ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 200.

An Act for building a Church in and for the Parish of *Newry*, in the Counties of *Down* and *Armagh*.

[26th *June* 1811.]

WHEREAS the Parish of *Newry*, in the Counties of *Down* and *Armagh*, in that Part of the United Kingdom called *Ireland*, extends over nearly Twenty thousand Acres of Ground, and is very populous; and the present Church of the said Parish is so decayed and ruinous, that it cannot be substantially repaired, and the Parishioners of the same Parish cannot much longer with Safety assemble therein for the Performance of Divine Service; and the said Church is moreover of such small Extent, that great Numbers of the Inhabitants of the said Parish cannot be accommodated therein, and are consequently obliged either to neglect the publick Worship of Almighty God, or to repair to other Parish Churches, so that to remedy the said Evil it is become absolutely necessary to build a new Parish Church at *Newry* aforesaid, on a larger Scale, and in a more commodious and capacious Manner: And whereas the Situation of the present Church of the Parish of *Newry* aforesaid, which is situated on a very elevated Spot at the End of *High Street* in *Newry*, is not only difficult of Access, but is also, from the Narrowness of the said Street, and the great Declivity thereof, extremely inconvenient for the Passage of Persons to and from the said Church; and it is expedient therefore that the said Church should be built on a more open Spot of Ground, and in a more convenient Situation: And whereas Sir *Trevor Corry*, late of

Legacy of Sir Trevor Corry, Knight, towards building a Church at Newry, and erecting an Organ.

Newry aforesaid, Knight, did by a Codicil, dated the Twenty-fourth Day of *February* One thousand seven hundred and eighty, to his last Will and Testament in Writing, bearing Date on or about the Eleventh Day of *July* One thousand seven hundred and seventy-six, among other Things, bequeath the Sum of One thousand Pounds towards building a Church at *Newry* aforesaid, and erecting an Organ therein, and for the Purposes therein mentioned; but which said Legacy or Sum of Money hath not, on Account of an alledged Deficiency in the Assets of the said Sir *Trevor Corry*, nor hath any Interest thereof, yet been paid: And whereas *William Needham*, late of *Wareſley Park*, in the County of *Huntingdon* in *Great Britain*, Esquire, deceased, did by his last Will and Testament, bearing Date the Fifth Day of *December* in the Year of our Lord One thousand eight hundred and four, give and beqeath unto *Acheson Thompson* of *Newry* aforesaid, Esquire, *Robert Thompson* Esquire, his eldest Son, and to the Reverend *Charles Campbell*, Vicar of the said Parish of *Newry*, the Sum of Four thousand Pounds of the Currency of *Great Britain*, upon Trust, that they or the Survivors or Survivor of them should with all convenient Speed, after his Decease, apply the said Sum of Money in building of a Church in the Town of *Newry* aforesaid: And whereas the Sum of Three thousand six hundred Pounds Sterling, the Balance of the said last-mentioned Legacy or Sum of Four thousand Pounds, after discharging the Legacy Duty payable to His Majesty in respect thereof, was, after the Death of the said Testator, and on or about the Sixteenth Day of *November* One thousand eight hundred and seven, paid by the Honourable Lieutenant General *Francis Needham*, one of the Executors of his said Will, to the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell*, and was by them laid out at Interest on good and sufficient Security for the said Purpose, and the same, together with the Accumulation of Interest thereon, now amounts to the Sum of Four thousand Pounds, or thereabouts: And whereas by Indenture, bearing Date the First Day of *November* in the Year of our Lord One thousand eight hundred and nine, and made by and between *James Bell* of *Newry* aforesaid, Esquire, and *William Bromfield Smith* of the Town of *Manchester* in *Great Britain*, Esquire, of the one Part, and the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell*, of the other Part, the same *James Bell* and *William Bromfield Smith* did, for the Considerations therein mentioned, grant, bargain, sell, remise, release, and confirm unto the said *Acheson Thomtson*, *Robert Thompson*, and *Charles Campbell*, a certain Piece or Parcel of Ground situate in *Needham Place* in the said Town of *Newry*, containing One hundred and twenty Feet in Front, and One hundred and twenty Feet in Rear, and extending backwards to the Wall commonly called the *Rope Walk Wall*, to have and to hold the same unto the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell*, their Heirs and Assigns, for and during the Lives of His present Majesty King *George* the Third, His Royal Highness *George* Prince of *Wales*, and of His Royal Highness *Frederick* Duke of *York*, and the longest Liver of them, at and under the yearly Rent of Forty Pounds; in which said Indenture is contained a Covenant on the Part of the said *James Bell* and *William Bromfield Smith*, and their Heirs, from Time to Time, upon the Fall of each of the said Lives, to grant a new Lease of the said Premises for and during the Lives of the Persons who shall survive, and of such Person or Persons as shall be named for that Purpose by the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell*, and their Heirs: And

Legacy of William Nedham, Esquire, towards building a new Church at Newry.

A Piece of Ground demised to Trustees whereon to build a new Church.

whereas

whereas the ſaid herein-before recited Indenture of Leaſe was made and granted by the ſaid *James Bell* and *William Bromfield Smith* to the ſaid *Acheſon Thompſon*, *Robert Thompſon*, and *Charles Campbell*, as Truſtees for, and with a View and Intention and for the Purpoſe of appropriating the Piece or Parcel of Ground thereby demiſed (which is very conveniently ſituated for the Pariſhioners of the ſaid Pariſh in general, and in other Reſpects very deſirable for the Purpoſe) for the Erection of a new Church for the ſaid Pariſh of *Newry*; and the ſaid *Acheſon Thompſon*, *Robert Thompſon*, and *Charles Campbell* are, with the Conſent and Approbation of the ſaid *James Bell* and *William Bromfield Smith*, (which they are willing to give for the Purpoſe,) ready and willing to aſſign ſuch Indenture of Leaſe, and the Piece or Parcel of Ground thereby demiſed, to ſuch Perſon or Perſons as ſhall be appointed Truſtees for the Purpoſe of building ſuch intended new Church, and of carrying this Act into Execution: And whereas the Right Honourable *Robert* Viſcount *Killmorey*, of whom the ſaid Piece or Parcel of Ground is (as the original Ground Landlord thereof) now holden by the ſaid *James Bell* and *William Bromfield Smith*, under and by virtue and as Aſſignees of a certain Indenture of Leaſe, bearing Date the Twenty-fifth Day of *November* One thouſand ſeven hundred and eighty-two, is ready and willing, without receiving any pecuniary or other Compenſation, to convey the ſame, and the Inheritance thereof in Fee Simple, to ſuch Perſon or Perſons, and for the Purpoſes aforeſaid; and the ſaid *James Bell* and *William Bromfield Smith* are alſo ready and willing, on receiving a fair and proper Compenſation, (to be ſettled by ſuch Perſon or Perſons as aforeſaid,) to aſſign to them and their Succeſſors, and for the Purpoſes aforeſaid, the Leaſe under which they hold the ſaid Piece or Parcel of Ground of the ſaid *Robert* Viſcount *Killmorey*, ſo and in ſuch Manner as that the ſame may be effectually veſted in ſuch Perſon or Perſons, and their Succeſſors, for the Purpoſes of this Act: And whereas the ſaid *Robert* Viſcount *Killmorey* is Lord of the Exempt Juriſdiction, and is alſo Lord of the Manor of *Newry* aforeſaid, and the Rector Impropriate of the ſaid Pariſh of *Newry*; and the ſaid *Robert* Viſcount *Killmorey* is alſo ſeiſed of the Advowſon, Donation, Right of Patronage, Nomination and Preſentation of and to the Vicarage of the ſaid Pariſh Church of *Newry* aforeſaid: And whereas the ſaid Reverend *Charles Campbell* is the preſent Vicar of the ſaid Pariſh and Pariſh Church of *Newry* aforeſaid; but inaſmuch as the Requiſites preſcribed by the ſeveral Acts of Parliament now in force in *Ireland* for the due Change of the Scite of Pariſh Churches, and for rebuilding the ſame, cannot, on account of the peculiar Deſcription and Circumſtances of the ſaid Pariſh of *Newry*, be regularly complied with, and carried into Effect according to Law; and foraſmuch therefore as the uſeful and neceſſary Purpoſes herein-before propoſed and intended 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 the Lord of the Manor or Lordſhip of *Newry* aforeſaid for the Time being, the Honourable Lieutenant General *Francis Needham*, the Right Honourable *Iſaac Corry*, the Member repreſenting the Town of *Newry* in Parliament for the Time being, the Vicar of the Pariſh of *Newry* for the Time being, the Seneſchal of the ſaid Town of *Newry* for the Time being, the Truſtees. Truſtees

Truſtees of the Bequeſt of the late *William Nedham* Eſquire, the Truſtees of the Bequeſt of the late Sir *Trevor Corry*, the Churchwardens of the ſaid Pariſh of *Newry* for the Time being, *John Ogle* of *Fathom*, *John Gordon* of *Derrylacka*, *Trevor Corry*, *Chriſtopher Moore*, *Patrick O'Hanlon*, *William Carter*, *Richard Wright*, *William Cochran*, *Hugh Boyd*, *Smithſon Corry*, *Richard Bryans*, *Robert Wallace*, *Hugh Carlile*, *Thomas Greer*, *Iſaac Glenny*, *Denis Caulfield*, and *Thomas Harvey*, Eſquires, and their Succeſſors, to be nominated or appointed by virtue of this Act, and every voluntary Subſcriber of Fifty Pounds or upwards towards the building and erecting of the ſaid new Church, ſhall and are hereby declared to be the Truſtees for building and finiſhing the ſaid new Church, and a Veſtry Room, with other Conveniences, and a Tower or Steeple thereto, with One or more Bells, and a Clock therein; and for erecting a Gallery or Galleries, and Pews or Seats, and an Organ in the ſaid Church, and for otherwiſe carrying this Act into Execution.

No Act of Truſtees valid unleſs at a Meeting;

II. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at a Meeting to be holden in purſuance of this Act (except as herein excepted); and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall be preſent at any Meeting to be holden in purſuance of this Act, the Number of Truſtees preſent at every ſuch Meeting not being leſs than Five; and that all the Orders and Proceedings of the major Part of the Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all ſuch Truſtees for the Time being; and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at ſuch Meeting upon any Queſtion, (including the Vote of the Chairman,) then and in every ſuch Caſe it ſhall be lawful for ſuch Chairman to give the deciſive or caſting Vote.

Majority empowered to act.

Power to appoint new Truſtees.

III. And be it further enacted, That if any One or more of the ſaid Truſtees hereby appointed, (ſave and except ſuch Perſons as are hereby declared to be Truſtees by virtue of their reſpective Eſtates and Offices,) or their Succeſſors to be elected in Manner herein-after mentioned, ſhall die, or ſhall refuſe or become incapable to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the Pariſhioners in Veſtry aſſembled, or the major Part of them ſo aſſembled, to elect and appoint one other Perſon to be a Truſtee in the Room of ſuch Truſtee ſo dying or refuſing or becoming incapable of acting; and Notice of ſuch Veſtry for every ſuch Election, to be held in the Pariſh Church, or ſome other convenient Place, ſhall be ſigned by the Vicar of the ſaid Pariſh, or by the Clerk to the ſaid Truſtees for the Time being, and ſhall be affixed on the Door of the preſent Pariſh Church of *Newry* aforeſaid, and alſo given in one of the Newſpapers publiſhed in the ſaid Town of *Newry*, (if any,) or in the City of *Dublin*, or Town of *Belfaſt*, Ten Days at leaſt before ſuch Meeting; and every Perſon ſo to be elected a new Truſtee as aforeſaid ſhall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes, in as full and ample a Manner as the Truſtee in whoſe Room or Stead he ſhall have been ſo elected: Provided always, that no Perſon ſhall be capable of acting as a Truſtee in the Execution of

Truſtees to take an Oath.

this

this Act (except in exercise of the Power of giving Notice of the First Meeting under this Act as herein-after prescribed, and of administering the following Oath, which any of the Trustees herein-before named are empowered to administer), until he shall have taken an Oath to the following Effect:

Form of Oath.

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgement, execute the several Trusts and Powers reposed in me as a Trustee by virtue of an Act, passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set forth the Title of the Act.*]

'So help me GOD.'

Qualification of Trustees.

IV. And be it further enacted, That no Person who shall be elected a new Trustee as aforesaid shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, within the Parish of *Newry*, in the Counties of *Down* and *Armagh*, of the clear yearly Value of Thirty Pounds above all Reprizes, or shall be possessed of or entitled to a Personal Estate of Five hundred Pounds; nor until he shall have taken and subscribed, at a Meeting of the then Trustees, an Oath in the Words or to the Effect following; (that is to say,)

Form of Oath.

'I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [*or*, in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments within the Parish of *Newry*, in the Counties of *Down* and *Armagh*, of the clear yearly Value of Thirty Pounds above Reprizes [*or*, am possessed of or entitled to a Personal Estate of the Value of Five hundred Pounds].

'So help me GOD.'

Penalty for Persons acting as Trustees without being qualified.

And if any Person not having qualified as aforesaid shall presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, or Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and the Person so prosecuted shall prove that he did so qualify, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution than that such Person had acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

First Meeting of Trustees.

V. And be it further enacted, That the several Trustees herein-before nominated and appointed shall meet in the present Church of *Newry* aforesaid, or in the Vestry Room of the said Parish, within Two Calendar Months after the passing of this Act, or as soon as conveniently may be thereafter,

thereafter, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to put this Act in Execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be and be deemed to be adjourned to the next Day, (*Sunday*, *Good Friday*, *Christmas Day*, and all Days on which Divine Service is ordered by Authority to be celebrated, only excepted, and then to the following Day,) and so *toties quoties*, until a sufficient Number of Trustees shall attend at such Meeting for the Purposes of and to act in the Execution of this Act, or until some One or more of such Trustees shall attend and adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there, or at any other Place in the said Parish of *Newry*, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustees or Trustee then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case may happen, adjourn such Meeting to some other Day within Three Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be given in Manner aforesaid at least Two Days before the Day to which such Meeting shall be adjourned; but no Act of the Trustees shall be valid, unless made or done at some publick Meeting to be holden by virtue 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 all such Meetings not being less than Five,) shall have the same Force and Effect as if done or made by all the said Trustees; and that when at any Meetings the Number of Voices shall be equal, the Chairman to be appointed at each such Meeting shall have a Second and the casting Voice, and the said Trustees shall at their several Meetings pay their own Expences.

Proceedings to be at publick Meetings only.

Meetings on Emergencies.

VI. And be it further enacted, That if, after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees, (an Order in Writing signed by Two or more of the said Trustees, mentioning the Time, Place, and Purposes of such earlier Meeting, being given to him, or left at his last or usual Place of Abode,) or in case of Refusal or Neglect of the said Clerk, then any Two of the said Trustees shall forthwith give Notice of the Meeting to be holden on such earlier Day, in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Two Days after such Notice; and all Proceedings of such Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

Proceedings to be entered.

VII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such

Truſtees as ſhall be preſent at their ſeveral Meetings; and all Entries in ſuch Book or Books, being ſigned by the Chairman of ſuch Meeting ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Cauſes, Suits, and Actions, touching or concerning any Thing done in purſuance of this Act; and ſuch Book or Books ſhall at all the Meetings of the ſaid Truſtees be open and liable to the Inſpection of all and every of the ſaid Truſtees.

Truſtees to appoint Officers, and remove them, and allow Salaries, &c.

VIII. And be it further enacted, That the ſaid Truſtees, or any Ten or more of them, may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Collector or Collectors, Clerk or Clerks, Architect or Surveyor, and alſo ſuch other Officers and Perſons for the Execution of this Act, as the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Officers and Perſons reſpectively, as the ſaid Truſtees ſhall ſee Occaſion; and out of the Monies to be received by virtue of this Act to allow and pay ſuch Salaries, Wages, Compenſations, and Allowances to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſufficient Security from every ſuch Treaſurer and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall under their Hands, at ſuch Time or Times and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Money as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer ſhall, when thereunto required by the ſaid Truſtees, lay his Accounts before them, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath, (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter,) verify their ſaid Accounts; and if any ſuch Officer ſhall refuſe or neglect to make and render, or to verify upon Oath any ſuch Account, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days after having been thereunto required by the ſaid Truſtees, or any Three of them, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in any ſuch Caſe, upon Complaint made by ſuch Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid to any Juſtice of the Peace for the County, City, or Place wherein ſuch Officer ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal for the Officer ſo refuſing or neglecting to appear before him, and upon his appearing, or having been

ſummoned

ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath, (which Oath ſuch Juſtice is hereby empowered to adminiſter,) it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected and raiſed by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, and if no Goods and Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint, (which Compoſition the ſaid Truſtees are hereby empowered to make and receive,) and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer ſhall be detained and kept in ſuch Common Gaol or Houſe of Correction, for want of Diſtreſs by virtue of this Act, for any longer Space of Time than Six Calendar Months.

The Legacies of Sir Trevor Corry and Mr. Nedham veſted in the Truſtees.

IX. And be it further enacted, That for the Purpoſe of carrying this Act into Effect the ſaid Legacy or Sum of One thouſand Pounds ſo given and bequeathed by the ſaid Sir *Trevor Corry*, with all Intereſt thereon, or ſo much thereof reſpectively as now remains due and payable thereon, and alſo the ſaid Legacy or Sum of Four thouſand Pounds ſo given and bequeathed by the ſaid *William Nedham*, with all Accumulations of Intereſt thereon reſpectively, ſhall be paid to and they are hereby veſted in the ſaid Truſtees, for the Purpoſe and to be applied in the firſt Place in defraying the Expences of applying for and obtaining and paſſing this Act of Parliament, and the Expences attending the Diſcharge of the Truſts thereof; and in the next Place in the Purchaſe of the Piece or Parcel of Ground deſcribed and demiſed in and by the ſaid herein-before recited Indenture of Leaſe, in Manner and under the Powers and Authorities herein-after contained for that Purpoſe; and then in the building thereon and finiſhing of the ſaid new Church, and the Tower or Steeple, Veſtry Room, and other Conveniencies, and in erecting and putting up therein reſpectively One or more Bell or Bells, with a Gallery or Galleries, Pews or Seats, and an Organ, and for the ſeveral Purpoſes in this Act mentioned; and further, that the ſaid Truſtees ſhall and they are hereby authorized (in caſe it ſhall be neceſſary) to ſue for and enforce Payment, by ſuch Actions or Suits, Ways and Means, as to them ſhall ſeem requiſite and proper, of the ſaid Legacy of Four thouſand Pounds ſo given

and

and bequeathed by the said *William Nedham*; and also the said Legacy of One thousand Pounds so given and bequeathed by the said Sir *Trevor Corry*, and of the Interest thereof respectively; and also to compound for the same, if expedient so to do, and to give sufficient Receipts, Acquittances, Releases and Discharges, either in Full or in Part, as to the said Trustees shall seem meet, for all such Sum or Sums of Money as shall or may be paid to them for or on Account of the said Legacies and Interest, either in full Discharge of or as a Composition for the same respectively.

Ground to be purchased and vested in the Trustees in Fee.

X. And whereas the said *James Bell* and *William Bromfield Smith* have agreed to sell all their Right, Title, and Interest in and to the demised Premises herein-before described, for the Sum of Eight hundred and forty Pounds, being Twenty-one Years Purchase of the Rent thereof, be it further enacted, That it shall and may be lawful for the said Trustees, or any Three or more of them, to pay unto the said *James Bell* and *William Bromfield Smith* the said Sum of Eight hundred and forty Pounds in full Payment and Satisfaction of the Rent thereof, and Renewal Fines, and all their Right, Title, and Interest therein, on obtaining from the said said *Robert* Viscount *Killmorey*, jointly with them the said *James Bell* and *William Bromfield Smith*, a good and effectual Conveyance and Release (which the said *Robert* Viscount *Killmorey*, *James Bell*, and *William Bromfield Smith*, are hereby authorized to make for that Purpose) of the said Piece or Parcel of Ground, and the Inheritance thereof in Fee Simple, so and in such Manner as that the same may be well and effectually vested in the said Trustees, and their Successors Trustees for the Time being, and be for ever hereafter held by them for the Uses and Purposes of this Act, free from all Rent or Charge whatever; and that thereupon the herein-before recited Indenture of Lease of the First Day of *November* One thousand eight hundred and nine shall be by the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell*, conveyed or assigned to the said Trustees, or their Successors Trustees for the Time being, so and in such Manner as that the Estate, Term, and Interest of them the said *Acheson Thompson*, *Robert Thompson*, and *Charles Campbell* therein may be effectually merged and extinguished in the Freehold and Inheritance of the said Piece or Parcel of Ground herein-before directed to be vested in the said Trustees, and their Successors Trustees for the Time being, for the Purpose of erecting the said new Church, with a Tower or Steeple, Vestry Room, and other Conveniences on the Land or Ground thereby demised, and for the other Purposes of this Act.

Making Contracts.

XI. 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 building of the Church to be built by virtue of this Act, and for erecting and building a Tower or Steeple thereto, and for providing and erecting a Bell or Bells, and a Clock and Organ therein; and also for providing Materials for the building, erecting, finishing, and completing of the same respectively, or any Part or Parts thereof respectively, with a Gallery or Galleries, Seats and Pews, and otherwise; and also for fencing in the Ground on which the said Church is intended to be built, and generally to make and do all such Orders, Matters, and Things as they shall think proper and necessary, fully and effectually to carry this Act into Execution, and all such Contracts and Agreements when made or 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 herein-before mentioned, as upon all other Parties 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, Thirty Days Notice at the leaſt ſhall be given in One or more of the Newſapers publiſhed in the ſaid Town of *Newry* (if any), or in the City of *Dublin* or Town of *Belfaſt*, 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 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 and Books ſhall from Time to Time 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 Sixpence to the Clerk or Perſon in whoſe Cuſtody the ſame ſhall be.

Thirty Days Notice of Meetings to make Contracts.

Payments and Contract heretofore made by the Truſtees of Mr. Nedham to be valid.

XII. And whereas the ſaid *Acheſon Thompſon*, *Robert Thompſon*, and *Charles Campbell*, the Truſtees appointed under the Will of the late *William Nedham*, for expending the Sum of Four thouſand Pounds on the building a new Church, have already expended ſome Sum or Sums of Money in encloſing with a Wall the aforeſaid Ground, and in paying the Rent thereof, and have laid the Foundation of the ſaid Church, and have purchaſed Timber and other Materials for the building thereof, and have entered into a Contract with *James Sheil*, an Architect, for ſuperintending the building thereof, and have agreed to allow the Sum of Five Pounds *per Centum* for ſo doing, ſuch *per* Centage not by any Means to exceed the Sum of Five hundred Pounds; be it therefore enacted, That the Sums ſo expended ſhall, on the ſaid *Acheſon Thompſon*, *Robert Thompſon*, and *Charles Campbell* producing ſatisfactory Vouchers to the ſaid Truſtees of the Expenditure of the ſaid Monies, be duly and fully allowed in the Settlement of their Accounts; and the ſaid Contract ſhall be conſidered as valid and binding upon all Parties, as fully as if the ſame had been agreed upon and entered into by them the ſaid Truſtees ſubſequent to the paſſing of this Act, and in Execution of the Powers herein-before contained and veſted in them for that Purpoſe.

New Church.

XIII. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized and required, as ſoon as conveniently may be after the paſſing of this Act, to build or cauſe to be built the ſaid new Church on ſome Part of the Leaſehold Ground herein-before deſcribed, and hereby veſted in the ſaid Truſtees, (or in caſe a ſatisfactory Title ſhall not be made thereto, on any other fit and ſuitable Ground to which a ſatisfactory Title ſhall be obtained,) and alſo to erect and build, or cauſe to be erected and built, a new Tower or Towers, Steeple or Steeples, the ſame to 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

the Lord of the ſaid Manor, 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 all ſuch Pews, Seats, Galleries, Bell or Bells, Clock, Organ, Ornaments, and Conveniences as to the ſaid Truſtees, with ſuch Approbation as aforeſaid, ſhall ſeem right and proper.

Name of the new Church.

XIV. And be it further enacted, That when and as ſoon as ſuch new Church ſhall be built and finiſhed in Manner herein-before mentioned, and when conſecrated, it ſhall be called and for ever remain and be deemed the true and only Pariſh Church of the Pariſh of *Newry*; and the Rector, Vicar, or Miniſter thereof, ſhall perform or cauſe to be performed all Divine Offices and occaſional Services in the ſaid Church, according to Law and the Uſage of the United Church of *England* and *Ireland*; and all ſuch Offices and Services ſhall have the like Effect and Authority as they would have had if performed in the preſent or any other Pariſh Church.

Allotments of Pews.

XV. And be it further enacted, That when and as ſoon as the ſaid new Church ſhall be built, and ſuch Galleries, Seats, or Pews as are intended to be erected therein, ſhall be finiſhed and completed, fit for the Celebration of Divine Service therein, the ſaid Truſtees are hereby required and authorized to allot and appoint a proper and convenient Seat or Pew for the Right Honourable Lord Viſcount *Killmorey* as Lord of the Manor of *Newry*, and alſo a proper Seat or Pew for the Family or Succeſſors of the ſaid Sir *Trevor Corry*, and alſo a convenient Seat or Pew to be held Rent-free by the Rector or Vicar of the ſaid Pariſh for the Time being, and to allot and diſpoſe of ſo many of the remaining Pews or Seats therein as to them ſhall ſeem fit and expedient to thoſe Perſons, Inhabitants or Landholders of the ſaid Pariſh, who ſhall give voluntary Contributions towards building the ſaid new Church, which voluntary Contributions the ſaid Truſtees are hereby authorized and empowered to take and receive; and the ſaid Truſtees may divide and arrange the Seats or Pews into Claſſes, and may aſſign to a Subſcriber or Contributor of Fifty Pounds or upwards, a Seat or Pew of the Firſt Claſs; and to a Subſcriber or Contributor of Thirty Pounds or upwards, a Seat or Pew of the Second Claſs; and to a Subſcriber or Contributor of Twenty Pounds, a Seat or Pew of the Third Claſs; and to a Subſcriber or Contributor of Ten Pounds, a Seat or Pew of the Fourth Claſs; and the ſaid Truſtees may receive the ſaid Subſcriptions by Five equal Inſtalments, payable at the End of every Six Months from the Payment of the Firſt Inſtalment, which Firſt Inſtalment ſhall be within Two Months after the paſſing of this Act; the Subſcriber in any Claſs failing in Payment of any One Inſtalment for the Space of Three Months after Demand made thereof, to forfeit any former Inſtalment or Inſtalments made by ſuch Perſon, and all Right and Title to a Pew or Seat in Right of ſuch ſubſcribed Part, the Monies ariſing from the Seats and Pews ſo diſpoſed of to be applied to the Purpoſes of this Act in building and erecting the ſaid new Church; and they the ſaid Truſtees are hereby authorized and empowered to veſt the Property of the ſaid Seats or Pews ſo diſpoſed of as aforeſaid in the Subſcribers, their Heirs and Aſſigns for ever, as fully and abſolutely as the Laws of *Ireland* will permit, with and under ſufficient Covenants for the Payment of ſuch Rent Charge proportioned to the Value of the Seats in each Claſs, and not in any Caſe to exceed Twenty

Shillings annually, as the Vicar, Churchwardens, and Proteſtant Pariſhioners, or the major Part of them in Veſtry aſſembled, ſhall think fit to impoſe, the ſaid Rent to be applied by them to the Payment of a yearly Salary for the Organiſt of the ſaid Church, and the Repairs of the Organ, in ſuch Manner as they ſhall think fit; the Surplus of ſuch Rent to be applied for ſuch other Purpoſes of the ſaid Church, in cleaning and repairing thereof, or otherwiſe, as the major Part of ſuch Pariſhioners in Veſtry aſſembled ſhall from Time to Time direct; and the ſaid Truſtees are hereby required to reſerve a fit and proportionable Number of Seats or Pews for the Uſe and Accommodation of the poorer Inhabitants of the ſaid Pariſh.

Divine Service and Banns to be performed and publiſhed in preſent Church till the new Church is built.

Liberty reſerved to uſe the old Church for the Burial Service ſo long as the ſame can be done with ſafety.

XVI. And be it further enacted, That Divine Service, the Solemnization of Matrimony, and Baptiſms, Burials, and all other Matters and Things which now are celebrated, ſolemnized, adminiſtered, had, done, and performed by the Vicar or Curate for the Time being, in the preſent Church of *Newry* aforeſaid, ſhall and may be celebrated, ſolemnized, adminiſtered, had, done, and performed in the like Manner in the ſaid Church until ſuch Time as the ſaid new Church ſo to be built ſhall be built, completed, and finiſhed, and rendered fit for the Celebration of Divine Service therein: Provided always, that it ſhall be lawful for the ſaid Vicar or Curate for the Time being, notwithſtanding the building and completing the ſaid new Church, to continue to perform the Burial Service in the ſaid preſent Church of *Newry* ſo long as the ſame can be done with ſafety to the Pariſhioners, and to continue to bury in the ſaid preſent Church Yard, notwithſtanding the ſaid intended new Church ſhall have been conſecrated for that Purpoſe; and further, that all Publications of Banns of Marriage, which by Law are required to be made and publiſhed in the ſaid Pariſh of *Newry*, ſhall and may continue to be made and publiſhed in the ſaid old Church until ſuch Time as the ſaid new Church to be built by virtue of this Act ſhall be completed, finiſhed, and rendered fit for Divine Service as herein directed.

Materials, &c. veſted in Truſtees.

XVII. And be it further enacted, That all the Stones, Bricks, Timber, Iron, Lead, and other Materials brought or procured by Order of the ſaid *Acheſon Thompſon*, *Robert Thompſon*, and *Charles Campbell*, and hereafter to be purchaſed by the Truſtees under this Act, for building the ſaid new Church, and for erecting and building ſuch new Tower or Towers, Steeple or Steeples thereto, to be erected and built by virtue of this Act, ſhall belong to and be the Property of and the ſame is and are hereby veſted in the ſaid Truſtees for the Purpoſes aforeſaid; and it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Caſe may require) againſt any Perſon or Perſons who ſhall ſteal, take, remove, or carry away, ſpoil, injure, or deſtroy the ſaid Church and Tower, or the Stones, Timber, Iron, and other Materials thereof reſpectively, or other the Materials 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 building a Church at* Newry, *in and for*

for the Pariſh of Newry, *in the Counties of* Down *and* Armagh, *on a new Scite*," without particularly ſtating or ſpecifying the Names of all or any of the ſaid Truſtees.

Rights of Vicar and Patron preſerved.

XVIII. And be it further enacted, That the ſaid *Charles Campbell* ſhall be the Vicar of the ſaid Pariſh in the ſaid new Church, and ſhall have the Cure of Souls therein during his continuing Vicar thereof, without any Admiſſion, Inſtitution, or Induction whatever; and his Succeſſors Vicars for the Time being, ſhall be the Vicars of the ſaid Pariſh in the ſaid new Church, in like Manner as in the ſaid preſent Church; and the Perſon or Perſons who for the Time being has or have or would have a Right of preſenting, nominating, or appointing a Vicar to the ſaid preſent Church, in caſe the ſame had not been diſuſed or taken down, ſhall have the Right of Preſentation, Nomination, or Appointment to the ſaid new Church upon every future Vacancy or Avoidance; and every ſuch Perſon to be preſented, nominated, or appointed as aforeſaid, being duly inſtituted and inducted, ſhall be the Vicar of ſuch new Church, and ſhall have and enjoy ſuch and the ſame Profits, Privileges, Commodities, and other Eccleſiaſtical Dues and Duties ariſing within the ſaid Pariſh, as the preſent Vicar of the ſaid Pariſh has or ought of right to have and enjoy.

Rate to be made.

XIX. And, in order to provide a further and ſufficient Fund in addition to the ſaid Legacies of One thouſand Pounds, and Four thouſand Pounds, and the Intereſt thereof reſpectively, for the building and completing of the ſaid new Church, Tower or Steeple, Veſtry Room, and other Conveniences, and erecting a Clock, and One or more Bells, Pews, and Organ therein as aforeſaid, and for the carrying the ſeveral Purpoſes of this Act into Execution, be it further enacted, That it may and ſhall be lawful for the Pariſhioners of the ſaid Pariſh in Veſtry aſſembled, or the major Part of them ſo aſſembled, to vote or aſſeſs ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, on the Tenants and Occupiers of all Houſes, Offices, Buildings, Lands, and Tenements within the Town and Pariſh of *Newry* aforeſaid, as to them ſhall ſeem fit and expedient; the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, on the Houſes, Offices, Buildings, and Tenements in the Town of *Newry*, not to exceed in any One Year Four-pence in the Pound on the eſtimated yearly Rent or Value of the ſaid Houſes, Offices, Buildings, and Tenements, to be valued and applotted on Oath by Two or more fit and proper Perſons appointed for that Purpoſe by the ſaid Veſtry; and the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, on the Lands of the ſaid Town and Pariſh, not to exceed in any One Year Nine-pence *per* Acre, *Iriſh* Meaſure; and the ſaid Rates and Aſſeſſments, as preſcribed by this Act, may and ſhall be made Year after Year, until the ſaid Church and Steeple be finiſhed and completed, but not however by any Means to continue in Force, Effect, and Operation for more than Five Years.

Notice of the Meeting of Veſtry for aſſeſſing to be given in the Pariſh Church of Newry.

XX. And it is hereby enacted, That Notice of the ſaid Veſtry for the Purpoſe of aſſeſſing as aforeſaid, declaring the Purpoſe thereof, ſhall be given on the Two preceding *Sundays* in the Pariſh Church of *Newry* by the officiating Clergyman, Miniſter, Vicar, or Curate thereof, Ten Days at leaſt previous to the Meeting of the ſaid Veſtry; and that a Veſtry or Veſtries for the Purpoſe of aſſeſſing as aforeſaid ſhall and may be held within

within Three Months after the passing of this Act, and in every succeeding Year, at such Time or Times as the said Trustees shall direct.

Dwelling Houses under the Value of 5*l.* not liable to the Rate of Four-pence in the Pound.

XXI. And that the said Rate or Rates, Assessment or Assessments, may not become onerous and oppressive to the lower or poorer Inhabitants thereof, be it enacted, That Dwelling Houses under the Value of Five Pounds shall not be subject or liable to the aforesaid Rate of Four-pence in the Pound: Provided nevertheless, that Houses registered as of Five Pounds Value, for the Purpose of voting at Elections, shall be considered as of that Value for the Purposes aforesaid.

Town and Borough of Newry to be for the Purposes of this Act co-extensive.

XXII. And, in order to prevent any Cause of Dispute arising from the undefined Limits of the Town of *Newry*, it is hereby declared and enacted; That the Town of *Newry*, and Borough of *Newry*, be and are hereby declared to be for the Purposes of this Act co-extensive.

Collectors of Rates to receive and levy the same.

XXIII. And be it further enacted, That it shall be lawful for the Person or Persons to be appointed by the Parishioners in Vestry assembled, or the major Part of them so assembled, as Collector or Collectors of the said Rate or Rates, Assessment or Assessments, to receive, levy, and collect the same, at the usual and accustomed Rate of levying Parish or County Rates or Cesses, and they are hereby authorized and empowered to receive, levy, and collect the same accordingly.

Recovery of Rates.

XXIV. 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 Ten Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof, and delivered to and left at the usual Place of Abode of such Person or Persons, signed by any Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors to be appointed as aforesaid, 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 County of *Down* or County of *Armagh*, 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 Nonpayment 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.

Collectors to account.

XXV. And be it further enacted, That every Person or Persons to be appointed Collector or Collectors as aforesaid, who shall collect or receive any of the Monies arising by any such Rate or Assessment, shall, as often as thereunto required by the said Trustees, deliver in Writing under his Hand to the said Trustees, or unto such Persons as they shall appoint, a true and perfect Account in Writing, and shall verify the same on Oath, (which Oath the said Trustees are hereby empowered to administer,) of all Monies which he shall have collected and received by such Rate or Assessment in his Hands, Custody or Power, unto the Treasurer of the said

Truſtees; and if any ſuch Collector or Collectors ſhall refuſe or neglect to receive the Sums to be rated and aſſeſſed by virtue of this Act, or to account for ſuch Money in his or their Hands, Cuſtody, or Power, in Manner herein directed as aforeſaid, every ſuch Collector or Collectors ſo offending ſhall for every ſuch Refuſal or Neglect forfeit and pay any Sum not exceeding Twenty Pounds, which Penalty, and alſo the Money in the Hands, Cuſtody, or Power of ſuch Collector or Collectors, ſo due and owing from ſuch Collector or Collectors to the ſaid Truſtees, for or on Account of ſuch Rate or Aſſeſſment, ſhall and may be levied and recovered, by virtue of a Warrant under the Hands and Seals of any Two Juſtices of the Peace for the ſaid County of *Down* or County of *Armagh*, which Warrant ſuch Juſtices are hereby required to give, on Proof of any ſuch Refuſal or Neglect, or that any Sum or Sums of Money is or are due and owing from ſuch Collector or Collectors to the ſaid Truſtees for or on Account of ſuch Rate or Aſſeſſment, on the Oath or Oaths (which Oath or Oaths ſuch Juſtices are hereby empowered to adminiſter) of any credible Witneſs or Witneſſes, directed to any Perſon or Perſons whomſoever, by Diſtreſs and Sale of the Goods and Chattels of the Collector or Collectors ſo refuſing or neglecting, or from whom any Sum or Sums of Money ſhall be ſo due and owning for or on Account of ſuch Rate or Aſſeſſment as aforeſaid, rendering the Overplus (if any) upon Demand, to the Owner of ſuch Goods and Chattels, after deducting ſuch Penalty, and the Sum or Sums of Money as ſhall appear to be ſo due and owing to the ſaid Truſtees for or on Account of ſuch Rate or Aſſeſſment, and the Coſts and Charges of ſuch Diſtreſs and Sale.

Church-wardens and Pariſhioners to aſſeſs as heretofore for Pariſh Purpoſes.

XXVI. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to prevent or invalidate the Powers of the Churchwardens and Pariſhioners of *Newry* aforeſaid, in Veſtry aſſembled, to aſſeſs, as they have heretofore done upon the ſaid Pariſh, all ſuch Ceſſes, Rates, and Levies as ſhall be found neceſſary for the Repairs of the preſent Church of the ſaid Pariſh of *Newry*, ſo long as the ſame can be repaired and uſed for any of the Purpoſes in this Act mentioned; or after the ſaid new Church ſhall be built and finiſhed, for the Repairs and other Expences thereafter to attend or be incurred on Account of the ſaid new Church of *Newry* aforeſaid, in the ſame Manner as the ſaid Pariſh hath been heretofore aſſeſſed for the Management and Repairs of the ſaid preſent Church, and other the Purpoſes of the ſaid Pariſh.

Actions to be brought in the Name of the Treaſurer or of One Truſtee.

XXVII. And be it further enacted, That whenever any Action or Suit ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may brought in the Name of their Treaſurer, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no ſuch Action or Suit ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name the ſame ſhall be brought.

Indemnity to Truſtees.

XXVIII. Provided always, and be it further enacted, That all and every the Truſtees herein-before named, and their Succeſſors to be appointed as herein-before mentioned, ſhall from Time to Time, and at all Times hereafter, be amply and fully indemnified from and out of the Monies to be raiſed under this Act, of and from all Coſts, Charges, Damages, and Expences which they, or any of them, or their Treaſurer or Clerk as aforeſaid, ſhall and may ſuſtain or be put unto for or by reaſon of any

Action,

Action, Suit, or other Proceedings which may be had, fued, commenced, or profecuted againſt them, any or either of them, for any Matter or Thing which may be by them reſpectively legally done in or about the Execution of this Act and the Truſts repoſed in them under the ſame.

Power for Inhabitants to be Witneſſes.

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

Recovery of Penalties.

XXX. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof impoſed, (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed,) ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, City, or Place where the Offence ſhall be committed, (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath,) and the Overplus (if any) of the Monies ariſing by ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs, and ſuch Penalties and Forfeitures when recovered, (if not herein before directed to be otherwiſe applied,) ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

XXXI. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſions, or any Matter or Thing done in the Execution of this Act, the Form of the Conviction ſhall be in the Words or to the Effect following; (that is to ſay,)

Form of Conviction.

'BE it remembered, That on this Day of in the
'Year of our Lord *A. B.* is convicted before
' of His Majeſty's Juſtices of the Peace for the
'of having [*as the Offence ſhall be*] and I [*or*, we] the ſaid
'do adjudge him [her *or* them] to forfeit and pay for the ſame the Sum
'of Given under my Hand and Seal [*or*, our
'Hands and Seals] the Day and Year aforeſaid.'

Appeal.

XXXII. 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 Judgement or Determination,

termination, 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 Place within which the Matter of Appeal shall arise next after the Expiration of Two Calendar Months from the Time such Matter 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 Treasurer or Clerk to the said Trustees, and within Eight Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place, with sufficient Sureties, 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 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 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, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Justices may relieve on an Appeal against Rates without quashing the whole Assessment.

XXXIII. 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 Rates or Assessments, 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.

XXXIV. 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 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 an Action upon the Case.

Proceedings not to be quashed for Want of Form or removable by Certiorari.

XXXV. And be it further enacted, That no Order, Verdict, Judgement, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without No-

XXXVI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done

tice, or after Tender of Amends.

done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Twenty-one Days before such Action shall be commenced of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitations of Actions.

XXXVII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after the Expiration of Three Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Down*, or in the County of *Armagh*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same 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 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 Judgement 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.

When new Church finished, &c. Powers of the Trustees to cease, having first allotted Pews and Seats to Subscribers.

XXXVIII. And be it further enacted, That so soon as the said New Church shall be finished as aforesaid, and an Organ erected therein, and the said Church consecrated, and Divine Worship celebrated therein, and all Accounts relative to the building thereof audited, passed, and settled, all and every the Powers and Authorities of the said Trustees shall utterly cease and determine, having first assigned and allotted the Pews and Seats in the Manner herein-before set forth to the Subscribers.

Publick Act.

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

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