ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. xc.

An Act for substituting a Building lately erected by *William Mitford* Esquire, deceased, as the future Church or Chapel of *Exbury* and *Lepe* in the County of *Southampton*, in lieu of the present Church or Chapel, and for other Purposes relating thereto. [14th *June* 1827.]

WHEREAS the Right Reverend Father in God the Lord Bishop of *Winchester*, in Right of his See of *Winchester*, is Patron and Ordinary of the Rectory and Parish Church of *Fawley* in the County of *Southampton*, with the Church or Chapel of *Exbury* and *Lepe* annexed thereto; and the Honourable and Reverend *Thomas de Grey* is the present Rector and Incumbent of the said Rectory and Parish Church of *Fawley*, with the said Church or Chapel annexed: And whereas the said *Thomas de Grey*, in Right of his Rectory, is Tenant, during his Incumbency, of a small Parcel of Land within the said Parish or Chapelry; and *Henry Reveley Mitford* Esquire is seised of the Manor of *Exbury* and *Lepe*; and the said *Henry Reveley Mitford*, *James Barns*, and *John Hayward*, claim to be Owners of all and every other the Messuages, Tenements, Lands, and Hereditaments within the said Parish or Chapelry of *Exbury* and *Lepe*: And whereas the Church or Chapel of *Exbury* and *Lepe*, wherein Divine Service is and hath been for Time out of Mind solemnized, and wherein Banns of Marriage have been published,

and Marriages and Baptisms and other Religious Offices performed, is a very ancient Building, in a very decayed State, of Size insufficient for the present Population of the said Parish or Chapelry, and distant from the Residence of the far greater Part of the Inhabitants of the said Parish or Chapelry, and being near the Sea is in a very bleak, cold, and damp Situation, and there is no Burial Ground belonging thereto, for want of which the Dead of the said Parish or Chapelry have Time out of Mind been carried for Interment to the Churchyard of *Fawley*, a Distance of between Three and Four Miles: And whereas the late *William Mitford* Esquire, did, for the Purpose of providing a Remedy for such Inconveniences as aforesaid, at his own Cost and Charge, erect a good, substantial, and neat Building on the Piece or Parcel of Land herein-after particularly mentioned, and of which he was seised in Fee Simple, for the Purpose of Religious Worship, instead of the said ancient Church or Chapel, and did allot the other Piece or Parcel of Land herein-after particularly mentioned as and for a Burial Ground for the Inhabitants of the said Parish or Chapelry; and by Indenture bearing Date the Sixth Day of *September* last, and made between the said *William Mitford* of the One Part, and the said *Thomas de Grey*, as such Rector as aforesaid, of the other Part, for the nominal Consideration of Five Shillings, the said *William Mitford* did give, grant, bargain, and sell unto the said *Thomas de Grey*, his Heirs and Successors, Rectors of the said Parish of *Fawley*, with the Church or Chapel of *Exbury* and *Lepe* annexed, all that Building then lately made and erected by the said *William Mitford*, as and for a Church or Chapel for the Purposes of Religious Worship, according to the Liturgy and Rites of the United Church of *England* and *Ireland*, and the Scite thereof; and also all that Piece of Ground near to the said Building, intended as and for a Burial Ground for *Exbury* and *Lepe* aforesaid, together with the Road or Way, as then marked, leading to and from the public Road or Highway to the principal Door of the said Church or Chapel, and by the Northern Side thereof to the Burial Ground; the Scite of which said Church or Chapel, and the said Piece of Land intended as a Burial Ground, containing One Rood Two Poles and a Half; to hold the said Building and Piece of Land, with the Appurtenances, unto the said *Thomas de Grey*, as such Rector, his Heirs and Successors, as Rectors of the said Parish of *Fawley*, with the Church or Chapel of *Exbury* and *Lepe* annexed, to the Use of the said *Thomas de Grey*, his Heirs and Successors, Rectors of the said Parish of *Fawley*, with the Church or Chapel of *Exbury* and *Lepe* annexed, for ever; in Trust nevertheless that the Liturgy and Rites of the United Church of *England* and *Ireland* shall be used and observed therein for ever thereafter, for the Benefit of the Parishioners and Inhabitants of *Exbury* and *Lepe*, as and for a Church or Chapel and Burial Place, and to be applied to and for those Purposes for ever thereafter, and to, for, and upon no other Intent or Purpose whatsoever; the Vault or Cemetery built and attached to the Eastern End of the said Church or Chapel being thereby for ever thereafter reserved to the said *William Mitford*, as and for a Burial Place for him the said *William Mitford*, and others to whom it might by him, or others legally claiming from him, be granted, for ever, to the Exclusion of all other Persons: And whereas

the Fitting of the internal Parts of the said Building for the Reception of the Minister and Congregation, and the Chapel Yard Fence, not being completed by the said *Willidm Mitford* in his Life-time, the said Building has not yet been consecrated; but the said *Henry Reveley Mitford* is willing to complete the same in all respects to the Satisfaction of the said Patron and Ordinary and Rector of the said Rectory and Parish Church of *Fawley* with the Church or Chapel of *Exbury* and *Lepe* annexed, to the End that such new Building may be consecrated, and may be substituted in the Place and Stead of the said ancient Building: Be it therefore 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 when and so soon as the internal Parts of the said Building so erected by the said *William Mitford*, and the said Chapel Yard Fence, shall be finished to the Satisfaction of the said Patron and Ordinary and Rector of the said Parish Church of *Fawley*, and which Satisfaction shall be signified by the Act of Consecration, the said Building so erected by the said *William Mitford*, as and for the Church or Chapel of *Exbury* and *Lepe*, shall be and be deemed from thenceforth the lawful Church or Chapel of the said Parish or Chapelry of *Exbury* and *Lepe*, and that thenceforth for ever thereafter all such and the like Religious and other Services shall be solemnized, done, and performed therein, as have been hitherto solemnized, done, and performed in the said present Church or Chapel of *Exbury* and *Lepe*; and that all Marriages, Baptisms, and Christenings and Burial Services solemnized, done, and performed in the said newly-erected Building, from and after Consecration thereof, shall be as good and valid as if the same had been solemnized, done, and performed in any other lawfully authorized Church or Chapel within this Kingdom.

Chapel, when consecrated, to be deemed the Chapel of Exbury and Lepe.

II. And be it further enacted, That from and after the passing of this Act the Vault or Cemetery built and attached to the Eastern End of the said intended Church or Chapel shall and may for ever hereafter be used as a Burial Place for the said *Henry Reveley Mitford*, and others to whom it may by him, or others legally claiming from him, be granted, for ever, to the Exclusion of all other Persons; and that the said Piece of Ground herein-before described, and being near to the said intended Church or Chapel, and intended by the said *William Mitford* as and for a Burial Ground for the Inhabitants of *Exbury* and *Lepe* as aforesaid, shall, from and after Consecration thereof, be used for that Purpose for ever thereafter, and to and for no other Intent or Purpose whatsoever; and the said Vault shall be kept in repair by the said *Henry Reveley Mitford* and his Heirs.

Vault reserved for Mr. Mitford's Family, and Land appropriated for a Burial Ground, to be used as such.

III. And be it further enacted, That the Inhabitants of the said Parish or Chapelry of *Exbury* and *Lepe*, for the Time being, shall, from and after the passing of this Act, and from and after Consecration of the said newly-intended Church or Chapel, be liable to keep the same, and also the Fences of the said Burying Ground, in repair, in like Manner as the present Inhabitants of the said Parish or Chapelry were before the passing of this Act liable to keep the ancient Church or Chapel in repair.

Chapel to be kept in repair as present Chapel.

IV. And

Font and Bells to be removed to the new Chapel, and old Chapel to be taken down.

IV. And be it further enacted and declared, That the Font and Bells in the ancient Church or Chapel shall be removed to the new Church or Chapel; and that after the passing of this Act, and after the Consecration of the new Church or Chapel, the old Church or Chapel shall not be used for any Purpose whatsoever, but shall be, within One Month after the Consecration of the new Chapel, taken down by the Rector and Chapelwarden, at the Cost and Charge of the said *Henry Reveley Mitford* or his Heirs; and that all the Materials of the said ancient Church or Chapel (except the Font and Bells) shall become the Property of the said *Henry Reveley Mitford;* and that the Scite of the ancient Chapel shall, from and after the Removal of the Materials thereof, be subject and liable to such and the same Uses as other the Lands, Tenements, and Hereditaments of the said *Henry Reveley Mitford*, in *Exbury* and *Lepe*, is and are subject and liable to.

Public Act.

V. 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.