ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xxii.

An Act for amending an Act of His present Majesty, for rebuilding *Newton Chapel*, in the County Palatine of *Lancaster*. [23d *May* 1817.]

WHEREAS by an Act passed in the Fifty-fourth Year of the Reign of His present Majesty King *George* the Third, intituled *An Act for rebuilding the Chapel of* Newton, *in the Parish of* Manchester, *in the County Palatine of* Lancaster, certain Persons therein named were appointed Trustees for putting the said Act into Execution; and it was thereby (amongst other Things) enacted, that it should be lawful for the said Trustees, in each and every Year, until all the Monies necessary to rebuild the said Chapel, and all the Monies to be borrowed under and by virtue of the said Act, and the Interest thereof, should be paid off and discharged, and the several other Purposes of the said Act carried into Execution, to make a Rate or Rates, Assessment or Assessments, on the Tenants or Occupiers of all Houses, Buildings, Lands, Tenements, and Hereditaments within the Chapelry of *Newton* aforesaid, according to such Proportion of the yearly Rent or Value as the same Houses, Buildings, Lands, Tenements, and Hereditaments should have, for the Years One thousand eight hundred and twelve and One thousand eight hundred and thirteen, or either of such Years, been assessed at to the Tax commonly called the Property Tax, so as none of such Rates or Assessments 54 G. 3. c. 32.

seſſments ſhould exceed Eight-pence in the Pound in any One Year, ſuch Rates or Aſſeſſments to be applied for the Purpoſes of the ſaid Act in Manner therein mentioned; provided always that the Sum to be raiſed for the Purpoſes of the ſaid Act ſhould not in the whole exceed Three thouſand five hundred Pounds, together with ſuch further Sum as might be neceſſary for the Payment of the Intereſt upon the ſaid Sum of Three thouſand five hundred Pounds, or ſuch Part thereof as might be borrowed, and alſo together with ſuch Sum as ſhould have been expended in the procuring of the ſaid Act, and alſo together with ſuch Sums as ſhould have been expended in the Salaries of Clerks, Treaſurers, and Officers appointed by virtue of the ſaid Act, and as ſhould have been expended by the ſaid Truſtees in draining and laying dry the Site of the ſaid New Chapel, and the Burying Ground belonging thereto: And it was by the ſaid Act further enacted, that it ſhould 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 Three thouſand five hundred Pounds, as they ſhould judge neceſſary for the ſeveral Purpoſes of the ſaid Act, over and above the Expenſes of obtaining and paſſing the ſaid Act, and other the Expenſes therein-before mentioned, upon the Credit of the Rate or Rates, Aſſeſſment or Aſſeſſments, to be made, levied, and collected by the ſaid Act, in Manner therein mentioned and ſet forth: And whereas the Money allowed to be raiſed by the ſaid recited Act for the Purpoſes thereof is inadequate to the Completion of the ſaid Chapel, and the other Purpoſes of the ſaid Act, and it is expedient that a further Sum of Money ſhould be raiſed to enable the ſaid Truſtees to complete the ſaid Chapel, and to carry the Purpoſes of the ſaid Act into full and complete Execution; and it is neceſſary that in ſome other reſpects the ſaid Act ſhould be amended and rendered more effectual; but the ſame cannot be done 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 Authority of the ſame, That it ſhall be lawful for the Truſtees for executing the ſaid recited Act of the Fifty-fourth Year of the Reign of His preſent Majeſty, from Time to Time to borrow and take up at Intereſt, on the Credit of the Rate or Rates, Aſſeſſment or Aſſeſſments to be made, levied, and collected by virtue of the ſaid recited Act and this Act, or either of them, and to raiſe by the ſeveral other Ways and Means in the ſaid recited Act, and herein-after mentioned, or by any of ſuch Ways and Means, in addition to the Sum of Three thouſand five hundred Pounds, and other the Sum or Sums by the ſaid recited Act directed to be raiſed, any further Sum or Sums of Money, not exceeding in the whole the Sum of Three thouſand three hundred Pounds, together with ſuch further Sums of Money as the Truſtees ſhall deem neceſſary for defraying the Expenſes of paſſing this Act, and for Payment of all the Intereſt of the ſaid Sum of Three thouſand three hundred Pounds, or ſuch Part thereof as may be borrowed at Intereſt in purſuance of this Act.

Power to raiſe a further Sum of Money.

Powers of former Act extended to this Act.

II. And be it further enacted, That the ſaid recited Act, and all and every the Authorities, Powers, Proviſions, Regulations, Clauſes, Matters, and Things therein contained, except ſuch of them as are hereby varied, altered, or repealed, or as are repugnant to or otherwiſe provided for by this Act, ſhall be in full Force and Effect, and ſhall extend to, and be practiſed,

practiſed, applied, and put in Execution, for effecting the Purpoſes of this Act, as fully and effectually to all Intents and Purpoſes as if all ſuch Authorities, Powers, Proviſions, Regulations, Clauſes, Matters, and Things, therein contained, were repeated and re-enacted in the Body of this Act with relation thereto.

When the Rates are to ceaſe.

III. And be it further enacted, That the ſeveral Rates and Aſſeſſments, in and by the ſaid recited Act impoſed ſhall not ceaſe or determine, until the ſeveral Purpoſes, as well of the ſaid recited Act, as of this Act, and the principal Monies and Intereſt by the ſaid recited Act and this Act authorized to be raiſed, borrowed, and ſecured on the Credit thereof reſpectively, ſhall have been fully executed, paid, and diſcharged; any Clauſe or Thing in the ſaid recited Act to the contrary thereof in any wiſe notwithſtanding; but that when and ſo ſoon as the ſeveral Purpoſes, as well of the ſaid recited Act as of this Act, ſhall have been carried into Execution, and the principal Monies and Intereſt, raiſed and ſecured on the Credit thereof reſpectively, ſhall have been paid and ſatisfied, then and from thenceforth all the Rates and Aſſeſſments in or by the ſaid recited Act and this Act authorized to be levied and made, ſhall ceaſe and determine.

Accounts to be kept, and to be open to the Inſpection of Truſtees and Creditors.

IV. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required from Time to Time, and at all Times during the Execution of this Act, to order and direct a Book or Books to be provided and kept by the Clerk of the ſaid Truſtees for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended, in the Execution of the ſaid Act, and of the ſeveral Articles, Matters, and Things, for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times, be open to the Inſpection of the ſaid Truſtees or any of them, or any Creditor or Creditors, on the Rates granted by the ſaid recited Act or this Act, without Fee or Reward; and the ſaid Truſtees and Creditors reſpectively, or any of them, ſhall and may take Copies of or Extracts from the ſaid Book or Books or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the Clerk or any Perſon who ſhall have the Care and Cuſtody of the ſaid Book or Books ſhall refuſe, or neglect, on Demand, to permit ſuch Truſtees or Creditors or any of them to inſpect the ſame, or to take ſuch Copies or Extracts as aforeſaid, the Clerk or Perſon ſo offending ſhall forfeit and pay for every ſuch Offence any Sum of Money not exceeding Five Pounds.

First Meeting of Truſtees.

V. And be it further enacted, That the ſaid Truſtees ſhall meet at Eleven of the Clock in the Forenoon of the Second *Friday* after the paſſing of this Act, at the Houſe of *Elizabeth Atkinſon*, known by the Sign of the *Bull's Head* in *Failſworth* in the ſaid County, for the Purpoſe of carrying the ſaid recited Act and this Act into Execution.

Same Perſon not to be Clerk and Treaſurer.

VI. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to continue or appoint the ſame Perſon, who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act or the ſaid recited Act, or to continue or appoint the Perſon who

who has been or may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act or the ſaid recited Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act or the ſaid recited Act; or if any Perſon being Partner of any ſuch Clerk ſhall act as a Treaſurer, or being the Partner of ſuch Treaſurer ſhall act as Clerk in the Execution of this Act or the ſaid recited Act; every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

The Annual Intereſt and Amounts to be paid without any Priority.

VII. And be it further enacted, That the Perſons to whom any of the Securities authorized to be made or granted by this Act ſhall be given, ſhall be entitled to a Claim or Lien on the Rates or Aſſeſſments by the ſaid recited Act directed to be made, in equal Degree with the ſeveral Perſons to whom any of the Securities authorized by the ſaid recited Act to be granted ſhall have been given in reſpect of the Intereſt accruing on ſuch Securities, and the Intereſt of the ſeveral Sums raiſed or borrowed under or by virtue of the ſaid recited Act or of this Act ſhall be paid without any Preference by reaſon of the Priority of the Date of any ſuch Securities, any Clauſe in the ſaid recited Act to the contrary notwithſtanding.

In what Priority principal Monies are to be paid.

VIII. Provided always, and be it further enacted, That nothing in this Act ſhall extend, or be deemed or conſtrued to extend, to authorize and empower, or permit or allow, the Principal Money borrowed under the Authority of this Act to be paid off and diſcharged, until all the Principal Monies and Intereſt borrowed under the Authority of the ſaid recited Act ſhall have been fully paid and ſatisfied; but that when and ſo ſoon as the Principal Monies borrowed under the Authority of the ſaid recited Act and all Intereſt due thereupon ſhall have been fully paid and ſatisfied, in ſuch Order and Manner as in the ſaid Act is provided or mentioned, then the Principal Monies authorized by this Act to be borrowed ſhall be paid off and diſcharged in ſuch and the ſame Manner as is directed by the ſaid recited Act for the Payment of the Principal Monies borrowed in purſuance thereof.

Houſes not aſſeſſed to Property Tax, to be aſſeſſed in proportion to the Poor Rate.

IX. And be it further enacted, That all Lands, Tenements, and Hereditaments within the Chapelry of *Newton* aforeſaid, and all Houſes, Erections, and Buildings, now erected or hereafter to be erected thereon, which ſhall not have been aſſeſſed at or to the Tax commonly called the Property Tax, for the Years One thouſand eight hundred and twelve and One thouſand eight hundred and thirteen, by virtue of an Act paſſed in the Forty-ſixth Year of the Reign of His preſent Majeſty, in the ſaid recited Act of the Fifty-fourth Year of His preſent Majeſty mentioned or referred to, (except only Meeting Houſes, or other Buildings, Tenements, and Hereditaments excluſively appropriated to Religious Worſhip, or to Religious Worſhip and the gratuitous Inſtruction of the Poor), ſhall be rated or eſtimated for the Purpoſes of the ſaid Act, paſſed in the Fifty-fourth Year of His preſent Majeſty and of this Act, according to the yearly Rent or Value at which the ſame Houſes, Erections, Buildings, Lands, Tenements, and Hereditaments ſhall have been, are or ſhall be rated or eſtimated in the Books kept or to be kept by the Overſeers of the

the Poor for the Time being, of the ſeveral Townſhips comprized in the ſaid Chapelry of *Newton* aforeſaid, for the Purpoſe of aſſeſſing the ſame towards the Relief of the Poor.

Power to inſpect Books of the Overſeers.

X. And be it further enacted, That in order to enable the ſaid Truſtees to aſcertain the Rate or Rates, or Aſſeſſment or Aſſeſſments, to be made upon the Tenants or Occupiers of the ſaid Houſes, Erections, Buildings, Lands, Tenements, and Hereditaments, for the Purpoſes of the ſaid recited Act and of this Act, it ſhall be lawful for the ſaid Truſtees, or for ſuch Perſon or Perſons as they ſhall appoint, and they are hereby authoriſed and empowered, at all convenient Times, to inſpect the Books ſo kept by the Overſeers of the Poor as aforeſaid, and to take Copies thereof *gratis*.

Scale of Deductions to be made by Tenants repealed.

XI. And be it further enacted, That ſo much of the ſaid recited Act as directs, that the ſeveral Tenants or Occupiers of the ſeveral Houſes, Buildings, Lands, Tenements, and Hereditaments to be rated or aſſeſſed as in the ſaid recited Act is mentioned, the unexpired Term of whoſe preſent Leaſe for the Time being ſhall not be more than Five Years, ſhall and may deduct out of his or her Rent, payable to his or her Landlord or Landlords, Four-fifth Parts of ſuch Rate or Aſſeſſment; and that every ſuch Tenant or Occupier, the unexpired Term of whoſe preſent Leaſe ſhall not for the Time being be more than Ten Years, ſhall and may deduct out of his or her Rent, payable to his or her Landlord or Landlords, Three-fifth Parts of ſuch Rate or Aſſeſſment; and that every ſuch Tenant or Occupier, the unexpired Term of whoſe preſent Leaſe for the Time being ſhall not be more than Fifteen Years, ſhall and may deduct out of his or her Rent, payable to his or her Landlord or Landlords, Two-third Parts of ſuch Rate or Aſſeſſment, ſhall be and the ſame is hereby repealed and made void.

Scale of Deductions to be made by Tenants from their Rent.

XII. And be it further enacted, That every Tenant or Occupier of the ſeveral Houſes, Lands, Tenements, and Hereditaments, under or by virtue of the ſaid recited Act or of this Act to be rated or aſſeſſed, (the Tenants of the Warden and Fellows of the College of Chriſt in *Manchester* aforeſaid only excepted), the unexpired Term of whoſe preſent Leaſe for the Time being ſhall not be more than Five Years, ſhall and may deduct out of his or her Rent payable to his or her Landlord or Landlords, Eight-tenth Parts of ſuch Rate or Aſſeſſment; and that every ſuch Tenant or Occupier, the unexpired Term of whoſe preſent Leaſe ſhall not for the Time being be more than Ten Years, ſhall and may deduct out of his or her Rent, payable to his or her Landlord or Landlords, Seven-Tenth Parts of ſuch Rate or Aſſeſſment; and that every ſuch Tenant or Occupier, the unexpired Term of whoſe preſent Leaſe for the Time being ſhall not be more than Fifteen Years, ſhall and may deduct out of his or her Rent payable to his or her Landlord or Landlords, Six-Tenth Parts of ſuch Rate or Aſſeſſment; and that every other Tenant or Occupier for any greater or longer unexpired Term of Years than Fifteen Years, or for Life or Lives, ſhall and may deduct out of his or her Rent payable to his or her Landlord or Landlords, Five-Tenth Parts of ſuch Rate or Aſſeſſment; and that every Tenant or Occupier of the ſaid Houſes, Buildings, Lands, Tenements, and Hereditament ſo to be rated or aſſeſſed as aforeſaid, whoſe Tenancy ſhall be from Year to Year, or at Will, ſhall and may deduct out of his or her Rent payable to his or her Landlord

or Landlords, the Whole of such Rate or Assessment; and each and every such Landlord is and are hereby required and directed to allow each and every such Tenant or Occupier such Payments and Allowance accordingly; and every Tenant or Occupier paying such Parts or Part, or the Whole of the said Rate or Assessment, (as the Case may be), for or upon account of the Landlord, and producing a Receipt or Receipts for the same, shall be acquitted and discharged of and from so much of his, her, or their Rent, due to his, her, or their Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his, her, or their Rent was or should have been paid or payable.

Power to sell Pews.

XIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorised and empowered, from Time to Time, to sell and dispose of such of the said Pews or Seats as shall not before the Twenty-ninth Day of *September* next have been appropriated in pursuance of the Directions contained in the said recited Act, to any Person or Persons willing to become the Purchaser or Purchasers thereof, at such Price or Prices in Money as can or may be reasonably had or gotten for the same, subject nevertheless to the Payment of the Yearly Rent by the said recited Act directed to be charged thereon; and that when any such Pew or Seat, or Pews or Seats, shall have been sold under or by virtue of the said Power or of any Power or Authority contained in the said recited Act, the Conveyance thereof to the Purchaser or respective Purchasers thereof may be in the Form or in Words to the Effect following; that is to say,

Form of Conveyance.

'WE of the Trustees for executing Two Acts of Parliament made in the Fifty-fourth and Fifty-seventh Years of the Reign of King *George* the Third, for rebuilding *Newton Chapel*, in the Parish of *Manchester*, in the County Palatine of *Lancaster*, do by virtue of the said Acts, and in Consideration of the Sum of paid by to the Treasurer of the said Trustees, as appears by the Receipt hereunder written, grant and assure unto the said Heirs and Assigns [*here describe the Pew or Seats intended to be sold or conveyed*] to hold the same unto the said Heirs and Assigns for ever, subject nevertheless to the Payment of the Yearly Rent or Annual Sum of unto the Curate for the Time being of the said Chapel, by Half-yearly Payments on the Day of and the Day of in every Year; the First Payment thereof to be made on the Day of next ensuing the Date hereof, and to all Remedies for the Recovery thereof. In Witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

How Purchase Monies to be applied.

And every such Grant shall be good, valid, and effectual for vesting the Fee Simple and Inheritance of such Pew or Pews, or Seat or Seats, in such Purchaser or Purchasers, his, her, or their Heirs and Assigns, without any further Instrument or Assurance whatsoever; and all Sum and Sums of Money which shall be produced by the Sale of any such Pews or Seats, shall be applied in aid of the Monies to be raised or borrowed under the Authority of the said recited Act and of this Act, or either of them.

Application of Money to be raiſed by this Act.

XIV. And be it further enacted, That the Money to be raiſed under or by virtue of this Act ſhall be paid, laid out, and applied in the firſt Place in paying and defraying the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act; and then, in or towards carrying the Truſts and Purpoſes of the ſaid recited Act and of this Act into full and complete Execution.

Wall to be built.

XV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered to erect and build, or cauſe to be erected and built, a Wall round the Cemetery or Yard belonging to the ſaid Chapel; and alſo to erect and ſet up, or cauſe to be erected and ſet up, on the ſaid Wall or otherwiſe, an Iron Palliſado Fence, of ſuch Height and Dimenſions, and after ſuch Structure and in ſuch Manner as the ſaid Truſtees ſhall think fit and expedient.

Chapel and Parſonage Houſe, &c. to be kept in Repair as formerly.

XVI. And be it further enacted, That the ſaid New Chapel, and the Chapel Yards and Boundaries thereof, and other the Walls to be erected and built in purſuance of this Act, 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, Bodies Politic or Corporate, and in like Manner as the ancient Chapel of *Newton*, and the Chapel Yard thereof, have been or ought to have been heretofore reſpectively ſupported, ſuſtained, and kept in Repair.

Repeal of Clauſe requiring Preſence of Seven Truſtees.

XVII. And be it further enacted, That ſo much of the ſaid recited Act, as directs or enacts that the Number of the Truſtees to be preſent at any Meeting directed by the ſaid Act to be holden for the Purpoſes thereof, ſhall not be leſs than Seven, ſhall be and the ſame is hereby repealed.

Five Truſtees to be a Quorum.

XVIII. And be it further enacted, That at all future Meetings to be holden by the ſaid Truſtees, all and every the Powers and Authorities by the ſaid recited Act and this Act or either of them granted to or veſted in, and all Matters and Things thereby and hereby reſpectively directed or authoriſed to be done or executed by the ſaid Truſtees, ſhall and may be exerciſed, executed, done, and performed, by any Five of the Truſtees for the Time being; and all the Acts and Proceedings of any Five of the Truſtees for the Time being ſhall have the ſame Force and Effect as if done or executed by all the Truſtees for the Time being.

Public Act.

XIX. 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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