ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. cx.

An Act for erecting a Church in the Parish of *Doncaster* in the West Riding of the County of *York*. [23d *June* 1827.]

WHEREAS the Population of the Parish of *Doncaster* in the West Riding of the County of *York* has greatly increased, and in consequence thereof the present Church is insufficient for the Accommodation of the Inhabitants, and a new Church for the Performance of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland* is urgently wanted: And whereas *John Jarratt* of *Doncaster* aforesaid, Esquire, hath of his own free Will and Bounty given the Sum of Thirteen thousand Pounds for the Erection of a new Church within the said Parish, and the said Sum is now in the Hands, Possession, or Controul of *Edmund Beckett Denison* Esquire, *John Branson* Esquire, and *Robert Baxter* Gentleman, all of *Doncaster* aforesaid, who hold the same upon Trust, to be applied for the Erection of the said new Church, providing a proper Maintenance for the Minister thereof, and for defraying all other Expences incurred or to be incurred in procuring the said Church to be erected and supported, in manner herein-after mentioned: And whereas the said Parish is within the Diocese of *York*, and the Most Reverend Father in God *Edward* by Divine Providence Lord Archbishop of *York*, Primate of *England*, and Metropolitan, the Diocesan and Patron of the Vicarage of the

said Parish of *Doncaster*, and the Reverend *John Sharpe* the Vicar of the said Vicarage, approve of such Church being erected, and of the Right of Nomination and Presentation thereof being vested in the said *John Jarratt* in manner herein-after mentioned, and upon such Conditions and under such Regulations as are herein-after contained, and consent thereto; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act it shall be lawful for the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, to lay out the Sum of Ten thousand Pounds, Part of the said Sum of Thirteen thousand Pounds, and therewith to cause to be erected and built, on some convenient Piece or Parcel of Ground within the said Parish, a Church with all convenient Appurtenances thereto, to be for ever thereafter used and appropriated and kept as and for a Church to the said Parish of *Doncaster*, and for no other Purpose whatsoever, in such Manner and subject to such Provisions as are herein-after mentioned, and to lay out such further Sum as may be required to fit up and furnish the same Church with all Things necessary for the Performance of Divine Service and the Administration of the Sacrament therein: Provided always, that there shall be set apart in the said Church such a Number of Sittings for the gratuitous Accommodation of the Poor of the said Parish as shall be sufficient to accommodate at the least Three hundred in Number of such Poor.

Power to lay out the Sum of 10,000*l.* in building a Church;

in which certain Free Seats shall be set apart.

II. And be it further enacted, That it shall be lawful for the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs or Assigns, to purchase, accept, and take any Piece or Parcel of Ground within the said Parish convenient for the Site of the said intended Church, and also for a Churchyard adjoining thereto, not exceeding in Quantity Two Statute Acres.

Power to purchase or accept Land for the Site of the Church.

III. And be it further enacted, That the Lord or Lords of the Manor of *Doncaster* aforesaid is and are hereby empowered to sell, grant, or give and convey any such Quantity of the Waste Lands belonging to the said Manor to the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, for the Site of the said Church and Churchyard, which Conveyance shall be as good and sufficient for vesting the Fee Simple and Inheritance thereof in them as if every Person having Right of Common upon the same had joined in and executed such Conveyance; and the Compensation to be paid for any Right of Common upon the same Land shall be ascertained, settled, and paid unto the Churchwardens of the said Parish of *Doncaster*, in such Manner and for the like Purposes as is expressed in and by a certain Act passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, concerning any Common or Waste Grounds to be conveyed and taken for the Purposes of the same Act.

Lords of the Manor of Doncaster may sell and convey Part of the Waste Lands of the Manor for the Site of the Church.

IV. And

Freehold of the Church and Land vested in the Incumbent.

IV. And be it further enacted, That after the Conveyance of any such Piece or Parcel of Land or Ground as aforesaid, and the Erection of the said intended Church thereon, the Freehold of the said Church and Churchyard shall be and is hereby vested in the Incumbent of the said Church for the Time being, subject to the Provisions herein contained.

The Church to be consecrated by the Archbishop of York.

V. And be it further enacted, That when and so soon as the said Church shall be so fitted up and furnished, it shall be lawful for the said *Edward* Lord Archbishop of *York*, or the Archbishop of *York* for the Time being, to consecrate the said Church, together with the said Churchyard, by the Name of *Christ Church*, and Divine Service shall from Time to Time be performed in the said Church, according to the Rites and Ceremonies of the United Church of *England* and *Ireland* as by Law established; and the said Church shall be and be deemed to be a Perpetual Curacy; and the said Church and the Incumbent thereof shall be subject to the ordinary Jurisdiction of the Lord Archbishop of *York* for the Time being.

The Surplus of Money to be laid out in the Purchase of Lands.

VI. And be it further enacted, That when and so soon as it shall be ascertained what will be the Expence of erecting, fitting up, furnishing, and completing the said Church, and all Appurtenances thereto, and of the Costs, Charges, and Expences of preparing, fencing, and laying in order the Land whereon the same is to be erected, as well as the Costs, Charges, and Expences incident to and attending the executing the Purposes of this Act, it shall be lawful for the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, and they are hereby authorized, empowered, and required, to lay out and invest the Residue of the said Sum of Thirteen thousand Pounds in the Purchase of Lands, Tenements, or Hereditaments, of Freehold or Copyhold Tenure, lying within Forty Miles of the said intended Church, and to cause the same to be conveyed, limited, and settled unto and to the Use of them the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, in Trust for the Purposes of this Act; and from and immediately after such Lands, Tenements, and Hereditaments shall have been so purchased and limited as aforesaid, the Freehold of the same shall vest in, and the same shall be for ever thereafter held and enjoyed by the Incumbent for the Time being of the said intended Church, as an Endowment for the same, for the Maintenance of said Incumbent and Church, as herein-after mentioned.

The Pews in the Church may be sold.

VII. And be it further enacted, That after the said Church shall have been completed and consecrated in manner aforesaid, the several Pews and Seats within the said Church, and the Freehold and Inheritance thereof, (except such of the said Pews as shall be set apart for Free Seats,) shall be and continue, and the same are hereby declared to be vested, in the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, upon Trust (with the Approbation of the said *John Jarratt* during his Life, and after his Decease, with the Approbation of the Incumbent for the Time being), to sell and dispose of the same in such Manner as shall seem to them most proper, and to convey the same when sold to the respective

respective Purchasers thereof, their Heirs and Assigns, or in such Manner as he, she, or they shall direct or appoint accordingly, and to stand possessed of the Monies to arise thereby in Trust to lay out and invest the same in like Manner and in Addition to the Residue of the said Sum of Thirteen thousand Pounds herein-before directed to be laid out as an Endowment for the said Church; and after Payment of the Purchase Money to the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs or Assigns, no such Purchaser shall be bound to see to the Application of such Money, or be answerable or accountable for the Misapplication or Nonapplication thereof, or of any Part thereof.

Incumbent of the Church may accept and hold a limited Quantity of Land.

VIII. And be it further enacted, That it shall be lawful for the Incumbent for the Time being of the said Church to accept, purchase, take, and hold in perpetuity any Lands, Tenements, or Hereditaments, not exceeding in the whole the yearly Value of Five hundred Pounds, exclusive of the Lands, Tenements, and Hereditaments herein-before directed to be purchased; and such Lands, Tenements, or Hereditaments, and the Freehold thereof, after having been conveyed to the said Incumbent, his Heirs and Assigns, shall for ever thereafter be vested in and held by the Incumbent of the said Church for the Time being, in like Manner and for the like Purposes as are herein-before provided concerning the Lands, Tenements, and Hereditaments to be purchased with the Residue of the said Sum of Thirteen thousand Pounds.

Directing in whom the Right of Patronage shall vest.

IX. And be it further enacted, That after the said Church shall have been completed and consecrated in manner aforesaid, the Advowson, or Right of Patronage, Nomination, or Presentation thereto, shall for ever thereafter be vested in and belong unto such Person or Persons, and for such Estates or Interests, either in Fee Simple or for any lesser Estate, as he the said *John Jarratt* shall by any Deed or Deeds, Writing or Writings, to be hereafter duly executed by him, or shall have already, or shall hereafter by his last Will and Testament, executed and attested as is required by Law for the Devise of Real Estates, direct, limit, or appoint; and in default of such Direction, Limitation, or Appointment, or subject thereto, if only of partial Extent, then unto the said *John Jarratt* for his Life, and after his Decease, unto the said *Edmund Beckett Denison*, *John Branson*, and *Robert Baxter*, their Heirs and Assigns, until some Person shall, after the Decease of the said *John Jarratt*, under or by virtue of his last Will or otherwise, become Tenant for Life in Possession, or Tenant in Tail in Possession, of the Manor or reputed Manor of *Bessacarr* in the said County of *York*; and after any such Person shall so become Tenant as is last afore-mentioned, then unto such Person or Persons, and for such Estates and Interests, as the same Manor shall then stand limited unto, in like Manner as if the same Advowson, Right of Patronage, Nomination, or Presentation had been by this Act annexed unto and made a Part of the same Manor; and it shall be lawful for the Person or Persons in whom, by virtue of the Provisions aforesaid, the said Advowson or Right of Patronage, Nomination, or Presentation is for the Time being intended to be vested, and he or they is and are hereby empowered and required, to present or nominate unto the said Lord

Lord Archbishop of *York*, or to the Archbishop of *York* for the Time being, a fit Person to be by him licensed and admitted as Perpetual Curate of the said Church, and shall and may in like Manner present or nominate, and have the Right of presenting or nominating, some other fit and proper Person on the Occasion of each future Vacancy of the said Church; and on failure of such Presentation or Nomination for the Space of Six Calendar Months after such Vacancy, or after Refusal to present or nominate to the same, as the Case may be, the Right of Presentation or Nomination for that Turn shall lapse to the Lord Archbishop of *York*, and to the Crown, successively in Order and according to the Course of Law in Cases of presenting to Benefices; and the Right of Advowson, Patronage, Nomination, or Presentation to the said Church may be sued for and recovered, and the Incumbency thereof shall cease and be determined, in like Manner as if the Right of presenting or nominating to the said Church were to a Perpetual Curacy.

Incumbent of the Church to perform the Service therein.

X. And be it further enacted, That the Incumbent for the Time being of the said Church, or his lawful Substitute, shall therein read the Prayers prescribed in the Book of Common Prayer or public Liturgy of the Church of *England*, preach a Sermon, and administer the Holy Sacrament of the Lord's Supper, and execute such other Divine Offices, and on such Days and Times, as the Lord Archbishop of *York* for the Time being shall direct.

Incumbent to perform the Duties in Person Nine Months in every Year.

XI. And be it further enacted, That the Incumbent for the Time being of the said Church shall perform the Duties of the said Church in Person during Nine Months at least in every Year: Provided always, that it shall be lawful for the said Archbishop of *York* for the Time being to grant the said Incumbent his Licence in Writing, allowing him to be absent from the said Church for such Period as to the said Archbishop shall seem meet, on account of Sickness, bodily Infirmity, or other urgent Cause, by the said Archbishop to be approved of, and stated in the said Licence.

Incumbent to remain such during his Life, subject to Removal for Misconduct, and to Avoidance on taking any distant Cure.

XII. And be it further enacted, That the said Incumbent shall (subject nevertheless to his Power of resigning the same) continue Incumbent of the said Church during his natural Life, subject only to be removed or suspended for the same Offences and Causes on account of which a Rector or Vicar may now be lawfully removed or suspended, or for some Offence contrary to the Provisions of this Act: Provided always, that if the said Incumbent take any Benefice with Cure of Souls, or any Curacy whatever, at any greater Distance than Ten Miles from the said Town of *Doncaster*, or shall be absent from the said Church for more than Three Calendar Months within the Space of Twelve Calendar Months, without such Licence as aforesaid, the said Church shall become *ipso facto* void, and the Patron for the Time being shall and may nominate a Clerk to the said Vacancy, in the same Manner as if the said Incumbent were naturally dead.

Money received at the Administration of the Sacrament

XIII. And be it further enacted, That the Incumbent for the Time being of the said intended Church shall keep an Account of all Money which may be received on the Celebration of the Sacrament of the Lord's

to be paid to the Vicar of Doncaster.

Lord's Supper, and produce the same at all Times when required, and pay over the Amount of such Monies on the First *Wednesday* after *Christmas Day* in each Year unto the Vicar of *Doncaster* for the Time being.

This Act not to authorize the Baptizing of Children, &c.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the Baptizing of Children, the Churching of Women, the Solemnization of Marriage, the Burial of any Person in the said Church or Churchyard, or the Performance of any Rite or Ceremony, save Divine Service, Preaching, and the Administration of the Holy Sacrament, as is herein-before directed.

Except Burials with the Consent of the Archbishop of York, &c.

XV. Provided nevertheless, and be it further enacted, That if at any future Time it shall become expedient for Burials to take place in the said Church and Churchyard, it shall be lawful for the Lord Archbishop of *York* for the Time being to grant his Leave and Permission in Writing for such Purpose, and also to make such Order and Regulation with respect to the Fees to be paid for the same, and the Application thereof, as he shall think fit; provided the Consent of the Vicar of the Vicarage of the Parish of *Doncaster*, and the Consent of the Patron and Incumbent of the said new Church, be first signified to him in Writing under their Hands and Seals.

Incumbent for the Time being to receive the Rent of the Pews.

XVI. And be it further enacted, That from and immediately after the Consecration of the said Church, and the Nomination and licensing of a Perpetual Curate thereto as aforesaid, the said Incumbent, and all and every future or succeeding Incumbent, shall and may and they are hereby authorized and empowered to receive the Rents and Profits arising from such of the Pews in the said Church, not being Free Seats, as shall not within the Year ending on the Fifth Day of *April* then last past have been sold or disposed of under the Power or Authority aforesaid; and also shall and may receive the Rents, Issues, and Profits of such Lands, Tenements, and Hereditaments as shall have been purchased and limited in Augmentation of the Endowment of the said Church, in pursuance of the Provisions herein contained.

Incumbent to nominate a Churchwarden annually.

XVII. And be it further enacted, That it shall be lawful for the Incumbent of the said Church for the Time being annually to nominate, on the Twenty-fifth Day of *March*, or within Fourteen Days afterwards, a Churchwarden for the said Church, who shall be sworn in and act accordingly; and to appoint to the Office of Clerk and of Organist, (if an Organ shall be set up in the said Church,) and to such other Offices and Places as he shall think proper; and from Time to Time, for such Causes as to him may seem meet, and at his Discretion, to remove or displace any of such Officers, and to appoint others in their Stead, or in the Stead of such of them as shall die, or decline or become incapable to perform his or their Office or Offices respectively: Provided always, that the Churchwarden and Clerk to be appointed as aforesaid shall be subject and liable to Ecclesiastical Censure and Jurisdiction.

Fittings up and Furniture to be sup-

XVIII. And be it further enacted, That after the said Church shall be fitted up for Divine Service, and consecrated, the same, and the

Walls, Roofs, Doors, and every other Part thereof, and the Fittings up and Furniture thereof, shall be supported and kept in proper Repair by and at the Expence of the Incumbent for the Time being for ever; and the Ecclesiastical Court shall have Power, Authority, and Jurisdiction to compel the said Incumbent to repair and support the said Church and Appurtenances accordingly.

ported at the Expence of the Incumbent.

XIX. And be it further enacted, That neither the said Ground upon which the said Church shall be erected, nor any Quantity of Ground inclosed round the same as a Churchyard, and not exceeding Two Statute Acres, nor the said Church itself, nor the Pews in the same, nor the Rents, Profits, and Proceeds thereof, nor any Person or Persons in respect thereof, or of any yearly Salary or Pew Rents payable yearly under or by Authority of this Act, shall be subject or liable to be assessed for the Relief of the Poor, or to any parochial Charge, Rate, or Assessment whatsoever made or be made, any Law, Statute, or Usage to the contrary notwithstanding.

Church, &c. not to be assessed to Poor's Rate.

XX. And be it further enacted, That the Rent or Rents to become payable by virtue of this Act shall and may, in case of Nonpayment thereof for the Space of Fourteen Days after Demand made thereof by Notice in Writing under the Hand of the Churchwarden, delivered to any Proprietor or Proprietors of any Pew or Pews, Seat or Seats, in the said Church, or left at his, her, or their usual or last Place of Abode, and on Proof thereof upon Oath before any Justice of the Peace acting for the Liberty of the Borough of *Doncaster* in the said West Riding of the County of *York*, which Oath the said Justice is hereby authorized to administer, be levied by Distress and Sale of the Goods and Chattels of every such Proprietor or Proprietors, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus (if any) after deducting the Sums due in respect of such Rent or Rents, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels on Demand.

For the Recovery of the Rents of the Pews.

XXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing made or done in pursuance of this Act, with respect to the enforcing Payment of the Rent or Rents aforesaid, or otherwise, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the Liberty of the Borough of *Doncaster* in the County of *York* next after the Expiration of Four Calendar Months from the Time wherein such Cause of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Churchwarden of the said Church, and within Two Days after such Notice entering into a Recognizance before some Justice of the Peace of the said Borough, with sufficient Sureties, conditioned to try such Appeal, and abide the Order or Award of the said Justices thereon; and upon due Proof of such Notice and Recognizance having been given and entered into, the said Justices are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and make such Order therein, and award such Costs to either of the Parties

Appeal.

or

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

General Saving of Rights.

XXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Persons or Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, and Interests, (other than those which are hereby meant and intended to be barred and destroyed,) which they, every or any of them, had and enjoyed before the passing of this Act, or might or would have had and enjoyed in case this Act had not been passed.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1827.