ANNO TRICESIMO QUINTO

Georgii III. Regis.

CAP. LXXI.

An Act for building a New Church or Chapel in the Town of *Halifax*, in the West Riding of the County of *York*. [19th *May* 1795.]

WHEREAS the Inhabitants of the Townſhip of *Halifax*, in the Weſt Riding of the County of *York*, have of late Years conſiderably increaſed in Number, and are likely to continue ſo to do: And whereas the Pariſh Church of the Pariſh of *Halifax* is inconveniently ſituate to the Inhabitants in general, being at the Eaſt Extremity of the Town, which of late hath much increaſed towards the Weſt; and it would be of great Benefit and Utility to the ſaid Inhabitants if a new Church or Chapel was erected and built in the Weſt End of the ſaid Town, for the celebrating of Divine Service according to the Rites and Ceremonies of the Church of *England*: And whereas by an Act of Parliament, paſſed in the Seventeenth Year of the Reign of His preſent Majeſty, intituled, *An Act for uniting and better regulating the Charities of* Nathaniel Waterhouſe, *within the Town and Pariſh of* Halifax, *in the Weſt Riding of the County of* York, it was among other Things enacted, that the Governors and Truſtees of the Lands, Tenements, and Hereditaments, bequeathed by the ſaid *Nathaniel Waterhouſe* for divers charitable Purpoſes, within the ſaid Town of *Halifax*, ſhould be empowered to ſell and convey ſuch Part of the Truſt Premiſes, ſituate within the ſaid Town of *Halifax*, as the ſaid Truſtees for the Time being ſhould think proper for the Scite of a New Church, and for a convenient Church Yard to be enjoyed therewith, in the ſaid Town of *Halifax*, for ſuch Price or Prices as the Truſtees ſhould think fit: And whereas *Henry William Coulthurſt* Clerk, Doctor in Divinity, Vicar of *Halifax* aforeſaid, hath, purſuant to the ſaid Act of Parliament, agreed to purchaſe for a certain Sum of Money, and under certain Conditions, in an Article of Agreement, bearing Date the Seventeenth Day of *January* One thouſand ſeven hundred and ninety-five, between the ſaid Governors and Truſtees of the One Part, and the ſaid *Henry William Coulthurſt* of the other Part, a certain Piece of Ground ſituate in the Weſt Part of the Town of *Halifax* aforeſaid, being Part of the Premiſes bequeathed by the ſaid *Nathaniel Waterhouſe*, containing Ninety Yards in Length from Eaſt to Weſt, and Forty Yards in Breadth from North to South; and the ſaid *Henry William Coulthurſt* intends, at his own Expence, to build a Church, containing Twenty-eight Yards in Length or thereabouts, and Twenty Yards in Breadth or thereabouts, on the Scite thereof, and to apply the remaining Part of the Premiſes for the Uſe and Purpoſe of a Burying Ground: But as the ſame cannot be done and effectually carried into Execution without the Aid and Authority of Parliament; wherefore

Preamble.

Recital of an Act of 17 *Geo.* III.

Agreement of *Henry William Coulthurſt*, Doctor in Divinity, with the Governors of *Nathaniel Waterhouſe*'s Charity.

Your Majeſty's moſt dutiful and loyal Subject the ſaid *Henry William Coulthurſt*, doth moſt humbly beſeech Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Piece or Parcel of Ground, purchaſed as aforeſaid by the ſaid *Henry William Coulthurſt* of and from the ſaid Governors and Truſtees of the ſaid *Nathaniel Waterhouſe*, ſhall be, and the ſame is hereby veſted in the ſaid *Henry William Coulthurſt* and his Heirs, freed and abſolutely acquitted, releaſed, and diſcharged of, from, and againſt, all and every the Eſtates, Uſes, and Truſts, limited, created, or declared, in and by the Will of the ſaid *Nathaniel Waterhouſe* deceaſed, and of, from, and againſt, all Intereſts, Claims, and Demands whatſoever, of them the ſaid Governors and Truſtees, and their Heirs, and all and every other Perſon or Perſons claiming or to claim by, from, or under, the ſaid *Nathaniel Waterhouſe* deceaſed, or them the ſaid Governors and Truſtees, any or either of them, to the Uſe and Intent that the ſaid Piece or Parcel of Ground ſhall and may be encloſed with a Wall of ſufficient Height of Stone, and a Church or Chapel of Stone of the Dimenſions above-mentioned, erected thereon in Manner and under the Rules and Regulations herein-after contained.

Grounds veſted in Doctor *Coulthurſt* and his Heirs,

for the Purpoſe of erecting a Church or Chapel thereon.

II. And be it further enacted, That it ſhall be lawful for the ſaid *Henry William Coulthurſt*, his Heirs or Aſſigns, and he or they are hereby authoriſed, empowered, and required, to begin, finiſh, and complete, the ſaid new Church or Chapel according to the ſaid Agreement, and therein to make, erect, and ſet up, or cauſe to be made, erected, and ſet up, proper Galleries, Pews, and Seats, a Bell or Bells, provide proper Communion Plate and other Requiſites and Ornaments, and in all Things to finiſh and complete the ſaid Church or Chapel in a proper, decent, and commodious Manner, fit for the performing of Divine Service therein, according to the Rites and Ceremonies of the Church of *England*; and alſo to ſell and diſpoſe of the Pews, Seats, and Galleries, to be erected as aforeſaid, and likewiſe to ſell and diſpoſe of certain Parts of the ſaid Burying Ground or Church Yard to be made uſe of and appropriated as Places of Interment for certain Perſons or Families, the Price or Prices to be paid for the ſaid Parcels of Burying Ground to be regulated by the Archbiſhop of *York* for the Time being: Provided always, that no more than One Fifth Part of the ſaid Burying Ground or Church Yard ſhall be ſold or appropriated as aforeſaid.

Power to ſell or let Pews and Galleries, and Part of the Burying Ground.

Proviſo for reſerving ſufficient Space for the Poor.

III. Provided further, That ſuch a Portion of the Space within the ſaid Church or Chapel, with Seats or Benches, to be placed at the Expence of the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, ſhall be reſerved for the Accommodation of the Poor belonging to the ſaid Pariſh, as ſhall be ſufficient in the Judgement of the ſaid Archbiſhop for the Time being.

Archbiſhop of *York* to fix the Fee for breaking the Ground.

IV. And be it further enacted, That it ſhall and may be lawful for the ſaid Archbiſhop for the Time being, and he is hereby required, to fix the Sum of Money, or Fee, which ſhall be paid to the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, for breaking up the Ground for the Interment of the Dead, in any other Part of the ſaid Church Yard or Chapel Yard, over and above the afore-mentioned One Fifth Part which the

the ſaid *Henry William Coulthurſt* is empowered to ſell and appropriate as Places of Interment for certain Perſons or Families; and the ſaid Archbiſhop for the Time being is hereby further empowered to fix the Surplice Fee that ſhall be paid for reading the Service for the Burial of the Dead in the ſaid Church or Chapel Yard, as preſcribed in the Book of Common Prayer, and to determine in what Proportion the ſaid Fee ſhall be divided between the Vicar of the ſaid Pariſh of *Halifax* for the Time being, and the Miniſter of the ſaid Church or Chapel, their Executors, Adminiſtrators, and Aſſigns; and it is hereby required that the Miniſter for the Time being of the ſaid Church or Chapel ſhall pay or cauſe to be paid Half-yearly to the Vicar for the Time being of *Halifax*, his Executors, Adminiſtrators, or Aſſigns, ſuch a Part or Proportion of the ſaid Surplice Fee as the ſaid Archbiſhop ſhall appoint as aforeſaid; and if the ſaid Miniſter of the ſaid Church or Chapel ſhall neglect or refuſe to pay the ſame for the Space of Thirty Days after it ought to have been paid as aforeſaid, it ſhall and may be lawful for the Vicar for the Time being of the ſaid Pariſh, his Executors, Adminiſtrators, and Aſſigns, to recover the ſame by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*, with Treble Coſts.

Archbiſhop of *York* to fix the Fee for the Funerals, and to apportion the ſame between the Miniſter of the Chapel and the Vicar of *Halifax*.

V. And it is hereby further enacted, That if the ſaid *Henry William Coulthurſt*, his Heirs or Aſſigns, ſhall not build and completely finiſh the ſaid Church or Chapel on or before the Seventeenth Day of *January* which ſhall be in the Year of our Lord One thouſand eight hundred and two, according to the Tenor and Purport of the ſaid Agreement, or ſhall in the mean Time apply or make uſe of any Part of the Ground ſo purchaſed, for any other Purpoſe than that of a Church Yard, and building a Church or a Chapel thereon, then and in every ſuch Caſe the ſaid Piece or Parcel of Ground upon which the ſaid new Church or Chapel ought to have been built, and the Buildings which may happen to have been erected thereon, with the Appurtenances, ſhall, and the ſame is and are hereby declared again to revert to and veſt in the ſaid Governors and Truſtees, their Heirs and Aſſigns, as in their former Eſtate, freed and abſolutely releaſed from and againſt all Eſtates, Intereſts, Claims, and Demands whatſoever, of the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, and all Perſons claiming by, from, or under, him or them.

The Eſtate to revert to the Governors of *Waterhouſe*'s Charity, if the Deſign of building a Church ſhould not be executed.

VI. And it is hereby further enacted and declared, That when the ſaid Church or Chapel ſhall have been built and completed, Divine Service ſhall not be performed therein, nor ſhall any Interments be made in the ſaid Burying Ground, until the ſame ſhall have been duly conſecrated by the Lord Archbiſhop of *York*, or ſome Biſhop appointed by him.

No Service to be performed, nor any Bodies to be buried, till after the Conſecration of the Church and Church Yard.

VII. And it is alſo further enacted, That, within Six Calendar Months, or ſooner, after the Conſecration as aforeſaid, the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, are hereby empowered and required to nominate, under his or their Hands and Seals reſpectively, to the ſaid Archbiſhop for the Time being, an able and ſufficient Miniſter, who ſhall have taken a Degree in One of the Univerſities of *Cambridge* or *Oxford*, Three Years before at the leaſt, in order to his being duly licenſed by the ſaid Archbiſhop for the Time being, to perform

How the Miniſter is to be appointed.

form Divine Service in the ſaid Church or Chapel according to the Rites and Ceremonies of the Church of *England*, and to bury the Dead in the ſaid Burying Ground or Church Yard, according to the Form preſcribed in the ſaid Book of Common Prayer: And it is alſo hereby further declared, that the ſaid Church or Chapel ſhall be deemed, taken, and conſidered, as and for a Benefice with Cure of Souls, to all Intents and Purpoſes whatſoever, and ſhall be liable to lapſe to the Ordinary or the Crown in the ſame Manner as any other Benefice with Cure of Souls is by the Laws now in being liable to lapſe, and ſhall be named and ſtyled, *The Church or Chapel of the Holy and Undivided Trinity in Halifax*, and ſhall be ſubject to the Juriſdiction of the ſaid Archbiſhop in all Caſes, Matters, and Things, as any other Benefice in the Dioceſe of *York*.

To be deemed a Benefice with Cure of Souls;

and ſtyled *Trinity Church* or *Chapel*, ſubject to the Archbiſhop's Juriſdiction.

VIII. And, to the End that the ſaid new intended Church or Chapel may not be injured, but be kept clean and decent, be it further enacted, That no Graves ſhall be made or any Ground broken up in the ſaid new Church or Chapel Yard nearer to the Foundation of the ſaid Church or Chapel than Three Feet at the leaſt; and that no Graves, Burying Places, or Vaults, ſhall be made or built within the Body of the ſaid new intended Church or Chapel, but only in the new intended Church or Chapel Yard.

No Burials within the Church.

IX. And be it further enacted and declared, That all Burials in the ſaid new Church or Chapel Yard ſhall be regiſtered by the Miniſter of the ſaid new Church or Chapel in a Parchment Book to be provided for that Purpoſe; and that the ſame may be duly and regularly performed, the Miniſter for the Time being of the ſaid Church or Chapel is hereby required to deliver or cauſe to be delivered to the Vicar of the ſaid Pariſh, at the End of every Six Months, a correct Liſt ſigned by the ſaid Miniſter, containing the Day of the Month on which the ſeveral Burials were performed, and alſo the Chriſtian and Surnames, and all other proper Deſcriptions, of the ſeveral Perſons who ſhall have been buried in the ſaid Church or Chapel Yard in any Part of the Six Months immediately preceding; and if he ſhall neglect to deliver or cauſe to be delivered a correct Liſt as aforeſaid, for the Space of Fourteen Days after the Liſt as aforeſaid ought to have been delivered in, then and in every ſuch Caſe the Vicar for the Time being of the ſaid Pariſh is hereby empowered and required to cite the ſaid Miniſter for the Time being into the Prerogative Court of the ſaid Archbiſhop for the Time being, then and there to anſwer for ſuch Neglect, and to abide ſuch Cenſure and Puniſhment as the ſaid Court ſhall ordain, according to the Laws provided in that Behalf: And the Vicar of *Halifax* aforeſaid for the Time being, is hereby required forthwith to enter, or cauſe to be entered, in the Regiſter of Burials of the ſaid Pariſh, all the Chriſtian and Surnames, together with all other Deſcriptions contained in the Liſt ſo to be delivered in as aforeſaid by the Miniſter of the ſaid new Church or Chapel, and to tranſmit unto the Archbiſhop for the Time being, or his Chancellor, a true Copy of the ſame, according to the Directions preſcribed in the Seventieth of the Eccleſiaſtical Canons agreed upon in the Convocation in the Year of our Lord One thouſand ſix hundred and three: And it is hereby declared, that a true Copy from the Parochial Regiſter of *Halifax* aforeſaid,

Correct Liſts of the Burials to be delivered to the Vicar of *Halifax*.

ſaid, ſhall be deemed and allowed to be as good Evidence of the Death of the Perſon regiſtered, as a true Copy of the Regiſter of the Burial of any Perſon who had been interred in the Church or Chapel Yard of *Halifax*: And the ſaid Church or Chapel Yard ſhall be taken and conſidered as the Burying Ground for the Inhabitants of *Halifax*, *Skircoat*, and *Southowram*, in the ſame Manner as the Church Yard of *Halifax* aforeſaid; ſave and except ſuch Parts or Parcels thereof as ſhall have been ſold and diſpoſed of as Places of Interment to certain Perſons and Families.

Part to be a Common Burying Ground for the Inhabitants of *Halifax*, &c.

X. And it is hereby declared and enacted, That during the Term of Sixty Years, to be computed from and after the Day on which the ſaid Church or Chapel ſhall have been conſecrated as aforeſaid, the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, ſhall reſpectively be the Patrons of the ſaid Church or Chapel, and as ſuch entitled to nominate a fit and ſufficient Miniſter, having taken ſuch Degree as aforeſaid, to the Ordinary for the Time being, when and as often as the ſame ſhall become vacant during the ſaid Term, provided always that every ſuch Nomination ſhall be free and without any valuable Conſideration for or on Account of the ſame; and if at any Time any valuable Conſideration ſhall be promiſed, paid, or received, directly or indirectly, during the Time that the ſaid Church ſhall be either full or vacant, in order to obtain a Nomination to the ſaid new Church or Chapel, the Perſon ſo nominating, as well as the Perſon ſo nominated, ſhall, on ſufficient Proof, be deemed guilty of Simony reſpectively, and be liable and ſubject to the Pains and Penalties of the Laws and Statutes in that Caſe made and provided; and, from and after the Expiration of the ſaid Term of Sixty Years, the Patronage of the ſaid Church or Chapel ſhall be veſted in the Vicar of *Halifax* aforeſaid, and his Succeſſors, and he and they ſhall be reſpectively entitled to nominate a good and ſufficient Miniſter of ſuch Degree as aforeſaid to the Ordinary, when and as often as the ſaid Church or Chapel ſhall become vacant: Provided always, and it is the Intent and true Meaning of this Act, that no Vicar of *Halifax* aforeſaid, or any Curate, Lecturer, or other Perſon holding any Eccleſiaſtical Preferment within the Pariſh of *Halifax* aforeſaid, ſhall be capable of holding the ſaid intended Church or Chapel.

Patronage to veſt in Dr. *Coulthurſt*, his Heirs, &c. for 60 Years.

XI. Provided nevertheleſs, That if the Profits ariſing from the Rent or Sale of the Galleries and Pews in the Church and Chapel aforeſaid, and from the Sale of ſuch Portion of the Burying Ground as the ſaid *Henry William Coulthurſt*, his Heirs and Aſſigns, are hereby empowered to ſell, ſhall not be ſufficient to indemnify the ſaid *Henry William Coulthurſt*, then and in any ſuch Caſe it ſhall and may be lawful for the Archbiſhop of *York* for the Time being, on due, full, and ſufficient Proof being made thereof, to permit the ſaid *Henry William Coulthurſt* to be Miniſter of the ſaid Church or Chapel, and to continue to perform the Service as Miniſter thereof, and to receive the Stipend herein-after directed to be paid to the Miniſter of the ſaid Church or Chapel, until the ſaid Archbiſhop for the Time being ſhall be ſatisfied that the ſaid *Henry William Coulthurſt* has been indemnified for the Charges and Expences which have been incurred by purchaſing the ſaid Ground, encloſing the ſame, erecting and building the ſaid Church or Chapel, or obtaining this Act.

Power for Dr. *Coulthurſt* to ſerve the Cure till he be reimburſed:

XII. And

Preſerving his Rights to the Vicarage.

XII. And it is hereby declared and enacted, That the Vicarage of *Halifax* aforeſaid ſhall not become vacant with reſpect to the Perſon of the ſaid *Henry William Coulthurſt*, but he ſhall be and continue to remain Vicar thereof, and as ſuch be entitled to all the Rights, Privileges, Profits, and Emoluments, thereunto belonging, in as full and ample a Manner as if he had not been Miniſter of the ſaid new Church or Chapel; any Law, Statute, or any Thing herein contained, to the contrary thereof in anywiſe notwithſtanding.

During the Vacancy of the Miniſter, the Church or Chapelwarden to provide a proper Perſon to officiate.

XIII. And be it further enacted, That during every ſuch Vacancy of the ſaid Office or Place of Miniſter of the ſaid Church or Chapel, and until ſuch Miniſter ſo nominated ſhall be licenſed and appointed thereto as aforeſaid, the Church or Chapelwarden for the Time being, to be nominated and appointed as herein-after directed, ſhall, and is hereby required to cauſe the ſaid Church or Chapel to be ſerved and ſupplied by ſome proper Perſon or Perſons to be approved by the Ordinary, in Manner herein-after directed; and that the Perſon or Perſons ſo ſerving or ſupplying the ſame, ſhall be paid and allowed for his and their Care and Pains therein a Recompence as the ſaid Ordinary ſhall direct for ſuch and ſo long Time as he or they ſhall ſo ſerve or ſupply the ſame.

Duty to be performed in the Church or Chapel.

XIV. And it is hereby further enacted, That, as ſoon as the ſaid Church or Chapel and Burying Ground or Chapel Yard ſhall have been duly conſecrated, the lawful Miniſter thereof ſhall, and he is hereby required, on the Morning and Afternoon of every Lord's Day, commonly called *Sunday*, throughout the Year, and in the Morning and Afternoon of *Chriſtmas Day* and *Good Friday*, to read or cauſe to be read in the ſaid Church or Chapel, the Prayers preſcribed in the Book of Common Prayer and Publick Liturgy of the Church of *England*; and after the Reading of the Prayers as aforeſaid, to read or cauſe to be read One of the Homilies ſet forth by our Church, or to preach or cauſe to be preached a Sermon in the ſaid Church or Chapel, in the Morning and Afternoon of the ſeveral Days aforeſaid: Provided always, and it is hereby underſtood, that it ſhall not be lawful to publiſh the Banns of Marriage in the ſaid Church or Chapel, or to ſolemnize any Marriage therein, or to adminiſter the Publick Baptiſm of Children or of Perſons of riper Years, or to church Women, in the ſaid Church or Chapel.

No Publication of Banns of Marriage, &c.

Proviſion for the Miniſter of the ſaid Church or Chapel.

XV. And be it further enacted, That, for the Support and Maintenance of the Miniſter of the ſaid Church or Chapel for the Time being, there ſhall be paid to him Yearly and every Year any Sum not leſs than the Sum of One hundred Pounds as is herein-after directed; and for that Purpoſe it ſhall and may be lawful for the ſaid *Henry William Coulthurſt*, his Heirs or Aſſigns, to ſell, let, or otherwiſe diſpoſe of the ſaid Pews and Seats, ſubject nevertheleſs to a perpetual Rent Charge ſecured thereon, of ſuch Sum as the ſaid *Henry William Coulthurſt*, his Heirs or Aſſigns, ſhall think proper and aſcertain, not leſs than the ſaid Sum of One hundred Pounds, to be paid and payable by the Owners or Occupiers of the ſaid Seats or Pews to the Miniſter for the Time being, Half-yearly, without any Deduction or Defalcation for or on account of any Taxes already impoſed or to be impoſed by Parliament or any other Authority whatever, at the Two uſual Days of Payment, that

is to ſay, on *Midſummer Day* and *Chriſtmas Day* in every Year, the Firſt of ſuch Payments to be made on ſuch of the ſaid Days as ſhall firſt happen after the licenſing of ſuch Miniſter as aforeſaid; and if Default ſhall be made of or in the Payment of ſuch Half-yearly Sum of Money as ſhall be ſo fixed upon, or any Part thereof, by the Space of Thirty Days next over or after either of the Days whereon the ſame ought to be paid as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Miniſter for the Time being, or any Perſon or Perſons authorized by him ſo to do, to ſeize, enter upon, and take Poſſeſſion of the ſaid Seats or Pews, or any of them, and to let the ſame, and to receive the Rents thereof, until thereby or therewith there ſhall be received ſo much Money as will ſatisfy and pay the Arrear of the ſaid Salary then due and owing as aforeſaid, with all ſuch Part of the ſaid Salary as ſhall grow due during ſuch Poſſeſſion, and alſo all ſuch Coſts and Expences as the ſaid Miniſter may be put unto or have incurred in conſequence of ſuch Delay, and of his ſaid Stipend or Salary being in Arrear and unpaid, and of his taking Poſſeſſion of and letting ſuch Pews or Seats as aforeſaid; and the Overplus of the Money ſo received, if any, ſhall be repaid on Demand to the Owners or Occupiers of the Seats or Pews ſo ſeized and let.

Miniſter may take Lands, *etc.* for his Maintenance over and above his Salary.

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

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

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

Money to be raiſed for Repairs, *etc.* by an Aſſeſſment on Pew Owners.

XVIII. And it is hereby further enacted, That when and as often as any Repairs ſhall be neceſſary to be made or done in, to, or about, the ſaid Church or Chapel, or the Walls or Fences thereof, or the Avenues leading to the ſame, or any Money to be raiſed to bear and defray the Expences incurred on Account and in Support of the ſaid Church or Chapel, then and in every ſuch Caſe the Owners or Proprietors of the ſaid Pews or Seats, or the major Part of them, aſſembled or met in the ſaid Church or Chapel, purſuant to Notice to be for that Purpoſe given in the ſaid Church or Chapel on ſome *Sunday* after Morning Service, at leaſt Ten Days previous to ſuch Meetings, ſhall and may, and they

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

Exempting certain Townſhips and Diſtricts from the Repairs of the intended Church.

XIX. And whereas certain Townſhips or Diſtricts within the Pariſh of *Halifax* aforeſaid, as well as the Townſhip of *Halifax*, are by Law, Cuſtom, or Uſage, contributory, or liable to contribute and pay, in certain Annual Proportions, to the Repairs of the Pariſh Church of *Halifax* aforeſaid; be it therefore hereby further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to charge the ſaid Townſhips or Diſtricts or any of them, or any Lands, Tenements, or Inhabitants thereof reſpectively, with any Sum or Sums of Money, Duties or Demands whatſoever, for or towards the Repairs or Support of the ſaid intended Church or Chapel, or any Act, Matter, or Thing in anywiſe relative thereto.

Miniſter of Church or Chapel to appoint to the Offices.

XX. And be it further enacted, That it ſhall be lawful for the Miniſter of the ſaid Church or Chapel for the Time being, to nominate and appoint proper Perſons to the Offices or Places of Church or Chapelwarden, (ſuch Perſon ſo to be appointed Church or Chapelwarden being a Proprietor of One or more Pew or Pews in the ſaid Church or Chapel), and likewiſe to nominate and appoint proper Perſons to the Offices of Clerk and Sexton, and of Organiſt, (if any Organ ſhall be ſet up in the ſaid Church or Chapel), and to ſuch other Offices or Places as he ſhall think proper, and from Time to Time to remove or diſplace any ſuch Officer or Officers, and appoint others in their Stead, or in the Stead of ſuch of them as ſhall die or decline, or become incapable to perform their Offices reſpectively.

Subjecting certain Pariſh Officers to Eccleſiaſtical Juriſdiction.

XXI. Provided always, and it is hereby declared, That the Church or Chapelwarden, Clerk and Sexton, to be appointed as aforeſaid, ſhall be ſubject and liable to the Eccleſiaſtical Juriſdiction, in the ſame Man-

ner as the Churchwardens, Clerk, and Sexton, of the Pariſh of *Halifax* are ſubject and liable.

Churchwarden's Duty.

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

Keys, *etc.* of the Chapel to be left in the Cuſtody of the Miniſter, or of any One whom he may appoint.

XXIII. And it is hereby further enacted, That the Keys of the ſaid intended Church or Chapel ſhall from Time to Time be kept by and left in the Cuſtody of the Miniſter of the ſaid Church or Chapel for the Time being, or of any One whom he may appoint, and the Plate, Furniture, Records, and Books, belonging to the ſaid Church or Chapel, ſhall and may be depoſited and kept in the Veſtry Room of the ſaid Church or Chapel, or in ſuch other Place as the Owners or Proprietors of Pews or Seats, or the major Part of them, ſhall from Time to Time direct, in a ſtrong Cheſt to be for that Purpoſe provided, with Two ſecure Locks and different Keys, one of which Keys ſhall be from Time to Time kept by the ſaid Miniſter of the ſaid Church or Chapel for the Time being, and the other by the ſaid Church or Chapelwarden for the Time being.

Chapelwardens to keep an Account.

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

Chapelwarden to deliver Accounts.

XXV. Provided always, and it is hereby declared, That after the ſaid Church or Chapel ſhall have been finiſhed, and made uſe of for the Celebration of Divine Service, a Meeting ſhall be held in the Veſtry Room belonging to the ſaid Church or Chapel, of the Owners and Proprietors of the Pews therein, Yearly and every Year, on the Twenty-fourth Day of *June*, being the Feaſt of *Saint John* the Baptiſt, and when that falls on a *Sunday*, then on the Day following, at which Time and Place the Chapelwarden of the preceding Year is hereby directed and required to ſettle and make up his Accounts, and pay the Balance, if any ſhall remain in his Hands, to ſuch Perſon or Perſons as the ſaid Owners or Proprietors, or the major Part of them, ſhall appoint; the ſaid Balance from Time to Time to be kept and reſerved for the Uſe and Purpoſes

poſes of the ſaid Church or Chapel, and the Premiſes thereto belonging: And provided further, and it is the Intent and Meaning of this Act, that every Owner or Proprietor of Pews ſhall, at all and every Meeting whatever, be entitled to have as many Votes in determining every Queſtion as he or ſhe ſhall have Sittings in the ſaid Church or Chapel: And provided further, that the Chapelwarden for the Time being is hereby directed and required to cauſe an Abſtract of this Act to be fairly written on a Table of Wood, and hung up in ſome conſpicuous Part of the ſaid Church or Chapel.

Limitation of Actions.

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

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

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

Publick Act.

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

FINIS.