

ANNO SECUNDO

GULIELMI IV. REGIS.

****

Cap. lxxx.

An Act for establishing as the Parish Church the newly erected Church in the Parish of *Saint Bartholomew* adjoining the City of *Chichester*.

[6th *June* 1832.]

WHEREAS the Parish Church of *Saint Bartholomew* adjoining the City of *Chichester* in the County of *Sussex* was many Years ago totally demolished : And whereas the Population of the said Parish having greatly increased of late Years, a Fund was raised by the voluntary Contribution of several of the Inhabitants of the said Parish and others, towards defraying the Expences of erecting a new Church in the said Parish for the Performance and Celebration of Divine Service according to the Rites and Usage of the united Church of *England* and *Ireland:* And whereas the Monies so raised have been applied towards the Erection of a new Church, but such Monies have not been sufficient to defray the whole of the Expences of erecting the said new Church, and a Debt amounting to the Sum of Six hundred Pounds or thereabouts hath been incurred, and now remains unpaid, and the Vestry Room of the said new Church hath not yet been completed : And whereas the said new Church has been erected on a Piece of Ground adjoining the ancient Cemetery of the ancient Parish Church, Part of the Rectory, Parsonage, or Prebend of *Saint Bartholomew,* of which the Very Reverend *George Chandler,* Doctor of Laws, Dean of the Cathedral Church of

Chichester, claims to be seised or entitled as such Dean as aforesaid: And whereas it is desirable that the said Church so erected as aforesaid should be established as the Parish Church in the said Parish of *Saint Bartholomew*, and that Money should be raised by a Rate or Rates, to be levied on the Owners or Occupiers of Houses, Lands, and Tenements in the said Parish, and by a Sale or Mortgage of the Pews in the said Church, for the Purpose of defraying the Expences incurred in the Erection of the said Church, and now unpaid, and all other Expences attending the completing, establishing, and fitting up the same as such Parish Church as aforesaid: And whereas the Purposes aforesaid 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 Very Reverend the Dean of *Chichester* and the Venerable the Archdeacon of *Chichester* for the Time being, and *Charles Baker* of *Semicots*, in the Parish of *Funtingdon* in the said County of *Sussex*, Esquire, and the Persons to be appointed in his Stead in manner hereafter mentioned, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Trustees.

For appointing a new Trustee.

II. And be it further enacted, That in case the said *Charles Baker* shall happen to die, or be desirous of being discharged from or refuse or decline or become incapable to act in the Trusts of this Act, it shall be lawful for the Dean and Archdeacon for the Time being of *Chichester* aforesaid, and they are hereby directed, by any Deed or Writing under their Hands, to nominate any Person to be a Trustee in the Stead of the said *Charles Baker*, and so from Time to Time and at all Times hereafter, in the Event of such new Trustee dying, or desiring to be discharged, or refusing, declining, or becoming incapable to act as aforesaid.

New Church established as the Parish Church.

III. And be it further enacted, That the said new Church, when completed and consecrated, shall from thenceforth and for ever be called and known by the Name of and be to all Intents and Purposes the Church of the Parish of *Saint Bartholomew* aforesaid; and Divine Service, the Solemnization of Matrimony, Baptism, the Burials of the Dead, and all other Rites and Ceremonies, Notices, Matters, and Things whatsoever, which are of Right used to be celebrated, solemnized, administered, read, or published, had, done, or performed, in Parish Churches, shall and may be celebrated, solemnized, administered, read, and published, had, done and performed, by the Curate or Minister of the said Parish Church for the Time being, and the Parish Clerk thereof for the Time being, in the said new Church, any Law, Statute, Custom, or Usage to the contrary notwithstanding, and in all respects as if such Church had heretofore been the Parish Church of the said Parish.

Minister.

IV. And be it further enacted, That the present Curate, and his Successors, Curates for the Time being, shall be Curate of the said new Church; and the Person or Persons who has or have heretofore had the Right of presenting, nominating, or appointing a Curate of the

the said Parish or Parish Church shall have the Right of Presentation, Nomination, or Appointment to the said new Church upon every future Vacancy or Avoidance; and every such Person so to be presented, nominated, or appointed as aforesaid, being duly licensed, shall be the Curate 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 of *Saint Bartholomew*, and all such other Benefits and Endowments whatsoever, as the Curate for the Time being now has or would of Right have had and enjoyed if the said ancient Church had not been destroyed.

Church, &c. to be completed.

V. And be it further enacted, That it shall and may be lawful for the said Trustees to cause the Vestry Room of the said new Church to be completed, and the said new Church to be fitted up in all respects as shall by the said Trustees be deemed proper for the Performance of Divine Service therein, and also to cause proper Approaches and Roads to be made to the same, and also to cause the Boundary Fences of the said Cemetery to the said new Church to be renewed or repaired in such Manner as they shall think proper.

Meeting of Trustees.

VI. And be it further enacted, That the said Trustees shall, within One Calendar Month from the passing of this Act, meet together, and from Time to Time afterwards adjourn the Meeting to any convenient Time and Place which they shall think proper, for the Purpose of putting this Act or any of the Powers therein contained into execution; and in case of any Neglect or Omission to adjourn to any future Day, or in case any One of the said Trustees shall think it necessary at any Time, or from Time to Time, that a Meeting shall be held, then and in either of the said Cases it shall be lawful for any One of the said Trustees to call a Meeting; and Notice in Writing, signed by any One of the said Trustees, of every such Meeting, (except in case of the Adjournment from Day to Day,) shall be delivered or left at the usual or last Place of Abode of each Trustee at least Ten Days before such Meeting.

Quorum of Trustees.

VII. And be it further enacted, That all the Powers and Authorities vested in the Trustees by this Act may be exercised by any Two of the said Trustees present at such Meetings to be held as herein-before mentioned.

Application of Monies to be raised.

VIII. And be it further enacted, That the Monies to be raised and received by the said Trustees by virtue of this Act, as herein-after is mentioned, shall be applied, in the first place, in paying and discharging the Expences attending the applying for, obtaining, and passing of this Act, and in the next place in Liquidation of the said Debt and Expences already incurred in and about the building of the said Church, and hereafter to be incurred in and about the Completion of the said Church, and in making such Approaches as aforesaid, or in repairing the said Cemetery; and that any Surplus of the said Monies which shall remain after satisfying the Purposes to which the same are herein-before directed to be applied shall go in aid of the Church Rates of the said Parish, and be applied in such Manner as the said Rates are applicable, either by Law or under or by virtue of this Act.

IX. And

Pews to be numbered, and disposed of in manner herein mentioned.

IX. And be it further enacted, That the Seats or Pews to be erected in the said new Church shall be numbered, and One convenient Seat or Pew, situate in the Body of the said Church, shall be allotted by the said Trustees for the Use of the Curate or Minister of the said Church for the Time being and his Family (for which Pew no Rent shall be charged); and Seats or Sitting Places, to be marked with the Words "Free Seats," to accommodate not less than Ninety Persons, shall be allotted and set apart by the said Trustees for the Use of the Poor of the said Parish of *Saint Bartholomew* for ever, and upon which no Rent shall be charged; and the Remainder of the Seats or Sittings shall (subject to the Power of Sale herein-after contained) be let by the Churchwardens of the said Parish to any Person or Persons who may be willing to take the same at such Rents as shall be from Time to Time approved of by the said Trustees.

For Recovery of Pew Rents.

X. And be it further enacted, That the said Churchwarden or Churchwardens for the Time being shall have such and the same Powers and Remedies for enforcing Payment and Recovery of the same Rents as are given and provided for the Recovery of Pew Rents in and by an Act passed in the Fifty-eighth Year of the Reign of His 58 G. 3. c. 45. Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, and another Act passed in the Fifty-ninth Year of the Reign of 59 G. 3. c. 134. His said Majesty, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament, for building and promoting the building of additional Churches in populous Parishes*, and another Act passed in the Third Year of the Reign of 3 G. 4. c. 72. His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual Two Acts, passed in the Fifty-eighth and Fifty-ninth Years of His late Majesty, for building and promoting the building of additional Churches in populous Parishes*; and that the said Rents shall be paid in anticipation, in such Manner as in the said Acts is provided with respect to Pew Rents.

For Sale of Pews.

XI. And be it further enacted, That the said Trustees do and shall, within Six Calendar Months from the Consecration of the said new Church, after setting apart such Pew and Free Seats as aforesaid, sell so many of the said Seats or Pews as, together with the Sum of Four hundred Pounds, directed to be raised in manner herein-after mentioned, will produce a Sum sufficient to answer all the Purposes of this Act, and do and shall convey the same respectively unto any Person who may contract for the Purchase thereof, and to the Executors, Administrators, and Assigns of such Purchasers respectively, for a Term of One thousand Years, as Personal Property, and the same shall be transferrable and transmissible as such; and the Conveyance, Assignment, or Transfer of every Seat or Pew shall be registered by the said Churchwardens for the Time being in a Book to be provided for that Purpose, and kept in the Vestry of the said Church.

Priority among Purchasers.

XII. Provided always, and be it further enacted, That in the Purchase or hiring of Pews, Persons being Parishioners, and having subscribed to the building of the said Church, shall be preferred, and that as between such Persons Priority of Choice shall be determined by the

the Amount of their Subscriptions; (that is to say,) the Subscriber of the largest Sum to have the first Choice, and afterwards the Subscribers of smaller Sums, according to the Amount of the several Sums subscribed by them; and in the Case of Subscribers of Sums of equal Amount, Priority of Choice shall be allowed to the Subscribers and their Representatives who shall have been longest resident within the said Parish.

Indemnity to Trustees.

XIII. And be it further enacted, That no Trustee acting in execution of this Act shall be deemed to be personally liable or responsible for any Act, Deed, Matter, or Thing whatsoever made or done in the Execution thereof, except for his own personal Acts, Conduct, or Default; nor shall any Action, Bill, or Suit at Law or in Equity be brought, commenced, or prosecuted against any such Trustee personally or in his individual Character for or by reason of any such Act, Deed, Matter, or Thing whatsoever, except as aforesaid; and further, that the Receipts of the said Trustees or of any Two of them for any Monies payable to them under or by virtue of this Act shall be sufficient Discharges for the same to the Persons paying such Monies; and such Persons shall not be bound to see to the Application of the Money which in any such Reciept or Receipts shall be expressed to be received, nor answerable or accountable for the Misapplication or Nonapplication thereof or of any Part thereof.

Form of Conveyance of Pews.

XIV. And be it further enacted, That all such Pews and Seats so to be sold as aforesaid by the said Trustees shall be conveyed in the Form following, or as near thereto as Circumstances may require:

'WE [*state the Names*], the Trustees appointed by an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], in consideration of the Sum of paid to us by do hereby grant and convey to his [her *or* their] Executors, Administrators, and Assigns, all that Pew [*or* Seat, *as the Case may be, and identifying the same,*] in and belonging to the Church of the Parish of *Saint Bartholomew* in the City of *Chichester* in the County of *Sussex*, to hold the same to the said his [her *or* their] Executors, Administrators, and Assigns, for the Term of Years, subject to such Regulations as shall be from Time to Time subsisting in respect thereof under or by virtue of the herein-before mentioned Act'.

Pews may be mortgaged, and may be afterwards sold to pay off Incumbrances.

XV. Provided always, and be it further enacted, That until the Monies hereby authorized to be raised by a Sale of the said Pews shall have been raised it shall be lawful for the said Trustees, and they are hereby authorized and empowered (if they shall think fit), to borrow and take up at Interest, on the Security of the Rents of the said Pews or Seats, so much Money as, together with the Sum of Four hundred Pounds directed to be raised in manner herein-after mentioned, may be necessary for the Purposes of this Act; and the said Trustees are hereby empowered to assign the Rents of the same Pews unto any Person or Persons who shall be willing to advance any Money on the Security of the same, subject nevertheless to Redemption by the said Trustees or the Churchwardens for the Time being, on Payment of the

Principal Money which shall have been so advanced as aforesaid, together with lawful Interest for the same in the meantime: Provided always nevertheless, that it shall be lawful for the said Trustees and they are hereby further empowered, from Time to Time and at all Times hereafter, when and as they shall think fit, to sell and dispose of any Pew or Seat on the Security of which any Sum or Sums of Money shall have been so advanced as aforesaid, to the end that the same Monies and all Interest in respect thereof may be paid off and satisfied; and any Surplus of the Monies to be produced by such Sales which shall remain after answering the Purposes to which the same are herein-before directed to be applied shall go in aid of the Church Rates of the said Parish, and be applied in such Manner as the said Rates are applicable either by Law, or under or by virtue of this Act.

For raising 400*l.* on Security of Church Rates.

XVI. And be it further enacted, That it shall be lawful for the Churchwardens of the said Parish for the Time being, and they are hereby empowered and directed, within Twelve Calendar Months from the passing of this Act, to raise by Loan or Loans, at as low a Rate of Interest as the same can conveniently be procured, any Sum or Sums of Money not exceeding in the whole the Sum of Four hundred Pounds; and such Principal Monies and Interest shall be charged upon the Church Rates of the said Parish of *Saint Bartholomew* aforesaid; and such Sum or Sums, when raised, shall be paid over by the said Churchwardens to the said Trustees, to be by them applied for the Purposes of this Act.

Form of Security.

XVII. And be it further enacted, That all Charges of Principal and Interest to be made on the said Rates by virtue of this Act shall or may be made in the Form or to the Effect following; (that is to say,)

'WE the Churchwardens of the Parish of *Saint Bartholomew* in the City of *Chichester* in the County of *Sussex*, in consideration of the Sum of lent to us by of for the Purposes of an Act passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act* [*here set forth the Title of this Act*], do hereby charge the Church Rates of the said Parish with the Repayment to the said his Executors, Administrators, and Assigns, of the said Principal Sum of such Principal Sum of to be paid by equal annual Instalments, together with the Interest after the Rate of *per Centum per Annum* thereon, or on so much thereof as shall remain due, such Interest to be paid half-yearly. In witness whereof we have hereunto set our Hands and Seals, this Day of in the Year One thousand eight hundred and thirty .'

For making a Rate.

XVIII. And be it further enacted, That it shall be lawful for the Churchwardens for the Time being, and they are hereby authorized and empowered, until all the Monies herein-before directed to be raised and to be charged on the said Rates as aforesaid, and the Interest thereof,

thereof, shall be paid off and discharged, to make a Rate or Rates, Assessment or Assessments, not exceeding Two Shillings in the Pound in any One Year on the full annual Rent or Value of the Houses, Lands, Tenements, and Hereditaments rated or rateable for the Relief of the Poor of the Parish of *Saint Bartholomew* aforesaid, on all and every the Tenants or Occupiers of the said Parish; and such Rate or Rates, Assessment or Assessments, shall be made at any Time or Times after the passing of this Act, and shall be appropriated in Payment every Year of the Interest of the Sums so borrowed, and not less than One Fifteenth Part of the Principal, at such Time or Times as shall be agreed upon with the Person or Persons lending or advancing the same, and if there shall be any Surplus, in further Discharge of the Principal Monies so to be borrowed, until the whole of such Principal Sums and Interest shall have been repaid.

Compelling Payment of Rates.

XIX. And be it further enacted, That it shall be lawful for the said Churchwardens for the Time being, and they are hereby authorized and empowered, to demand, receive, sue for, levy, and recover all such Rates as aforesaid by all and every such Ways and Means as any Poor Rates may be demanded, sued for, levied, and recovered by Law.

Saving of the Rights of the Bishop.

XX. And be it further enacted, That nothing in this Act contained shall extend to prejudice, impeach, or defeat any Right, Title, Interest, Privilege, or Jurisdiction of the Lord Bishop of *Chichester* for the Time being in the Bishopric of *Chichester*.

General Saving.

XXI. Saving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Executors, and Administrators, all such Estates, Rights, Titles, and Interests (other than those which are meant and intended to be barred and destroyed by this Act) which they, every or any of them, had and enjoyed before the passing of this Act, or might or would have had and enjoyed in case this Act had not been made.

Public Act.

XXII. 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.

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