

ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxix.

An Act for taking down and re-building the Parish Church of *Melcombe Regis*, in the County of *Dorset*.

[7th *June* 1815.]

WHEREAS the Church of *Melcombe Regis*, within the Borough of *Weymouth* and *Melcombe Regis*, in the County of *Dorset*, is very ancient, and become ruinous and decayed, and is much too small for the Accommodation of the increased Population of the Parish, that it is necessary that the same should be taken down, and a new Church built on a larger Scale; but inasmuch as 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 *Thomas Wyndham* L.L.D. *William Gorton* Clerk, *George Chamberlaine* Clerk, *John Dupré* D.D. *Timothy Myers* Clerk, *Henry Poole* Clerk, *John Herbert Brown*, *William Williams*, *Richard Turner Hancock*, *Stephen White Warne*, *Edmund Henning*, *James Bower*, *Samuel Weston*, *William Weston*, *J. Saunders*, *John Crouch*, *Henry Hayes Fizard*, *Charles Bowles*, *Richard Bever*, *James Gear*, *John Henning*, *Richard Bower*, *James Richards*, *Richard Tucker Steward*, *William Oakley*, *Robert Penny*, *John Harvey*, *Joseph Johns*, *Matthew Virtue*, *Robert Vining*, *James Scott*, *Robert Gear* Junior, *Thomas Martin*, *William M'Lorg*, *Anthony Hancock*, *Robert Saxton*, *John Mansell*, *Bayles Wardell*, *Joseph Serjeant*, *Roper Weston*, *Thomas Fizard*, *James Davis*,

Trustees appointed.

Davis, William Bayly, Thomas Richardſon, Thomas Tindall, Thomas Evans, Gabriel Allen, James Hamilton, Thomas Dymond, George Ellis, Richard Pearce, Benjamin Barlow, William Fookes, James Fookes, William Brett, Ambroſe Larkworthy, William Ruſſell, George Kay, I. J. Symes, Daniel Luce, Robert Gray, John Horsford, Joſeph Horsford, E. D. Bartlett, John Sturmy, Woodward, John Sly, Solomon Sly, Thomas Hawkins, John Flew, and their Succeſſors, to be appointed as hereafter provided, ſhall be and they are hereby declared to be Truſtees for taking down and re-building the ſaid Church, and building a new Tower thereto, and a Veſtry Room in or near the ſaid Church, and otherwiſe carrying this Act into Execution.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees hereby nominated, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons, not exceeding Twenty in the whole, to be Truſtees for the Purpoſes of this Act, in Addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

Truſtees to be of the Eſtabliſhed Church, and Pariſhioners.

III. Provided always, and be it further enacted, That every Truſtee acting in the Execution of this Act, ſhall be a Member of the Eſtabliſhed Church of *England*, and every Truſtee to be hereafter appointed by virtue hereof, ſhall be an Inhabitant of the ſaid Pariſh of *Melcombe Regis*.

All Acts may be done by Seven Truſtees, unleſs otherwiſe directed.

IV. And be it further enacted, That all Acts, Proceedings, Matters, and Things, relative to the Execution of this Act, may be done and executed by any Seven or more of the Truſtees hereby nominated and appointed, or who ſhall hereafter be elected and appointed as aforeſaid; except only in the Caſes herein particularly directed to be done and executed by any greater or leſs Number of them.

Truſtees may act as Juſtices.

V. And be it further enacted, That ſuch of the Truſtees for the Time being as are or ſhall be a Juſtice or Juſtices of the Peace, may act as ſuch within his and their Juriſdictions in the Execution of this Act, notwithſtanding his or their being a Truſtee or Truſtees; except in ſuch Caſes where he or they ſhall be perſonally intereſted.

Truſtees incapable of acting when intereſted in any Contract.

VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Truſtee during the Time he ſhall be intereſted directly or indirectly in any Contract under this Act.

First Meeting of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees ſhall meet at ſome place within the ſaid Pariſh, within Twenty-one Days from the paſſing of this Act, or as ſoon as conveniently may be, to put this Act in Execution; and ſhall and may from Time to Time adjourn themſelves, and appoint their next Meeting to be holden at ſuch Place or Places within the ſaid Pariſh of *Melcombe Regis*, as they ſhall think proper; and the ſaid Truſtees ſhall at their ſeveral Meetings pay their own Expences.

Special Meetings of Truſtees.

VIII. And be it further enacted, That the ſaid Truſtees, or any Three or more of them, although not aſſembled at a Meeting, ſhall and may from

from Time to Time at their Diſcretion, call any Meeting of the ſaid Truſtees for carrying this Act into Execution; by giving Notice thereof in Writing, ſpecifying the Purpoſe of ſuch Meeting, to be affixed at the Church Door or ſome other conſpicuous Places within the ſaid Pariſh, at leaſt Three Days previous to ſuch intended Meetings.

All Acts to be done at Meetings.

IX. And be it further enacted, That no Act, Order, or Reſolution of the ſaid Truſtees (unleſs in ſuch Caſes as are herein otherwiſe particularly directed) ſhall be valid, unleſs done or made at ſome public Meeting to be held purſuant to the Directions of this Act; and at all ſuch Meetings the Acts, Orders, and Reſolutions of the major Part of the Truſtees preſent (the Number of Truſtees preſent at ſuch Meeting not being leſs than Seven) ſhall have the ſame Force and Effect as if done or made by all the ſaid Truſtees; and that where at any Meetings the Number of Voices ſhall be equal, the Chairman to be appointed at ſuch Meeting ſhall have another or a caſting Voice.

Chairman to have the caſting Vote.

No Order to be revoked, unleſs at a Meeting for the Purpoſe, nor unleſs a Majority of Truſtees concur.

X. And be it further enacted, That no Order or Appointment or Proceeding, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe; nor unleſs Notice ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, or by any Three or more of the ſaid Truſtees, ſhall be given in Manner aforeſaid, at leaſt Seven Days before ſuch ſubſequent Meeting; nor unleſs a Majority of the Truſtees preſent at ſuch Meeting ſhall decide in favour of ſuch Revocation or Alteration, and an equal or a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting, as or than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding was had or made.

Indemnity to Truſtees.

XI. Provided always, and be it further enacted, That all and every the Truſtees herein-before named, and hereafter to be appointed, ſhall from Time to Time and at all Times hereafter be fully indemnified from and out of the Monies to be raiſed or received under or by virtue of this Act, of and from all Coſts, Charges, Damages and Expences, which they or any of them, or their Treaſurer or Treaſurers, or Clerk, ſhall or may ſuſtain or be put unto, for or by reaſon of any Action, Suit or other Proceedings, which may be had, ſued, commenced or proſecuted againſt them or any of them, for any Matter or Thing which may be by him or them reſpectively legally done in or about the Execution of this Act, and the Truſts repoſed in him or them under the ſame.

Proceedings of Truſtees to be entered in a Book.

XII. And be it further enacted, That all the Acts, Orders, Reſolutions, and Proceedings of the ſaid Truſtees, ſhall be ſigned by the Chairman to be appointed by the ſaid Truſtees at ſuch Meeting, or by the Clerk to the ſaid Truſtees, and ſhall be entered in a Book or Books to be kept for that Purpoſe; which Book or Books may be produced and read in Evidence in all Courts and Places whatſoever.

Truſtees may appoint Officers.

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to appoint a Treaſurer or Treaſurers, and a Clerk, and alſo to appoint and employ ſuch other Perſon or Perſons as may be neceſſary for the Purpoſes of this Act, and may from Time to Time remove any ſuch Treaſurer

Treaſurer or Treaſurers, Clerk or other Perſon ſo to be appointed as aforeſaid, as they ſhall think proper, and appoint others in the Room or Stead of any ſuch Officers ſo removed or dying, or declining to act; and the ſaid Truſtees may, out of the Monies to be raiſed or received under or by virtue of this Act, or by voluntary Contributions, make ſuch Allowances to ſuch Perſon or Perſons reſpectively (the Treaſurer or Treaſurers excepted) as they the ſaid Truſtees ſhall judge a reaſonable Compenſation for their reſpective Trouble and Services; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every Treaſurer and ſuch other Officers, for the due and faithful Execution of their Offices, as they ſhall think proper.

Treaſurer to account.

XIV. And be it further enacted, That the ſaid Treaſurer or Treaſurers ſhall from Time to Time, when required by the ſaid Truſtees, in Writing under their Hands, deliver and give in a particular, true, and perfect Account in Writing under his or their Hand or Hands, to the ſaid Truſtees, of all ſuch Monies which he or they ſhall have reſpectively received and paid by virtue of this Act; and ſhall from Time to Time when thereto required by the ſaid Truſtees, by Notice in Writing under their Hands, pay all ſuch Monies as ſhall be in his or their Hand or Hands, to the ſaid Truſtees, or to ſuch other Perſon or Perſons as they ſhall by Writing under their Hands authorize to receive the ſame.

Truſtees may ſue and be ſued in the Name of their Clerk or Treaſurer.

XV. And be it further enacted, That the ſaid Truſtees may ſue and be ſued for or concerning any Thing to be done by virtue or in purſuance of this Act, in the Name of their Clerk or Treaſurer for the Time being, and that no Action or Suit to be brought or commenced by the Direction of or againſt the ſaid Truſtees by virtue of this Act, in the Name of their Clerk or Treaſurer, ſhall abate or be diſcontinued by the Death or Removal of any ſuch Clerk or Treaſurer, or by the Act of any ſuch Clerk or Treaſurer, without the Conſent of the ſaid Truſtees, but that the Clerk or Treaſurer for the Time being to the ſaid Truſtees ſhall be deemed to be Plaintiff or Defendant, as the Caſe may be, in every ſuch Action, and every ſuch Clerk or Treaſurer in whoſe Name any Action or Suit ſhall be commenced, proſecuted or defended, in purſuance of this Act, ſhall be fully reimburſed and paid by the ſaid Truſtees out of the Monies to ariſe by virtue of this Act, all ſuch Coſts, Damages, and Expences as by the Event, or in conſequence of any ſuch Action or Proceeding he ſhall bear, pay, expend, or be put unto, or become chargeable with, for or by reaſon of his being made Plaintiff or Defendant as aforeſaid.

Contracts for taking down and re-building the Church.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any of their Meetings, to contract or agree with any Perſon or Perſons for the taking down the ſaid preſent Church and Veſtry Room, and rebuilding the ſame, with or without a Tower, and for providing Materials for building, erecting, finiſhing and completing the ſame reſpectively, or any Part or Parts thereof reſpectively; and all ſuch Contracts and Agreements, when made and entered into by or between the ſaid Truſtees and any other Perſon or Perſons, ſhall be reduced into Writing at the Expence of the Parties with whom ſuch Contracts or Agreements ſhall be made by the ſaid Truſtees, and ſigned by the Parties thereto; and ſhall be good, valid, and binding, as well upon the ſaid Truſtees and their Succeſſors to be elected in Manner aforeſaid, as upon all other Parties thereto,

thereto, his, her and their Executors, Administrators, and Assigns; and the said Trustees shall and may pay or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into, Twenty-eight Days previous Notice at least shall be given of the same, in one or more of the Newspapers published within the County of *Dorset*, expressing the Purpose of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same, may make Proposals for that Purpose, to be offered and presented to the said Trustees, at a certain Time and Place in such Notice to be mentioned; and Copies of all Contracts made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose, and such Book or Books shall from Time to Time and at all convenient Times, be open to the Inspection of all and every Person and Persons upon whom any Rate or Assessment shall be made under the Authority of this Act, on Payment of One Shilling to the Clerk or Person in whose Custody the same shall be.

Trustees may direct old Church to be taken down, and sell all Materials.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to take and pull down, or cause to be taken and pulled down, the whole of the present Church of *Melcombe Regis* aforesaid, and the Vestry Room, and to rebuild the same on the Scite of the present Church, or in any other more convenient Situation within the said Parish of *Melcombe Regis*, (provided that no more than One Acre of Land shall be purchased or taken for that Purpose) and to sell and dispose of the Timber, Stones, Bricks, Iron, Lead, and other Materials, or any Part or Parts thereof (the Altar Piece, the Monuments, Monumental Inscriptions, Achievements, private Cushions, and Cloth Linings to the Pews, and other private Property excepted) to any Person or Persons whomsoever; and the Money arising by such Sale shall be applied to the several Purposes of this Act; or it shall be lawful for the said Trustees, and they are hereby empowered to employ or apply such Timber, Stones, Bricks, Iron, Lead, and other Materials, or any Part or Parts thereof (except as before excepted) as to them shall seem right in rebuilding the said Church, to be built by virtue of this Act, in such Manner as they shall think proper.

Materials vested in the Trustees.

XVIII. And be it further enacted, That all Stones, Bricks, Timber, Iron, Lead, and other Materials (except as herein-before are excepted) of which the present Church is constructed or built, and all the Stones, Bricks, Timber, Iron, Lead, and other Materials, bought or procured by order of the Trustees for rebuilding of the said Church, and for erecting and building a Tower thereto, and a Vestry Room in or near the said Church, by virtue of this Act, shall belong to and be the Property of, and the same is and are hereby vested in the Trustees of this Act for the Time being; and it shall be lawful for the said Trustees to bring, or cause to be brought, any Action or Actions, or direct the preferring any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, remove or carry away, spoil, deface, injure or destroy, the said Church and Tower, or the Stones, Timber, Iron, Lead, and other Materials thereof respectively, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be, and be deemed and taken to be, sufficient to state

generally that the ſaid Church, Tower, Article or Articles, Thing or Things, for or on account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Truſtees for rebuilding the Pariſh Church of *Melcombe Regis*, in the County of *Dorſet*, without particularly ſtating or ſpecifying the Names of all or any of the ſaid Truſtees.

New Church how to be built.

XIX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized and required to rebuild, or cauſe to be rebuilt, the ſaid Church (except ſuch Part thereof as the Rector thereof is by Law obliged to rebuild and fit up as the Chancel); and they are hereby authorized alſo to erect and build, or cauſe to be erected and built, a new Tower on the Weſt End thereof, and a Veſtry Room in or near the ſaid Church; and the ſame ſhall be built of ſuch Size and Dimenſions, and of ſuch Materials, and after ſuch Specification and Model, as to the ſaid Truſtees, with the Approbation of the Lord Biſhop of the Dioceſe, ſhall ſeem right and proper; and the ſaid Truſtees ſhall make, erect, and ſet up, or cauſe to be made, erected and ſet up in ſuch new Church, ſuch Pews, Seats, Galleries, Bells, Organ, Ornaments, and Conveniences, as to the ſaid Truſtees, with ſuch Approbation as aforeſaid, ſhall ſeem right and proper.

Allotment of Pews for the Rector.

XX. And be it further enacted, That when the ſaid Church ſhall be built and completed, the ſaid Truſtees ſhall and they are hereby authorized and required to allot and appoint to and for the preſent Rector of the ſaid Pariſh of *Melcombe Regis*, and his Succeſſors, ſufficient Room or Space within the Chancel or Body of the ſaid Church, for the Erection of at leaſt Fifty-two Sittings, ſuch Room or Space to be in or as near to the Situation of the Rector's preſent Pews or Sittings, as the neceſſary Alteration of the Building will admit of.

Pews to be ſet apart for the Members of the Corporation.

XXI. And whereas certain Pews or Seats in the Body of the ſaid old Church have immemorially been appropriated for and uſed by the Members of the Corporation of the ſaid Borough and Town of *Weymouth* and *Melcombe Regis*; for preſerving their ſaid Rights therefore, be it further enacted, That when and ſo ſoon as the ſaid new Church to be erected by virtue of this Act ſhall be built and completed, the ſaid Truſtees ſhall and they are hereby required to ſet apart Twenty-four Sittings at the leaſt (of equal Dimenſions with the other Sittings in the Body of the ſaid new Church) on the South Side of the centre Aiſle, as near to the preſent Situation of the Corporation Pews as the intended Alteration in the Building will admit of, which Sittings ſo to be ſet apart ſhall be deſignated and marked with the Words "Corporation Pews," and ſhall from thenceforth for ever be for the Uſe of the Mayor, Aldermen, Bailiffs and principal Burgeſſes of the Borough and Town of *Weymouth* and *Melcombe Regis* aforeſaid for the Time being, and their Officers.

Sittings to be ſet apart for the Poor.

XXII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to ſet apart and appropriate ſufficient Space and Room in ſome Part or Parts of the ſaid new Church or Galleries thereof, for the gratuitous Accommodation of at leaſt Five hundred of the Poor Inhabitants of the Pariſhes of *Melcombe Regis* and *Weymouth* aforeſaid, which Space or Room ſo to be ſet apart, ſhall be fitted up with open or unincloſed

Seats or Benches, and ſhall at all Times for ever hereafter be allotted for the uſe of, and be gratuitouſly enjoyed in common by the Poor and other neceſſitous Inhabitants of the ſaid Pariſhes of *Melcombe Regis* and *Weymouth*.

Power to ſell or let Seats.

XXIII. And be it further enacted, That in order to defray in Whole or Part the Expences of carrying this Act into Execution, it ſhall be lawful for the ſaid Truſtees to ſell or to let all and every or any of the new Seats or Pews to be erected and built in the ſaid new Church, and in the Galleries thereof, by virtue of this Act (except ſuch Seats or Pews as ſhall be allotted to and for the Rector thereof, and alſo to and for Perſons entitled by Faculty or Preſcription, and alſo except ſuch Sittings as are herein-after directed to be appropriated for the poor Inhabitants of *Melcombe Regis* and *Weymouth* aforeſaid) for any Number of Years not exceeding One thouſand Years; and that the Receipt or Receipts of the ſaid Truſtees ſhall be a good and ſufficient Diſcharge and Diſcharges to the Purchaſers thereof; and immediately after ſuch Receipt or Receipts ſhall be given to ſuch Purchaſer or Purchaſers, the Pews or Seats ſo purchaſed by him, her, or them ſhall, by virtue of this Act, become veſted in him, her, or them, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, for the ſaid Term of One thouſand Years, without any further or other Conveyance, Aſſurance, Inſtrument or Writing whatſoever; and the Money ariſing from ſuch Sale or Sales ſhall be paid to the ſaid Truſtees or their Treaſurer or Treaſurers for the Time being; and the Money to ariſe by letting ſuch Pews and Seats ſhall be paid by the Perſon or Perſons taking the ſame, to the ſaid Truſtees or to their Treaſurer or Treaſurers.

Aſſignment of Pews.

XXIV. And be it further enacted, That in caſe any Perſon or Perſons to whom any Pew or Seat, Pews or Seats ſhall have been ſold in purſuance of the Proviſions of this Act, ſhall afterwards be deſirous of ſelling and aſſigning the ſame; then and in ſuch Caſe, and ſo from Time to Time, every ſuch Sale and Aſſignment ſhall and may be made in the Form or to the Effect following:

'BE it remembered, That I *A. B.* in Conſideration of the Sum of to me in Hand paid by *C. D.* do hereby aſſign and make over to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, all my Right, Title, and Intereſt in and to [*here deſcribe the Pew or Sitting intended to be aſſigned*]; to hold the ſame unto the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, for and during all my Term and Intereſt therein. In Witneſs whereof, I the ſaid *A. B.* have hereunto ſet my Hand and Seal this Day of in the Year of Our Lord

And every ſuch Conveyance ſo made in the Form and Manner, or to the Effect aforeſaid, ſhall be valid and effectual to all Intents and Purpoſes whatſoever.

Perſons entitled to Seats by Faculty, to be firſt ſerved.

XXV. Provided always, nevertheleſs, and be it further enacted, That all and every the Perſons and Perſon who now are or is entitled, by Faculty, or Preſcription, to a Seat or Sittings in the ſaid Pariſh Church, ſhall have the Right of chooſing an equal Number of Sittings in the ſaid new Church, as near to the relative Situations of their preſent Pews or Sittings as conveniently may be.

XXVI. Pro-

Persons having had Seats in the old Church, not entitled to Seats in the new Church.

XXVI. Provided always, and be it further enacted, That no Person or Persons now holding or claiming any Seat or Sittings within the said old Church, under or by virtue of any Grant or Agreement, for Life or Lives, or for any less Period, or during their Residence in the said Parish, shall be entitled, under or by virtue of any such Grant or Agreement, to any Seat or Sittings within the said new Church, to be built by virtue of this Act.

Regulations as to Rents of Seats sold to Non-residents.

XXVII. And whereas it is intended, after the Parishioners shall be accommodated with Pews or Sittings in the said new Church, to sell and dispose of a certain Portion of the remaining Seats (if any) to Non-residents; in order therefore to charge such Seats with a fair Proportion of the Sum or Sums which it may be necessary to borrow for the building and completing the said new Church, and also of the future Expences of repairing and maintaining the said new Church and the Organ therein, and towards other incidental Charges in respect thereof; be it further enacted, That when and so often as any Rate or Rates shall hereafter be made, levied and collected upon the said Parish, for the Purposes of this Act, or for or in respect of the said new Church or Organ and Choir, that then and in every such Case every such Sittings (except those directed to be set apart for the gratuitous Accommodation of such poor Inhabitants as aforesaid) which shall be owned or possessed by any Person or Persons not inhabiting within the said Parish, and not having Property in his or their own Occupation to the Value of Five Pounds *per Annum* within the said Parish of *Melcombe Regis*, chargeable or assessable to the usual Church Rates of the said Parish shall ever hereafter be chargeable and charged with the Payment of the Sum of Five Shillings, when and as often and at such Time or Times as any Parish Rate for or in respect of the said Church shall be levied and collected, at the Rate of One Shilling in the Pound of the annual Rent of the Messuages, Lands, Tenements, and Hereditaments within the said Parish, according to the Poor's Rate of the said Parish for the Time being, and so rateably and proportionably when such Parish Rates shall be levied and collected at a greater or less Sum than One Shilling in the Pound.

How such Rents may be recovered.

XXVIII. And be it further enacted, That if all or any of the said Sum or Sums with which such Sittings shall be so chargeable as aforesaid, shall be in arrear and unpaid for the Space of Twenty-one Days after the same shall respectively become due and payable, and Personal Demand made thereof, or Demand in Writing left at the Place or Places of Abode of the Owner or Owners of such Sittings respectively, then and in every such Case it shall be lawful for the said Trustees or their Collector, or the Churchwarden or Churchwardens of the said Parish for the Time being, to take, let, and dispose of all and every such Sitting or Sittings, for which any such Sum or Sums shall be so due or in arrear, and to receive and take the Rent or Rents thereof, till all and every such Arrear or Arrears respectively shall have been fully paid and satisfied.

Power to remove Grave Stones and Monuments.

XXIX. And be it further enacted, That the Altar Pieces, and several Grave Stones, Monumental Inscriptions and Achievements, which shall be taken down and removed in rebuilding the said Church shall be preserved and kept by or by the Order of the said Trustees, in such Place or Places as to them shall seem proper; and when and as soon as the said Church shall be rebuilt, or as soon after as conveniently may be, the said Altar Piece, and all such Monuments, Grave Stones, and Monumental

mental Inſcriptions ſhall be replaced and fixed in ſuch Manner as the ſaid Truſtees ſhall think proper, and as near to the Place or Places from whence they ſhall have been removed as conveniently may be.

No dead Bodies to be buried in the Church.

XXX. And for the better Preſervation of the Health of the Pariſhioners; be it further enacted, That from and after the paſſing of this Act, it ſhall not be lawful for the Rector or Curate of the ſaid Pariſh, or any other Miniſter, at any Time or Times hereafter, to bury in any Part of the Interior, either of the old Church or of the new Church, to be built by virtue of this Act, any Corpſe or dead Body whatſoever; and that in caſe any ſuch Rector, Curate or other Miniſter, ſhall knowingly and wilfully act contrary to the Tenor of this preſent Clauſe, or ſhall cauſe or procure any Perſon ſo to do, ſuch Rector, Curate or other Miniſter ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds; and ſuch forfeit Money ſhall be paid to the ſaid Truſtees, ſo long as the ſaid Truſts and Purpoſes of this Act ſhall continue and be ſubſiſting, and ſhall afterwards be paid to the Churchwardens of the ſaid Pariſh for the Time being; and ſuch forfeit Money ſhall be retained and applied by the ſaid Truſtees or Churchwardens (as the Caſe may be) upon the ſame Truſts, and for the ſame Intents and Purpoſes as are herein expreſſed and declared of and concerning the Monies to ariſe from the Rates and Aſſeſſments to be made, and of the Sum or Sums of Money to be borrowed under or by virtue of this Act, or upon ſuch of the ſame Truſts, and for ſuch of the ſame Intents and Purpoſes as ſhall be then ſubſiſting or capable of taking Effect.

Where Divine Service ſhall be performed whilſt new Church is building.

XXXI. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptiſms, Burials, and all other Matters and Things which were and of right uſed to be celebrated, ſolemnized, adminiſtered, had, done, and performed by the Rector or Curate for the Time being, in the ſaid old Church, ſhall and may be celebrated, ſolemnized, adminiſtered, had and done, and performed in the like Manner, in ſuch Place or Places as ſhall or may be licenſed for that Purpoſe, by the Lord Biſhop of the Dioceſe for the Time being, until ſuch Time as the ſaid Church ſo to be rebuilt ſhall be rebuilt, completed, and finiſhed, and rendered fit for the Celebration of Divine Service therein; and that all Publications of Banns of Marriage which by Law are required to be made and publiſhed in the ſaid Pariſh Church of *Melcombe Regis*, may be made and publiſhed in the ſaid Place or Places ſo to be licenſed by the Lord Biſhop of the Dioceſe as aforeſaid, until ſuch Time as the Church to be rebuilt by virtue of this Act ſhall be completely finiſhed and rendered fit for Divine Service as herein directed; and all Publications of ſuch Banns of Marriage ſo made and publiſhed in ſuch licenſed Place or Places aforeſaid, during the Time of performing Divine Service therein, and all Marriages ſolemnized therein, ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever, as if ſuch Banns had been made and publiſhed, and ſuch Marriages had been ſolemnized in the Pariſh Church of *Melcombe Regis* aforeſaid, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Rates to be made.

XXXII. And be it further enacted, That it ſhall be lawful for the Churchwardens of the ſaid Pariſh for the Time being, by the Order and Direction of the ſaid Truſtees, and they are hereby required from Time to

Time, whenſoever the ſaid Truſtees ſhall find it neceſſary (according to the uſual and accuſtomed Mode) to rate and aſſeſs all and every the Inhabitants, and all other Perſons who do or ſhall occupy or enjoy any Houſes, Buildings, Lands, or other Tenements or Hereditaments within the ſaid Pariſh in any Sum of Money not exceeding the Rate of One Shilling in the Pound in any one Year, of the yearly Value of ſuch Houſes, Buildings, Lands, or other Tenements or Hereditaments, as the ſame ſhall be aſſeſſed to the Poor's Rate within the ſaid Pariſh; and that the Monies to ariſe from ſuch Rates and Aſſeſſments ſhall be and are hereby veſted in the ſaid Truſtees for the Purpoſes of this Act; and ſhall be collected by the Churchwardens of the ſaid Pariſh for the Time being; and the Money ſo to be collected ſhall from Time to Time be paid by the reſpective Churchwardens into the Hands of the Treaſurer or Treaſurers to the ſaid Truſtees; and ſuch Rates ſhall take place and become payable not ſooner than the Twenty-fifth Day of *March* One thouſand eight hundred and ſixteen, and ſhall continue for and during ſuch Time as any of the Monies to be borrowed ſhall remain owing or have Continuance, and no longer; and the ſaid new Church ſhall from Time to Time and at all Times thereafter, be repaired and kept in Repair by the ſame Ways and Means, and by the ſame Perſon and Perſons, and in like Manner, as the ſaid ancient Church hath heretofore or ought to have been ſupported, ſuſtained and kept in Repair: Provided always, that the Rate or Aſſeſſment to be made by virtue of this Act, in or for any Year, ſhall continue in Force, and ſhall be collected and recovered in and for every ſubſequent Year, until the Churchwardens of the ſaid Pariſh for the Time being ſhall, by the Order and Direction of the ſaid Truſtees, make a new Rate or Aſſeſſment by virtue of this Act, in like Manner as if the Churchwardens by the Directions aforeſaid had made ſuch Rate or Aſſeſſment in and for every ſuch ſubſequent Year.

Churchwardens, &c. to account.

XXXIII. And be it further enacted, That every Churchwarden of the ſaid Pariſh, or other Perſon or Perſons appointed by the ſaid Truſtees, Collector or Collectors of the ſaid Rates, who ſhall collect or receive any of the Monies ariſing by the ſaid Rates or Aſſeſſments ſhall, as often as thereunto required by the ſaid Truſtees, deliver in Writing under his or their Hand or Hands to the ſaid Truſtees, or unto ſuch Perſon or Perſons as they ſhall appoint, a true and perfect Account of all Monies which ſuch Churchwardens or Collectors ſhall have collected and received; and ſhall pay unto the Treaſurer or Treaſurers all the Monies in his or their Hands; and if any ſuch Churchwarden or Collector ſhall refuſe or neglect to collect and receive the Sums to be rated and aſſeſſed by virtue of this Act, or to account for the Money in his Hands as aforeſaid, he ſhall for every ſuch Refuſal or Neglect forfeit and pay any Sum not exceeding Ten Pounds, which Penalty, and alſo the Money in the Hands of any ſuch Churchwarden or Collector, and which he ſhall refuſe or neglect to pay as aforeſaid, ſhall be levied and recovered by Warrant under the Hand and Seal of any Juſtice of the Peace for the Borough and Town of *Weymouth* and *Melcombe Regis* aforeſaid, directed to any Perſon or Perſons, by Diſtreſs and Sale of the Goods and Chattels of the Perſon refuſing or neglecting as aforeſaid; rendering the Overplus (if any) on Demand, to the Owner of ſuch Goods and Chattels, after the Charges of ſuch Diſtreſs and Sale are deducted and paid; and which Warrant any and every ſuch Juſtice is hereby empowered to iſſue and grant.

XXXIV. And

Recovery of Rates.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall refuſe or neglect to pay the Sum or Sums of Money at which he, ſhe or they ſhall be rated or aſſeſſed by virtue of this Act, for the Space of Twenty-one Days next after the ſame ſhall become due and payable as aforeſaid, after Demand in Writing made thereof, and delivered to or left at the uſual Place of Abode of ſuch Perſon or Perſons, ſigned by any Churchwarden or Churchwardens, Collector or Collectors of ſuch Money ſo rated or aſſeſſed, then and in every ſuch Caſe it ſhall be lawful for ſuch Churchwarden or Churchwardens, Collector or Collectors, and he and they is and are hereby reſpectively authorized and required to levy the ſame by Diſtreſs and Sale of the Goods and Chattels of every Perſon ſo refuſing or neglecting to pay as aforeſaid, by virtue of a Warrant under the Hands and Seals of any Two or more Juſtices of the Peace for the ſaid Borough of *Weymouth* and *Melcombe Regis* aforeſaid, which Warrant ſuch Juſtices are hereby empowered and required to grant, upon Proof made upon Oath (which Oath the ſaid Juſtices are hereby empowered and required to adminiſter) before them, of ſuch Demand and Non-payment as aforeſaid, rendering the Overplus (if any) upon Demand to the Owner of ſuch Goods and Chattels, after deducting the reaſonable Coſts and Charges of ſuch Diſtreſs and Sale.

Recovery of Rates from Perſons removing.

XXXV. And whereas it may happen that many Perſons liable to, and who may be rated and aſſeſſed under this Act, may, before the Payment of the Sum which may be rated on them reſpectively, quit and leave their Dwelling Houſes, Shops, Warehouſes, Coach Houſes, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, and remove out of the ſaid Pariſh; be it therefore further enacted, That when any Perſon or Perſons, who hath or have been ſo rated and aſſeſſed, ſhall quit or be about to quit his, her, or their Lands, Grounds, Houſes, Shops, Warehouſes, Coach Houſes, Stables, Cellars, Vaults, Buildings, Tenements or Hereditaments, before he, ſhe, or they ſhall have paid ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, as may then be due, and ſhall refuſe to pay the ſame when demanded by the Churchwarden or Churchwardens, Collector or Collectors, authorized and appointed to receive the ſame as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Churchwarden or Churchwardens, Collector or Collectors, or any of them (Oath having been made by him or them, that he or they hath or have Cauſe to ſuſpect that ſuch Perſon or Perſons is or are removing, or hath or have removed his, her, or their Goods or Chattels), by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majeſty's Juſtices of the Peace for the ſaid Borough and Town of *Weymouth* and *Melcombe Regis* aforeſaid, which Warrant ſuch Juſtice or Juſtices is or are hereby authorized and required to grant immediately; and in caſe ſuch Perſon or Perſons ſhall have removed, ſuch Warrant being firſt backed and counterſigned by ſome Magiſtrate of the County, City or Liberty to which ſuch Perſon or Perſons ſhall have removed, (which Warrant ſuch Magiſtrate is hereby required to back and counterſign), to diſtrain the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay the ſaid Rates or Aſſeſſments, or any of them, and to ſell the ſame, rendering the Overplus (if any) after having deducted the reaſonable Coſts, Charges and Expences attending ſuch Diſtreſs and Sale, upon Demand, to the Owner or Owners of ſuch Goods and Chattels reſpectively.

XXXVI. And

Power to borrow Money.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees from Time to Time to borrow and take up at Intereſt ſuch Sum or Sums of Money not exceeding in the whole the Sum of Two thouſand Pounds, as they ſhall judge neceſſary for the ſeveral Purpoſes of this Act, and by Writing under their Hands and Seals, to aſſign all or any Part of the Rates or Aſſeſſments to be raiſed, levied, and collected under or by virtue of this Act to ſuch Perſon or Perſons as ſhall lend or advance any Money thereon, or to his, her, or their Truſtee or Truſtees as a Security for the Principal Money to be advanced, with lawful Intereſt for the ſame, and the Charges and Expences of ſuch Aſſignment (to be made as herein-after mentioned) ſhall be from Time to Time defrayed by the ſaid Truſtees out of the Money ſo borrowed; and every ſuch Aſſignment ſhall be in the Words or to the Effect following; (that is to ſay),

'WE of the Truſtees appointed by or in purſuance of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third [*here ſet forth the Title of this Act*] in Conſideration of the Sum of advanced and lent by *A. B.* of in the County of upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant and aſſign unto the ſaid *A. B.* (*or*, to his Truſtees or Truſtee, *as the Caſe may be*), his (*or*, her) Executors, Adminiſtrators, and Aſſigns, ſuch Proportion of the Rate or Aſſeſſment to be raiſed, levied, and collected by virtue of the ſaid Act, as the ſaid Sum of doth or ſhall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or be charged upon the Credit of the ſaid Rate or Aſſeſſment, to be had and holden from this Day of until the ſaid Sum of with Intereſt after the Rate of *per Centum per Annum* for the ſame, ſhall be fully paid and ſatisfied. In witneſs whereof, we the ſaid Truſtees have hereunto ſet our Hands and Seals, the Day of in the Year of our Lord.'

And all ſuch Aſſignments ſhall be numbered, commencing with Number One, and ſo proceeding in an arithmetical Progreſſion aſcending, whereof the Common Exceſs or Difference ſhall always be one; and every ſuch Security ſhall be good, valid and effectual in the Law, and ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Payment thereof, and to all Profits and Advantages thereof, according to the true Intent and Meaning of this Act.

Securities how transferred.

XXXVII. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money to be borrowed on legal Intereſt as aforeſaid, and their reſpective Executors, Adminiſtrators, or Aſſigns, (as the Caſe may be) at any Time by Writing under their Hands and Seals to Transfer ſuch Securities to any Perſon or Perſons whomſoever; and every ſuch Transfer may be in the Words or to the Effect following; (that is to ſay),

'I *A. B.* being entitled to the Sum of ſecured to *C. D.* and his Aſſigns (*or*, to his Executors, Adminiſtrators, and Aſſigns, *as the Caſe may be*) by virtue of an Aſſignment bearing Date the Day of under the Hands and Seals of of the

'the Truſtees acting in the Execution of an Act paſſed in the Fifty-fifth 'Year of the Reign of King *George* the Third, intituled [*ſet forth the Title 'of this Act*], upon the Credit of the Rates or Aſſeſſments granted and 'made payable by the ſaid Act, do hereby transfer all my Right and Title 'in and to the ſame Sum, and all Intereſt and other Money now due and 'ariſing thereon, unto *E. F.* his Executors, Adminiſtrators, and Aſſigns. 'Dated the Day of in the Year of 'our Lord .'

And a Copy of every Security or Aſſignment, together with the Number or Numbers thereof, and an Extract or Memorial of every Transfer thereof reſpectively, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees; which Extract or Memorial ſhall ſpecify and contain the Date and Names of the Parties, and Sums of Money thereby transferred; and to which Book or Books any Perſon or Perſons intereſted ſhall at all reaſonable Times have Acceſs, and ſhall have free Liberty to inſpect the ſame without Fee or Reward; and for the entering of every ſuch Transfer the Clerk ſhall be paid by the Perſon or Perſons to whom ſuch Transfer ſhall be made, the Sum of Five Shillings and no more, and every ſuch Transfer after ſuch Entry as aforeſaid made, ſhall entitle the Perſon to whom the Transfer ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred.

Payment of Creditors by Ballot.

XXXVIII. And in order that no Preference may be given to any of the Perſons who ſhall have advanced and lent Money upon the Credit of the Rates or Aſſeſſments to be raiſed, levied, or collected by virtue of this Act; be it further enacted, That the ſaid Truſtees (if there ſhall be more than One) ſhall cauſe the Numbers of all Aſſeſſments or Securities granted and then in Force for ſecuring the Principal Monies lent and advanced upon the Credit of the ſaid Rates or Aſſeſſments, of which Part ſhall be then intended to be paid off, to be written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers ſhall be rolled up in the ſame Form as near as may be, and be put into a Box or Wheel, and the Number or Numbers of the ſaid Aſſignments or Securities ſhall be drawn ſeparately out of the ſaid Box or Wheel by the Clerk to the ſaid Truſtees, in the Preſence of the ſaid Truſtees; and after every ſuch Ballot the ſaid Truſtees ſhall cauſe Notice, ſigned by the Clerk to be given to or left at the laſt or uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money to be paid off purſuant to ſuch Ballot, and where there ſhall be only One Creditor, to give Three Calendar Months Notice to ſuch Creditor of the Intentions of the ſaid Truſtees to pay him or her as aforeſaid; and every ſuch Notice ſhall expreſs the Sums to be paid off with the Intereſt due thereon, and that the ſame will be paid on a Day and at a Place to be ſpecified in ſuch Notice, ſuch Day not being ſooner than Three Calendar Months after the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the Principal Money ſo to be paid off, ſhall, from and after the Day ſo to be ſpecified, ceaſe and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice and not paid; but the Principal Money in reſpect whereof ſuch Notice ſhall be given, and alſo the Intereſt thereof to the Day to be ſpecified, ſhall nevertheleſs be payable on Demand.

Truſtees not to borrow any Money, if the Sum of 7,000l. ſhall be raiſed by the Sale of Seats, &c.

XXXIX. Provided always, and be it further enacted, That if within Twelve Calendar Months next after the paſſing of this Act, the ſaid Truſtees ſhall have raiſed and received by Sale of Seats and by voluntary Contributions, or otherwiſe, the Sum of Seven thouſand Pounds, for or towards the Erection of the ſaid new Church, then and in ſuch Caſe it ſhall not be lawful for them the ſaid Truſtees, or any of them, to borrow or take up at Intereſt, or otherwiſe, any Sum or Sums of Money whatever on Security of the Rates or Aſſeſſments to be made by virtue of this Act.

Application of Money borrowed.

XL. And be it further enacted, That all the Monies which ſhall be raiſed or received by any voluntary Subſcriptions for the Purpoſes of this Act, and all Monies which ſhall be paid, levied, or recovered in Diſcharge of any Rate or Rates, Aſſeſſment or Aſſeſſments, made in purſuance of this Act, or of any Rent or Rents for any Pews or Seats in the ſaid Church; and all Monies which ſhall be borrowed, advanced, or lent on the Credit or Security of any of the ſaid Rates or Aſſeſſments; and all other Monies which ſhall be received by the ſaid Truſtees and their Treaſurers, Collectors and other Officers, for their Uſe or on their Account, and not herein otherwiſe appropriated or directed to be applied, ſhall be applied in the Order and Manner following; (that is to ſay), in the Firſt Place, in paying and defraying the Coſts, Charges, and Expences incident to or attending the obtaining and paſſing this Act, with lawful Intereſt upon any Money which ſhall be advanced for that Purpoſe; in the Second Place, in paying the Intereſt accruing upon the ſeveral Principal Sums which ſhall from Time to Time be borrowed and continue due upon the Rates and Aſſeſſments to be made in purſuance of this Act; in the Third Place, in defraying all the Expences of erecting and building the ſaid Church, Tower and Veſtry Room, and in furniſhing, finiſhing and completing the ſame, and in carrying into Effect the ſeveral other Truſts, Intents, and Purpoſes of this Act; and láſtly, in reducing, paying off, and diſcharging ſuch ſeveral Principal Sums as ſhall be ſo borrowed as aforeſaid, equally and without any Preference or Priority (except as herein-before particularly provided or mentioned); and after all ſuch Principal Sums ſhall have been diſcharged, all ſuch Truſt Monies ſhall be applied in Aid of the uſual Church Rates in the ſaid Pariſh.

Appeal.

XLI. 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, Aſſeſſment or Aſſeſſments, or any Judgment or Determination, or by any Matter or Thing made, given, 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 holden for the County or the Place within which the Matter of Appeal ſhall ariſe, next after the Expiration of Six Calendar Months from the Time of ſuch Matter of Appeal ſhall have ariſen; the Perſon or Perſons appealing having firſt given Twenty Day Notice at leaſt of his, her, or their Intention to bring ſuch Appeal, and of the Matter thereof, to the Treaſurer or Clerk to the ſaid Truſtees; and within Seven Days after ſuch Notice, entering into a Recognizance before ſome Juſtice of the Peace of ſuch County or Place, with ſufficient Sureties, in the Sum of One hundred Pounds, conditioned to try ſuch Appeal, and abide the Order or Award of the ſaid Court thereon; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, are hereby authorized

authorized and required to hear and determine the Matter of ſuch Appeal, in a ſummary Way, and to make ſuch Order therein, and to award ſuch Coſts to either of the Parties, or otherwiſe, as they the ſaid Juſtices ſhall judge 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 and concluſive to all Parties to all Intents and Purpoſes whatſoever.

Juſtices may relieve on Appeals againſt Rates, without quaſhing the whole Aſſeſſment.

XLII. Provided always, and be it further enacted, That on any Appeal from any Rate or Aſſeſſment to be made for the Purpoſes of this Act, the Juſtices at ſuch General or Quarter Seſſions ſhall and may amend the ſame, in ſuch Manner as may be neceſſary for giving Relief, without quaſhing or altering ſuch Rate or Aſſeſſment with reſpect to other Perſons mentioned in the ſame; but if upon Appeal from the whole Rate or Aſſeſſment, it ſhall be found neceſſary to ſet aſide the ſame, then and in ſuch Caſe the ſaid Juſtices ſhall and may order a new Rate or Aſſeſſment to be made in the Manner herein directed.

Diſtreſs not unlawful for want of Form.

XLIII. And be it further enacted, That where any Diſtreſs ſhall be made, for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame, ſhall be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity that ſhall be afterwards done by the Party or Parties ſo diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, ſhall and may recover full Satisfaction for the Special Damage, in any Action upon the Caſe.

Power for Inhabitants and Veſtrymen to be Witneſſes.

XLIV. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes, Indictments, and other Proceedings whatſoever, relating to or concerning the Execution of this Act, no Inhabitant or Veſtryman of the ſaid Pariſh of *Melcombe Regis*, ſhall be deemed an incompetent Witneſs on account of his or her being charged or liable to pay, or having paid, any Rate or Aſſeſſment to be raiſed, levied, and collected by virtue of this Act.

Limitation of Actions.

XLV. Provided always, and be it further enacted, That no Action or Suit ſhall be commenced againſt anyPerſon or Perſons for any Thing done in purſuance of this Act, after the Expiration of Twelve Calendar Months next after the Fact committed; and every ſuch Action or Suit ſhall be brought and tried in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere; and if ſuch Action ſhall be brought before Fourteen Days Notice ſhall have been given, or after ſufficient Satisfaction made or tendered as aforeſaid, or ſhall be brought in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdicts, 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 Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

XLVI. Pro-

The Church to be vested in the Churchwardens after the Execution of the Trusts of this Act.

XLVI. Provided always, and be it further enacted, That when and as soon as the said new Church shall be fully completed and finished, and the whole of the Seats and Pews hereby authorized to be sold and disposed of, shall have been sold and disposed of, and all Debts, Charges, and Expences which shall have been incurred or contracted under or by virtue of this Act, shall be fully paid and satisfied, and the Purposes of this Act shall have been fully performed; then and from thenceforth all and singular the Duties, Rights and Powers imposed on, vested in, or given to the said Trustees under or by virtue of this Act, shall cease and determine; and then and from thenceforth the said new Church shall be under the Guardianship of the Churchwardens of the said Parish for the Time being, and such other Officers and Persons as the said old Church would have been under, had this Act not have been passed, and shall be subject to the same Powers and Authorities as such Churchwardens, Officers and Persons had in over or in respect of the said old Church, at or immediately before the passing of this Act.

Saving the Rights of the Rector and Patron.

XLVII. And be it further enacted, That the Reverend *Thomas Wyndham*, Doctor of Laws, the present Rector of the said Parish, and his Successors for the Time being, shall be Rector of the said Parish in the said new Church, in like Manner as in the said old Church; and that the Person or Persons who for the Time being would have had a Right of presenting, nominating or appointing a Rector to the said old Church, in case the same had not been taken down or disused by virtue of this Act, shall, after the said new Church shall be completed or finished, and rendered fit for Celebration of Divine Service as aforesaid, have the Right of Presentation, Nomination, or Appointment to the said new Church, upon every future Vacancy or Avoidance; and that every such Person so to be presented, nominated, or appointed as aforesaid, shall be the Rector of the said new Church, and shall have and enjoy such and the same Profits, Privileges, Advantages, and other Ecclesiastical Dues and Duties arising within the said Parish, as the present Rector of the said Parish hath or ought to have and enjoy: Provided also, that this Act shall not prejudice the Rights of the Rector of the Parish for the Time being, or the Rights of Presentation, Nomination or Appointment of a Rector, Minister or Curate of the said Parish Church, although the said old Church be taken down, and the said new intended Church not built or finished.

Not to affect the Rights of the Ordinary, &c.

XLVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abridge or affect any of the Rights or Powers of the Ordinary for the Time being, or of any Ecclesiastical Court or Courts, so far as such Rights or Powers are not inconsistent with the Rights hereby created.

Public Act.

XLIX. 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.

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