Anno nono

Georgii III. Regis.

An Act to enable *Edward Byrom* Esquire to complete a Building intended for a new Church in the Town of *Manchester*, and for making the same a perpetual Cure and Benefice; and for other Purposes.

WHEREAS the Trade, Commerce, and Manufactures, within the Town of Manchester, in the County of Lancaster and Diocese of Chester, have for several Years last past greatly increased; by means whereof, among other Causes, the Buildings within the same, and the Inhabitants thereof, have also increased in a very considerable Proportion, more especially at or near the upper End of a certain Street in the said Town, called Dean's Gate, and the several Streets branching out of, or communicating with, the same; all which lie at a great Distance from the Churches and Chapels now being within the said Town: And whereas it would be of great Benefit and Utility to the Inhabitants of the said Town of Manchester, and more particularly to such of them as dwell in the remote Parts thereof above mentioned, and the Neighbourhood about the same, if another Church was built in some convenient Part within or near the said Town for the celebrating of Divine Service according to the Rites and Ceremonies of the Church of England: And whereas Edward Byrom Esquire, One of the Inhabitants of the said Town, being duly sensible of the Evils and Incon- Preamble.

Inconveniencies attending, and which may arise to the said Inhabitants from the Want of such additional Place of Worship, and being desirous to remedy and prevent the same, and to promote, as far as in him lies, the Service of Almighty God, hath, with the Consent of the King's most Excellent Majesty, who is Patron of the Collegiate Church of Christ in Manchester, as well as of the Warden and Fellows of the said Collegiate Church, and of the Right Reverend Father in God Edmund by Divine Permission Lord Bishop of the said Diocese of Chester, allotted and set out a Part of a certain Field, or Piece of Ground, commonly called Roger's Field, whereof he is seised to him and his Heirs in Fee Simple, lying near to the upper End of Dean's Gate aforesaid, and containing Eighty seven Yards in Length, and Forty nine Yards and an Half in Breadth, being in the Whole Four thousand three hundred and six superficial Square Yards and an Half, as and for the Site of a new Church, together with a Church-yard, Cemetery, or Burying Ground thereto; and hath already begun to erect, and is now, at his own Expence, carrying on a Building, which is in the Form of, and intended for, a new Church, on Part of the said Field or Piece of Ground, containing in Length Thirty seven Yards and an Half, and in Breadth Twenty one Yards and an Half; and proposes to erect and make Pews or Seats, to be distinguished with Figures as hereafter mentioned within the said intended Church, and in all Things to finish and complete the same, in a proper, decent, and commodious Manner, fit for the performing of Divine Service therein: But although such the pious and charitable Desire and Intention of the said Edward Byrom as aforesaid tend to promote the Worship of Almighty God, and the Good of the Inhabitants of the said Town of Manchester, yet as the same cannot be effectually carried into Execution without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subject, the said Edward Byrom, 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 it shall and may be lawful to and for the said Edward Byrom, his Heirs, and Assigns, to allot, and inclose with a Wall, the said Piece of Ground, Parcel of the said Field called Roger's Field, containing Eighty seven

Power to allot Ground for the Site of a Church and Church-yard of certain Dimensions,

Yards in Length, and Forty nine Yards and an Half in Breadth, being in the Whole Four thousand three hundred and six superficial square Yards and One Half, as and for the Site of a Church and Church-yard, or Burying-ground, and to finish and complete the Building now carrying on and intended for a new Church on Part of the said Piece of Ground, containing or to contain in Length Thirty seven Yards and an Half, and in Breadth Twenty one Yards and an Half; and therein to make, erect, and set up, or cause to be made, erected, or set up, Pews and Seats, together with an Organ, Clock, Bells, and other Requisites, Conveniencies, and Ornaments; and also to compleat and finish the several Vaults now making and carrying on under the Floor of the said intended Church; Which said Church, when built and compleated, may be set apart, consecrated, and dedicated, to and for the Service of Almighty God, as a Place of Divine Worship, according to the Usage of the Church of England, for ever; and shall, when and so soon as the same shall be so consecrated and dedicated, as aforesaid, be, and it is hereby declared to be, from thenceforth, a perpetual Cure and Benefice, and shall be called by the Name of Saint John's Church in Manchester.

and to finish the Building thereon intended for a new Church, and set up Pews and make Vaults.

The Church when consecrated to be a perpetual Cure and Benefice.

And be it further enacted, That all the Pews and Seats to be erected and set up in the said Church, as also all the Vaults to be made under the Floor thereof, shall be marked with, and distinguished by, different Numbers and Figures to be carved or painted on the Door of each Pew or Vault respectively; and that the Three Pews marked or numbered, or to be marked or numbered, with the Figures (11) (32) and (163) shall belong to, and be the Property of, the said Edward Byrom, and his Heirs and Assigns for ever, subject to the Payment of the yearly Rent or Sum of One Pound and Twelve Shillings for or in respect of the said Pew or Seat marked with the Figures (11); and the yearly Rent or Sum of One Pound and Twelve Shillings for or in respect of the said Pew or Seat marked with the Figures (32); and the yearly Rent or Sum of Twenty Shillings for or in respect of the said Pew or Seat marked with the Figures (163); to be respectively due and payable at the Times, and in Manner herein after mentioned: And that the Pew or Seat marked or numbered, or to be marked or numbered with the Figures (31), shall belong to, and be the Property of, the most Noble Francis Duke of Bridgewater, and his Heirs and Assigns for ever, being Own-

Pews and Vaults to be numbered.

Certain Pews appropriated, and the Remainder to be sold subject to Rents.

ers of the Capital Meſſuage or Manſion-houſe called Hulme Hall, now in the Occupation of George Lloyd Eſquire, or the Site thereof, ſubject to the Payment of the yearly Rent or Sum of One Pound and Twelve Shillings for or in reſpect of the ſame Pew or Seat, to be due and payable as aforeſaid: And the Pew marked or numbered, or to be marked or numbered, with the Figures (85) ſhall belong to, and be the Property of, the Rector for the time being of the ſaid new intended Church, and his Succeſſors: And the Pew marked or numbered, or to be marked or numbered, with the Figures (86) ſhall belong to, and be the Property of, the Churchwardens for the time being of the ſaid new intended Church, to be appointed in Manner herein after mentioned, and their Succeſſors: And all the reſt of the ſaid Pews and Seats, not appropriated as aforeſaid, ſhall be, and the ſame are hereby veſted in the ſaid Edward Byrom, his Heirs and Aſſigns, and the ſaid Churchwardens for the time being of the ſaid new intended Church, and their Succeſſors: And it ſhall and may be lawful to and for the ſaid Edward Byrom, his Heirs and Aſſigns, and to and for ſuch Churchwardens and their Succeſſors, and they are hereby reſpectively authorized and impowered, after the Conſecration of the ſaid new Church, to ſell, diſpoſe of, and convey, all or any of the ſaid Pews and Seats (except thoſe marked or numbered, or to be marked or numbered with the Figures (11) (32) (163) (31) (85) and (86) and appropriated as aforeſaid) together with the Fee Simple and Inheritance of the ſame reſpectively, to any Perſon or Perſons willing to become Purchaſers thereof: In Truſt nevertheleſs, that ſuch Churchwardens for the time being and their Succeſſors ſhall apply and pay the Purchaſe-monies ariſing, and which they ſhall receive from time to time from the Sale of any of the ſaid Pews and Seats, to and for the Uſe of the ſaid Edward Byrom and his Heirs, and to and for no other Uſe or Purpoſe whatſoever.

Pews to be ſold to Inhabitants only.

Provided always, That every ſuch Sale and Diſpoſition which ſhall from time to time be made of the ſaid Pews and Seats, or any of them, ſhall be made to ſuch Perſon or Perſons only, as at the Time of ſuch Sale or other Diſpoſition ſhall be Inhabitants of the ſaid Town or Pariſh of Mancheſter.

Rents of Pews to be in Proportion to the Purchaſe Money.

Provided alſo, That on every ſuch Sale of the ſaid Pews and Seats to be made as aforeſaid, there be reſpectively reſerved and made payable to ſuch Churchwardens and their Succeſſors, a certain yearly Rent or Sum

Sum not exceeding the Rate of One Shilling and Four Pence for every Twenty Shillings which shall be paid by such Purchaser or Purchasers as aforesaid, as and for the respective Purchase-money of such Pews and Seats; so as the Rents of all the said Pews and Seats, so to be settled and ascertained as aforesaid, do not amount in the Whole to less than the yearly Sum of One hundred and Eighty Pounds; and so as the several Rents so to be fixed and ascertained for and upon every such Pew be entered in a Book to be kept for that Purpose, and subscribed by the said Churchwardens for the time being.

and to be paid half-yearly;

Provided moreover, That every such Purchaser, or other Person or Persons, being seised of a Pew or Seat in the said new Church, shall pay the Rent thereof, to be fixed and ascertained as aforesaid, at Two equal Half-yearly Payments, to wit, at Christmas and Midsummer; the first Payment thereof to begin and to be made at and upon the Feast Day of the Nativity of our Saviour Christ which shall next happen after the Consecration of the said new Church. And in case the Rent of any such Pew or Seat shall happen to be behind or unpaid by the Space of Thirty Days 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 either enter upon such Pew or Seat, Pews or Seats, and let and dispose of the same to any other Person or Persons, on the Terms and in Manner above directed, until the Rent in Arrear shall be duly paid and satisfied, or else may sue for and recover the same Rent so in Arrear by Action of Debt, or by Action upon the Case, for the Use and Occupation of such Pew or Seat, in any of the Courts of Record at Westminster, or in the Court of Common Pleas held for the said County Palatine of Lancaster, with Full Costs of Suit.

with a Power to recover the Arrears.

Appointment of Churchwardens,

And be it further enacted, That it shall and may be lawful to and for the said Edward Byrom and his Heirs, and they are hereby authorized and impowered, upon or immediately after the Consecration of the said intended Church, to nominate and appoint Two such Persons as he or they, in his or their Discretion, shall think fit, being Proprietors of one or more Seat or Seats in the said intended Church, to be and act as Churchwardens of the said intended Church, until Thursday in Easter Week next ensuing after such Appointment; and from thenceforth upon Thursday in Easter Week yearly, during the first Three Years next ensuing from the

Expiration of such first Appointment, in like Manner to nominate and appoint Two such other Persons as he or they, in his or their Discretion shall think fit, to be and act as Churchwardens of the intended Church for the time being: And that, from and after the Expiration of the said Three Years, Two fit Persons shall, upon Thursday in Easter Week yearly for ever be nominated and appointed, out of the Owners and Proprietors of the Pews or Seats in the said intended Church, to be and act as Churchwardens for the same for the time being; the One of such Churchwardens to be nominated by the Warden and Fellows of the College of Christ in Manchester, and the other by the Rector for the time being of the said new intended Church: And as well the Persons to be nominated and appointed as aforesaid by the said Edward Byrom and his Heirs during the Time above specified, as also the Persons to be afterwards nominated and appointed in Manner above-mentioned by the Warden and Fellows of the said Collegiate Church, and the Rector for the time being of the said intended new Church, shall respectively be, and shall act as Churchwardens for the time being of the said intended Church, and shall continue in the said Office till Thursday in Easter Week in the next ensuing Year after such respective Appointments: And they and their Successors, and the Survivor of them, are hereby authorized and required to collect and receive the Rents of the said Pews or Seats, and in case of Non-payment to enter upon the same, or else to sue and bring Actions for the Recovery of such Rents in Manner as aforesaid, by the Name of Churchwardens of the said intended Church; and also to pay the Minister, Clerk, Sexton, and Verger, and other necessary Officers and Attendants of the said intended Church for the time being, their respective Salaries, Stipends, and Wages, as likewise to furnish Books and Surplices, to provide Bread and Wine for the Holy Eucharist, with other necessary Things: And farther, to support and keep in Repair the said intended Church and Church-yard, with the Walls, Gates, and other Appurtenances thereto; as also the Organ, Clock, Bells, and other Things, to the said intended Church appertaining, or to appertain: And lastly, to do and perform all other Matters whatever, which may be necessary or expedient for and concerning the Management, Support, Ornament, and Good Order of the said intended Church: And such Person and Persons, so to be respectively nominated and appointed to act as Churchwardens as aforesaid

who are to receive the Rents of the Pews,

and pay the Minister, Clerk, Sexton and Verger their Salaries, and provide Books, Bread and Wine for the Sacrament, and Repair the Church, &c.

aforesaid for the time being, and their Successors, shall, and he and they is and 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 and every Sum and Sums of Money by him or them received on account of the Rents of the said Pews or Seats as aforesaid, or otherwise; and of all and every Sum and Sums of Money by them issued and paid, and of all Debts and Credits due or owing, and of all Contracts made in pursuance of this Act: And all such Books and Accounts shall and may be inspected, at all convenient Times, by the Warden and Fellows of the said Collegiate Church, and the said Edward Byrom and Robert Livesey, William Allen, Richard Clowes, William Tomkinson, John Markland and Henry Feilden, all of Manchester aforesaid, Esquires, and such other Person or Persons as shall at any Time hereafter be nominated and chosen, in Manner herein after directed, in the Place or Stead of any of them dying, removing out of the Parish of Manchester aforesaid, or refusing to act in the Trust hereby reposed in them.

and keep an Account of their Receipts, and Expenditures;

which are to be inspected by the Trustees and their Successors.

And be it further enacted, That the several Vaults made, or now making, and carrying on under the Floor of the said intended Church, and which are to be marked and distinguished as above directed, shall be, and the same are hereby vested in the said Edward Byrom, his Heirs, and Assigns: And it shall and may be lawful to and for the said Edward Byrom, his Heirs, and Assigns, and they are hereby authorized and impowered to sell, dispose of, and convey, all or any of the said Vaults as and for Places of Burial, together with the Inheritance of the same, to any Person or Persons willing to become Purchasers thereof.

The Vaults to be vested in Mr. *Byrom*, who may sell the same.

Provided always, That every such Sale and Conveyance which shall, from time to time, be made of the said Vaults, or any of them, for the Purpose aforesaid, shall be made to such Person or Persons only as at the Time of such Sale and Conveyance shall be Inhabitants of the said Town or Parish of Manchester, and shall likewise be Proprietor or Proprietors of One or more Seat or Seats in the said intended Church.

Vaults to be sold to Proprietors of Seats only.

And be it further enacted, That when and so soon as the said intended Church shall be compleated and consecrated, it shall and may be lawful to and for the said Edward Byrom and his Heirs, and they are hereby authorized and impowered to nominate the First and Second Incumbent successively to the said Church: And

Nomination of the First and Second Incumbent in Mr. *Byrom*.

after the Deaths, Resignation, or other Avoidance, of the First Two Incumbents to be by him or them successively nominated as aforesaid; then the Patronage, Advowson, Free Disposition, Nomination, and Donation, of and to the said intended Church, shall appertain to, and are hereby vested in, the Warden and Fellows for the time being of the said College of Christ in Manchester, and their Successors for ever: And from and after the Time that the said Edward Byrom and his Heirs, or the said Warden and Fellows, and their Successors, shall, according to their respective Rights above-mentioned and declared, have nominated any Incumbent to the said intended Church, and such Incumbent shall be thereto admitted and instituted by the Bishop of the Diocese for the time being; the said Incumbent shall be, and is hereby from thenceforth incorporated, and shall have perpetual Succession, by the Name of the Rector of Saint John's Church in Manchester; and the Freehold and Inheritance of the said intended Church shall from thenceforth appertain to, and be vested in, the said Incumbent and his Successors for ever, in the same Manner as the Freehold and Inheritance of a Parish Church is by the Laws of this Realm vested in the Incumbent thereof; and the said intended Church, and the Rector and Incumbent thereof for the time being, as also the Churchwardens thereof for the time being to be respectively appointed as above 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 of all future Incumbents, in the Warden and Fellows.

Incumbent incorporated, and the Freehold of the Church vested in him.

And be it further enacted, That in case any Incumbent of the said intended Church, to be respectively nominated in Manner above-mentioned and declared, shall not continue resident in the Town or Parish of Manchester, but shall be absent therefrom for the Space of Eighty Days, unless prevented by Sickness or other unavoidable Accident, in any One Year, to be judged of and determined by the Ordinary for the time being; then, from and immediately after such Non-residence as aforesaid, the said intended Church shall be adjudged to be ipso facto void to all Intents and Purposes: And the said Edward Byrom and his Heirs, or the said Warden and Fellows of the Collegiate Church aforesaid, and their Successors, as the Case may happen, shall, according to their respective Rights, nominate and appoint some other fit Person to be Incumbent to the said intended Church, in the same Manner as if the Incumbent

Incumbent absenting for a certain Time, vacates the Church.

Incumbent so absenting himself as aforesaid was then dead; any Licence or Dispensation to the contrary notwithstanding.

If Vacancies not filled up in the usual Time, the Right of Nomination to lapse in the usual Order.

And be it further enacted, That in case the said Church shall be suffered to remain void for the Space of Six Calendar Months without any Nomination or Presentation thereunto by virtue of this Act; then, and in such Case, the Nomination or Presentation to the said Church shall lapse to the Ordinary, and from him to the Metropolitan, and from him to the Crown, according to the Course of Law in presentative Livings or Benefices; and the Right of Nomination and Presentation to the said intended Church shall and may be recovered, and the Incumbency thereof may and shall cease and be determined, in like Manner as the Presentation to or Incumbency in any presentative Benefice may now be recovered or determined.

The Rector's Duty.

And be it further enacted, That the Minister or Rector of the said intended Church for the time being shall himself every Sunday Morning, with an audible Voice, read in the said Church the Morning Prayers prescribed in the Book of Common Prayer or Publick Liturgy of the Church of England; and in the Afternoon of every Sunday in like Manner read in the said Church the Evening Prayers prescribed in the said Book of Common Prayer; and shall on every Day in Passion Week, and on every Tuesday and Thursday weekly during the whole Year, and on every other Day which is set apart for that Purpose by the Church of England, in like Manner read in the said Church the Morning Prayers prescribed in the said Book of Common Prayer for such Days respectively; and shall on every Sunday throughout the Year, as well in the Morning as in the Evening, and on every Christmas Day, Good Friday, and Ascension Day, in the Morning, after Divine Service performed, preach a Sermon in the said Church; and shall also on every Easter Sunday, Whitsunday, and Christmas Day, and also upon the last Sunday in every Month (except in the Month of December, and the Months in which Easter Day and Whitsunday shall happen) administer the holy Sacrament in the said Church: And if the said Minister or Rector shall be prevented or hindered by Sickness, or any other reasonable Cause, from performing the Duties above respectively required and enjoined, or any of them; then, and in every such Case, he shall find and procure some other able Minister or Curate to do and perform the same respectively.

The Churchwardens to pay the Rector's Salary.

And be it further enacted, That for the Maintenance of the Rector for the time being of the said intended Church, the Person or Persons who shall be respectively 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 Pews or Seats which shall be erected therein, and the Monies to arise from the Burying-ground in the said Church-yard only, as hereafter mentioned, yearly, and every Year, well and truly pay, or cause to be paid, to such Rector and his Successors for the time being, the Sum of One hundred and twenty Pounds of lawful Money of Great Britain, without any Deduction or Abatement for Taxes, or otherwise howsoever, at the Feasts of the Nativity of our Saviour Christ, and of Saint John the Baptist, by even and equal Portions; the first Payment thereof to be made on such of the said Feasts as shall happen next after the Consecration of the said Church; and the Money so to be paid shall be allowed to such Churchwarden or Churchwardens in his or their Accounts.

The Rector's Remedy for recovering his Salary, if not paid within Thirty Days.

And be it further enacted, That if Default shall be made in Payment of the said yearly Sum of One hundred and twenty Pounds, or any Part thereof, to the said Rector for the time being, or his Successors, as aforesaid, by the Space of Thirty Days next after any of the Days of Payment wherein the same ought to be paid; then it shall and may be lawful to and for such Rector and his Successors, and their Executors and Administrators, to sue for and recover the same, with Full Costs of Suit, against such Churchwarden or Churchwardens for the time being, and his and their Successors, by Action of Debt, or upon the Case, for so much Money had and received to their Use for Work and Labour, in the Court of Common Pleas to be held for the said County Palatine of Lancaster, or in any of His Majesty's Courts of Record at Westminster; wherein respectively no Essoin, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

Not more than an Arrear of One Half-yearly Payment to be recovered from succeeding Churchwardens.

Provided always, and be it further enacted, That no Arrears of the said yearly Sum of One hundred and twenty Pounds, to be had and recovered against any succeeding Churchwarden or Churchwardens, which shall have accrued in the Time of any of his or their Predecessors, shall exceed in the Whole One Half-yearly Payment of the said yearly Sum; and that every Action, for the Recovery thereof, be made and commenced against such succeeding Churchwarden or Churchwardens

wardens within the Space of Six Calendar Months next after his or their first entering upon and being sworn into the Office of Churchwarden.

The Rector to nominate Clerk, Sexton, and Verger.

And be it further enacted, That it shall and may be lawful to and for the Minister or Rector for the time being of the said intended Church, to nominate and appoint such Persons as he shall think fit to officiate as Clerk, Sexton, and Verger, in the said Church; and also from time to time to displace and remove such Clerk, Sexton, and Verger respectively, upon just and reasonable Cause; the Wages or Stipends of such Clerk, Sexton, and Verger, to be fixed and ascertained according to the Direction of the Trustees herein before named, who shall and may, from time to time, use the like Methods for the Recovery of their respective Wages, as are herein before given to the Minister or Rector of the said intended Church for the Recovery of his Maintenance or Salary.

Churchwardens may apply the Surplusage of the Rents of the Pews.

And be it further enacted, That in case any Surplusage-money arising by or from the Rents of the said Pews or Seats, shall remain after Payment and Disbursement of the several Salaries or Sums herein before directed to be issuing and paid thereout unto or for the Minister, Clerk, Sexton, and Verger, and other Officers and Assistants as aforesaid, and for the Repairs of the said intended Church and Church-yard, with the Walls, Gates, Organ, Clock, Bells, and other Things to the same respectively appertaining or to appertain, and for other the Purposes herein above-mentioned; the same shall be laid out and applied by the Churchwardens for the time being of the said intended Church, and their Successors, in augmenting the Salary of the Minister, Clerk, or Sexton, or in the ornamenting or otherwise improving of the said Church, when and as often as the said Warden and Fellows for the time being of the Collegiate Church aforesaid, and the said Edward Byrom, Robert Livesey, William Allen, Richard Clowes, William Tomkinson, John Markland, and Henry Feilden, or the Person or Persons who shall be appointed a Trustee or Trustees in any of their Steads, or the major Part of them, assembled in the said Church, upon Ten Days previous Notice to be publickly given in the said Church for that Purpose, shall think necessary and expedient; and that in all such Meetings the said Warden and Fellows shall not be accounted as One Corporate Body, but considered in their natural Capacities as Five distinct and several Persons.

in augmenting the Salaries of the Rector, Clerk, or Sexton, or in ornamenting the Church, as Trustees shall appoint.

Salaries of the Rector, Clerk, &c. not less than certain Sums.

Provided always, That the Salary of the Minister or Rector for the time being of the said intended Church, shall not at any Time be less than One hundred and Twenty Pounds per Annum; nor the Salary of the Clerk be less than Four Pounds; nor the Salary of the Sexton less than Two Pounds; nor the Salary of the Verger be less than Two Pounds per Annum respectively.

Appointment of new Trustees upon Vacancies.

And be it further enacted, That from time to time, and at all Times hereafter, when and as often as any Trustee or Trustees appointed by, or to be appointed in Pursuance of this Act, shall die, remove, or refuse to act, it shall and may be lawful for the surviving or remaining Trustees, or any Three or more of them, (other than the said Warden and Fellows) by any Writing or Writings under their Hands and Seals, to nominate, elect, and appoint, (having first given Ten Days Notice in the said intended Church of the Time and Place of Meeting for such Election) One or more fit Person or Persons in the room of such Trustee or Trustees so deceased, removed, or refusing to act; which Person or Persons so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees, and shall and may, and he and they are hereby authorized and impowered to act, to all Intents and Purposes, in as full, large, and ample Manner, as the said Trustees hereby appointed are impowered to act, as often as Occasion shall be and require.

Double Fees to be paid for Burials, &c. and Half paid to the Collegiate Church, and the other Half to the Rector, Clerk, and Sexton of the new Church.

And, in order that the Erection of the said new intended Church may not prejudice the said Collegiate or Parish Church, nor lessen the Revenues thereof, be it further enacted, That there shall be paid to the Rector, Clerk, and Sexton, of the said new intended Church, and their respective Successors for the time being, for the Performance of their several and respective Offices there, Double the Fees which are usually, and of Right ought to be, paid for every Marriage, Churching, and Burial, at the said Collegiate Church: And that the said Rector, Clerk, and Sexton, and their respective Successors, shall from time to time collect and receive such Double Fees, and account for and pay One Moiety or equal half Part thereof to the Chaplains, Clerks, and Sextons, of the said Collegiate Church for the time being, to be divided among them in such Shares and Proportions as the Fees payable at the same Church are divided: And that the remaining Moiety shall be divided between the Rector, Clerk, and Sexton, of the said new intended Church;

in such Shares and Proportions as Fees of the like Nature, and for the like Services, are usually, or of Right ought to be, divided among the Chaplains, Clerks, and Sextons, of the said Collegiate Church; and that the same shall be paid by Half-yearly Payments, to wit, on the Feasts of the Nativity of our Saviour Christ, and of Saint John the Baptist, in every Year.

No Burials within the Church.

And, to the End that the said new intended Church may be kept clean and decent, be it further enacted, That no Graves or Burying Places shall be made or allowed within the Body of the said new intended Church, but only in the said new intended Churchyard, to be inclosed and consecrated as aforesaid; and that all Christenings and Marriages to be had and solemnized in the said new intended Church, and all Burials in the said Church-yard and Vaults, shall be registered as usual in the Register of the said Collegiate Church.

Limitation of Actions.

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, 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 said County Palatine 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 Suit or Action, after the Defendant or Defendants shall have appeared, or if the Judgement shall be given against the Plaintiff or Plaintiffs upon Demurrer; then, in any of the said Cases, the Defendant or Defendants shall and may recover Treble 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.

General Issue.

Treble Costs.

Saving nevertheless to the King's most Excellent Majesty, His Heirs, and Successors, and to all Bodies Politick and Corporate, and to all other Persons whomsoever, their Heirs, Executors, Administrators, and Assigns (other than the said Edward Byrom and his Heirs) all such Estate, Right, Title, and Interest, as they or any of them might have or claim, in as ample Manner and Form as if this Act had not been made.

And

Publick Act. And be it further enacted, That this Act shall be deemed, taken, and allowed 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.
