Anno nono

Georgii III. Regis.

An Act for building a Chapel at *Plymouth Dock*, in the Parish of *Stoke Damerell* in the County of *Devon*.

WHEREAS the Parish of Stoke Dame- Preamble.
rell, in the County of Devon and Diocese of Exeter, is of considerable Extent, and very populous, and there is only one Church therein which is parochial, and no other Place for celebrating Divine Service according to the Rites and Ceremonies of the Church of England as by Law established, appropriated for the Use of the Inhabitants of the said Parish at large: And whereas Plymouth Dock, Part of the said Parish, is near a Mile distant from the said Parish Church; and the Inhabitants of the said Parish have so much increased that the said Church will not contain such Inhabitants, professing the Doctrine of the Church of England, in the Exercise of their Religion: And whereas Sir John Saint Aubin, of Clowance in the County of Cornwall, Baronet, is by virtue of the last Will of Sir William Morrice

Baronet, deceased, intitled for his Life to, or hath a Life Interest in, the Manor of Stoke Damerell (which extends throughout the said Parish) and also in the Advowson or Right of Presentation to the said Parish Church, with Remainder to his First and other Sons in Tail Male, with Remainder to Sir John Molesworth of Pencarrow in the said County of Cornwall Baronet for his Life, with Remainder to his First and other Sons in Tail Male, and after other Remainders, which are spent or determined, to the Right Heirs of the said Testator: And whereas the said Sir John Saint Aubyn and Sir John Molesworth have both Issue Male, but such Issue are all Infants under the Age of Twenty one Years; and the said Sir John Saint Aubyn and Sir John Molesworth, as Heirs at Law of the said Testator, are intitled to the Remainder or Reversion in Fee of and in the said Manor and Advowson, expectant on the Determination of the particular precedent Estates thereof limited as aforesaid, and now capable of taking Effect: And whereas the said Sir John Saint Aubyn, from a Desire of promoting the Service of Almighty God, hath, with the Consent of the said Sir John Molesworth, allotted and set apart a Piece of Ground, within and Parcel of the said Manor, containing from East to West Ninety five Feet, and from North to South Ninety five feet, situate, lying, and being behind and on the East Side of a certain Street in Plymouth Dock aforesaid, called The Higher Saint Aubyn-street, and at the Eastern End of and in the Centre of the Western Side of the said Piece of Ground fronting another Street in Plymouth Dock aforesaid, called New Market-street, for the Scite of a Chapel and Chapel Yard: And whereas several of the Inhabitants of Plymouth Dock aforesaid, from the like Motives, have, with the Consent of the Right Reverend Father in God Frederick by Divine Permission Lord Bishop of the said Diocese of Exeter, and also of the Reverend Edward Bridges Blackett Doctor of Laws the present Rector of the said Parish of Stoke Damerell, proposed and agreed, that the said Piece of Ground so set apart for the Scite of the said Chapel and Chapel Yard shall be vested in Commissioners and their Successors, with proper Powers to inclose the same, and to erect thereupon a Chapel to be called Saint Aubyn's Chapel, to contain in Length from East to West, from Outside to Outside (including the Step of the Portico intended to be erected on the Western End of the said Chapel) Eighty nine Feet, and in Breadth from North to South, from Out-

side to Outside, Sixty six Feet; and also to make and erect Galleries and Pews in the said Chapel, and in all Things to finish, furnish, and complete, the said Chapel fit for celebrating Divine Service; and with like further Powers to raise Money sufficient to defray the Expences attending the inclosing, building, finishing, furnishing, compleating, and keeping in good Order and Repair the said Chapel, and the Walls round the same, and the Gates leading thereto; and also for providing proper annual Stipends or Salaries for the Curate and Clerk; and also proper Bibles and Prayer Books for the Use of the Curate and Clerk, Surplices for the Curate, and Bread and Wine for the Holy Sacrament, and for defraying the Expences attending the Duty of the Office of Collector: But forasmuch as the pious and charitable Purposes aforesaid cannot be effectually established and carried into Execution, otherwise than by the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all that Piece or Parcel of Waste Ground, within and Parcel of the said Manor of Stoke Damerell, as the same is staked and marked out, containing from East to West Ninety five Feet, and from North to South Ninety five Feet, situate, lying, and being on the Eastern Side of a certain Street in Plymouth Dock aforesaid, called or known by the Name of Higher Saint Aubyn Street, and at the Eastern End of and the Centre of the Western Side of the said Piece or Parcel of Waste Ground fronting another Street in Plymouth Dock aforesaid, called or known by the Name of The New Market-street, shall be and the same is hereby vested in the said Sir John Saint Aubyn, and the Person or Persons who for the time being shall be Lord or Lords of the said Manor of Stoke Damerell, and also in Thomas Mangles and John Coward, both of the Parish of Stoke Damerell aforesaid, and Dionysius Williams of Sennen in the County Cornwall, Gentlemen, and their Successors, to be appointed in the Manner herein after mentioned, to the Intent that the said Piece or Parcel of Ground shall and may be inclosed, and a Chapel erected thereon; and that the said Chapel, when so erected and completed, 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

The Ground set apart as the Scite of the Chapel,

vested in Trustees,

for the Purposes of erecting such Chapel.

ever; and shall, when and as soon as the same shall be so consecrated and dedicated, be and the same is hereby declared to be from thenceforth a perpetual Cure and Benefice, and shall be called by the Name of Saint Aubyn's Chapel.

On Death or Refusal, others to be chosen.

And be it further enacted, That if at any Time or Times hereafter any of the said Commissioners, nominated and appointed by this Act for inclosing the said Piece or Parcel of Ground, and for building the said intended Chapel (except the said Sir John Saint Aubyn, and the Lord of the Manor of Stoke Damerell for the time being) shall happen to die, or refuse to act in the said Trust, it shall and may be lawful to and for the said Sir John Saint Aubyn, and the Lord of the said Manor of Stoke Damerell for the time being, and the other surviving Commissioners, from time to time, when and as often as Occasion may require, to elect, nominate, and appoint, One or more fit and able Person or Persons, of the Number of the said Subscribers, inhabiting within the said Parish of Stoke Damerell, in the Room and Stead of such of the said Commissioners as shall so die or refuse to act as aforesaid; and all and every Person and Persons so nominated, elected, and appointed, shall have the like Powers and Authorities as the Commissioner or Commissioners in whose Place he or they shall so succeed was or were vested with.

No Building to be erected within Forty Feet of the intended Chapel.

And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever to erect, or cause to be erected, any House or other Building within Forty Feet of the said Piece or Parcel of Ground so set apart for the Scite of the said intended Chapel.

Commissioners appointed.

And be it further enacted, That the said Sir John Saint Aubyn, and the Lord of the said Manor of Stoke Damerell for the time being, and also the said Thomas Mangles, John Coward, and Dionysius Williams, and their Successors, shall be, and they are hereby appointed Commissioners for inclosing the said Piece or Parcel of Ground, and for the building and completing the said Chapel; and they are accordingly hereby authorized and impowered to inclose the said Piece or Parcel of Ground, and to erect and build, or cause to be erected and built, a Chapel within or upon the same; and also to make and erect, or cause to be made and erected, Galleries, Pews, and Seats, and other Conveniencies and Ornaments, in the same Chapel, in order that it may, in all Things, be made fit and proper to be consecrated and set apart for Divine Worship.

And, for the better Execution of the Powers and Authorities aforesaid, be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three of them, to meet together at the Poor House of Stoke Damerell aforesaid so soon as conveniently may be after the passing of this Act; and to adjourn themselves, from time to time, to the same or any other Place or House in Plymouth Dock aforesaid, as they or their Successors, or any Three of them, shall think proper and convenient; and at such Meeting or Meetings to receive Proposals from, and contract with, any Surveyor or Surveyors, Builder or Builders, Workman or Workmen, for inclosing the said Piece of Ground, and for the building and completing of the said Chapel, and providing proper Materials for that Purpose, so as Ten Days Notice be given in Writing, fixed up at or near the Gate of His Majesty's Dock Yard at Plymouth Dock aforesaid, or in some other publick Place or Places there, of the Time and Place of receiving such Proposals; and so as the Contract or Contracts to be made for the said intended Works be entered in a Book to be kept for that Purpose, and signed by the Commissioners impowered to make such Contract, and also by such Person or Persons with whom such Contract or Contracts shall be made; and also that it shall and may be lawful for the said Commissioners, or any Three of them, to nominate and appoint a fit and able Person to inspect and survey the said intended Buildings, and to allow him such reasonable Recompence for so doing, as to the said Commissioners and their Successors, or any Three of them, shall seem meet; and also to nominate and appoint One or more Person or Persons to collect and receive all the Money already, or which shall be hereafter, subscribed or raised for the Purposes aforesaid, and to pay and apply the same accordingly, and to act as Treasurer or Treasurers: And such Treasurer or Treasurers shall, and he and they is and are hereby required to give such Security for the due Execution of his or their Office or Offices, as to the said Commissioners, or any Three of them, shall seem meet and expedient. Power for Commissioners to meet.

And whereas the Method proposed for raising Money for defraying the Expences of passing this Act, and of building, inclosing, finishing, completing, and providing Necessaries for the said intended Chapel, is intended to be by the Sale and Disposition of the Pews or Seats to be erected and set up in the said Chapel; and for that End a Book hath been provided, and is intended Preparatory Mode to raise Money.

to

to be kept for the Purposes directed by this Act; and there has been fairly made and entered in the said Book Plans or Draughts of all such Pews or Seats as are intended to be made and erected in the said Chapel, as well in the Body as in the Galleries thereof, and which Plans or Draughts contain the Situation, Size, Measure, or Dimensions, of each and every Pew or Seat; and there has been also entered and fairly written in the same Book, in Words at Length, the Price or Value of each and every of the said Pews or Seats, which hath been set and ascertained in a just and equal Proportion, to the Satisfaction and good Liking of the several Persons who have already subscribed for, and are desirous to become Proprietors of, the said Pews; and the Number of each and every Pew or Seat, and the Name of each and every Subscriber for the same respectively, agreeable to the aforesaid Valuation, hath also been fairly and legibly entered and written in the same Book, in Words at Length; and all the Pews or Seats intended to be made and erected in the said intended Chapel have been already subscribed for, and the several Subscribers for the same have respectively set their Names or Marks in the said Book against the respective Number and Price of the Pew or Seat for which they respectively subscribe, and are desirous to become Proprietors of; and Calculations or Estimates have been made by able and experienced Workmen of the Expences of inclosing the said Piece or Parcel of Ground, and building and finishing the said intended Chapel, agreeable to the Plans or Draughts which have been formed, made, and approved of, for the same; and the Amount of the several Values or Prices of the said Pews or Seats so set and ascertained as aforesaid will, according to the best Calculation that can at present be formed, be sufficient to defray all the said Charges and Expences, and also the Charges and Expences of providing Plate for the Communion, and other Necessaries for the said intended Chapel, and the obtaining and passing this Act; be it therefore enacted, That when and so soon as the Sum or Sums of Money to be paid on the Contract or Contracts intended to be made for building and finishing the said intended Chapel can be known and ascertained, an Account shall be taken in Writing, and fairly entered in the said Book, of all such Sum and Sums of Money as are to be paid on or by virtue of such Contract or Contracts, before the said Contract or Contracts are entered in the said Book and confirmed; and an Estimate

shall

shall also be made and taken by Two or more Persons (of Judgement and Experience in such Cases) to be chosen by the said Commissioners or their Successors, or any Three of them, of all such Sum or Sums of Money as the Plate for the Communion, Books, Surplices, and other Necessaries proper for the said Chapel, not included in the said Contract or Contracts, and all other Charges and Expences (in the Judgement and Opinion of the said Two or more Persons to be chosen as aforesaid) attending the inclosing of the said Piece or Parcel of Ground, and erecting and completing the said Chapel fit for Divine Service, and the Charges and Expences incident to or attending the passing this Act, will amount unto; which Estimate and Account shall also be made and taken in Writing, and fairly entered in the said Book.

If the Sum to be raised by Sale of Pews is insufficient, a Rate to be made.

And be it enacted, That if it shall happen that the Charges and Expences of obtaining and passing of this Act, and the inclosing the said Piece or Parcel of Ground, and building, finishing, furnishing, and providing, Necessaries for the said intended Chapel, shall exceed the Amount of the said several Values or Prices of the said Pews or Seats, so set and ascertained; that when and as soon as all such Charges and Expences can be known and ascertained, it shall and may be lawful to and for the said Commissioners and their Successors, or any Two of them, and the said Subscribers, or the major Part of them, assembled and met, pursuant to Notice to be for that Purpose given in Writing fixed up at or near the Gate of His Majesty's said Dock Yard, or in some other publick Place or Places there, Ten Days next preceding such Meeting, to make, or cause to be made, One or more Rate or Rates on themselves, and all others the Subscribers for Pews or Seats in the said Chapel in equal Degree (not exceeding Three Pence in the Pound in any One Rate) in proportion to the said Original Price or Sum subscribed for each and every Pew or Seat respectively, and entered in the said Book as aforesaid, in order to pay off and discharge all such Charges and Expences; which said Rate or Rates shall be approved and signed by the said Commissioners, or Two of them, and by the major Part of the said Subscribers assembled and met together for the Purpose of making the same; and the same Rate or Rates, being so signed and approved, shall and may be collected, received, and gathered in, by the Treasurer or Treasurers for the time being.

Times of Payment of Subscriptions.

And be it further enacted, That the several Persons who have subscribed as aforesaid for or towards answering the Purposes of this Act, shall and may pay the several Sums of Money by them respectively subscribed as aforesaid, at the respective Times and in Manner following; that is to say, One full Third Part thereof at or upon laying the Foundation Stone of the said new intended Chapel; One other Third Part thereof when the Roof of the said Chapel shall be laid on and covered in; and the remaining Third Part thereof when the said Chapel, and the Pews to be made and erected therein, shall be finished, and the said Chapel shall be fit and ready to be consecrated.

Remedy in case of Refusal.

And be it enacted, That in case any of the Persons so subscribing as aforesaid, his, her, or their, Executors or Administrators, shall neglect or refuse to pay the Money so subscribed, or any Part thereof, at the respective Times herein before in that Behalf mentioned and appointed, or the Sum or Sums of Money to be assessed on him, her, or them respectively, by any Rate or Rates as aforesaid, or any Part thereof; it shall and may be lawful to and for the said Commissioners and their Successors to sue for and recover the same, with Double Costs of Suit, in the Name or Names of the Treasurer or Treasurers for the time being so to be appointd by them as aforesaid, by Action of Debt in any of His Majesty's Courts of Record at Westminster; or if the said Commissioners shall not think it expedient to commence any Action or Actions as aforesaid, that then and from 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 such his, her, or their Subscription or Subscriptions as aforesaid, the Right and Interest in the Pew or Pews of the Person or Persons so making Default, shall from thenceforth be forfeited and lost; and it shall and may be lawful in every such Case to and for the said Commissioners and their Successors, or any Three of them assembled and met together, to strike out of the said Book the Name or Names of the Subscriber or Subscribers who, or whose Executors or Administrators, shall neglect or refuse to pay the Money so by him, her, or them, respectively subscribed, or which shall or may be assessed on him, her, or them, respectively as aforesaid; and the Subscriber or Subscribers whose Name or Names shall be so struck out of the said Book, his, her, and their, Executors and Administrators, shall forfeit and lose his, her, and their

their Claim, Right, Interest, and Pretention, of, in, or to, the Pew or Seat, Pews or Seats, for which he, she, or they, did respectively subscribe; and it shall and may be lawful to and for the said Commissioners and their Successors, or any Three of them, to admit any Person or Persons whomsoever to subscribe for such forfeited Pew or Seat, Pews or Seats, upon the original Terms and Conditions, or such others as shall be at least equally advantageous or beneficial, as to them shall seem expedient; and the Person or Persons so taking or subscribing for the said forfeited Pew or Pews, shall have as good Claim, Right, Title, and Interest, of, in, and to, the same respectively, as any original Subscriber might have had or been intitled to.

Additional Trustees to be named after the Chapel is completed.

And be it enacted, That when and as soon as the said Chapel shall be consecrated and dedicated as aforesaid, it shall and may be lawful to and for the Lord of the Manor of Stoke Damerell for the time being, and he is hereby authorized and impowered to elect, nominate, and appoint, Nine fit and able Persons, out of the Number of the said Subscribers and Proprietors inhabiting within the said Parish of Stoke Damerell, who, with the Rector of the said Parish of Stoke Damerell for the time being, shall be and are hereby added to the said Commissioners herein before appointed; and the said Lord of the Manor and Rector of the said Parish of Stoke Damerell for the time being, and the said several other Persons and their Successors (to be chosen as herein after-mentioned) shall be, and are hereby incorporated and made One Body Politick and Corporate, by the Name of The Trustees of Saint *Aubyn's* Chapel in the Parish of *Stoke Damerell*, in the County of *Devon*, who shall have perpetual Succession, and be enabled to sue and be sued by that Name in all Courts within this Realm; and that the said Trustees for the time being shall have Capacity, and they are hereby authorized and enabled to purchase and take in Perpetuity, for the Use and Benefit of the Curate of the said Chapel for the time being, any Lands, Tenements, and Hereditaments, or other Income or Revenue, over and above and exclusive of the annual Sum of Fifty Pounds herein after by this Act made payable to the said Curate for the time being, not exceeding in the Whole the yearly Rent or Sum of Two hundred and fifty Pounds; the Statutes of Mortmain, or other Law or Statute to the contrary notwithstanding.

Provided

In Default of the first Nomination of them by the Lord of the Manor, the Choice to fall on the major Part of the Proprietors of Pews.

Provided always, That if the Lord of the Manor of Stoke Damerell for the time being shall neglect or refuse to elect, nominate, and appoint, such Nine Trustees as aforesaid, for the Space of Six Months next after the Consecration and Dedication of the said Chapel, that then and in such Case, it shall and may be lawful to and for the several Subscribers and Proprietors of Pews or Seats, or the major Part of such of them as shall be so assembled, upon Ten Days Notice to be for that Purpose given in the said Chapel, on some Sunday immediately after the Morning Divine Service; and they are hereby authorized and impowered, to elect, nominate, and appoint, such Nine fit and able Persons, out of the Number of the said Subscribers and Proprietors, inhabiting within the same Parish of Stoke Damerell; and they and their Successors shall from thenceforth be, and they are hereby, added to and incorporated with the said other Trustees, and invested with all such Powers and Authorities, as though they had been elected and named by the Lord of the Manor of Stoke Damerell for the time being as aforesaid.

When the Nine additional Commissioners are reduced to 7 Proprietors to fill up Vacancies.

And be it further enacted, That from time to time when and as often as the said Trustees, except the said Lord of the Manor and the Rector of the said Parish of Stoke Damerell for the time being, shall by Death or Removal from the said Parish (to reside elsewhere) or refusing to act in the said Trust, be reduced to Seven in Number, or less, it shall and may be lawful to and for the several Subscribers and Proprietors, or Owners of Pews or Seats, on Ten Days Notice to be for that Purpose given in the said Chapel as aforesaid, to assemble and meet together, and the major Part of them so assembled shall and they are hereby required to elect, nominate, and appoint such and so many other fit and able Persons, Subscribers, and Proprietors as aforesaid, inhabiting within the said Parish of Stoke Damerell, in the Room and Stead of such of the said Trustees as shall so die, remove, or refuse to act as aforesaid, so as the whole Number of Trustees do not exceed Thirteen at any One Time, exclusive of the Lord of the Manor, and Rector of the said Parish of Stoke Damerell for the time being; and all and every Person and Persons so from time to time to be nominated, and elected, and appointed as aforesaid, shall have and be invested with the like Powers and Authorities as the Trustees in whose Place they shall be so elected were vested with.

And be it enacted, That from and immediately after the said several Pews or Seats shall be made and erected in the said intended Chapel, and the full Subscriptions for the same paid and satisfied in Manner herein before directed, together with such Sum or Sums of Money as shall be charged and assessed by any Rate or Rates that may be made as aforesaid, all and every the said Pews and Seats, so subscribed for and entered in the said Book as aforesaid, shall immediately be, and the same are thereupon hereby vested in the several Persons so subscribing and paying their Subscriptions, and Sum or Sums of Money charged and assessed by any Rate or Rates as aforesaid, for the same respectively, and their respective Executors, Administrators, and Assigns, and shall and may be bargained, sold, leased, and assigned, by the Proprietors or Owners thereof for the time being; provided that the same Pews or Seats shall be so disposed of to such Person or Persons only as is, are, or shall be, Inhabitants of the Parish of Stoke Damerell aforesaid.

Pews vested in the Subscribers, and not sold to any but Inhabitants.

And be it further enacted, That each and every of the said Pews or Seats shall be marked and distinguished with different Numbers and Figures, agreeable to the Numbers and Figures on the said Plans of the said Pews so entered in the said Book as aforesaid, to be carved or painted on the Doors of the said Pews respectively.

Pews to be marked with Figures.

Provided always, and be it enacted, That if at any Time or Times hereafter a Fund shall be provided for erecting an Organ in the said intended Chapel, and for paying a Salary sufficient for the Maintenance of an Organist there, and Licence shall have been obtained from the proper Ordinary for the time being for erecting the same; it shall and may be lawful to and for the acting Trustees, or the major Part of them assembled and met together, on Ten Days Notice to be for that Purpose given in the said Chapel, on some Sunday immediately after Morning Service, to enter into and upon the Ten Pews or Seats intended to be erected in the Western End of the Front Gallery of the said intended Chapel, and severally marked or numbered in the Gallery Plan or Draught, made and entered in the said Book as aforesaid, with the Numbers or Figures following; that is to say, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62, on paying at the said Meeting, or being ready to pay at any Time or Times after on Demand, to the several Owners or Proprietors for the time being of the said Ten Pews, the respective Sums which were originally

In case of building an Organ, Commissioners Power to take certain Pews for that Purpose.

originally subscribed in the said Book, and paid for the said Ten Pews, for the Purpose of erecting and building an Organ in or upon the said Ten Pews or Seats, and to or for no other Use, Intent, or Purpose whatsoever.

Limitation of Proprietors Right.

Provided always, That no One Pew or Seat for which the Subscription or Money paid shall be less than Twenty Pounds, shall have more than One Proprietor thereof; nor shall any One Pew or Seat for which the Subscription or Money paid shall be Twenty Pounds or upwards, have more than Two Proprietors thereof at the most.

Grant, Lease, or Assignment of Pews to be entered.

And provided also, That no Grant, Bargain, Sale, Devise, Lease, or Assignment, of any Pew or Seat to be made by any Proprietor thereof, or any Part thereof, shall be good or available to the Person or Persons purchasing or taking under the same, until a Memorandum or Entry in Writing of the Alienation of the Property thereof shall be first made and entered in the aforesaid Book; and until a Note or Memorandum thereof shall be indorsed and signed by Three at least of the said acting Trustees on the Back of the Deed, Instrument, or Probate of the Will, conveying or devising the same, signifying that Cognizance hath been taken, or such Entry thereof made as aforesaid, to prevent Confusion and a Plurality of Claims; which Note or Memorandum the said Trustees, or Three or more of them, are (upon Application to them made, and due Proof had, of such Transmission of Property) hereby authorized and required to make and sign accordingly.

Proprietors of Pews not to alter the same.

And be it enacted, That after the said intended Chapel shall be consecrated, it shall not be lawful for any Person or Persons whomsoever to make, or cause to be made, any Manner of Alteration in any of the said Pews or Seats in the said Chapel, without the Consent and Approbation of the said Trustees or their Successors, or the major Part of them.

Manner of regulating the Rent to be paid for Pews, &c.

And be it enacted, That the original Price or Sum given, paid, or subscribed, for the said several and respective Pews or Seats, as entered in the said Book, shall be the constant Standard by which to regulate and ascertain the Rent to be paid for every Seat or Pew in the said Chapel, for the Purposes herein after mentioned; that is to say, That every Subscriber for, or Proprietor of, any Pew or Seat in the said Chapel, his, her, or their Executors, Administrators, and Assigns respectively, shall and do annually and every Year well and truly pay, or cause to be paid, to the several Persons, and in the Manner and Form, and for the

Purposes

Purpoſes herein after directed, at and after ſuch Rate for each and every Pound or Twenty Shillings of the original Price or Sum given, paid, or ſubſcribed, for each Pew or Seat reſpectively, as will raiſe or amount in the Whole to an annual Sum not exceeding Sixty ſix Pounds.

Remedy in caſe of Non-payment.

And be it enacted, That if any Subſcriber or Subſcribers, his, her, or their Executors, Adminiſtrators, or Aſſigns, or any Perſon or Perſons whomſoever claiming or to claim by, from, or under him, her, or them, ſhall, at any Time or Times, refuſe to hold a Seat or Pew at the annual Rent ſo fixed and aſcertained as aforeſaid; every ſuch Perſon or Perſons ſo refuſing ſhall forfeit and loſe his, her, and their Right and Intereſt of, in, and to, ſuch Pew or Seat; and the ſaid Truſtees and their Succeſſors, or the major Part of them aſſembled, upon Six Days Notice to be given in the ſaid Chapel on the Sunday next before ſuch Meeting, immediately after Morning Service, ſhall and may in ſuch Caſe let, ſell, or diſpoſe of, ſuch Seat or Pew, Seats or Pews, to any other Perſon or Perſons, being Inhabitants of the ſaid Pariſh, upon ſuch Terms and Conditions (ſo as not to alter the original annual Rent for the ſame) as to them ſhall ſeem expedient; and the Perſon or Perſons ſo taking or purchaſing the ſame ſhall have as good Right, Title, and Intereſt of, in, and to, the ſame, as the original Subſcriber or Proprietor might have had or been intitled to.

Times of Payment.

And be it enacted, That every Subſcriber or Proprietor poſſeſſing a Seat or Pew in the ſaid Chapel ſhall be obliged to pay the Rent aſſixed thereon at the Rate aforeſaid, by Four even and equal Quarterly Payments; the Firſt Payment to begin and be made at the End of Three Months next after the ſaid intended Chapel ſhall be conſecrated, and a Miniſter appointed thereto: And in caſe the ſaid Rent, or any Part thereof, ſhall be behind and unpaid for Thirty Days next after the ſame ſhall become due; it ſhall and may be lawful to and for the ſaid Truſtees and their Succeſſors, or the major Part of them, or to and for the Perſons appointed to collect and receive the ſaid Rents, as herein after directed, to enter into and upon ſuch Seat or Pew, Seats or Pews, and to let or diſpoſe of the ſame to any other Perſon or Perſons, being Inhabitants as aforeſaid, on ſuch Terms as they ſhall think reaſonable; or to or for the ſaid Collectors, by the Directions of the ſaid Truſtees, or the major Part of them, to ſue for and recover the ſame Rent ſo in Arrear,

rear, with Treble Costs of Suit, by Action of Debt in any of the Courts of Record at Westminster, as to them shall seem requisite and expedient.

Nomination of the Curate vested in the Rector.

And be it enacted, That the Right of Nomination of a Minister or Curate, of, in, and to, the said intended Chapel, shall be vested in, and the same is hereby, from the Time of the Consecration thereof, vested in the Rector for the time being of the said Parish Church of Stoke Damerell, by and with the Approbation and Licence of the Bishop of Exeter, and his Successors for ever; and that the said Rector for the time being, and his Successors, shall and may immediately, or within Three Months after the Consecration of the said Chapel, and so within Three Months after every Vacancy, Avoidance, Resignation, or Cession, of the said intended Chapel, by Death, or otherwise, of the Minister or Curate thereof, nominate and appoint, by the like Approbation and Licence, a Minister or Curate to officiate in the same, under the Hand and Seal of him the said Rector for the time being, or his Successors; and that in the mean Time, and until such Nomination and Appointment, the said Rector for the time being, shall, either by himself or Curate, or some other Clergyman to be by him for that Purpose provided and appointed, serve and supply, or cause the said Chapel to be served and supplied, in Manner as herein after directed; the said Curate, or the Person or Persons so supplying and serving the same, being paid and allowed for his or their Care and Pains therein a just and equal Proportion of the Salary or Stipend herein after appointed to the Minister for the time being of the said Chapel, for such and so long Time as he or they shall so serve the same, not exceeding Three Months as aforesaid.

In case of Refusal to nominate, who to appoint a Curate.

Provided always, and be it enacted, That if the Rector for the time being of the said Parish of Stoke Damerell shall neglect or refuse to nominate or appoint a Minister or Curate to officiate in the same Chapel, within the Time for that Purpose herein before limited and appointed; then, and in such Case, it shall and may be lawful to and for the said Sir John Saint Aubyn, or the Lord of the said Manor of Stoke Damerell for the time being, to nominate and appoint a Person, duly qualified according to Law, to be the Minister or Curate of the same Chapel: But in case the said Sir John Saint Aubyn, or the Lord of the Manor of Stoke Damerell for the time being, shall so neglect or refuse to nominate or appoint a Minister or Curate for the Space of Three Months; then, and in such Case, the Right of Nomi-

nation of such Minister, shall apply to, and belong to the Lord Bishop of Exeter for the time being; any thing herein contained to the contrary thereof in any wise notwithstanding.

Curate's Salary.

And be it enacted, That the Minister or Curate of the said intended Chapel for the time being, shall have and receive the yearly Salary or Stipend of Fifty Pounds at least, to be paid to him during so long Time as he shall live and continue Minister or Curate of the said Chapel, by Four equal Quarterly Payments; that is to say, Upon the Feasts of the Annunciation of the Blessed Virgin Mary, Saint John the Baptist, Saint Michael the Archangel, and Saint Thomas the Apostle, in every Year.

Curate's Duty.

And be it enacted, That the Minister or Curate for the time being of the said intended Chapel, in Consideration of the Salary or Stipend herein before provided for and allotted to him, shall and he is hereby required and enjoined to read Prayers and preach a Sermon both Morning and Evening on every Sunday or Lord's Day throughout the Year, except on Easter Day in the Morning, when the Parishioners are to resort to the Parish Church, as an Acknowledgment of its being the Mother Church; and shall and do administer the Sacrament of the Lord's Supper Once in every Month, and on Good Friday, and preach a preparative Sermon the preceding Friday Evening before the Sacrament Sunday; and read Prayers on Wednesdays and Fridays in the Evenings throughout the Year, according to the Liturgy of the Church of England as by Law established; but subject nevertheless to such Variations and Regulations as the Bishop of Exeter for the time being shall in his Discretion think necessary concerning the Time of the Curate's reading Prayers on Wednesdays and Fridays; and that the Rector of the Parish of Stoke Damerell for the time being, shall have full Power and Licence to read Prayers and preach in the said Chapel at all Times when it shall so please him, as in his own Parochial Church; and that he the said Rector may at such Time or Times enjoin the Curate or officiating Minister to repair to and do his Duty at the Mother Church.

Bishop of *Exeter* may order Prayers in the Mornings, if he thinks proper.

Not to extend to any Gift for the Benefit of the Curate.

Provided always, That nothing herein contained shall extend, or be construed to extend, to any Donation, Gift, Legacy, or Bequest, which shall or may be hereafter made or given by any Person or Persons whomsoever, to or for the Benefit of the Minister or Curate for the time being of the said intended Chapel, by way of increasing the Salary of, or making better Provision

for, the said Minister or Curate; but that all and every such Donations, Gifts, Legacies, or Bequests, shall and may be had, taken, and received, by the Minister or Curate for the time being of the said Chapel, pursuant to the Intentions and Directions of the Donor, without the Let, Hindrance, or Controul, of the said Trustees, or any of them; any thing herein contained to the contrary thereof in any wise notwithstanding.

Nomination of Clerk vested in the Lord of Manor and Rector of *Stoke Damerell*.

And be it enacted, That it shall and may be lawful to and for the said Lord of the said Manor of Stoke Damerell, and the Rector of the said Parish of Stoke Damerell for the time being, alternately to nominate and appoint a Clerk to serve and officiate in the said Chapel, the First Appointment of such Clerk to be made by the said Lord of the said Manor; the said Clerk to be displaced or removed from time to time, for Misbehaviour, Neglect of Duty, or other just or reasonable Cause, as to the Chancellor of the said Diocese of Exeter, or his Official for the time being, shall seem meet; and in the Room or Place of such Person so removed, or on the Death or Resignation of any such Clerk, in like Manner alternately to nominate some other fit and proper Person to officiate as Clerk, in the Room of such Persons so amoved, dying, or resigning; which Clerk for the time being shall have, receive, and be intitled to the yearly Salary or Stipend of Five Pounds at the least, to be paid to him during so long Time as he shall continue to act as Clerk of the said Chapel, by Four equal Quarterly Payments in every Year as aforesaid.

Collectors instead of Chapelwardens.

And be it enacted, That the Owners and Proprietors of the Pews and Seats in the said Chapel, assembled in the said Chapel, or the major Part of them so assembled, shall and may, on some convenient Day within One Month next after the Consecration of the said intended Chapel, and so annually on the same Day in the Month, in which such Meeting shall be holden, appoint and choose by Ballot, or otherwise, One of the Proprietors of Pews for the time being; and that the Rector of the said Parish of Stoke Damerell for the time being shall and may at such Meeting, and so annually as aforesaid, nominate and appoint One other of the Proprietors of Pews for the time being; the Persons so from time to time named, appointed, and chosen respectively, to be Collectors (in the Room, Place, and Stead, of Chapelwardens) to collect and receive the Rents of the said Pews or Seats, and the Rate to be made for the Repairs of the said intended Chapel as herein-after directed, and all Briefs, and to pay the Salaries, Stipends, or Wages, of the Minister or Curate, and Clerk, of

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and belonging to the said intended Chapel, and also to perform and transact all Things requisite and necessary for preserving good Order in the said Chapel; which said Persons so to be appointed and chosen, shall continue in the said Office for the Space of One whole Year next following such their Appointment; and shall be and are hereby required to accept and take on them respectively the Office of Collector as aforesaid, on Pain that every Person so appointed, and neglecting or refusing to accept and execute the said Office (not being a Second Time contrary to his Inclination appointed thereto, within Ten Years after he shall have so served the said Office) shall forfeit and pay for every such Neglect or Refusal the Sum of Forty Shillings; to be recovered, with Double Costs of Suit, by Action of Debt in any of his Majesty's Courts of Record at Westminster, by and in the Name of the last preceding Collectors.

The Chapel, Curate, and Collectors, to be subject to the Bishop's Jurisdiction.

And be it further enacted, That the said intended Chapel and the Curate thereof, and the Clerk and Collectors of the said Chapel, shall be under and subject to the Order and Jurisdiction of the said Bishop of Exeter and his Successors; and shall be visited in such Manner as other Ecclesiastical Benefices with Cure have been or may be visited.

Collectors Duty.

And be it enacted, That the Persons so to be appointed and chosen Collectors as aforesaid for the time being, shall and may, and they are hereby authorized and impowered to collect and receive the Rents of the said Pews and Seats, and all such Rates for Repairs to be made as herein-after directed; and in case of Non-payment thereof, to sue and bring Actions for the same as aforesaid in their own Names as Collectors of the said Chapel; and also to pay the Minister and Clerk the several Salaries, Stipends, and Wages, of the said intended Chapel, and all Bills for Repairs, to be made and directed as herein after-mentioned, and the Expence of Bread and Wine necessary to be used in the Communion in the said intended Chapel, and other incidental Charges and Expences; and to do, perform, and transact, all other Matters and Things requisite and necessary for and concerning the Management and Support of the said intended Chapel.

Collectors to have Custody of Keys of the Chapel.

And be it enacted, That the Keys of the said intended Chapel shall from time to time be kept by and left in the Custody of the Collectors for the time being during their Continuance in Office; who shall also have the Custody and Keeping of the Plate, Furniture, Records,

and Books, belonging to the said Chapel, and shall and may deposit and keep the same either in the Vestry Room of the said Chapel, or in their Houses, as shall be judged most proper by a Majority of the Proprietors or Owners of Pews, in a strong Chest to be for that Purpose provided, with Three secure Locks and different Keys, One of which Keys shall be from time to time kept by each of the said Collectors, and the other by the said Rector, Minister, or Curate, for the time being; and that all Offerings and Oblations made and collected at the Time of celebrating the Sacrament of the Lord's Supper shall be paid into the Hands of the Rector of Stoke Damerell, to be by him distributed to such poor Persons within the said Parish as he shall think the most proper Objects of Charity.

Collectors to keep Accounts.

And be it enacted, That all Persons to be appointed Collectors in pursuance of this Act for the Purposes herein before-mentioned, to collect and receive the Rents of the Pews and Seats in the said intended Chapel, or the Rates herein before directed to be made and assessed for the time being, shall, and they respectively is and are hereby enjoined and required to keep true and perfect Accounts of all and every Sum and Sums of Money by them received on account of the said intended Chapel, and the Pews and Seats therein, and of all Rates to be collected and received as aforesaid, and of all Sum and Sums of Money issued and paid out of the same, and shall enter all such Receipts and Payments in a proper Book or Books to be kept for that Purpose; which said Books and Accounts shall and may be inspected by the said Subscribers and Proprietors, or any of them, or any claiming Seats or Pews under them, or any of them respectively, upon Demand.

Collectors to render an Account on Oath.

And be it enacted, That all such Collectors for the time being shall, from time to time, when required by the said Trustees and their Successors, or the major Part of them, make and render to the Persons so requiring the same, or to such other Person or Persons as they shall in that Behalf nominate and appoint, a true and perfect Account upon Oath (which said Oath may be taken Writing without any Stamp thereon, and any One of His Majesty's Justices of the Peace for the said County of Devon is hereby impowered and required to administer the same without Fee or Reward) of all such Sums of Money by such Collectors respectively collected and received, and all other Matters and Things committed to their Charge by virtue of and under the Authority of this Act; and pay and deliver unto such Per-

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son or Persons as the said Trustees for the time being, or the major Part of them, shall direct and appoint, all and every such Sum and Sums of Money as shall remain in their Hands at the Time of such Account; and if any such Collectors shall refuse or neglect to account for and pay such Sum and Sums of Money accordingly, any Two or more of the said Justices shall and may by virtue of this Act commit such Person or Persons to the common Gaol of the said County of Devon, there to remain without Bail or Mainprize until they respectily shall have made a true and perfect Account and Satisfaction, and paid so much as, upon such Account, shall appear to be remaining in their respective Hands, or shall or may make such Composition for the same as the said Subscribers, and Persons claiming by, from, or under them, from time to time respectively, or the major Part of them assembled at any publick Meeting to be by them for that Purpose appointed, shall think just and reasonable; which Composition the said Subscribers or Claimants, or the major Part of them, to be assembled as aforesaid, are hereby authorized and impowered from time to time to make and accept.

Penalty on Refusal.

Provided always, and be it enacted, That in case any Surplusage Money arising by or from the said Subscriptions, or the Rents of the said Seats or Pews, or by the Forfeitures in this Act incurred, shall at any Time or Times remain, after Payment of the several Salaries or Sums herein before directed to be issued and paid unto or for the Minister or Clerk as aforesaid, the same shall be laid out and applied by the said Trustees for the time being respectively, or the major Part of them assembled, upon Ten Days publick Notice to be for that Purpose given in the said Chapel on Sunday immediately after Divine Service in the Morning, for and towards the repairing, cleaning, beautifying, and ornamenting, the said Chapel, or other needful or ornamental Improvements thereof, or to increase the Minister's Salary, for the Use or Service of the said Chapel, in any Respect whatsoever (except for building or purchasing an Organ) in such Manner as the Proprietors and Owners of Pews or Seats for the time being, or the Persons claiming by, from, or under them respectively, or the major Part of them assembled, upon Ten Days Notice as aforesaid, shall think necessary or expedient.

Surplus Money how to be disposed of.

And be it enacted, That after the said intended Chapel shall be built, finished, fitted for Divine Service,

Chapel to be supported by Proprietors.

vice, and consecrated, as aforesaid, the same shall be supported and kept in Repair by the Owners and Proprietors for the time being of the Pews or Seats therein.

Not obliged to rebuild in case the Chapel be destroyed by Fire or Tempest.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to oblige the said Proprietors and Owners of Pews to rebuild the said Chapel at their own Expence, in case the same shall at any Time be destroyed by Fire, Lightening, Storm, or other inevitable Accident.

Not to make any Repairs without previous Application.

Provided also, That the said Owners and Proprietors of Pews in the said Chapel shall not be obliged to cause or direct any Repairs to be done to the said Chapel, unless and until an Application shall be made to the said Trustees for the time being on that Behalf by the Persons acting as Collectors of the said intended Chapel for the time being; and until a Report be made to them in Writing of some able Workman or Workmen, by them the said Trustees or the major Part of them to be appointed in that Behalf, that such Repairs are necessary to be done; and such Report be allowed and confirmed by the Majority of the said Trustees for the time being (on due Notice to be given in the said Chapel) assembled for that Purpose.

Rates to be made for Repairs.

Provided also, and be it further enacted, That when and as often as any Repairs shall be necessary to be made or done in, to, or about the said Chapel (the same being reported, allowed, and confirmed as aforesaid) it shall and may be lawful to and for the said Trustees and their Successors, or the major Part of them, assembled, pursuant to Notice to be for that Purpose given in the said intended Chapel on the Sunday next preceding such Meeting, immediately after Divine Service in the said Chapel, to make, or cause to be made, One or more Rate or Rates on themselves, and all others the Owners and Proprietors of Pews or Seats in the said Chapel, in equal Degree (not exceeding Three Pence in the Pound in any one Rate) in proportion to the said original Price or Sum subscribed for each and every Pew or Seat respectively; which said Rate or Rates shall be approved and signed by the major Part of the said Trustees (Proprietors of Seats or Pews) for the time being, assembled for the Purpose of making the same; and the same Rate and Rates, being so signed and approved, shall and may be collected, received, and gathered in by the Collectors for the time being, in the same or like Manner as the Rents of the said Pews or Seats

Seats are herein before directed to be collected and received; and in case any Proprietor or Proprietors of any Pew or Pews, his, her, or their Executors or Administrators, or any Person or Persons whomsoever, claiming or to claim by, from, or under him, her, or them, or any of them, shall at any Time or Times neglect or refuse to pay to the Collectors for the time being the Sum or Sums so charged and assessed on him, her, or them respectively, by the said Rate or Rates, for or in respect of the said Repairs, 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; then, and in every such Case, it shall and may be lawful to and for the said Trustees for the time being, or the major Part of them, or to and for the said Collectors for the time being to be appointed and chosen as aforesaid, either to enter in and upon the Seat or Pew and Seats or Pews of the Person or Persons so neglecting or refusing to pay the same Rate or Rates as aforesaid, and to let or dispose of the same to any other Person or Persons, being Inhabitants of the said Parish, on such Terms as they shall think reasonable, or to sue for and recover the Money assessed and charged in and by such Rate or Rates in the Name or Names of such Collectors, with Treble Costs of Suit, by Action of Debt in any of the Courts of Record at Westminster, as to them shall seem requisite and expedient.

Books of Entries to be Evidence.

And be it enacted, That the said Book in which the said Contracts and Entries aforesaid have been or shall be made, entered, and written, shall be admitted in all Courts of Justice to be Evidence of the Rights and Properties of the several Persons claiming the said Pews or Seats by the Subscriptions afore-mentioned, or by any Grant, Will, Bargain, Sale, Lease, or Assignment, without producing such Grant, Will, Bargain, Sale, Lease, or Assignment, at the Trial of any Cause relating thereto, and without stamping such Entry or Entries thereof as shall be made in the said Book.

Rector not to displace Curate.

Provided also, That after a Minister has been regularly and duly presented and appointed to the said intended Chapel and Curacy, in Manner and Form herein before directed, it shall not be lawful to or for the Rector for the time being of the said Parish of Stoke Damerell to displace, remove, dismiss, or otherwise obstruct, the said Minister or Curate in the Execution or Discharge

charge of his Duty, without the Knowledge and Approbation of the Bishop of Exeter for the time being.

Not to affect Rights of Mother Church.

Provided always, That nothing in this Act contained shall prejudice, impeach, or defeat, the Right, Title, Interest, Claim, or Demand, of the Rector for the time being of the said Parish of Stoke Damerell, or of his Successors, of, in, or to, any Tithes, Offerings, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Benefits, or Advantages, or any other Right, Title, or Interest, within the said Parish of Stoke Damerell, of Right due and payable to the Rector for the time being, or which he can or may claim, demand, or be intitled unto.

Curates not to bury, marry, christen, or churching Women.

And be it enacted, That the Minister or Curate for the time being of the said intended Chapel, shall not at any Time or Times presume to bury, or suffer to be buried, either in the said intended Chapel or Chapel-yard, any Corpse whatsoever; neither shall the said Minister or Curate for the time being, on any Account or Pretence whatsoever, presume himself, or suffer any other Person, to marry, or christen, or churching Women after Childbirth, or do or cause to be done any Act whatsoever in his Function of Minister of the said intended Chapel, within the said Parish of Stoke Damerell, which may in any Respect tend to lessen or infringe on the Rights, Privileges, or Emoluments, of the said Mother Church, on pain of being ipso facto excluded or dismissed from the said Curacy on every or any such Offence; and the Rector for the time being of the said Parish of Stoke Damerell is hereby authorized and impowered to dismiss the said Minister or Curate for any such Offence accordingly.

Penalty on Minister, &c. neglecting to do his Duty.

Provided always, and be it enacted, That in case the Minister or Curate for the time being of the said Chapel shall, at any Time hereafter, being appointed thereto, withdraw or absent himself, and shall not reside and do Duty himself in the said Chapel, either by Means of his having any other Preferment in the Church, or on any other Account or Pretence whatsoever (Sickness or other reasonable Cause of Absence, so as such Absence, unless through Sickness, do not exceed the Space of Three Months in any One Year, excepted) or if during such his Absence or Illness the said Chapel shall not be duly served and supplied (either by Means of his the said Curate's neglecting or omitting to appoint or procure some other Minister or Ministers to supply his Place, and do Duty therein, or otherwise)

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then and from thenceforth his Chaplainship or Curacy of and in the said intended Chapel shall become vacant and void, and some other fit and proper Minister shall be forthwith appointed and presented in the Room or Place of the Person so absenting himself, in Manner and Form herein before directed.

Proprietors not exempted from Parish Rates to Mother Church.

And be it enacted, That the said Proprietors of Seats or Pews in the said intended Chapel shall not, in respect thereof, be exempted or excused from paying any Church or other Parish Rates which shall be legally charged or assessed upon them, towards defraying the Charges incident to the Repairs and Support of the said Mother Church of Stoke Damerell; any thing herein contained to the contrary notwithstanding.

Saving the Right of all Persons, except, &c.

Saving nevertheless to the King's most Excellent Majesty, His Heirs, and Successors, and to all Bodies Politick and Corporate, and all other Persons whomsoever, their Heirs, Executors, Administrators, and Assigns, (other than the said Sir John Saint Aubyn, and the several other Person and Persons claiming under the Will of the said Sir William Morice) all such Estate, Right, Title, and Interest, as they or any of them might have or claim in or to the said Piece or Parcel of Ground so set apart for the Site of the said Chapel as aforesaid, in as ample Manner and Form as if this Act had not been made.

Limitation of Actions.

Provided always, and be it enacted, That if any Action 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 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 of Devon, and not elsewhere; and the Defendant or Defendants in such Action 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 Authority of this Act; and if it shall appear so to be done, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be Nonsuited, or shall discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared, or upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, 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 for Costs in any other Case by Law.

General Issue.

Treble Costs.

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 specially pleading the same.

FINIS.