ANNO SECUNDO

GULIELMI IV. REGIS.

***

Erection of the said Church the Population of the said Chapelry or Township has greatly increased, and the said Church has become inadequate to the Accommodation of the Inhabitants of the said Chapelry, and it is necessary that the said Church should be enlarged: And whereas the said *Francis Richard Price* has at his own Expence lately erected and nearly completed an additional Aisle on the North Side of the said Church, and is willing to build another Aisle on the South Side of the said Church upon Condition that Two Farms, situated at *Claughton-cum-Grange* in the County Palatine of *Chester*, Part of the Family Estate of the said *Francis Richard Price*, shall be exonerated from the Payment of a yearly Rent of Twenty Pounds *per Annum*, which has been usually paid by the Tenant of the said Farms to the Minister of the said Church, and upon having the Rights and Privileges herein-after mentioned secured and granted to him; and in consideration of the said Farms being exonerated from the said yearly Sum of Twenty Pounds the said *Francis Richard Price* hath proposed to secure to the Minister of the said Church a yearly Sum of Thirty Pounds, and to charge the same upon the Pews in the said Church in the Manner herein-after mentioned: And whereas the said *Francis Richard Price* is also willing, on the Decease of the present Incumbent, or next Avoidance of the said Church, to give up to the Minister of the said Church a certain Messuage or Dwelling House, with the Outbuildings, Yards, Gardens, and Appurtenances situated in *Birkenhead* aforesaid, now in the Occupation of the Reverend *Andrew Knox* Clerk, and which he the said *Francis Richard Price* claims to be seised of or entitled to in Fee Simple, to be used as a Residence for the Minister for the Time being of the said Church for ever: And whereas the desirable Objects before mentioned cannot be carried into complete Effect without the 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 Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Regulations, Matters, and Things contained in an 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*; in an Act passed in the Fifty-ninth Year of the Reign of His said late Majesty, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*; in an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*; in an Act passed in the Fifth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to make further Provision, and to amend and render more effectual Three Acts passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, and the Third Year of His present Majesty, for building and promoting*

Extending to this Act the Powers of the various Acts for promoting the building of additional Churches, except as hereby altered.

promoting the building of additional Churches in populous Parishes; in an Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes;* and in an Act passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled 'An 'Act to amend the Acts for building and promoting the building of addi- 'tional Churches in populous Parishes;'* except such Parts thereof as are varied, altered, or repealed, shall be as good, valid, and effectual, and for the Purpose of carrying this Act into execution as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Regulations, Matters, and Things respectively had been repeated and re-enacted in this Act.

Marriages heretofore solemnized in the said Church declared valid;

II. And be it further enacted, That all Marriages heretofore solemnized in the said Church since the Consecration thereof by the said Bishop of *Chester* shall be as good and valid in Law as if such Marriages had been solemnized in any Parish Church wherein Banns had been usually published before or at the Time of passing an Act made in the Twenty-sixth Year of the Reign of King *George* the Second, intituled *An Act for the better preventing of clandestine Marriages;* and the Registers of all Marriages solemnized in the said Church, which are hereby enacted to be valid in Law, shall be received in all Courts of Law and Equity as Evidence of such Marriages, in the same Manner as the Registers of Marriages solemnized in Parish Churches or public Chapels in which Banns were usually published before or at the Time of passing the said Act of the Twenty-sixth Year of the Reign of King *George* the Second, or Copies thereof, are received in Evidence: Provided nevertheless, that in all such Courts the same Objections shall be available to the receiving such Registers, or Copies of Registers, as Evidence, as would have been available to receiving the same as Evidence if such Registers or Copies had related to Marriages solemnized in such last-mentioned Parish Churches or public Chapels as aforesaid.

and Registers of such Marriages shall be received as Evidence.

Church may be enlarged.

III. And be it further enacted, That it shall be lawful for the said *Francis Richard Price*, his Heirs or Assigns, and he and they is and are hereby authorized and empowered, at his or their proper Costs and Charges, to complete the said Aisle so erected on the North Side of the said Church, and to erect and build in a substantial and workmanlike Manner, upon a Plan to be approved of by the Ordinary of the Diocese for the Time being, and so as to harmonize with the Remainder of the Building, One additional Aisle to the said Church, of sufficient Dimensions to contain not less than One hundred and seventy Sittings in the Body of such Aisle; and also to make, erect, and set up Pews and Seats in each of the said Aisles; and also, if he or they shall so think proper, to erect a Gallery in each of the said Aisles, and also One or more Galleries in the Body of the said Church, if at any Time hereafter it shall be thought expedient so to do.

IV. And

Church to be a Perpetual Cure.

IV. And be it further enacted, That the said Church shall be for ever set apart and dedicated to the Service of Almighty God as a Place of Divine Worship, according to the Rites and Usage of the united Churches of *England* and *Ireland*, and shall be and is hereby declared to be a Perpetual Cure and Benefice, and shall be called by the Name of the Church of "*Saint Mary* in *Birkenhead*," for ever; and shall be the Parochial Church for the Chapelry of *Birkenhead* aforesaid in lieu of the said old Chapel, and shall have all the Privileges and Immunities of the said old Chapel; and the said Church and the Curate thereof shall for ever hereafter be subject to the ordinary Jurisdiction and Visitation of the Lord Bishop of *Chester* for the Time being.

Patronage vested in Mr. Price.

V. And be it further enacted, That the Perpetual Advowson and the Right of Patronage, free Disposition, and Nomination of, in, and to the said Church shall for ever hereafter appertain to and the same is and are hereby vested in the said *Francis Richard Price*, his Heirs and Assigns.

Seat for Minister and his Family.

Seats or Pew for Churchwardens.

Free Seats for Poor.

VI. And be it further enacted, That One convenient Seat or Pew in the Body of the Church shall be allotted by the said *Francis Richard Price*, with the Concurrence of the Ordinary of the Diocese for the Time being, for the Use of the Minister of the said Church for the Time being and his Family; and One other Seat or Pew, situate in the Body of the said Church, shall be in like Manner set apart and for ever hereafter be appropriated to the Use of the Churchwardens for the Time being of the said Church; and other Pews, Seats, Benches, or Sitting Places, in the Body of the said Church, sufficient to accommodate not less than One hundred Persons, also in the Aisles and Galleries of the said Church, sufficient to accommodate an equal Number of Persons, to be distinguished from the other Pews or Seats by the Words "Free Seats" to be marked thereon, shall be in like Manner allotted and set apart to the Use of the Poor of the said Chapelry for ever; upon which Seats or Pews so to be set apart for the Minister and his Family, and for the Churchwardens, and upon the Pews, Seats, Benches, or Sitting Places so appropriated to the Use of the Poor, no Rate or Burthen whatever shall at any Time be charged or imposed.

Seats vested in Mr. Price, except those already set apart.

VII. And be it further enacted, That all the Pews and Seats now erected, or which may under or by virtue of the Authority of this Act, or of any of the Acts herein-before recited, be erected or set up in the said Church, and in the Aisles, and in all and every the Galleries in the said Church, as well in the Body as in the Aisles thereof, (except those set apart for the Use of the Minister and his Family, and of the Churchwardens, and those appropriated to the Use of the Poor,) shall be and the same are hereby vested in the said *Francis Richard Price*, his Heirs and Assigns, for ever.

Mr. Price empowered to sell Pews;

VIII. And be it further enacted, That it shall be lawful for the said *Francis Richard Price*, his Heirs and Assigns, and he and they is and are hereby authorized and empowered, from Time to Time and at all Times

Times after the passing of this Act, to sell and dispose of all or any of the Pews or Seats now erected or set up, or which may under or by virtue of this Act, or any of the Acts herein-before recited, be erected or set up in the said Church, and in the Aisles and Galleries thereof, (except those set apart for the Use of the Minister and his Family and the Churchwardens, and the Free Seats herein-before mentioned,) to any Person or Persons who may be willing or desirous to purchase the same, subject nevertheless to the Payment of such yearly and other Rates and Assessments as may be rated or assessed thereon, or made payable in respect thereof, under or by virtue of this Act, or the Powers or Authorities herein contained; and in the meantime, and until any such Sale or Sales shall be made and perfected, to demise and lease the said Pews or Seats, or any of them, or any Part thereof, or any Number of Sittings therein respectively, for any Term or Number of Years, or for any Term or Period less than a Year, at his and their free Will and Pleasure, for such Rent or Rents or other Sum or Sums of Money, and upon such Terms and Conditions, as he or they shall think fit, to any Person or Persons willing to rent the same; and the Rents or Monies to arise from the letting of such Pews, Seats, or Sittings, after deducting all Sums payable by the said *Francis Richard Price*, his Heirs or Assigns, as the Proprietor or Proprietors thereof, under the Directions herein-after contained, and also all Monies to arise or be produced by the Sale of Pews or Seats, shall be received and retained by the said *Francis Richard Price*, his Heirs and Assigns, as his and their own proper Monies, as a Remuneration for the great Expence which he has sustained in the building of the said Church, and which he may sustain in making the Additions thereto by this Act authorized.

and in the meantime to let them.

IX. And be it further enacted, That the said Pews and Seats shall, after Payment of the Purchase Money for the same to the said *Francis Richard Price*, his Heirs or Assigns, be immediately vested in the Person or Persons so purchasing and paying for the same respectively, and his, her, and their respective Heirs and Assigns; and shall and may be bargained, sold, conveyed, leased, let, devised, or otherwise aliened and disposed of by the Proprietors thereof for the Time being.

Vesting Pews and Vaults in Purchasers.

X. And be it further enacted, That all such Pews and Seats so to be sold as aforesaid by the said *Francis Richard Price*, his Heirs or Assigns, shall be conveyed in the Form following, or as near thereto as Circumstances may require:

Form of Conveyance.

'I in consideration of the Sum of
'paid to me by of
'do hereby grant and convey to
'all that Pew or Seat numbered in the Body [*or* Gallery,
'*as the Case may be*] of the Church of *Saint Mary* of *Birkenhead*
'in the County Palatine of *Chester*; to hold the same unto the said
'his, her, or their Heirs and
'Assigns for ever, subject to such annual Payments and to such
'Regulations and Restrictions as shall from Time to Time be
'payable

'payable or subsisting in respect thereof, under or by virtue 'of an Act passed in the Second Year of the Reign of His Majesty 'King *William* the Fourth, intituled [*here insert the Title of this Act.*]'

Conveyances to be registered.

XI. And be it further enacted, That a Book shall be provided by the said *Francis Richard Price*, his Heirs or Assigns, and be kept by the Minister of the said Church, in which shall be entered and registered a Copy or Extract of every Conveyance or Will by which any Pew or Seat shall be conveyed or devised under or by the Authority of this Act, and of the Evidence adduced by any Person claiming to be entitled thereto by Descent; and for the Entry of every such Conveyance or Will, or Evidence, the Minister of the said Church shall be entitled to receive the Sum of Five Shillings from the Person to whom or in whose Favour such Conveyance or Devise shall be made, or who shall so claim to be entitled by Descent; and such Book shall at all Times be open to the Inspection of the said *Francis Richard Price*, his Heirs and Assigns, and to the Churchwardens for the Time being of the said Church, and to all and every the Holders or Proprietors of Pews within the said Church, without Fee or Reward; and no Purchaser, Devisee, or Heir shall be entitled to take possession of such Pew, or to exercise any Rights of Ownership over the same, until the Deed of Conveyance or Will under which he derives his Title, or if he claims by Descent, until satisfactory Evidence of his Heirship, be produced to the Minister, and entered in the said Book.

No Corpse to be buried within the Church, &c.

XII. And be it further enacted, That no Vault, Grave, or Burial Place shall be made, nor shall any Corpse be interred, within the Body of the said Church, nor shall any Vault, Grave, or Burial Place be made in the said Cemetery or Burial Ground within Four Feet of the Walls of the said Church.

Lands in Claughton-cum-Grange exonerated from the Payment of 20*l.* per Annum.

XIII. And be it further enacted, That from and immediately after the passing of this Act the yearly Rent of Twenty Pounds heretofore issuing out of and charged or chargeable upon the Farms, Lands, and Hereditaments situated in the Township of *Claughton-cum-Grange* in the County Palatine of *Chester*, and payable to the Minister for the Time being of the Church of *Saint Mary Birkenhead* aforesaid, shall cease and determine, and be no longer payable; and the said Farms, Lands, and Hereditaments shall from henceforth and for ever after be held and enjoyed by the said *Francis Richard Price*, his Heirs and Assigns, or other the Person or Persons entitled thereto, freed and absolutely discharged and exonerated of and from the Payment of the said yearly Rent and all Arrears thereof, and all Claims and Demands of or by the Minister of the said Church in respect thereof.

Minister's Stipend.

XIV. And be further enacted, That for and towards the Support and Maintenance of the Minister for the Time being of the said Church, and by way of Commutation for and in lieu and satisfaction of the yearly Sum of Twenty Pounds, payable by the Tenants of the Two Farms at *Claughton-cum-Grange* herein-before mentioned, the Churchwardens for the Time being of the said Church shall, by and

out

out of the Rates to be levied and raised upon the Seats or Pews and Sitting Places by virtue of this Act, as herein-after mentioned, pay or cause to be paid to the Minister for the Time being the Sum of Thirty Pounds *per Annum* of lawful *English* Money, without any Deduction or Abatement for Taxes or otherwise howsoever, by equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in each Year, a proportionate Part of the first half-yearly Payment, computed from the Day of the passing of this Act, to be made on such of the said Days as shall happen next after the passing of this Act; and in case of the Resignation or Death of any such Minister, or his Avoidance of the Incumbency by any means whatever, between any such Two half-yearly Days of Payment, then an Apportionment of the said Stipend shall from Time to Time be made between the Minister so resigning or avoiding the Living, or the Executors or Administrators of the deceased Minister, and the Successor of such Minister, for and in respect of the Half Year when such Resignation, Avoidance, or Death shall happen; and all Monies so paid by the said Churchwardens shall be allowed them in their Accounts.

Remedy for Recovery of the Minister's Stipend.

XV. And be it further enacted, That if Default shall be made in Payment of the said yearly Stipend, or any Part or any Apportionment thereof, to the said Minister for the Time being, or to the Executors or Administrators of a deceased Minister, by the Space of Thirty Days after any of the Days of Payment whereon the same ought to be paid, then it shall be lawful for such Minister, or his Executors and Administrators, to sue for and recover the same, with full Costs of Suit, against the Churchwardens for the Time being, by Action of Debt or upon the Case, for so much Money had and received for the Use of such Minister, his Executors or Administrators, or for Work and Labour, to be brought in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign or Wager of Law, or more than One Imparlance, shall be allowed.

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

XVI. Provided always, and be it further enacted, That no Sum to be recovered against any succeeding Churchwardens for Arrears of the said half-yearly Stipend which shall have accrued due in the Time of their Predecessors shall exceed One Half Year's Arrear of the said yearly Stipend, nor exceed the Amount of the Money which shall have been paid over to such succeeding Churchwardens by their Predecessors; and every Action which shall be commenced against the Churchwardens for the Time being for Arrears of the said yearly Stipend accrued during the Time of their Predecessors shall be commenced within the Space of Three Calendar Months next after their first entering upon and being sworn into the Office of Churchwardens.

Mr. Price, his Heirs, &c. to make Conveyance, without valuable Consideration, of

XVII. And be it further enacted, That it shall be lawful for the said *Francis Richard Price*, his Heirs and Assigns, or any of them, or any Person or Persons who may be Trustee or Trustees for him or them, and he and they is and are hereby required, at any Time after the passing of this Act, to make and execute such Grants, Conveyances,

a Messuage now occupied by the Rev. A. Knox, to the Minister for the Time being.

Conveyances, or Assurances as may be necessary or expedient for conveying and assuring a certain Messuage or Tenement of which he may be seised in Fee Simple, without Incumbrances, situated within the said Township or Chapelry of *Birkenhead*, with the Outbuildings, Yards, Gardens, and Appurtenances thereunto belonging, now in the Occupation of the Reverend *Andrew Knox*, and the Inheritance thereof in Fee Simple in Possession, unto the Minister of the said Church for the Time being, and his Successors, for the Purposes of this Act; all which Conveyances and Assurances may be made in the Form following, or in such other Form as the Case may require, or as near thereto as the Circumstances of the Case will admit:

'I [*or* We] under the Authority and
'for the Purposes of an Act passed in the Second Year of the
'Reign of King *William* the Fourth, intituled [*here set forth the*
'*Title of this Act*], do hereby, freely and voluntarily, and without
'any valuable Consideration, grant, convey, and assure unto
'*A. B.*, the Minister of the Church of *St. Mary* in *Birkenhead*
'in the County Palatine of *Chester*, and his Successors for ever, all
'[*here describe the Premises to be conveyed*], and all my [*or* our]
'Estate, Right, Title, and Interest in and to the same and every
'or any Part thereof, to hold the same unto the said *A. B.* and
'his Successors, Ministers of the Church of *St. Mary* in *Birken-*
'*head* for ever. In witness, &c.'

And every such Grant, Conveyance, and Assurance so made shall be enrolled in the Court of Chancery, and registered in the Registry of the Diocese of *Chester*, and when the same shall have been so enrolled and registered shall be good, valid, and effectual, to all Intents and Purposes, and shall operate as a Merger of all Outstanding Terms of Years, whether expressly attendant upon the Inheritance or not.

Upon such Conveyance said Messuage to vest in the Minister for the Time being.

XVIII. And be it further enacted, That when and so soon as such Grants, Conveyances, and Assurances shall have been executed by the said *Francis Richard Price*, his Heirs or Assigns, and his or their Trustee or Trustees, the said Messuage or Tenement, with the Yards, Gardens, and Appurtenances, shall thenceforth be vested in and shall become the sole Property of the Minister for the Time being of the said Church, and shall be used as a Residence by the Minister for the Time being of the said Church for ever.

Minister's Duty.

XIX. And be it further enacted, That the Minister of the said Church shall therein every *Sunday* Morning and Evening, and on the Morning and Evening of *Christmas Day* and *Good Friday*, and every proclaimed Fast and Thanksgiving, read or cause to be read the Prayers prescribed in the Book of Common Prayer or Public Liturgy of the Church of *England*; and also on every *Sunday* Morning and Evening, and on every *Christmas Day* and *Good Friday*, and on all occasional Fasts and Festivals, in the Morning after the Prayers, preach or cause to be preached,

a Sermon; and also at least Four Times in the Year administer or cause to be administered the Holy Sacrament of the Lord's Supper, namely, on *Good Friday*, *Easter Sunday*, *Whitsunday*, and *Christmas Day*, and on such other *Sundays* as he shall appoint, so that the Space of Time between such Administration may be as nearly equal as conveniently may be; and moreover shall administer Private Baptism according to the Rubrick of the Church of *England*, when required.

Minister to visit the Sick.

XX. And be it further enacted, That the Minister for the Time being of the said Church shall and he is hereby required to visit the Sick in the Chapelry or Township of *Birkenhead* aforesaid, and perform the several Offices prescribed and to be performed upon the Visitation of the Sick, according to the Laws and Canons of the United Church of *England* and *Ireland*.

Marriages may be solemnized.

XXI. And be it further enacted, That Banns of Matrimony may be published and Marriages celebrated within the said Church, provided the same be published and celebrated according to the Laws and Canons in force within this Realm in that Behalf; and all such Banns as shall be so published, and also all and every such Marriage or Marriages as shall be so celebrated, in the said Church, shall be as good and valid, to all Intents and Purposes, as if the same had been published and celebrated in any Parish Church in which Marriages may legally be celebrated.

All Marriages, Baptisms, and Burials to be registered.

XXII. And be it further enacted, That all the Marriages, Baptisms, and Burials had and solemnized within the said Church shall be registered in public Register Books to be provided and kept in the said Church for that Purpose, according to the Laws in force for keeping Registers in that Part of the United Kingdom called *England*; and such Books and Transcripts shall be received in all Courts of Law and Equity as Evidence of such Marriages, Baptisms, and Burials.

Seats to be numbered, and entered in a Book.

XXIII. And be it further enacted, That all the Pews and Seats already erected, or to be, by virtue of this Act or of any of the Acts herein recited, erected or set up in the Body or Aisle of the said Church, or in the Gallery or Galleries thereof, (except the Seats or Pews allotted to the Minister and his Family and the Churchwardens, and the Seats or Sitting Places appropriated to the Use of the Poor,) shall be marked with and distinguished by different Numbers or Figures to be carved or painted on the Door or other conspicuous Part of each Pew and Seat respectively; and the several Numbers of such Pews and Seats shall be entered in a Book to be provided for that Purpose; and the said Book, having been signed by the Minister of the said Church, and also by the Churchwardens for the Time being, shall be deposited and kept in the Vestry of the said Church, and shall at all seasonable Times be open to the Inspection of all Persons inhabiting the said Township, and of the Proprietors and Renters of Seats, without Fee or Reward; and such Book shall be admitted in Evidence in

all Courts and on all Occasions whatsoever without the Facts therein contained being proved.

Pews to be valued.

XXIV. And be it further enacted, That all the Pews and Seats already erected or to be erected, by virtue of this Act or of any of the Acts herein recited, in the said Church, or in the Aisles or Galleries thereof, (save and except such Seats or Pews as shall have been or shall be so set apart and appropriated to the Use of the Persons herein-before described,) shall, for the Purpose of ascertaining and fixing the relative Value thereof, be valued by some competent Person to be appointed by the said *Francis Richard Price*, his Heirs or Assigns; and such Valuation shall be reduced into Writing, and shall be signed by the Person making the same, and shall at all Times hereafter be referred to, adopted, and abided by in any Rate to be made in pursuance of this Act, and shall be considered as fixing and determining the relative Value only, and not the actual or real Value of such Pews.

Expences attending the Celebration of Divine Worship to be defrayed by Proprietors of Seats, &c.

XXV. And be it further enacted, That the Churchwardens for the Time being of the said Church shall and may, and they are hereby authorized and required, from Time to Time, to make and assess, or cause to be made and assessed, a Rate sufficient to answer and pay the Expences herein-after mentioned, upon the Owners and Proprietors of the Pews or Seats in the said Church, in proportion to the Value of such Pews or Seats respectively, as ascertained in the Manner herein-before directed, and to collect and receive every such Rate from such Proprietors; and the said Churchwardens shall and they are hereby required, by and out of the Monies arising from such Rates, to pay the said yearly Stipend or Sum of Thirty Pounds to the Minister of the said Church for the Time being, as herein-before is mentioned; and to find and provide Bread and Wine for the Holy Communion; and Surplices for the Minister, and Books for the Minister and Clerk; and to pay the Expences of lighting the Church when necessary, and of warming or heating the same, and of keeping the said Church insured against Damage by Fire; and to pay the Salaries of the Clerk, Sexton Organist, Organblower, and Pewopeners; and also to pay and defray all other Expences attendant upon the Celebration of Divine Worship; and also, by and out of the Monies to arise or be produced by such Rate as aforesaid, to keep the Windows of the said Church clean and in good Repair, and also the Inside of the said Church at all Times in a clean, neat, and decent State, suitable for the solemn Celebration of Divine Service; and also to pay the Expences of repairing and keeping in repair the Roof, Timbers, and main and external Walls of the said Church, and the Walls and Gates of the Churchyard, and also the Bells and other Things to the said Church and Churchyard belonging, so that the same may at all Times be preserved in good Repair and Condition.

For recovering Pew Rates.

XXVI. And be it further enacted, That the Owners and Proprietors upon whom any Rate or Assessment shall be made in respect of the Pews or Seats held or owned by them in the said Church shall pay such Rate or Assessment to the Churchwardens for the Time being, or

or to such Person or Persons as they shall appoint to collect the same, within the Space of Fourteen Days next after the same Rate or Assessment shall have been made; and in case any such Owner or Proprietor, his, her, or their Heirs, Executors, or Administrators, shall neglect or refuse to pay the Rate so made or assessed upon him, her, or them, for the Space of Twenty Days after the same shall have been demanded, then the Churchwardens for the Time being, to be appointed in pursuance of this Act, and their Successors, shall and may enter upon the Pew or Seat, or Pews or Seats, belonging to the Proprietor so making default as aforesaid, or any One or more of such Pews or Seats, at the Discretion of such Churchwardens, and let the same to any other Person or Persons, in such Manner and for such Time as such Churchwardens shall think proper, and by and out of the Monies to be received for the Rent of such Pew or Seat, or Pews or Seats, pay and satisfy the Rate or Rates so in arrear, and render the Overplus, if any, after deducting the Costs and Charges occasioned by or in consequence of such Rate or Rates having been so in arrear, to the Owner or Proprietor of such Pew or Pews; or the said Churchwardens, at their Discretion, may sue for and recover the Rate or Rates so in arrear by Action of Debt or upon the Case, for the Use and Occupation of such Pew or Seat, to be brought, either against the Owner or Owners or against the Occupier or Occupiers thereof, in the Name of the Churchwardens of the Church of *Saint Mary Birkenhead* in the County Palatine of *Chester*, in any of the Courts of Record at *Westminster*.

In Default of Payment, Churchwardens may enter upon the Pews and let them.

XXVII. Provided always, and be it further enacted, That the Rate or Rates to be made by virtue of this Act may, in case of any Non-payment thereof for the Space of Thirty Days after Demand made thereof, by Notice in Writing under the Hand of either of the Churchwardens for the Time being, delivered to the Owner or Occupier of any Seat or Pew in the said Church, or left at his, her, or their usual or last known Place of Abode, and on Proof thereof on Oath before any Justice of the Peace of the County or District in which such Owner or Occupier dwells, which Oath such Justice is hereby required to administer, be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Rates may be levied by Distress.

XXVIII. And be it further enacted, That when any Pew or Seat shall be let by the Owner or Proprietor thereof, under or by the Authority of this Act, the Lessee or Tenant thereof, or Person occupying the same, whether such Demise or Letting shall be in Writing or by Parol, shall be liable, in the first instance, to pay the Rate or Assessment made in respect of such Pew or Seat, and shall pay the same accordingly; but every such Lessee, Tenant, or Occupier, who shall so pay such Rate or any Part thereof, shall and may deduct the same from and out of the next Rent due and payable from him, her, or them, to his, her, or their Lessor; and the Receipt for such Payment shall be a sufficient Discharge to his, her, or their Lessor for

Occupiers of Pews to be primarily liable, but may deduct the Rates from their Rent.

for so much Money as he, she, or they shall pay, or as shall be levied on him, her, or them by virtue of this Act: Provided always, that no such Lessee, Tenant, or Occupier shall at any Time be required or liable to pay in any One Year any greater Sum for or towards the Discharge of such Rate or Rates, or the Arrears thereof, than the Amount of the yearly Rent payable by him, her, or them for such Pew or Seat: Provided also, that nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement by which the Tenant, Lessee, or Occupier of any Pew or Seat shall undertake to pay the Rates payable in respect thereof.

Appointment of Churchwardens.

XXIX. And be it further enacted, That the Two Persons who are now acting as Churchwardens of the said Church shall be and they are hereby constituted and appointed Churchwardens of the said Church until the *Tuesday* in *Easter* Week which shall happen next after the passing of this Act, and until other Churchwardens shall be appointed under the Authority of this Act; and upon the *Tuesday* in *Easter* Week next ensuing, and upon the *Tuesday* in *Easter* Week in each and every succeeding Year henceforth for ever, Two Persons, being Occupiers of Seats or Pews in the said Church, shall be appointed to act as Churchwardens of the said Church, one of such Persons to be nominated and appointed by the Minister for the Time being of the said Church, or if the Church shall be then vacant, by the said *Francis Richard Price*, his Heirs or Assigns, and the other by the Owners and Proprietors of Pews in the said Church, (other than and except the Pews allotted to the Minister and his Family and the Churchwardens, and the Seats or Sitting Places appropriated to the Use of the Poor,) or such of the said Owners and Proprietors as shall be present at a Meeting to be held for that Purpose in the Vestry Room of the said Church between the Hours of Ten and Twelve in the Forenoon; and every such Proprietor shall have a Vote for and in respect of every Pew belonging to him, her, or them, which Vote or Votes shall or may be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted under his, her, or their Hand or Hands; and every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person; the Appointment of which Proxies may be made according to the Form or to the Effect following:

Proprietors may vote by Proxy.

Form of Proxy.

'I of One of the Proprietors
'of Pews in the Church of *Saint Mary* in *Birkenhead* in the
'County of *Chester*, do hereby nominate, constitute, and appoint
'of to be my Proxy, in my
'Absence to vote or give my Assent to or Dissent from the Ap-
'pointment of any Person or Persons to be Churchwarden or
'Churchwardens of the said Church of *Saint Mary* in *Birkenhead*
'aforesaid, in such Manner as the said shall think
'proper, according to his Opinion and Judgment. In witness
'whereof I have hereunto set my Hand, the Day of
' in the Year of our Lord .'

And every such Election of a Churchwarden, and every Question, Matter,

Matter, or Thing relating thereto, shall be finally determined by a Majority of Votes and Proxies then present; and at such Meeting a Chairman shall be appointed, who may not only vote as a Proprietor or Proxy, but in case of an Equality of Votes shall and may have the decisive or casting Vote; and the Persons so nominated and appointed as Churchwardens as aforesaid shall respectively be and shall act as or in the Nature of Churchwardens of the said Church, and shall appear, and be admitted and sworn according to Law, and continue in Office until *Tuesday* in *Easter* Week next after their respective Appointments, and until others shall be appointed in their Stead; and they and their Successors, and the Survivor of them, are and is hereby authorized and empowered to do and perform all Matters whatsoever necessary or expedient for or concerning the Management, Support, and good Order of the said Church which Churchwardens are by Law authorized to do, so far as respects the said Church and Churchyard; and such Person and Persons so to be nominated and appointed to act as Churchwardens as aforesaid for the Time being, and their Successors, shall and they are hereby respectively required and enjoined to keep true and perfect Entries, in a proper Book or Books to be provided for that Purpose, of all Sums of Money by them received on account of the Rates made and laid upon the Owners and Proprietors of such Seats and Pews respectively as aforesaid, and of all Sums of Money by them issued and paid; and all such Books and Accounts, and also the Books containing the Entries of such Rents and Rates respectively, shall and may be inspected at all convenient Times by the said *Francis Richard Price*, his Heirs and Assigns, and by all Owners and Proprietors of Seats or Pews in the said Church, and by the Minister of the said Church, and all other Persons interested therein; and in case of the Death of any Churchwarden during the Year for which he shall be appointed, then and so often a new Churchwarden, qualified as aforesaid, shall be nominated and appointed within Fourteen Days after the Decease of the former Churchwarden, by such Person and Persons and in such Manner as the deceased Churchwarden shall or might have been appointed; and every Churchwarden so to be appointed in the Room of one dying in his Year of Office shall have and be invested with the same Powers and Authorities as his Predecessor.

Duties of Churchwardens.

In case of Death of Churchwardens.

XXX. And be it further enacted, That it shall be lawful for the Minister for the Time being of the said Church from Time to Time to nominate and appoint such Persons as he shall think fit to officiate respectively as Clerk, Sexton, and Pewopeners in the said Church, and also from Time to Time to displace and remove such Clerk, Sexton, and Pewopener, upon just and reasonable Cause, to be approved by the Ordinary of the Diocese for the Time being.

Minister to appoint Clerk, Sexton, &c.

XXXI. And be it further enacted, That the Organist and Organblower of the said Church shall from Time to Time be respectively nominated and appointed, removed or displaced, as Occasion may require, and their respective Salaries, as also the Salaries of the Clerk, Sexton, and Pew-openers of the said Church, fixed by the Owners

Proprietors of Pews to appoint Organist, &c.

Owners and Proprietors of Pews in the said Church, (other than and except the Pews allotted to the Minister and his Family and the Churchwardens, and the Seats or Sitting Places appropriated to the Use of the Poor,) or such of the said Owners or Proprietors as shall be present at a Meeting to be held for that Purpose, in the Vestry-room of the said Church, between the Hours of Ten and Twelve in the Forenoon; and every such Proprietor shall have a Vote for and in respect of every Pew belonging to him, her, or them; which Vote shall be given by him, her, or them, or by his, her, or their Proxy or Proxies duly constituted, under his, her, or their Hand or Hands in the Manner herein-before directed with respect to the Appointment of Churchwardens.

Keys of the Church to be kept by the Minister.

XXXII. And be it further enacted, That the Keys of the said Church shall from Time to Time be left in the Custody of and be kept by the Minister thereof for the Time being, or such Person as he may appoint; and the Plate, Furniture, and Records belonging to such Church shall be deposited in the Vestry-room thereof, or in such other Manner as the Minister and Churchwardens shall from Time to Time direct, in a strong Chest, to be for that Purpose provided with a secure and sufficient Lock and Key; which Key shall be kept by the said Minister, or by such Person as he shall appoint.

Fees for Marriages.

XXXIII. And be it further enacted, That it shall and may be lawful for the Minister for the Time being of the said Church to demand and receive, for the publishing of Banns, and performing the Rites and Ceremonies of Marriage and Burial, and for Churching Women, such and the like Church and Surplice Fees, Dues, and Benefits as have heretofore been payable on such Occasions respectively.

Procurations and Synodals.

XXXIV. And be it further enacted, That there shall be paid by the Minister for the Time being of the said Church the usual or customary Payments at the Feast of *Easter* in every Year, for Synodals and Procurations, at every triennial or ordinary Episcopal Visitation, according to the Custom of the Diocese of *Chester*; the same to be recovered in like Manner as Synodals and Procurations are by Law recoverable.

Appeal.

XXXV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, or by any Matter or Thing made or done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be held for the said County Palatine of *Chester* next after the Expiration of One Calendar Month from the Time wherein such Cause of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Churchwardens of the said Church, and within Three Days after such Notice enter into a Recognizance before some Justice of the

Peace for the said County, with sufficient Sureties, conditioned to try such Appeal, and abide the Order or Award of the said Justices thereon; and the said Justices, upon due Proof of such Notice or Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order thereon, and to award such Costs to either of the Parties, or otherwise, as they 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, and not be removable, by Certiorari or otherwise, into any of His Majesty's Courts of Record at *Westminster*.

On Appeal from Rate, Quarter Sessions may amend without quashing it.

XXXVI. And be it further enacted, That upon all Appeals from any Rate or other Assessment made in pursuance of this Act the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required, in all Cases where they shall see just Cause, to give Relief or amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person or Persons appealing, that the Rate or Assessment should be wholly quashed, then the said Court may quash the same, and order a new one to be made.

Limitation of Actions.

XXXVII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of this Act after the Expiration of Three Calendar Months after the Fact committed, or after Satisfaction made and tendered; and every such Action or Suit shall be brought or tried in the County where the Cause of Action shall have arisen, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after sufficient Satisfaction made and tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover his, her, or their Costs, and shall have such Remedy for the Recovery of the same as any Defendant hath for Costs of Suit in other Cases of Law.

General Saving of Rights.

XXXVIII. Saving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to all and every other Person or Persons,

Persons, Bodies Politic or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than such as are bound by this Act,) all such Estates, Rights, Titles, and Interests as they, any or every of them, had and enjoyed before the passing of this Act, or could or might have enjoyed in case this Act had not been made.

Public Act. XXXIX. 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 by all Judges, Justices, and others.

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