calls already made, together with lawful Interest for the same for the Time when the same ought to have been paid, and at the Place where it shall be appointed by the said Com-

mittee that the same shall be paid, being in the Town of *Liverpool* adjoining the said Township of *Everton*, for the Space of Fourteen Days after Notice thereof by Letter addressed by or by the Order of the said Committee to such Person or Persons, directed to them, him, or her, and left at their, his, or her usual or last Place of Abode, which Person or Persons so refusing or neglecting to pay such Call or Sum of Money shall, at the Discretion of the said Committee, forfeit all Interest of and in the said Church, and all Sums of Money that may have been subscribed and contributed by them, him, or her towards the Erection thereof; or it shall be lawful for the said Committee, instead of declaring the Forfeiture of any Share or Shares, to sue for and recover the Money so due, in any of His Majesty's Courts of Record, by Action of Debt or on the Case; and notwithstanding the Transfer or Assignment of any such Share or Shares, the original Subscribers, or the Persons appearing as Subscribers in the general Contract or Instrument of Subscription, and his, her, and their respective Executors and Administrators, shall be liable to such Action as aforesaid.

V. And be it further enacted, That it shall be lawful for the said Committee, and they are hereby authorized and empowered, to borrow and take up at Interest such Sum or Sums of Money as they may think proper, not exceeding Three thousand Pounds, to be by them employed in and towards the Erection and Completion of the said Church.

Committee
empowered
to borrow
Money.

VI. And be it further enacted, That the said Committee shall, within Three Calendar Months next after the Completion and Consecration of the said Church, call a General Meeting of the Subscribers to the said Church, of the Time and Place of which Meeting Fourteen Days previous Notice shall be given in one of the Newspapers published in *Liverpool*, at which Meeting One Half of the Subscribers in Amount (each Subscriber to have One Vote for every One hundred Pounds by him subscribed) shall nominate and elect Five of such Subscribers to be Trustees for the Superintendence of the said Church, and for the entire Disposal and Management of all Matters connected therewith, save the Appointment of Minister; and from and immediately after the Appointment of such Trustees, the Authority hereby vested in such Committee shall absolutely cease and determine, and all Property, Power, and Authority in the said Church then vested in such Committee shall, under and by virtue of this Act, instantly vest in such Trustees: Provided always, that all or any of the said Committee shall be eligible to be elected as Trustees.

Nomination
of Trustees
for Manage-
ment of
Church.

VII. And be it further enacted, That at such Meeting One Half of such Subscribers in Amount as aforesaid shall also nominate and elect Five of such Subscribers to be Trustees for the Appointment of the Minister or Ministers of the said Church: Provided always, that any of the Persons appointed Trustees for the before-mentioned Purposes shall also be eligible to be elected Trustees for the Appointment of Minister.

Nomination
of Trustees
for Appoint-
ment of
Minister.

VIII. And

Appointment
of Trustees
in case of
Vacancies.

VIII. And be it further enacted, That when and so often as any of the Trustees to be elected and appointed under and by virtue of this Act, either for the Management of the said Church or for the Appointment of the Minister, shall die, or become incapable of acting, or decline to act when required so to do, it shall be lawful for the surviving or remaining Trustees of that Class of Trustees in which such Vacancy shall from Time to Time happen, present at any Meeting to be called for the Purpose by any Two or more of such Trustees, of which Meeting Fourteen Days previous Notice in Writing shall be given by such Trustees to the other surviving or remaining Trustees, by being delivered to or left at the usual or last Place of Abode of each of them, from Time to Time to nominate and appoint some other Person to be a Trustee in the Place of the Trustee so dying, or becoming incapable of acting, or declining to act, as aforesaid; and in case of such Vacancy occurring in the Trustees in whom the Property and Management of the said Church is vested as before mentioned, the Property by this Act vested in the Trustees to be named as herein-before mentioned shall be thereupon considered as vested in the continuing or surviving Trustee or Trustees; and the Trustee or Trustees to be appointed as aforesaid as such new Trustee or Trustees, whether such occur in the Trustees for the Management of the said Church or in the Trustees for the Appointment of Minister, shall in every Respect be invested with the like Powers and Authorities, to all Intents and Purposes, as the Person or Persons in whose Place or Stead he or they may be so nominated and appointed as aforesaid.

In case of
Omission to
elect Trust-
tees.

IX. And be it further enacted, That in case, from any Omission to elect Trustees by virtue of the Power herein-before given for that Purpose, the Number of Trustees shall at any Time be reduced to Three, and no Appointment of new or other Trustees shall be made by the surviving or continuing Trustees in manner aforesaid for the Space of Six Calendar Months after the last Vacancy shall have occurred, it shall be lawful for the Minister of the said Church for the Time being, and he is hereby authorized and empowered, to nominate and appoint any Trustee or Trustees in the Room or Stead of any of those dying, declining, or becoming incapable of acting; and if no Appointment shall be made by such Minister within the further Term of Six Calendar Months, then it shall be lawful for *John Shaw Leigh* Esquire, the Patron of the said Parish Church of *Walton-on-the-Hill*, his Heirs and Assigns, and he and they are hereby authorized and empowered, from Time to Time to nominate and appoint any Trustee or Trustees in the Room or Stead of any of those dying, or becoming incapable of acting, or declining to act, as aforesaid; and the said new Trustee or Trustees so to be nominated and appointed as last aforesaid is and are hereby invested with the same Powers and Authorities, to all Intents and Purposes, as if he or they had been named and elected to be a Trustee or Trustees by the surviving or continuing Trustees aforesaid.

Meetings of
Committee.

X. And be it further enacted, That the said Committee shall meet within Fourteen Days after the passing of this Act, between the Hours of Twelve and Two of the Clock in the Afternoon, and then,
and

and from Time to Time afterwards, adjourn themselves to any convenient Time and Place which they shall think fit, for the Purpose of carrying this Act, or any of the Powers therein contained, into execution.

XI. And be it further enacted, That the said Trustees for the Management and Superintendence of the said Church shall meet within Fourteen Days after being appointed as before mentioned, between the Hours of Twelve and Two of the Clock, and then, and from Time to Time afterwards, adjourn themselves to any convenient Time and Place which they shall think proper, for the Purpose of putting this Act, or any of the Powers therein contained, into execution; and in case of any Neglect or Omission to adjourn to any future Day, or in case any Two or more of the said Trustees shall think it necessary at any Time or from Time to Time that a Meeting shall be held, then and in either of the said Cases it shall be lawful for any Two or more of the said Trustees to call a Meeting; and Notice in Writing, signed by any Two or more of the Trustees of every such Meeting, (except in case of an Adjournment from Day to Day,) shall be delivered or left at the usual or last Place of Abode of every Trustee Three Days before such Meeting.

Meetings of Trustees.

XII. And be it further enacted, That all the Powers and Authorities vested in the Trustees by this Act may be exercised by any Three of them present at such Meetings, to be held as herein-before mentioned, the Number of Trustees present at any such Meetings not being less than Three, and at every Meeting the Trustees present shall elect a Chairman; and in all Cases, except the Appointment of a Minister as herein-after mentioned, where the Number of Votes upon any Question shall be equal, the Chairman shall have a Second or casting Vote.

Three Trustees to be a Quorum.

XIII. And be it further enacted, That fair and regular Entries shall be made in a Book or Books, to be kept for that Purpose, of all the Acts and Proceedings of the said Trustees at any of their Meetings, and of the Names of the Trustees who shall be present, and the same shall, when approved and confirmed, be signed by the Chairman; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever.

Proceedings to be entered in Books, and to be Evidence.

XIV. And be it further enacted, That the said Trustees for the Management and Superintendence of the said Church shall, by themselves, or by some Clerk or proper Person to be by them appointed for the Purpose, keep just and true Accounts of all Sums of Money to be by them received or paid in, about, or concerning the said Church, and shall enter all Debits, Payments, and Receipts in a Book or Books to be kept as aforesaid for that Purpose; all which said Books of Account, and all Papers and Documents relating to the said Church, shall at all Times be open to the Inspection and Examination of the Proprietors of Seats in the said Church, or any of them.

Books of Account to be kept.

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XV. And

Nomination
of Minister.

XV. And be it further enacted, That the Reverend *Thomas Tattershall*, Master of Arts, shall be and is hereby appointed the First Minister of the said Church; and it shall be lawful for the said Trustees for the Appointment of Minister, upon every Vacancy of the said Church which shall happen by Resignation, Deprivation, Avoidance, or by any other Means whatsoever within the Space of Thirty-five Years from the Time the said Church shall be consecrated, and they are hereby authorized and empowered, to nominate to the Bishop of the Diocese of *Chester*, for his Approbation and Licence, another Minister to the said Church, being a Graduate of one of the Universities of *England* or of *Trinity College, Dublin*; and if any Minister of the said Church, to be nominated as aforesaid, shall die after the Expiration of the said Term of Thirty-five Years, and previous to the Expiration of Fifty Years from the Time the said Church shall be so consecrated, the further Right of Nomination to the said Church shall be and the same is hereby vested in the said Trustees until the Expiration of the said Term of Fifty Years; and subject to such Right of Nomination in the said Trustees, the Patronage, free Disposition, Nomination, Appointment, and Right of Presentation to the said Church shall for ever appertain, belong to, and be vested in *John Shaw Leigh Esquire*, the Patron of the said Parish Church, his Heirs and Assigns, for ever.

Mode of
electing
Minister.

XVI. And be it further enacted, That the said Trustees for the Appointment of Minister shall, within Six Calendar Months next after every Vacancy which shall happen during the said Term of Thirty-five Years, and after every Vacancy which shall occur by Death during the further Term of Fifteen Years, in the Vestry Room of the said Church, nominate and elect a fit and proper Person to be the Minister of the said Church; and such Person so to be nominated and appointed, having obtained a Licence from the Bishop of *Chester* for the Time being, shall from thenceforth be deemed and taken to be the Minister of the said Church, according to the Directions of this Act: Provided always, that in case of a Difference of Opinion amongst the said Trustees as to a proper Person to be nominated as such Minister as aforesaid, the same shall be decided by the Majority of Votes of the said Trustees for the Time being; and if there shall at any such Election be an equal Number of Votes for Two or more Candidates for the Ministry of the said Church, then and in every such Case it shall be lawful for the Bishop of *Chester* for the Time being, and he is hereby authorized and required, to nominate and appoint such Person as he may think proper to be the Minister of the said Church.

Notice of
Meeting for
Election of
Minister.

XVII. And be it further enacted, That upon every Vacancy of the Ministry of the said Church within the said Term of Thirty-five Years, or upon every Vacancy by Death within the said Term of Fifty Years, a Meeting of the said Trustees shall be called and held, in pursuance of this Act, for the Purpose of electing a Minister of the said Church, of which Fourteen Days previous Notice at the least, signed by Two or more of the said Trustees, and specifying the Day, Time, and Purport of such Meeting, shall be affixed in the said Vestry Room and on the Doors of the said Church, and shall also be left at the

usual or last Place of Abode of each of the Trustees for the Time being; and at the Meeting to be held pursuant to such Notice, or at some Adjournment thereof, or at some future Meeting to be called for the Purpose, it shall be lawful for the said Trustees who shall be present at such Meeting, to nominate and elect, in the Manner herein-before directed, a fit and proper Person to be the Minister of the said Church, and after such Election, by Writing under their Hands, to present such Minister to the Bishop of *Chester* for the Time being; and every such Presentation of a Minister, he being so licensed by the said Bishop as aforesaid, shall be good, valid, and binding to all Intents and Purposes, and upon all Persons whomsoever.

XVIII. And be it further enacted, That in case the Office or Place of Minister of the said Church be suffered to remain for the Space of Six Calendar Months without any Nomination or Presentation thereunto by virtue of this Act, then and in every such Case the Nomination or Presentation to the said Church shall lapse in the usual Manner, and according to the Laws of this Realm, in the Case of presentative Livings or Benefices.

On failure of Nomination, the Presentation to lapse.

XIX. And be it further enacted, That the said Church, and the Minister thereof for the Time being, as also the Persons who shall act as Churchwardens thereof for the Time being, to be appointed as herein-after directed, shall be under and subject to the ordinary Jurisdiction of the Bishop of *Chester* and his Successors, and shall be visited in such Manner as other Churches in the Diocese of *Chester* are visited; and the Minister 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 Politic and Corporate, by the Name of "The Minister of the Church of *Saint Augustine* in the Township of *Everton* in the Parish of *Walton-on-the-Hill* in the County Palatine of *Lancaster*," and by that Name shall have perpetual Succession, and shall sue and be sued in all Courts of the Realm; and the said Church, (except the Seats or Pews and Sitting Places, which are by this Act vested in the said Trustees,) and the Churchyard belonging to the same, shall be vested in the said Minister for the Time being and his Successors, Ministers of the said Church, for ever, in the same Manner as the Freehold and Inheritance of the Parish Church is by the Laws of this Realm vested in the Incumbent thereof.

Church to be subject to the Jurisdiction of the Bishop of *Chester*.

XX. Provided always, and be it further enacted, That every Election and Appointment and Presentation of any Minister under, in, and by virtue of this Act shall be upon this express Condition, that in case such Minister shall accept of any other Living or Preferment which shall cause him to absent himself from the Performance of the Duties of the said Church for a longer Period than Three Calendar Months in any One Year, the same shall render such Election, Appointment, and Presentation voidable; and it shall be lawful for the said Trustees, or any Three of them, during the said Term of Fifty Years, and for the said *John Sharpe Leigh* Esquire, his Heirs or Assigns, Patrons of the said Parish Church of *Walton-on-the-Hill*, after the Expiration of the said Term of Fifty Years, to declare the

Minister not to accept any other Preferment.

the said Church void, and proceed to the Election, Appointment, and Presentation of some Minister to fill the Vacancy, as if the same had happened by Resignation or Death.

Regulation
as to Seats.

XXI. And be it further enacted, That the Seats or Pews to be erected in the said Church shall be numbered, and One convenient Seat or Pew, situate in the Body of the said Church, shall be allotted for the Use of the Minister of the said Church for the Time being, and his Family, and One other Seat or Pew in the said Church shall be allotted for the Use of the Servants of the said Minister, upon which Two Seats or Pews no Rent shall be charged; and Seats or Sitting Places, to be marked with the Words "Free Seats," to accommodate not less than Three hundred Persons, shall be allotted and set apart in the said Church for the Use of the Poor of the said Parish of *Walton-on-the-Hill* for ever, and upon which no Rent shall be charged; and the Remainder of the Seats or Sitting Places which shall not have been sold under the Powers herein-after contained for that Purpose shall from Time to Time, until the same shall be sold, be let by the Churchwardens for the Time being to any Person or Persons who may be willing to take the same, at such Rents as shall be approved of by the said Trustees.

Reserved
Rents to be
fixed on
Seats.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, at any Time within Three Calendar Months after the Consecration of the said Church, to fix upon and ascertain the Rent to be paid for the Purposes herein mentioned for each Seat or Pew authorized to be sold as aforesaid, so as the Rents of all the said Seats or Pews, so to be fixed and ascertained as aforesaid, do not amount in the whole to less than the yearly Sum of Four hundred Pounds; and the said Trustees shall cause the said Rents to be entered in a Book to be kept for that Purpose by the Churchwardens, to be appointed as herein-after mentioned, referring to the Number of each Seat or Pew.

Payment of
Seat Rents
to be made
half-yearly.

XXIII. And be it further enacted, That every Purchaser or other Person or Persons possessed of or occupying a Seat or Pew or Sitting Place in the said Church, upon which Rent is authorized to be fixed, or which is authorized to be let as aforesaid, shall pay such Rent, in anticipation, by half-yearly Payments; (that is to say,) on the First Day of *January* and the First Day of *July* in each Year; and in case the Rent of any such Seat or Pew or Sitting Place shall happen to be in arrear or unpaid by the Space of Six Calendar Months next after the same shall become due, then the Churchwardens for the Time being to be appointed in pursuance of this Act, and their Successors, shall and may and they are hereby required, without Delay, either to enter upon such Seat, or Sitting Place, and let the same to any other Person or Persons, in such Manner as such Churchwardens shall think proper, until the Rent in arrear shall be duly paid and satisfied (rendering the Overplus, if any, to the former Owners or Occupiers who shall be so in arrear), or the said Churchwardens may and they are hereby authorized to sue for the same Rent so in arrear by Action of Debt or upon the Case, for the Use and Occupation of such Seat or Pew or Sitting Place, to be brought
against

against the Owner or Owners or Occupier or Occupiers thereof, in the Name of "The Churchwardens of the Church of *Saint Augustine* in the Township of *Everton* in the Parish of *Walton-on-the-Hill* in the County Palatine of *Lancaster*", in any of the Courts of Record at *Westminster*, or in the Court of Common Pleas for the County Palatine of *Lancaster*, with Costs of Suit.

XXIV. Provided always, and be it further enacted, That the said Rent or Rents to become payable by virtue of this Act may, in case of Nonpayment thereof for the Space of Six Calendar Months after Demand made thereof, by Notice in Writing under the Hand of any of the said Churchwardens delivered to any Occupier or Occupiers of any Seat, Pew, or Sitting Place in the said Church, or left at his, her, or their usual or last Place of Abode, and on Proof thereof upon Oath before any Justice of the Peace of the said County Palatine of *Lancaster*, which Oath the said Justice is hereby authorized to administer, be levied by Distress and Sale of the Goods and Chattels of every such Occupier or Occupiers, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus (if any), after deducting the Sums due in respect of such Rent or Rents, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels on Demand.

In case of Default, it may be levied by Distress.

XXV. And be it further enacted, That all Seats or Pews and Sitting Places to be erected in the said Church, (except those to be set apart for the Minister and his Servants, and the Seats or Sitting Places to be appropriated to the Use of the Poor as herein-before mentioned,) shall be and the same are hereby vested in the said Committee until the Appointment of the Trustees for the Management of the said Church, and from and after such Appointment, then in such Trustees; and it shall be lawful for the said Committee or Trustees, and they are hereby authorized and empowered, to sell and dispose of the said Seats or Pews, and convey the same respectively to any Person who may contract for the Purchase thereof, and to the Executors, Administrators and Assigns of such Purchaser respectively, for a Term of One thousand Years, as Personal Property, and the same shall be transferrable and transmissible as such, subject nevertheless to such annual Rents or yearly Sums to be fixed thereon as provided for by this Act; and until the said Seats or Pews shall respectively be so contracted for and conveyed, the Churchwardens for the Time being of the said Church shall have full Power and Authority to let the same upon such Terms and at such Rents as may be approved of by the said Trustees, and apply the Rents to be received for the Purpose of this Act; and the Assignment or Transfer of every Seat or Pew in the said Church shall be registered by the said Trustees, or by their Clerk for the Time being, in a Book to be provided for that Purpose, and kept in the Vestry of the said Church.

Seats may be sold or let.

XXVI. And be it further enacted, That upon or immediately after the Consecration of the said Church, Two fit Persons, being Occupiers of Seats or Pews in the said Church, shall be nominated and appointed Churchwardens of the said Church until the *Thursday*
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Appointment of Churchwardens.

in *Easter Week* next after such Appointment; and from thenceforth upon *Thursday* in *Easter Week* yearly, Two Persons, being Occupiers of Seats or Pews in the said Church as aforesaid, shall be appointed Churchwardens of the said Church, the one of such Churchwardens to be nominated by the Minister for the Time being, and the other by the said Trustees; and the Persons so nominated and appointed as aforesaid shall respectively be and shall act as or in the Nature of Churchwardens of the said Church, and shall appear to be admitted and sworn according to Law, and continue in Office until *Thursday* in *Easter Week* next after their respective Appointments; and they and their Successors, and the Survivor of them, are and is hereby authorized and required to collect and receive the Rents of the said Seats and Pews and Sitting Places, and in case of Nonpayment to enter upon the same, or otherwise to sue and bring Actions for Recovery of such Rents, or to distrain for the same in manner aforesaid, and out of the said Rents to pay the Minister, Clerk and Sexton, and also the Organist, Singers, and other Officers of the said Church for the Time being, their respective Salaries, Stipends, and Wages, and likewise to provide Bread and Wine for the Holy Communion, and also to support and keep in repair the said Church and Churchyard, and the Walls, Gates, and other Appurtenances thereto, and also the Bells and other Things to the said Church belonging, and to do and perform all other Matters whatsoever necessary or expedient for and concerning the Management, Support, and good Order of the said Church, which Churchwardens are by Law authorized to do, so far as respects the said Church and Churchyard; and such Person and Persons so to be nominated and appointed to act as Churchwardens as aforesaid for the Time being, and their Successors, shall and they are hereby respectively required and enjoined to keep true and perfect Entries, in a proper Book or Books to be provided for that Purpose, of all Sums of Money by them received on account of the Rents of the Seats or Pews and Sitting Places as aforesaid and otherwise, and of all Sums of Money by them issued and paid; and all such Books and Accounts, and also the Books containing the Entries of the Rents of the Seats or Pews and Sitting Places so to be fixed and ascertained as aforesaid, shall and may be inspected at all convenient Times by all Owners and Proprietors of Seats in the said Church; and by the Minister of the said Church, and all other Persons interested therein; and in case of the Death of any Churchwarden during the Year for which he shall be appointed, then and so often a new Churchwarden, qualified as aforesaid, shall be nominated and appointed by such Person or Persons, and in such Manner as the deceased Churchwarden shall have been appointed; and every Churchwarden so to be appointed in the Room of one dying in his Year of Office shall have and be invested with the same Powers and Authorities as his Predecessor.

Repairs of
the Church.

XXVII. And be it further enacted, That out of the Rents to be received for the said Seats or Pews and Sitting Places, an annual Sum of not less than Forty Pounds shall be retained by the Churchwardens for the Time being, and the same, or such Part thereof as may be requisite, shall be applied by the Churchwardens of the said Church for the Time being in the Repairs of the said Church and

Churchyard; but in case it shall not be requisite, in the Judgment of the Churchwardens for the Time being, to lay out and expend the whole of the said Sum of Forty Pounds towards the requisite Repairs of the said Church and Churchyard in any one Year, such Part thereof as shall not be so applied shall be laid out and invested, under the Direction of the Trustees of the said Church for the Time being, in Government or Corporation of *Liverpool* Securities, or Dock Bonds, at Interest, in the Name of the Minister of the said Church for the Time being and any Two or more of the said Trustees, and the accumulating Interest and Dividends thereof shall be laid out and invested in like Manner, and so from Time to Time, so that a Fund sufficient for all Purposes of substantial and lasting Repairs, or for the Enlargement or Improvement of the said Church, may be provided, which Fund shall from Time to Time be at the Disposal of the Churchwardens for the Time being, and shall be by them applied in the Repairs, Enlargement or Improvement of the said Church and Churchyard, when and as the same may be requisite.

XXVIII. And be it further enacted, That in case the said Fund so directed to be reserved and invested for the Purpose of repairing and enlarging the said Church as aforesaid shall, by means of Accumulation, at any Time hereafter amount to the Sum of One thousand Pounds and upwards, then and in such Case, and as often as the same shall happen, it shall be lawful for the said Trustees, and they are hereby authorized, to pay and apply the said annual Sum of Forty Pounds so to be reserved out of the Reñts as before directed, either in Augmentation of the Stipend of the Minister, Organist, Clerk, Sexton, or other Officer of the said Church, or for or towards the Stipend of any Curate to be appointed to the said Church, or in the Erection or Repair of any House for the Residence of the Minister of the said Church, or to the Salaries of any Master or Mistress, or other Expences of any School for Education in the Principles of the Established Church, which may be conducted or patronized by such Trustees, or by the Minister of the said Church, or in or about the erecting, repairing, or Improvement of any such School, or in such other Manner as the said Trustees for the Time being may, with the Sanction and Approval of the Bishop of *Chester* for the Time being, in their Discretion deem best for the supposed Interest of the said Church or Schools; and the Erection, Repairs, or Alterations of the said Church, House, or School may be defrayed out of such Fund until the same shall by reason thereof be reduced to the Sum of Five hundred Pounds or under; then and from thenceforth, as often as the same shall happen, the said annual Sum, or so much thereof as shall not be expended, together with all accruing Interest thereon, shall be again vested in manner herein-before directed.

In case the Fund for Repair shall amount to 1,000*l.* the annual Sum reserved for that Purpose to be appropriated by the Trustees either in Augmentation of the Minister's Stipend, or for other Purposes.

XXIX. And be it further enacted, That the Minister for the Time being of the said Church shall reside in or near to *Everton* aforesaid, and shall (unless prevented by Sickness, or other reasonable Cause, to be approved of by the Bishop of the Diocese,) every *Sunday* Morning read in the said Church the Morning Prayers and other Service in the Book of Common Prayer or Public Liturgy of the Church

Minister's Duty.

Church of *England*; and in the Evening of every *Sunday*, in like Manner, read therein the Evening Prayers and other Service prescribed in the said Book of Common Prayer; and shall on every *Sunday* throughout the Year, as well in the Morning as in the Evening, and on every *Christmas Day* and *Good Friday*, in the Morning, after Divine Service is performed, preach a Sermon in the said Church; and shall on every *Easter Sunday*, *Whitsunday*, *Good Friday*, and *Christmas Day*, and on such other *Sunday* during the Course of each Month in the Year as shall be found most convenient, administer the Holy Communion in the said Church, according to the Rites and Ceremonies of the Church of *England*.

Minister to
visit the Sick.

XXX. And be it further enacted, That the Minister for the Time being of the said Church shall and he is hereby required, whenever requested, in addition to the Performance of the Duties hereinbefore specified, to visit the Sick in such Division or District of the Township of *Everton* aforesaid as shall be from Time to Time fixed and appointed by the Bishop of the Diocese of *Chester* for the Time being, and perform the several Offices prescribed and to be performed upon the Visitation of the Sick in such Division or District aforesaid, according to the Laws and Canons of the United Church of *England* and *Ireland*.

Minister's
Stipend.

XXXI. And be it further enacted, That for the Maintenance of the Minister for the Time being of the said Church, the Persons who shall be appointed to act as Churchwardens thereof for the Time being in pursuance of this Act, and their Successors, shall, by and out of the Rents of the said Seats or Pews and Sitting Places as aforesaid, pay or cause to be paid to such Minister for the Time being a Sum not less than Two hundred Pounds *per Annum* of lawful *English* Money, without any Deduction or Abatement for Taxes or otherwise howsoever, on the First Day of *February* and First Day of *August* in each Year, by even and equal Portions; and on such of the said Days as shall happen next after the Consecration of the said Church, the Persons who shall be appointed Churchwardens as aforesaid shall pay or cause to be paid to such Minister such Proportion of his Stipend as shall have accrued from the Time of the Consecration of the said Church to such last-mentioned Day, and the Money so to be paid shall be allowed to such Churchwardens in their Account; and a like Apportionment of the said Stipend shall from Time to Time be made between the Executors or Administrators of any Minister of the said Church, dying in the Interval between Two half-yearly Days of Payment, and the Successor of such Minister so dying, for and in respect of the incurring Half-year when such Death shall happen.

Remedy for
Recovery of
the Minister's
Stipend.

XXXII. And be it further enacted, That if Default shall be made in Payment of the said yearly Stipend, or any Part or any Apportionment thereof, to the said Minister for the Time being, or to the Executors or Administrators of a deceased Minister, by the Space of One Calendar Month after any of the Days of Payment whereon the same ought to be paid, then it shall be lawful for such Minister and his Executors and Administrators to sue for and recover the same,
with

with full Costs of Suit, against the Churchwardens or Churchwarden for the Time being, by Action of Debt or upon the Case, for so much Money had and received for the Use of such Minister, his Executors or Administrators, or for Work and Labour, to be brought in the Court of Common Pleas for the County Palatine of *Lancaster*, or in any of His Majesty's Courts of Record at *Westminster*, wherein respectively no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlanse shall be allowed.

XXXIII. Provided always, and be it further enacted, That no Arrears of the said yearly Stipend, to be had and recovered against any succeeding Churchwardens, which shall have accrued due in the Time of their Predecessors, shall exceed in the whole Six Calendar Months of the said yearly Sum, nor exceed the Amount of the Money which shall have been paid to such succeeding Churchwardens by their Predecessors; and every Action for the Recovery thereof shall be commenced against every succeeding Churchwarden within the Space of Six Calendar Months next after their first entering upon and being sworn in the Office of Churchwardens.

No more than Half a Year's Arrear to be received from succeeding Churchwardens.

XXXIV. And be it further enacted, That it shall be lawful for the Minister for the Time being of the said Church to nominate and appoint such Persons as he shall think fit to officiate as Clerk, Organist, Sexton, and other Officers in the said Church, and also from Time to Time to displace and remove such Clerk, Organist, Sexton, and other Officers respectively, and the Wages or Stipend of the Clerk shall never be less than Twenty-five Pounds, nor of the Organist less than Thirty Pounds, nor of the Sexton less than Fifteen Pounds *per Annum*; and such Clerk, Organist, and Sexton respectively shall and may from Time to Time use the like Methods for the Recovery of their respective Wages or Stipends as are herein-before given to the Minister of the said Church for the Recovery of his Stipend.

Minister to appoint Clerk, Organist, Sexton, and other Officers.

XXXV. And be it further enacted, That no Graves or Burial Places shall be made or allowed within the Body of the said Church, or within any Part of the Churchyard belonging thereto.

No Graves within the Church.

XXXVI. And be it further enacted, That from and after the Consecration of the said Church, Banns of Matrimony may be published and Marriages solemnized therein, according to the Laws and Canons in force within this Realm in that Behalf; and all Marriages solemnized as aforesaid in the said Church shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been solemnized in the Parish Church of *Walton-on-the-Hill* aforesaid.

Marriages to be solemnized in the Church.

XXXVII. And be it further enacted, That all Christenings and Marriages performed and solemnized in the said Church shall be registered according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the better regulating and preserving Parish and other Registers of Births, Baptisms, Marriages, and Burials in England*, in Books to be provided for that Purpose by the Churchwardens of the same for the Time being; and Transcripts or Copies thereof,

Public Registers to be kept.

52G.3.c.146.

thereof, signed and attested according to the Provisions of the said Act, shall be from Time to Time transmitted to the Registrar of the Diocese of *Chester*, on or before the First Day of *June* in each Year, to be by him kept and preserved with the Register Book of the said Parish of *Walton-on-the-Hill*.

Fees.

XXXVIII. And be it further enacted, That there shall be paid to and into the Hands of the Minister of the said intended Church for the Time being, for the Performance of the several and respective Offices of Minister, Clerk, and Sexton there, double the Fees, Dues, and Perquisites which are usually and of Right ought to be paid for every Marriage or Churching at the Parish Church of *Walton-on-the-Hill*; and the Minister of the said intended Church shall from Time to Time collect and receive such Fees, Dues, and Perquisites, and account for and pay, on the First Day of *January* and the First Day of *July* in every Year, One Moiety thereof to the Vicar of the said Parish Church of *Walton-on-the-Hill* for the Time being, so to be divided between him and the Clerk and Sexton of the same Parish Church, within Ten Days after such Vicar shall have received the same, in such Shares and Proportions as the Fees payable at the same Church are divided, and the Remainder shall, on the said half-yearly Days, 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 serving are usually or of Right ought to be among the Vicar, Clerk, and Sexton of the said Parish Church; the first of which Payments to the Vicar, Clerk, and Sexton of the said Parish Church shall begin and be made at and upon such of the said half-yearly Days as shall first happen after the Consecration of the said intended Church; and in case of Nonpayment thereof at any Time or Times within Two Calendar Months after either of the said half-yearly Days, One Moiety of such Fees, Dues, and Perquisites shall and may be sued for and recovered from the Minister of the said intended Church for the Time being from Time to Time, by and in the Name of the Vicar of the Parish of *Walton-on-the-Hill*, by Action for Money had and received for his Use in any of the Courts herein-before mentioned.

Procurations
and Synodals.

XXXIX. And be it further enacted, That there shall be paid by the Minister of the said Church for the Time being the usual or Customary Payments at the Feast of *Easter* in every Year for Synodals and for Procurations at every Triennial or Ordinary Episcopal Visitations, 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.

Application
of Money
received.

XL. And be it further enacted, That the Monies which shall or may be received by the said Committee hereby appointed, or by the said Trustees to be hereafter appointed, as before mentioned, from the Subscriptions of the said several Parties, or from the Sale or Rents of Seats or Pews, or otherwise by virtue of this Act, shall be applied by them respectively in Payment of the Costs, Charges, and Expences incident to and attending the preparing, applying for, and passing this Act, and in the Payment of all other just and reasonable Costs,
Charges,

Charges, and Expences of carrying the same into execution, and in erecting and completing and furnishing the said Church, and in paying and discharging any Advances, Loans, or Liabilities made, received, or incurred by them relating to the same, with Interest thereon, and for other the Purposes of this Act; and the Monies which shall remain after such Payment, together with the several Sums of Money which shall or may be received by the Churchwarden or Churchwardens of the said Church for the Time being, and which may remain after Payment of the Salary or Stipend of the Minister, Clerk, Sexton, and Organist, and of the Expences herein-before authorized and required to be paid, applied, and disbursed, by such Churchwarden or Churchwardens respectively, and after providing for the Repairs or Alterations of the said Church, in manner herein-before mentioned, shall from Time to Time be paid and divided by the said Trustees for the Time being unto and amongst the said Subscribers and their Representatives proportionably, or in such other Manner as such Subscribers or their Representatives may arrange among themselves, in Discharge or Reduction, as far as the same will extend, of the several Amounts by them respectively subscribed, together with Interest thereon after the Rate of Five Pounds *per Centum per Annum*, from the several Times of their respectively advancing the same; and after Payment of such Principal and Interest, any further Sum which shall remain shall be applied by the said Trustees, with the Sanction of the Bishop of *Chester* for the Time being, either in Augmentation of the Stipend of the Minister, Organist, Clerk, Sexton, or other Officer for the Time being of the said Church, or for or towards the Salary or Stipend of any Curate to be appointed to the said Church, or to the Salaries of any Master or Mistress or other Expences of any School which may be conducted or patronized by such Trustees, or by the Minister of the said Church, or in or about the erecting, repairing, or Improvement of any House for the Residence of the Minister of the said Church for the Time being, or of any such School, or in such other Manner as the said Trustees for the Time being may, with such Sanction of the Bishop of *Chester*, in their Discretion deem best for the Support and Interest of the said Church or School.

XLI. 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 where the Cause of Action shall arise, 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 Suit or Action after the Defendant or Defendants shall have appeared, or if Payment shall be given against the Plaintiff or Plaintiffs upon Demurrer, then and in any of the said Cases the Defendant or Defendants shall and may recover

Limitation
of Actions.

recover his, her, or their Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have by Law for Costs in any other Case.

Parishioners
of Walton-
on-the-Hill,
not to be
liable to
Repairs of
Church.

XLII. And be it further enacted, That none of the Parishioners of the said Parish of *Walton-on-the-Hill* shall be subject or liable to the Repairs of the said intended Church, or to any Charge, Rate, or Assessment on account of such Repairs, other than the Sums herein directed to be paid by the Owners of any Seats or Pews and Sitting Places in the said Church for or towards such Repairs; nor shall the said Church or Churchyard, or any thing pertaining thereto, be liable to, or be assessed or charged to, the Poor Rates in the said Parish of *Walton-on-the-Hill*, or the Township of *Everton*.

Saving
Clause.

XLIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all other Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than such as are barred by this Act,) all such Estate, Right, Title, and Interest of, in, to, and out of the said Piece of Land so to be set apart for erecting the said intended Church, and for a Churchyard thereto, 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.

Public Act.

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

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