ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

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Cap. 86.

An Act for building a Chapel of Ease for the Parish of *Clapham* in the County of *Surrey*.

[21st *May* 1813.]

WHEREAS the Inhabitants of the Parish of *Clapham* in the County of *Surrey* have of late Years considerably increased, and are likely to continue to do so: And whereas the Parish Church of the said Parish is insufficient for the Accommodation of the Inhabitants, and it would be of great Utility and Advantage if a Chapel of Ease was erected; but as the same cannot be effected without the Authority of Parliament, May it therefore please Your Majesty that it may be it enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Trustees appointed under or by virtue of an Act passed in the Fourteenth Year of His present Majesty's Reign, intituled *An Act for vesting a Piece of Waste Ground* 14 G. 3. c. 12. *within and Parcel of the Manor of* Clapham *in the County of* Surrey *in Trustees, and for enabling them to build a new Parish Church thereon,* shall, together with the Minister and Chapelwardens of the intended new Chapel, be Trustees for carrying this Act into execution: And whereas the Scite of the ancient Parish Church, which was taken down by the Authority of the said Act (except one Aisle which was retained and is still kept up for the Performance of the Burial Service),

vice), would be a convenient Situation for the intended Chapel, and the said Aisle might, if thought proper, be still retained as Part of the said Chapel; be it enacted, That the said Trustees shall be and they are hereby empowered to build or cause to be built a Chapel of Ease and Vestry Room in that Situation, retaining the Whole or such Part of the present Building as they shall judge to be convenient, and therein to make, erect, and set up Pews, Seats, Galleries, Bell, Clock, and Organ, and other Ornaments and Conveniences, as the said Trustees may think necessary or proper for the Celebration of Divine Service according to the Usage of the Church of *England*.

Chapel to be built on the Scite of the ancient Parish Church.

II. And be it further enacted, That the said Chapel, and every Minister officiating therein for the Time being, shall be subject in all respects to the ordinary Ecclesiastical Jurisdiction by Law established; and the said Chapel shall for ever be a Chapel of Ease to the said Parish Church of *Clapham* aforesaid, by the Name of the Chapel of *Saint Paul* at *Clapham*; and Divine Service shall be from Time to Time performed in the said Chapel, according to the Rites and Ceremonies of the Church of *England* as by Law established.

Chapel subject to Ecclesiastical Jurisdiction.

III. And be it enacted, That the said Trustees shall and may and they are hereby empowered to borrow of any Person or Persons any Sum or Sums of Money, not exceeding in the whole the Sum of Four thousand Pounds, for the Purpose of building and furnishing the said Chapel as aforesaid, and also at any future Time whenever the Repairs of the said Chapel may render it necessary, to borrow such further Sums as may be requisite for that Purpose, not exceeding the Sum of Two thousand Pounds; for all or any of which Sums Bonds shall be given by the said Trustees in the same Form and Manner, with the same Provisions and upon the like Security, as in the before-mentioned Act of the Fourteenth Year of His present Majesty is provided, and the Interest of which shall be defrayed and the Principal be repaid in the same Manner as therein expressed with respect to the Sum thereby authorized to be borrowed: Provided nevertheless, that no Bonds to be given for the said several Sums of Four thousand Pounds and Two thousand Pounds shall be paid off until the whole of the Bonds granted under the said Act for the Erection of the Parish Church shall have been fully paid off and discharged.

Power to borrow Money for building Chapel.

IV. Provided also, and be it further enacted, That the Assessment which the said Trustees are now empowered to make on all and every Person and Persons who do or shall inhabit, hold, or occupy any Land, House, Shop, Warehouse, Vault, or other Tenement within the said Parish, in any Sum of Money not exceeding Sixpence in the Pound in any one Year of the yearly Rent of such Lands, Houses, Shops, Warehouses, Vaults, or other Tenements, shall not be increased, but shall continue to be made at a Sum not exceeding Sixpence in the Pound until the whole of the Bonds granted both for the present Parish Church and for the intended Chapel shall be fully discharged.

Present Rate of Sixpence in the Pound not to be increased.

V. And be it further enacted, That it shall and may be lawful to and for the said Trustees, if they find it convenient and necessary, to put up to Sale and to sell by Auction to the Parishioners the several Pews, (except One Pew to be reserved for the Rector of the Parish, and One for the

Power to Trustees to sell Pews or Seats by Auction.

the Minister of the Chapel for the Time being, and One other for the Chapelwardens, which shall be severally granted without Premium or Rent,) and the Person offering the highest Premium for any such Pew shall be allowed to retain the same as his own private Property, and that of his Executors, Administrators, and Assigns, for a Term not exceeding Thirty Years from the opening of the Chapel, subject nevertheless to such Rents and Regulations as the Trustees shall appoint.

Trustees to give Preference to such Persons as shall lend or give Money towards erecting of Chapel.

VI. Provided nevertheless, and it is hereby enacted and declared, That before the Sale shall be made of any such Pews or Seats as aforesaid, the said Trustees shall cause a certain Price or Premium to be set upon all such Pews or Seats as shall be intended to be thus sold by them (subject to such yearly Rents as they shall think proper to reserve), and then the said Trustees shall and are hereby required to allow to the several Persons, being Parishioners, who have agreed or shall agree to lend or subscribe the Sum of One hundred Pounds or upwards towards the erecting and building the said Chapel, and for the other Purposes of this Act, or to give by way of free Donation any Sum or Sums for the Purposes aforesaid, a Priority or Preference of becoming the Purchaser or Purchasers for the said Term of Thirty Years of any of the Pews or Seats hereby authorized to be sold, upon Payment of the Premiums fixed by the Trustees in the Order following; (that is to say,) the Subscribers or Donors of the greatest Sums of Money to have the first Choice of the Pews, and afterwards the Subscribers or Donors of lesser Sums of Money, in order and course, according to the Amount of the several Sums by them respectively subscribed or given, a free Donation of Twenty Pounds being considered as equivalent to a Loan of One hundred Pounds, and so in the like Proportion for other Sums; and after such of the said Subscribers or Donors as shall be so desirous of purchasing Pews or Seats as aforesaid shall have been provided with the same, the said Trustees shall and may from Time to Time let or sell the rest of the Pews then remaining in manner aforesaid.

Seats in Galleries to be appropriated to poorer Inhabitants of Parish

VII. And be it hereby enacted, That Galleries shall be erected in the said intended Chapel capable of accommodating Three hundred Persons, which shall be properly fitted up with commodious Benches, and shall be and always continue to be free Sittings, without any Rent or Payment whatever being demanded for the Use or Occupation thereof.

Appointment of Minister.

VIII. And be it further enacted, That after the said Chapel shall have been finished, it shall and may be lawful for the Reverend *John Venn* Master of Arts, the present Rector of *Clapham*, or the Rector of the said Parish for the Time being, and he is hereby empowered and required, to nominate, under his Hand and Seal, to the Lord Bishop of *Winchester* for the Time being, a fit and proper Person, being in Priest's Orders and a Graduate in One of the Universities, or by Faculty of his Grace the Lord Archbishop of *Canterbury*, to be licensed to the Perpetual Curacy of the said Chapel; and upon every Occasion of a future Vacancy the said *John Venn*, or the Rector for the Time being, shall in like Manner nominate some fit and proper Person to be licensed as aforesaid; and upon Failure of any such Nomination within the Space of Six Months next after such Vacancy, the Right of Nomination for that Term shall lapse to the Lord Bishop of *Winchester*,

chester, and to the Metropolitan, and to the Crown successively, according to the Course of Law in Cases of Presentative Benefices: Provided nevertheless, that it shall not be lawful for the Rector of the said Parish, or any Person holding any Curacy or Lectureship within the said Parish, or under the Rector thereof, whilst holding such Cures or Lectureship, to be Minister of the said intended Chapel.

During every Vacancy Rector to appoint Person to do Duty.

IX. And it is hereby further enacted, That during every Vacancy of the Office of Minister of the said Chapel, and until a new Minister shall be appointed and licensed thereto as aforesaid, the Rector of the Parish for the Time being shall cause the said Chapel to be served by some proper Person or Persons; and the Person or Persons so serving the same shall be paid a reasonable Recompence out of the Fund hereby provided for the Maintenance of the Minister of the said intended Chapel for the Time being.

Minister's Duty.

X. And it is hereby further enacted, That the Curate or Minister of the said intended Chapel shall and he is hereby required on every *Sunday* Morning and Afternoon throughout the Year, and on every *Christmas Day* and *Good Friday*, and on Days appointed by Authority for Public Fasts or Thanksgivings, in the Morning, to read in the said Chapel the Prayers prescribed in the Book of Common Prayer of the Church of *England*, and preach a Sermon; and on every *Christmas Day*, *Easter Sunday*, and *Whitsunday*, and on the Second *Sunday* in each Month, shall also administer the Holy Sacrament in the said Chapel; and shall also at all Times (unless the Rector of the said Parish shall otherwise direct) read the Burial Service over the Persons buried in the said Chapel or the adjoining Churchyard: Provided always, that nothing herein contained shall extend or be construed to extend so as to deprive the Rector for the Time being of the said Parish of the Cure of Souls within the said Parish, and that the said Rector shall have Liberty (whensoever and so often as he pleases) to preach in the said intended Chapel, and the Minister of the Chapel shall on such Occasions, if required by the Rector, officiate in his Place at the Parish Church.

Rector of Parish to preach in Chapel as often as he pleases.

For providing a Salary for Minister.

XI. And it is hereby enacted, That the said Trustees shall fix an annual Rent upon each Pew or Sitting situated in the lower Part of the said Chapel, corresponding as nearly as possible in Value with the Pews similarly situated in the Parish Church; and the Persons who shall hold or purchase such Pews shall pay such Rents in such Manner and subject to such Powers of Recovery in case of Failure of Payment as are directed by the aforesaid Act; which Rents shall be considered as Part of the Fund already under the Direction of the said Trustees, and from which they shall pay annually to the Minister, free from all Deductions whatsoever (except the Property Tax), the Sum of Two hundred Pounds *per Annum*; and the Remainder shall, after the Salaries of the Clerk and Pew Openers, and the other necessary Expences of celebrating Divine Worship are defrayed, be applied towards Payment of the Interest and the Repayment of the Principal Money borrowed for the Erection of the said Chapel:

Proviso.

Provided nevertheless, that if at any Time before the Expences of building the said Church and Chapel shall be paid off, the Rents of the Pews in the said Chapel shall not be sufficient in any one Year to pay the said Sum of Two hundred Pounds to the Minister, together with the

Salaries of the Clerk and Pew Opener, and the necessary Expences of celebrating Divine Worship, then the Minister shall receive only such Sum as the Rent of the Pews shall produce, after deducting the above-mentioned Salaries and Expences.

Providing against Deficiency in Rents of Pews.

XII. And whereas it may happen when the Debt incurred by the Erection and Repairs of the said Parish Church and intended Chapel shall be discharged, that the annual Rents of the Pews of the Parish Church and Chapel may be reduced, and that the Rents of the Pews in the intended Chapel may become insufficient to defray the Salary of the Minister, together with the other Salaries and Expences of celebrating Divine Worship therein; be it therefore enacted, That in case of any such Deficiency, the same shall be made up from the Rents of the Pews of the Parish Church.

Power to Trustees to augment Minister's Stipend.

XIII. And be it enacted, That it shall and may be lawful for the said Trustees, with the Concurrence of the Inhabitants of the said Parish assembled in Vestry, to augment the said Stipend to such Amount as shall be judged necessary; provided nevertheless, that no such Augmentation shall take place until the Debt contracted for the Erection of the Parish Church shall have been fully discharged and paid off.

Appointment of Chapelwardens

XIV. And be it further enacted, That as soon after the Erection of the said intended Chapel as conveniently may be Two Persons shall be nominated and appointed out of the Proprietors and Renters of Pews or Seats therein, being Inhabitants of the Parish of *Clapham*, to be and act as and in the Nature of Chapelwardens of the said intended Chapel, until the *Tuesday* in the *Easter* Week next after such Appointment, and from thenceforth upon every *Tuesday* in *Easter* Week yearly for ever Two fit Persons shall be nominated and appointed out of the Proprietors and Renters as aforesaid, to be and act as and in the Nature of Chapelwardens of the same Chapel for the Time being; one of such Chapelwardens to be nominated by the Minister for the Time being, and the other by the Proprietors and Renters of the Pews and Seats of the said intended Chapel, or the major Part of them, to be therein assembled for that Purpose; and in case of the Death of any Chapelwarden during the Year for which such Chapelwarden shall have been elected, then and in every such Case a new Chapelwarden shall be elected by and out of the Persons aforesaid, and in such Manner as the deceased Chapelwarden shall have been chosen; and every such Chapelwarden to be so nominated or elected as last aforesaid shall respectively be and act as or in the Nature of Chapelwarden of the said intended Chapel, and shall continue in the said Office until the *Easter Tuesday* next after his Appointment; and the said Chapelwardens and their Successors are hereby authorized and required to provide, under the Authority of the Trustees aforesaid, Sacramental Bread and Wine for the Celebration of the Holy Communion, and proper Books and Surplices and other Necessaries for performing Divine Service, and to receive and keep Account of the Money collected for Briefs, and to do and perform all other Matters and Things requisite and necessary for Chapelwardens, subject to Ecclesiastical Jurisdiction.

Appointment of Clerk and Pew Openers.

XV. And be it further enacted, That it shall and may be lawful for the Rector of the said Parish, in the first Instance, and afterwards for the Minister of the said Chapel for the Time being, to appoint a fit and proper Person to be the officiating Clerk of the said Chapel, and to remove him upon any just and reasonable Cause, to be allowed by the said Rector; and also for the said Trustees to appoint fit and proper Persons to be Pew Openers of the said intended Chapel, and to remove them upon any just and reasonable Cause; and the said Clerk and Pew Openers shall receive for their Salary such Sum or Sums of Money yearly as the said Trustees shall think proper to direct and appoint: Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend to interfere with or prejudice the Clerk and Pew Openers of the said Parish Church, with respect to any of their Dues, Fees, or accustomed Perquisites.

Not to prejudice the Clerk and Pew Openers of Parish Church.

No Christening, Churching, or Marriage to be solemnized.

XVI. And be it further enacted, That no Christening, or Churching, or Marriage shall at any Time be solemnized within the Chapel aforesaid, but that each of these Offices shall in every Instance be performed as hitherto usual in the Parish Church.

Not subject to Parochial Rates or Assessments.

XVII. And be it further enacted, That neither the said intended Chapel, nor the Rents and Profits to be made by letting the Pews, nor any Person or Persons, in respect of the Premises or any Part thereof, or of any yearly Profits, Salary, or other Sum payable to such Person or Persons under Authority given by this Act, shall be subject or liable to be assessed to the Relief of the Poor, or to any other Parochial or Church Rate or Assessment whatsoever, now made or to be hereafter made.

Not to prejudice the Right of Rector to Easter Offerings, Surplice Fees, &c.

XVIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to affect or prejudice the Right, Title, Interest, Claim, or Demand of the Rector of the said Parish for the Time being, of, in, and to any *Easter* Offering, Oblations, Surplice Fees, Fees for Burials, or Vaults, or Monuments, in the said Chapel, or other Ecclesiastical Rights, Dues, Benefits, or Advantages whatsoever arising within the said Parish, and belonging to the said Rector for the Time being, but the same shall continue in such and the same Manner as they would or ought to have done in case this Act had not been passed.

Recited Act extended to this Act.

XIX. And be it further enacted, That all the Powers, Authorities, Clauses, Matters, and Things contained in the said recited Act (except so far as relates to Stamp Duties) shall (so far as the same are applicable, or are not hereby altered or varied,) extend and be construed to extend to this Act, in as full and ample Manner as if the said Powers, Authorities, Clauses, Matters, and Things were repeated and re-enacted in this Act.

General Saving.

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

XXI. And

XXI. 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. Public Act

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