ANNO NONO

GEORGII IV. REGIS.

****

Cap. xcix.

An Act for amending an Act for rebuilding the Church of *Oldham* in the County Palatine of *Lancaster,* and for taking down and rebuilding the Chancel and Private Chapels attached to the same. [19th *June* 1828.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for taking down and* 5 G. 4. c. 64. *rebuilding the Body of the Church or ancient Parochial Chapel of Ease of* Oldham, *within the Parish of* Prestwich cum Oldham, *in the County Palatine of* Lancaster, *for providing additional Burial Ground, and for equalizing the Church Rates, and other Purposes:* And whereas there were annexed to the Body of the said Church or ancient Parochial Chapel a Chancel, claimed by the Rector of *Prestwich,* and also certain Private Chapels on each Side of the ~~said~~ Chancel, belonging to or claimed by certain Persons in right of particular Messuages within the said Chapelry: And whereas the Reverend *James Lyon* Clerk, Master of Arts, is the present Rector of *Prestwich cum Oldham* aforesaid, and the Right Honourable *Thomas* Earl of *Wilton* claims to be Patron of the said Rectory on the Decease of the present Rector: And whereas *Charles Rhys* Esquire is or claims to ~~be~~ Owner of One of the said Chapels known by the Name of the *Horton Chapel,* and *Edward Lees* Esquire is or claims to be Part Owner of another of the said Chapels called the *Werneth* or *Cudworth*

Chapel, and *Peter Heron*, *James Starky*, Esquires, and *Mary Gregge Hopwood* Spinster, are or claim to be Owners as Tenants in Common of the other Part of the said Chapel: And whereas such Chancel and Private Chapels have been left standing from Want of sufficient Powers in the said recited Act to take down the same, and the same are in a ruinous and dilapidated State and Condition, and the rebuilding of the Body of the said Church now in progress cannot be completed without their entire Removal: And whereas the Construction of Vaults under the Body of the said Church for the Interment of the Dead would be very desirable and advantageous: And whereas it is necessary that the Powers contained in the said first-mentioned Act should be altered and enlarged: And whereas the several Purposes above mentioned 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 said recited Act, and all and every the Powers, Provisions, Penalties, Forfeitures, Rates, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed by this Act,) shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of recited Act (except as hereby altered) extended to this Act.

II. And whereas the Commissioners acting in the Execution of an Act made and passed in the Third Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the other Acts therein recited or referred to, and the Acts subsequently passed for amending the same, did, on or about the Nineteenth Day of *July* One thousand eight hundred and twenty-seven, advance and lend to the Trustees for carrying into Execution the said recited Act of the Fifth Year of the Reign of His said present Majesty the Sum of Ten thousand Pounds in Exchequer Bills, upon the Security of an Indenture of Mortgage under the Hands and Seals of Five of the Trustees appointed under and in pursuance of the said last-mentioned Act, bearing Date the said Nineteenth Day of *July* One thousand eight hundred and twenty-seven, by which said Indenture the said Trustees did for the Considerations therein mentioned assign to *William Holden* Esquire, the Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates or Assessments to be raised, levied, and collected by virtue of the said last-mentioned Act of the Fifth Year of His said present Majesty, subject to Redemption as therein particularly mentioned and expressed; be it therefore enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said Indenture of Mortgage bearing Date the said Nineteenth Day of *July* One thousand eight hundred and twenty-seven, and that the same shall have Priority over, and shall precede any Mortgage or

Act not to affect Mortgage to Commissioners for granting Loans of Exchequer Bills.

or other Security whatsoever granted or entered into by the said Trustees, or which may hereafter be granted or entered into by the said Trustees, since the said Nineteenth Day of *July* One thousand eight hundred and twenty-seven, until the several Instalments of Principal Money and Interest, secured to the said Commissioners, or their Secretary for the Time being, under the said Indenture of Mortgage of the said Nineteenth Day of *July* One thousand eight hundred and twenty-seven, shall be fully paid and satisfied; any thing contained in the Acts herein recited or referred to, or this Act, or any of them, to the contrary thereof notwithstanding.

Chancel and Private Chapels to be taken down.

III. And be it further enacted, That it shall and may be lawful for the Trustees acting under the Execution of the said recited Act or of this Act, or any Three or more of them, and they are hereby authorized and empowered, to take and pull down, or order and cause to be taken and pulled down, the Chancel and several Private Chapels heretofore attached to the Body of the said Church or ancient Parochial Chapel of *Oldham*, and to sell and dispose of all and every the Timber, Stone, Slates, Flags, Glass, and other Materials of the said Chancel and Private Chapels, or any Part thereof, to any Person or Persons, as to them shall seem meet; and the Money arising by such Sale shall be applied to the general Purposes of this and the said recited Act, or the said Trustees shall employ or apply the said Materials, or any Part thereof, as to them shall seem meet, in rebuilding the said Church, or in constructing Vaults under the same, or in such Manner as they shall think proper.

For rebuilding the same, and making Vaults under the Church.

IV. And be it further enacted, That the said Trustees shall, and they are hereby empowered and required, by, with, and out of the Monies and Rates authorized to be raised, levied, or assessed by or by virtue of the said recited Act or by this Act, or which may be advanced on the Credit of this Act, or by, with, and out of the Monies advanced on the Credit of the said recited Act, to rebuild the Whole of the said Chancel and Chapels of larger Dimensions, or to erect or cause to be erected instead thereof an Addition to the easterly End of the Body of the said Church, now in progress of being rebuilt, and of like Width, and in a uniform Manner therewith, to the Extent of Twelve Yards in Length or thereabouts; and the said Trustees shall cause to be made and erected commodious Galleries within the said additional Part, and a Vestry or Vestries within the said Church and additional Part, or attached to the same, and shall excavate the Interior of the said Chancel and Chapels, or the Site thereof, and make or cause to be made Vaults for the Interment of the Dead under the Floor of the Body of the said Church, Chancel, Chapels, and additional Part: Provided always, that they the said Trustees shall first cause a Plan or Plans thereof, and of the Pews and Sittings therein, and of the Vaults and Cemeteries thereof, to be made and laid before the Lord Bishop of the Diocese for the Time being, for his Consent and Approbation; and that the Approaches or Entrances to the said Vaults shall be from the Outside of the said Church only.

For appropriating a Pew and a Vault to the Minister.

V. Provided always, and be it further enacted, That the said Trustees shall provide and appropriate One Pew in the said intended Church, or the Chancel thereof, and also a Vault under the same or some Part thereof,

thereof, for the Use of the Curate or other Minister of the said Church for the Time being and his Family, and shall also appropriate One other Pew therein for the Use of the Churchwardens and Chief Constables of the said Parochial Chapelry.

For appropriating the Space occupied by the Chapels to the respective Owners.

VI. And be it further enacted, That the said Trustees shall also leave within the said Building to be erected as aforesaid, to and for the respective Owners or Persons respectively claiming to be Owners of the said Private Chapels, so many Square Feet of Land as they are now entitled to occupy within the said Church, in order to construct Pews or Sittings therein, and also shall leave unbuilt so many Square Feet of Land under the Floor of the same, for the Convenience of vaulting; but the said Trustees shall not be compelled or compellable to make or construct any Pews or Sittings within the said Chapels, nor any Vaults under the Floor thereof, for the Use of the said Owners, unless the said Owners or Persons respectively claiming to be Owners of the said Chapels shall, in the first Place, pay to the said Trustees the Cost and Expence of making such Pews and Vaults; nor shall the said Owners or Persons respectively claiming to be Owners of the said Chapels be allowed or permitted to construct Pews within the said Church, or Vaults under the Floor thereof, in any Manner so as to interfere with or derange the Uniformity of the Plans, Designs, and Arrangements now making under the Direction of the said Trustees and their Architect, and so to be approved by the Lord Bishop of the Diocese as aforesaid: Provided nevertheless, that it shall be lawful for the said Trustees, with the Consent of any such Proprietor or Proprietors, to allot and appoint to him, her, or them, any other Vault, Pew, or Seat, Vaults, Pews, or Seats, within or under the said Church or the Galleries thereof when rebuilt as aforesaid, in lieu of his, her, or their present Vaults, Pews, Seats, or other Accommodations within their respective Chapels, such Proprietor or Proprietors paying or receiving for the Difference in Value of such Vault or Vaults, Pew or Pews, such Sum or Sums of Money as may be agreed upon between him, her, or them, and the said Trustees.

For appropriating Free Sittings.

For allotting Seats for Children of an intended Blue Coat School.

VII. And be it further enacted, That the Number of the Pews or Sittings to be allotted and appropriated in the Body of the said Church for decent and suitable Accommodation of all Persons, of what Rank or Degree soever, who may be entitled to resort to the same Church, and whose Circumstances may render them unable to pay for such Accommodation, shall not be less than One Fifth of the Whole; and out of that Proportion the said Trustees shall and may and they are hereby empowered to provide and appropriate, in some convenient Part of the said Church, or in the Galleries thereof, Pews or Sittings for the Use of all Children to be educated in a Blue Coat School shortly intended to be erected at *Oldham*, and endowed by a charitable Bequest given by the Will of *Thomas Henshaw* Esquire, deceased, and for the Masters, Matrons, Officers, and Servants belonging to such Establishment, when and so soon as such Blue Coat School shall be built and endowed as aforesaid.

Trustees empowered to contract for

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to contract and agree

agree with any Person or Persons for the taking down, enlarging, and rebuilding the said Chancel and Chapels, and for providing Materials for, and for rebuilding, erecting, finishing, and completing the said Chancel and Chapels, or additional Part of the said Church, and the Vaults under the Floor thereof; and the said Trustees shall take good and sufficient Security for the Execution of such Contracts, and generally make and do all such Orders, Matters, Acts, and Things whatsoever as they shall think proper and necessary, fully and effectually to carry the Purposes of this Act into Execution; 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 by or by the Order of the said Trustees, and signed by the Parties thereto, and shall be good, valid, and binding, as well upon the Trustees for executing this Act 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, out of the Monies to arise by virtue of this or the said recited Act.

rebuilding Chancel and Chapels.

IX. And be it further enacted, That Divine Service, and all Publication of Banns of Marriage, Marriages, Baptisms, Churchings, Burials, and all other Duties and Ordinances which were or used to be celebrated, solemnized, administered, had, done, and performed by the Rector or Curate for the Time being in the said Church, and the Churchyard belonging thereto, shall and may be published, celebrated, solemnized, administered, had, done, and performed in the like Manner in any Part of the Body of such new erected Church which may from Time to Time be made suitable and convenient for that Purpose, or in any Building within the said Churchyard, until such Time as the Whole of the said Church shall be rebuilt, completed, finished, and rendered fit for the Celebration of Divine Service therein; and all such Publications of Banns of Marriage, Marriages, Baptisms, and all Registers thereof, shall be as 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 and Baptisms had been solemnized, celebrated, and administered, in the present Chancel of the Church of *Oldham* aforesaid, as is provided for by the said recited Act, any Law, Statute, or Ordinance to the contrary in anywise notwithstanding; and all Marriages, Baptisms, Churchings, and Burials, which shall be solemnized, celebrated, administered, or performed as aforesaid, shall be entered and registered in the Register kept for and belonging to the said Church, in the same Manner as if the same had been solemnized, celebrated, administered, or performed in the Chancel during the rebuilding of the Body of the said Church, according to the Provisions of the said recited Act.

For Performance of Divine Service during the rebuilding of the Church.

X. And be it further enacted, That the said Chancel and Chapels, and the Land and Ground whereon the same are erected, and lying under the same, and the Erections or Buildings or Additions intended to be erected on the Site thereof or near thereto, with all and singular the Appurtenances thereto belonging, and all the Pews, Seats, and Galleries

For vesting Chancel, Chapels, &c. in Trustees.

Galleries which shall be made, erected, and affixed, put or placed in the same, and all the Vaults to be made within and under the Body of the said Church, and under the said additional Part, with their respective Appurtenances (save and except as aforesaid), shall be and the same are hereby absolutely vested in the said Trustees and their Successors for ever for the Purposes of this Act; and all the said Seats, Pews, and Vaults shall be marked with and distinguished by Numbers or Figures on the Doors or some conspicuous Part of such Pews and Vaults.

Pews and Seats may be let or sold to Inhabitants.

XI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to lease or demise such or so many of the said Pews or Seats in such additional Part of the said Church as is hereby directed and authorized to be erected and built (and as are not otherwise appropriated by virtue of this Act), and also such of the Pews in the Galleries to be erected therein, as to them shall seem meet, for any Term or Number of Years not exceeding Ten Years, to any Person or Persons, being Inhabitants of or Residents within the said Chapelry of *Oldham;* and at any Time or Times (subject to any such Lease or Demise) to sell and dispose of the Fee Simple and Inheritance of the same Pews, Seats, or any of them, and also to sell and dispose of the Fee Simple and Inheritance of such or so many of the said Pews or Seats in the said Church as shall not be leased or demised, as they the said Trustees shall think fit, unto any Person or Persons, being Inhabitants of or Residents within the said Chapelry of *Oldham*, willing to take or become the Purchaser or Purchasers of the same Pews or Seats respectively; and every such Lease or Demise as shall be made in pursuance of this Act (being signed by Three or more of the said Trustees, and by the Lessee or Lessees of such Pews or Seats,) shall be good, valid, and effectual to lease and demise such Pews or Seats respectively to such Inhabitants or Residents, without any Faculty or other Instrument whatsoever, and shall be received as Evidence in all Causes, Suits, and Actions touching or concerning any such Lease or Demise; and from and immediately after the Execution of such Conveyance as is hereinafter directed of such Pews or Seats as shall be sold as aforesaid, all and every such Pews or Seats shall be vested in the Purchaser or Purchasers thereof, and his, her, or their Heirs or Assigns for ever, and shall and may thereafter be sold, conveyed, devised, or otherwise parted with or disposed of by the Proprietor or Proprietors thereof for the Time being, unto any other Person or Persons, being Inhabitants of or Residents within the said Parochial Chapelry of *Oldham*, subject only to the Payment of the Rent or Rents reserved or made payable for or in respect of such Pew or Seat, Pews or Seats, and to the Rules or Regulations to which the same Pew or Seat, Pews or Seats, or the Owner or Proprietor, Owners or Proprietors thereof for the Time being, shall or may be or become subject or liable in pursuance of this Act; and it shall not be lawful for any Purchaser or Purchasers, or any Owner or Owners of any such Pews or Seats so to be sold by virtue of this Act, to sell, convey, let, assign, devise, dispose of, or bequeath the same to or for any Person or Persons not being an Inhabitant of or Resident within the said Parochial Chapelry of *Oldham;* but all such last-mentioned Sales, Conveyances, Leases, Assignments, Devises, or Bequests (if any) shall be null and void.

Pews to be disposed of to Inhabitants only.

XII. And

Forfeited or lapsed Pews may be re-let or re-sold.

XII. And be it further enacted, That when any Purchaser or Owner of any such Pew or Seat sold or conveyed, assigned or leased, or demised, by virtue of this Act as aforesaid, shall die, and such Pew or Seat shall not thereupon descend or go to some Person or Persons being an Inhabitant or Resident within the said Parochial Chapelry, then every such last-mentioned Pew or Seat shall in such Case descend or go to the Trustees acting in the Execution of this Act, and be vested in them, and shall and may be let or sold by them in Manner herein provided respecting the leasing and Sale of Pews and Seats, or in case the Functions of the Trustees for executing this Act shall have ceased, then such Pew or Seat shall descend or go to the Churchwardens of the said Parochial Chapelry, and shall be vested in them, and shall and may be by them, or any Three or more of them, let, sold, or conveyed to any such Inhabitants or Residents as aforesaid, and subject to the same or the like Provisions as are herein made relative to the letting and Sale of Pews.

When the Pew Rents become due.

XIII. And be it further enacted, That the aforesaid respective yearly Rents shall be reserved and made payable by equal half-yearly Payments on the Twenty-fifth Day of *March* and Twenty-fourth Day of *September* in each and every Year, the first of such Payments for every such Pew or Seat to commence and become due and payable on such of the said Days as shall first happen after the Time of taking Possession thereof; and all the Monies to arise by or from such Leases, Demises, Sales, and Conveyances shall be applied for the general Purposes of this Act.

For Recovery of Pew Rents in arrear, and Application thereof.

XIV. And be it further enacted, That in case the Rent reserved upon any such Lease or Demise shall be behind or unpaid after the same shall become due and shall have been demanded at the last known Place of Residence of the Lessee or Occupier thereof, it shall be lawful for the Churchwardens for the Time being of the said Parochial Chapelry, and they are hereby authorized and required, to enter upon and take Possession of such Pew or Seat for and on behalf of the said Trustees, and the said Trustees may let or sell the same to any other Person or Persons, being Inhabitants of or Residents within the said Parochial Chapelry of *Oldham*; and all Monies to be received by the said Churchwardens as aforesaid shall be by them applied for or towards the same Purposes as the Church Rates for the said Parochial Chapelry are applied, and such Churchwardens shall be accountable for the same in like Manner as they are by Law accountable for any Church Rates which shall come to their Hands; and such Rent shall and may be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County Palatine of *Lancaster*, returning the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Vaults may be sold to Inhabitants.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, (so long as their Functions for executing this Act shall remain in force, and from thenceforth the Churchwardens of the said

said Parochial Chapelry and their Successors for the Time being,) and they are hereby authorized, from Time to Time to sell and dispose of all or any of the said Vaults so to be constructed under the Floor of the Body of the said Church, or under the said additional Part thereof, (and as are not otherwise appropriated by virtue of this Act,) and the absolute and exclusive Use and Enjoyment thereof respectively, to such several Persons, being Inhabitants of the said Chapelry, as shall be willing to become the Purchasers thereof respectively from Time to Time, for such several Prices in Money as can be reasonably obtained for the same; and immediately after the Execution of every such Conveyance as is hereinafter directed of every such Vault or Vaults as shall be sold as aforesaid, all and every such Vault or Vaults shall be vested in the Purchaser or Purchasers thereof, and his, her, or their Heirs or Assigns for ever, and shall and may thereafter be sold, conveyed, devised, or otherwise disposed of by the Proprietor or Proprietors thereof for the Time being, unto any Person or Persons whomsoever.

Power to appropriate One Fifth of the Proceeds arising from Sale of Vaults towards providing a House for the Minister.

XVI. And be it further enacted, That the said Trustees shall and they are hereby required, out of the Monies to be by them received upon the Sale of any Vault or Vaults hereby authorized to be sold as aforesaid, to appropriate and set apart One Fifth Part thereof, and from Time to Time, when and so often as such Monies (together with the Proportion hereinafter directed to be reserved out of the Dues paid to the Minister of the said Church for the Interment of Strangers within such Vaults) shall amount to the Sum of Fifty Pounds, shall cause the same to be invested in Government Securities in the Names of them the said Trustees; and such Sums so to be invested as aforesaid, together with the Dividends and Proceeds from Time to Time to grow due thereon, shall accumulate and remain until the same shall (together with any Sums to be received out of the Burial Fees as herein directed) amount to the Sum of Eight hundred Pounds, and the same shall then be applied by the said Trustees in purchasing, erecting, or otherwise providing a Dwelling House, with the requisite Appurtenances and Conveniences thereto, for the Residence of the Minister or Incumbent of *Oldham* for the Time being.

For regulating the Form of Conveyance of Vaults, Pews, &c.

XVII. And be it further enacted, That all Conveyances to be executed by the said Trustees of Pews or Seats in the said additional Part of the said Church hereby authorized to be built, and in the Galleries over the same, and of the Vaults to be constructed under the Floor of the Body of the said Church, and under the said additional Part thereof, shall be made in the Form or to the Effect prescribed by the said recited Act for Conveyances of Pews or Seats in the Body of the said Church, or as near and conformable thereto, *mutatis mutandis*, as Circumstances will admit of; and every such Conveyance and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, and against all and every Person and Persons whosoever: Provided always, that every Assignment, Transfer, Disposition, or other Assurance of any of the said Pews, Sittings, or Vaults, or any of them, shall be registered in a Book to be provided for that Purpose by the said Trustees, or the Churchwardens of the said Chapelry, after the Functions of the said Trustees shall have ceased as aforesaid; and for the entering of every such Transfer

Transfer or other Assurance the Clerk to the said Trustees shall be paid, by the Person to whom such Transfer or other Assurance shall be made, the Sum of Two Shillings and Sixpence; and the several Pews, Sittings, and Vaults, and the several Owners and Occupiers thereof, shall be subject to such Orders and Regulations as shall from Time to Time be made by the said Trustees with the Approbation of the Lord Bishop of the Diocese.

Provision repealed respecting the Nomination of Curate.

XVIII. And whereas it was in and by the said recited Act enacted, "that *James Lyon*, the present Rector, and his Successors, Rectors for the Time being of the Parish of *Prestwich cum Oldham*, shall continue to be Rectors of the said Church to be rebuilt or erected by virtue of this Act, in like Manner as in the old or present Church; and the said Rector, or the Person or Persons who for the Time being has or have a Right of presenting, nominating, or appointing a Curate to the said old or present Church, or in whom such Right would hereafter be, in case the Body thereof had not been taken down by virtue of this Act, shall have the Right of Presentation, Nomination, or Appointment to the Body of the said Church to be rebuilt by virtue of this Act, upon every future Vacancy or Avoidance; and every such Person so to be presented, nominated, or appointed as aforesaid, being duly instituted and inducted, shall be the Curate of the said Church to be rebuilt or erected by virtue of this Act, and shall have and enjoy such and the same Profits, Privileges, Commodities, and other Ecclesiastical Dues and Duties arising within the said Parochial Chapelry of *Oldham*, as the present Curate of the said Chapelry of right has or ought to have or enjoy;" be it enacted, That the said Provision be and the same is hereby repealed.

Right of Rector and Curate saved.

XIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, defeat, or impeach any Right, Title, Interest, Privilege, or Authority whatsoever of the said Rector of *Prestwich cum Oldham* aforesaid, or his Successors, or of the Curate of the present or old Church, in any Manner howsoever, for or by reason of any thing in this or in the said recited Act contained, save and except only so far as the same are respectively by any of the Provisions of this Act expressly restrained or affected.

For removing Doubts as to the Allotment of Seats.

XX. And whereas it was by the said recited Act enacted, "that when the Body of the said Church shall be erected and completed, and such Pews or Seats as are intended to be erected therein, or in the Galleries thereof, shall be finished, the said Trustees shall, and they are hereby authorized and required to allot and appoint an equal Number of Pews or Seats therein to the several Proprietors or Persons who at the Time of such Allotment or Appointment respectively would have been entitled to Pews or Seats in the present Church or the Galleries thereof, or in the actual Receipt of the Rents and Profits thereof:" And whereas, upon any such Allotment of Pews or Seats hereafter being made, Doubts may arise upon the Construction of the said Provision; be it therefore enacted, That the Purport, true Intent and Meaning of the said Provision is, and the same shall only be construed to extend to empower the said Trustees to allot and appoint an equal Number of Seats in the

Body of the said Church, or in the Galleries thereof, to the several Proprietors or Persons who would have been legally entitled to Pews or Seats therein, or in the lawful Receipt of Rents and Profits thereof, before the passing of the said recited Act.

For providing additional Burial Ground.

XXI. And whereas the said Trustees have purchased a certain Plot of Land adjoining the easterly Side of the present Churchyard, as and for an additional Cemetery or Burial Ground, and the same hath been consecrated by the Lord Bishop of the Diocese, pursuant to the Powers of the said recited Act: And whereas, from the growing Population of the Chapelry, a further Enlargement of the Cemetery will be required; be it therefore enacted, That it shall and may be lawful for the said Trustees, when they shall think needful, to purchase any Plot of Land adjoining the present Churchyard of *Oldham* aforesaid, or any Street immediately bounding the same, not exceeding an Acre in Quantity, as and for an additional Cemetery or Burial Ground, and to pay for the same out of the Monies to arise by virtue of this Act; and such new or additional Cemetery or Burial Ground shall not be used for the Purpose of Burial until it shall have been duly consecrated.

Notices of Meetings.

XXII. And be it further enacted, That all Notices of the Time and Place of holding any Meetings of the said Trustees for the Purpose of carrying this and the said recited Act into Execution, and of every Adjournment thereof, (other than and except Notices for holding Special Meetings on Emergencies, or Meetings for the Purpose of altering or revoking any Orders, Appointments, or Resolutions which have already been or may hereafter be made, the Meetings for which Purposes shall be convened and holden and Notice thereof given in the Manner prescribed by the said recited Act,) shall be given by delivering or causing to be delivered a written or printed Copy of every such Notice (by the Clerk to the said Trustees, or by his Order, and signed by him,) to the Warden of each of the respective Townships of *Crompton*, *Chadderton*, and *Royton*, who are hereby required to affix the same on the Doors of the respective Chapels of Ease at *Shaw*, *Hollinwood*, and *Royton*; and also the said Clerk shall affix or cause to be affixed a like Copy, signed as aforesaid, upon the principal Outer Door of the said Church of *Oldham*, when rebuilt, and in the meantime shall affix the same upon the North Door of *Saint Peter's Chapel* in *Oldham* aforesaid; and that every such Notice shall be so published One *Sunday* at least before the Time of holding any such Meeting.

For preventing Vestry Meetings within the Church.

XXIII. And in order to prevent the Dilapidation or Injury which may be done or committed within or to the said Church, by tumultuous and disorderly Meetings and Assemblies therein; be it further enacted, That from and after the said intended Church shall be built and completed it shall not be lawful for the Minister or Churchwarden for the Time being to convene or allow, or permit to be convened or allowed, any Public Meeting of Lay Payers or others to be holden in the Body of the said Church, nor in the Vestry thereof, save for the Purposes required by any Act or Law, Usage or Custom, in force concerning Vestries, and then only for the Purpose of Adjournment to some other more suitable Place for the

Transaction

Transaction of Business to be appointed by such Minister or Churchwarden, and which they or either of them are or is hereby empowered to do.

Repeal of the Clause requiring all Monuments, &c. to be replaced.

XXIV. And whereas it was in and by the said recited Act enacted, "that the several Monuments, Gravestones, and monumental Inscriptions which shall be removed in taking down and rebuilding the Body of the present 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 Body of the said Church shall be rebuilt, or as soon after as conveniently may be, all such Monuments, Gravestones, and monumental Inscriptions, shall be replaced and fixed in the Body of the said Church to be rebuilt by virtue of this Act, in or as near to the Place or Places from whence they shall have been respectively removed as may be;" be it therefore enacted, That the same Provision be and the same is hereby repealed.

Monuments may be replaced at the Discretion of the Trustees and Minister.

XXV. And be it further enacted, That it shall be lawful to and for any Person or Persons to replace all or any Monuments or monumental Inscriptions which shall have been removed in taking down the said Church and Private Chapels, in the new Church to be rebuilt by virtue of this or the said recited Act, or in the Vestries attached to the same, at the Discretion of the said Trustees and Ministers of the said Church for the Time being, subject to an Appeal to the Bishop in case of Dispute; and it shall not be lawful for any other Person or Persons at any Time to place or erect any Monument, Tablet, or Inscription upon or within the said Church, or the Vaults or Cemetery thereof, without the previous Permission and Authority, in Writing, of the said Trustees at any Meeting, unless by Authority of the Lord Bishop of the Diocese, nor without paying the usual Fee to the Minister for such Permission.

Provision authorizing Interments within the Church repealed.

XXVI. And whereas it was in and by the said recited Act enacted, "that after the Body of the said Church shall by virtue of this Act be rebuilt and completed, no new Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Site of the said Church, without the Consent, in Writing, of the Rector of such Church for the Time being, nor unless such Grave or Vault shall be built on all Sides thereof respectively with Brick or Stone, and arched over with the same or like Materials, and the Coffin inclosed in Lead or Iron; and no such new Grave or Vault shall be sunk or made within the Distance of Five Feet from the Walls, or any of the Pillars or Columns within the said Church, and no such Vault or Grave shall exceed the Depth of Eight Feet from the Surface of the Ground;" be it enacted, That the same Provision be and the same is hereby repealed.

For Interment within the Vaults.

XXVII. And be it further enacted, That it shall be lawful for the several Persons to whom the several Vaults within or under the said Church, or Addition thereto, shall for the Time being respectively belong, to bury the Dead within their said respective Vaults, and for all other Persons whomsoever,

ever, with the Licence and Authority of the Rector or Minister of the said Church for the Time being, to bury the Dead within such of the said Vaults as shall not have been sold or appropriated, upon Payment to the said Trustees or their Treasurer for the Time being of the Sum of Four Pounds Four Shillings for each Interment of any Person being an Inhabitant of the said Chapelry, or the Sum of Eight Pounds Eight Shillings for each Interment of any Person being a Stranger or Non-resident within the said Chapelry, and which respective Sums the said Trustees are hereby authorized to receive: Provided always, that no Corpse or dead Body shall be buried in any of the said Vaults which shall not be inclosed in a Coffin of Lead.

Compensation to the Minister for each Interment.

XXVIII. And be it further enacted, That there shall be paid to the Minister of the said Church for the Time being, for every Burial within the Vaults under the same, a Fee of One Pound Five Shillings for every such Inhabitant, and a Fee of Two Pounds Ten Shillings for every Non-resident or Stranger.

Minister to contribute a Moiety of Burial Fees of Strangers within Vaults towards the Fund for providing a Dwelling House for the Incumbent.

XXIX. And be it further enacted, That the said Minister or Incumbent of *Oldham* for the Time being shall and he is hereby required from Time to Time, for the Term of Fifteen Years next after the passing of this Act, and within Seven Days after Demand made, to pay over to the Treasurer to the said Trustees for the Time being One Moiety of every Fee to be received for the Burial of every Non-resident or Stranger within the said Vaults, in order that the same may be added to and become Part of the Fund hereinbefore directed to be appropriated and set apart for providing a Dwelling House for the said Minister as aforesaid, until such Dwelling House shall be so erected or provided as aforesaid, and afterwards during the Remainder of the said Term of Fifteen Years the said Minister or Incumbent shall continue to pay the said Moiety of such Fees in Diminution of the Cost and Expences of constructing such Vaults and providing such Dwelling House as aforesaid; and it shall and may be lawful to and for the said Treasurer from Time to Time to inspect the Register of Burials kept at the said Church, without Fee or Reward.

For Removal of Bodies into Vaults.

XXX. And be it further enacted, That any Person or Persons who shall or may purchase or become entitled to a Vault or Vaults under the said Church or additional Part, and who shall be desirous of removing the Body or Remains of any Person or Persons which may have been interred within the said Church before the same was taken down (or within the said Churchyard before the passing of this Act), into any such Vault or Vaults, shall be at liberty to do so without Payment of any Fee or Reward to the Minister of the said Church, and that without being subject or liable to any Indictment or Ecclesiastical Censure for so doing: Provided always, that such Bodies or Remains be inclosed in a Coffin or Coffins of Lead, and all Claim to the Ground from whence such Bodies or Remains shall be removed shall be abandoned and relinquished for the Use of the Parish.

Each Township to be chargeable

XXXI. And be it further enacted, That if any Loss or Defalcation shall arise or be occasioned by reason or means of any Person or Persons already

already appointed or hereafter to be appointed to collect the Rates to be raised by this and the said recited Act, omitting, refusing, or neglecting to account with or pay over to the said Trustees or their Treasurer the Amount of Monies assessed or to be assessed by virtue of this and the said recited Act, on each respective Township within the said Chapelry, and which Monies he or they shall have received or collected, then and in every such Case the Amount of such Loss or Defalcation shall be sustained and made good by, or otherwise be re-assessed within or upon the Township for which such Collector or Collectors was or were appointed.

with any Loss arising from the Default of its own Collector.

XXXII. And whereas in and by the said recited Act it was enacted, that the several Tenants or Occupiers of Houses and Premises should pay the Whole of the Rate on the Premises in his or their Occupation (except as therein mentioned), and every such Tenant should deduct out of his Rent payable to his Landlord Two Third Parts of such Rates or Assessments; and it was thereby provided, that nothing in the said recited Act contained should extend or be construed to extend to affect or make void any Contract, Covenant, or Agreement made between any Landlord and Tenant, touching or concerning the Payment of the Rates or Assessments to be made, raised, levied, and received by virtue of the said recited Act, or in any other Respect whatsoever: And whereas it is reasonable that such Tenants and Occupiers shall be further enabled to make and enforce such Deduction; be it therefore enacted, That from and after the passing of this Act no Contract, Covenant, or Agreement whatsoever, either verbal or written, touching or concerning the Payment of the said Rates, shall hinder or prevent any Occupier or Tenant of rateable Property from deducting the said Proportion of Two Third Parts of the Rate or Assessment from and out of the Rent due to his, her, or their Landlord or Landlords, for the Space of Ten Years next after the passing of this Act; any thing in the said recited Act contained to the contrary in anywise notwithstanding.

Recital of Clause authorizing Tenants to deduct Two Third Parts of Rate, &c.

Tenants may deduct Two Third Parts of these Rates from their Landlord's Rent.

XXXIII. Provided always, and be it further enacted, That no Rates or Assessments to be raised or levied by virtue of the said recited Act or this Act shall be levied or assessed upon or in respect of any Tithes, or Ecclesiastical Profits or Payments to the Rector, arising, growing, or accruing within the said Chapelry; any thing in the said recited Act or in this Act to the contrary in anywise notwithstanding.

Rector to be exempt from Payment of Rates in respect of Tithes.

XXXIV. And whereas in and by the said recited Act it was enacted and provided, that the Whole of the Monies to be raised by Rates within the said Chapelry should be so raised among the several Townships within the said Chapelry of *Oldham* aforesaid, upon the Scale in which such Townships respectively contributed to the then present Church Rates; that was to say, for every Twenty Shillings of the Amount which would be required to be raised and collected in each and every Year throughout the Chapelry the Sum of Ten Shillings should be raised and collected within the Township of *Oldham*, the Sum of Two Shillings and Sixpence within the Township of *Royton*, the Sum of Four Shillings within the Township of *Chadderton*, and the Sum of Three Shillings and

Survey and Valuation to be made of all Property rateable within the Four Townships.

and Sixpence within the Township of *Crompton*: And whereas the said recited Act does not contain sufficient Powers for Equalization of the Church Rates thereby authorized to be raised, nor for the equal Apportionment thereof amongst the several Townships within the said Chapelry, and the Amount of such contributive Proportions now made payable by each respective Township may hereafter become unequal and unjust, by reason of the Variation of the comparative Value of rateable Property therein, but such Disproportion may be sufficiently and equitably remedied by subjecting the Apportionment to be regulated from Time to Time by periodical Valuations within the Chapelry; be it therefore enacted, That in order to make an equal and fair Rate and Apportionment it shall and may be lawful to and for the said Trustees, and they are hereby required, to appoint and employ such and so many fit and competent Persons as they may think proper, and with all convenient Speed cause a Survey and Valuation to be made of all Lands, Tenements, Mills, Manufactories, Buildings, Hereditaments, and rateable Property whatsoever, throughout the said Four Townships within the said Chapelry, or such Part or Parts thereof as to them the said Trustees shall seem necessary, and shall, if needful, cause to be made a Map or Maps and Plan or Plans thereof, or of such Part thereof as shall be deemed necessary, specifying the Quantity in Statute Measure of such respective Farms, Lands, Tenements, and Hereditaments; and when such Survey and Valuation shall be made and completed, they the said Persons so to be appointed shall make or cause to be made and written a Terrier, Schedule, or Inventory of all such Lands, Tenements, Mills, Manufactories, Buildings, Hereditaments, and rateable Property, setting forth and describing therein the Situation, Particulars, and Admeasurement thereof respectively, with the Names of the Owners and Occupiers thereof respectively, and the Annual Value thereof, and which said Terrier, Valuation, and Schedule shall, if required by the said Trustees, be verified by the Persons so making the same as aforesaid upon Oath (or Affirmation, if a Quaker,) before some Justice of the Peace for the County of *Lancaster* (and which Oath or Affirmation such Justice is hereby required to administer or take); and such Terrier, Valuation, and Inventory, when so made and verified as aforesaid, shall be delivered to the said Trustees, who shall thereupon ascertain and fix the respective Scale of Proportions in which each such Township shall respectively contribute to the said Rate so to be raised by virtue of this and the said recited Act, a Minute or Memorandum of which Apportionment shall be entered on the Proceedings of the said Trustees; and such Apportionment shall be thenceforward binding and conclusive upon each of the said Townships for the Space of Twenty Years thence next ensuing: Provided always, that nothing herein contained shall prevent the said Trustees from making any Rate or Rates, Assessment or Assessments, in the meantime, within each respective Township, upon all Improvements, new or additional Buildings and Establishments therein, as the same may from Time to Time arise or be begun therein, and be rateable to the Relief of the Poor; but the Proportions in which each Township is to contribute to the said Rate as aforesaid shall remain undisturbed for the Period aforesaid.

New Survey may be taken at the

XXXV. And be it further enacted, That within Six Calendar Months from and after the First Day of *June* One thousand eight hundred and forty-eight,

eight, and so from Time to Time within Six Calendar Months next after the Expiration of every further Time of Twenty Years, to be computed from the said First Day of *June* (but at no other or intermediate Time or Times), it shall and may be lawful to and for the Churchwarden of any of the said Townships, the Inhabitants whereof may feel aggrieved by any Disproportion of Rate which may then exist, or be supposed to exist, between the said Townships, (being first duly authorized by a Vestry Meeting of Land Owners and Lay Payers to be for that Purpose holden in such Township, and which shall be duly certified by the Chairman of such Meeting to the said Trustees,) to give Notice, in Writing, of the Intention of the Lay Payers within such Township to require a new Survey and Valuation to be made; and upon every such Notice and Application so made as aforesaid the said Trustees shall and they are hereby authorized and required to appoint like fit and competent Persons to make out a new Survey and Valuation of all rateable Property within the said Chapelry, and to proceed therein in such Manner as is hereinbefore appointed for that Purpose; and upon such Survey and Valuation being made and verified as aforesaid, and delivered to the said Trustees, a fresh Apportionment shall be made amongst the said Townships, which shall remain in full Force in like Manner for Twenty Years thence next ensuing, and so *toties quoties*; and if it shall appear that no Disproportion or Inequality exists, then and in such Case all the Costs and Expences of taking and making such Survey and Valuation, and incident thereto, shall be assessed and ascertained by Two of His Majesty's Justices of the Peace for the said County of *Lancaster* (and which Assessment they are hereby authorized and empowered to make on Application made to them for that Purpose), and the Amount so to be by them awarded to be paid shall be paid and borne by the Township making such Application for a fresh Survey, out of their Poors Rates; and in case the Overseer of the Poor of the Township which shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same, on Demand, then and in every such Case it shall be lawful for any Justice of the Peace for the County of *Lancaster*, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the Amount of such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the said Overseer of the Poor or Churchwarden of the Township so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attending such Distress and Sale,

Expiration of every 20 Years, if required.

For Payment of Costs where no Disproportion exists.

XXXVI. And be it further enacted, That if any Admeasurement or Admeasurements, Plan or Plans, Survey or Surveys, Valuation or Valuations, already or hereafter to be made, of all or any Part of the Farms, Lands, Buildings, Tenements, or Hereditaments in the said Chapelry, or any Township within the same, shall be produced and laid before the Persons so appointed to value as aforesaid, such Persons shall and may (if they shall think fit) make use of the same in any Survey or Valuation, Map or Plan, authorized by this Act to be made, and without causing a new Admeasurement, Map, Plan, Survey, or Valuation to be made of such Premises as shall be delineated

Old Plans and Surveys may be used, if Valuers think proper.

or

or described in any such Admeasurement, Plan, Survey, or Valuation so to be produced as aforesaid.

Power to enter Lands for the Purposes of this Act.

XXXVII. And be it further enacted, That all Persons so to be employed in such Valuation and Survey as aforesaid, and any Person or Persons employed by and acting under their Direction, shall and may, and they are hereby respectively authorized and empowered, for the Purposes of this Act, to enter into and upon all and every or any of the Farms, Lands, Buildings, Tenements, or Hereditaments within the said Chapelry, without being subject to any Action or Molestation for so doing.

For Payment of Costs, when a Disproportion does exist.

XXXVIII. And be it further enacted, That the Costs, Charges, and Expences of making such first-mentioned Survey and Valuation, and every future Survey and Valuation (which shall be required by reason of Disproportion of Rate), shall be borne and paid by each respective Township wherein such Survey and Valuation shall have been made, out of the Poor Rate raised within the same; and which Amount the several Overseers of the Poor of each such Township is and are hereby authorized and required to pay, upon the Chairman of any Meeting of the said Trustees certifying that the said Trustees have received any such Valuation, made out in a satisfactory Manner, as required by this Act.

For imposing a further Penalty on Collectors not accounting for Rates.

XXXIX. And whereas the Penalty imposed by the said recited Act upon Collectors of Rates in case of Refusal or Neglect to account for and pay over to the said Trustees or their Treasurer the Money in his or their Hands, Custody, or Power, is not adequate to enforce a due Performance of the Duty thereby required from such Collectors; be it therefore enacted, That if any such Collector or Collectors shall refuse or neglect to receive the Sums to be rated or assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody, or Power, every such Collector or Collectors so offending shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Fifty Pounds; and which Penalty shall and may be levied and recovered in such Manner and by such Process from such Collector or Collectors, and his or their Surety or Sureties, as is in and by the said recited Act authorized and directed with respect to the Recovery of the Penalty of Five Pounds thereby imposed for such Offence.

Application of Monies.

XL. And be it further enacted, That the Monies which shall arise or be received under any of the Powers or Provisions of this Act, from the Sale of Pews or Vaults, shall be paid to the Treasurer to the said Trustees, and be by him applied and disposed of under the Direction of the said Trustees for the general Purposes of this and the said recited Act; and that the Costs and Expences of applying for, obtaining, and passing this present Act shall be paid out of the Rates and other Monies arising or to be received by virtue of this and the said recited Acts, exclusive of and in addition to the Sum authorized to be borrowed on the Credit of the said Rates by the said recited Act.

Indemnity to Trustees and Officers.

XLI. Provided always, and be it further enacted, That all and every the said Trustees and their respective Successors, and the respective Officers of the said Trustees, shall from Time to Time and at all Times hereafter

be fully indemnified, from and out of the Monies to be raised under this Act as well as the said recited Act, of and from all Costs, Charges, Damages, and Expences which they or any of them 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 by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act or the Trusts thereby reposed in them.

Treasurer and Clerk not to be the same Person.

XLII. And be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed their Clerk in the Execution of the said Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, 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, Wager of Law, nor more than One Imparlance, shall be allowed.

Act not to prejudice the Rights of the Bishop.

XLIII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of England, or to destroy or prejudice any of the Rights or Powers belonging or appertaining to the Lord Bishop of the Diocese.

Act not to prejudice the Powers of the Commissioners for building new Churches.

XLIV. And be it further enacted, That in case His Majesty's Commissioners appointed under the Acts for building and promoting the building of additional Churches and Chapels, should at any Time hereafter think fit to assign Districts to any or all of the Chapels of Ease being within the said Chapelry, or to divide the Chapelry of *Oldham*, nothing in this Act shall be construed to interfere with the Power given to His Majesty's Commissioners under the said recited Acts, in Cases where Districts are assigned to Chapels of Ease, or in Cases where Parishes or Parochial Chapelries are divided into Districts, to make such Orders and Regulations as by the said recited Acts they are empowered to make.

Public Act.

XLV. 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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