ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xxi.

An Act to amend an Act of His present Majesty, for building a new Church at *Wakefield*, in the West Riding of the County of *York*.

[2d *May* 1815.]

WHEREAS an Act was passed in the Thirty-first Year of the Reign of His present Majesty, intituled *An Act for building a new Church in the Town of* Wakefield *in the West Riding of the County of* York; *and for providing a proper Burial Ground, and making Provision for a Minister to officiate at the said Church*: And whereas the Commissioners appointed by the said Act for carrying the same into Execution, have in pursuance thereof caused a large and commodious Church to be erected and completed in the Parish of *Wakefield*, in the West Riding of the County of *York*, and have provided Pews, and other Requisites and Conveniences, and have caused to be fenced in around the same Church, Two Acres of Land, or thereabouts, for a Churchyard or Burial Ground, and have also caused to be erected and completed a House in the said Parish of *Wakefield*, for the Residence of the Minister of the said new Church: And whereas the said new Church, called *Saint John's* Church, and Churchyard, were in or about the Month of *July* One thousand seven hundred and ninety-five, duly consecrated by the late Archbishop of *York*, and have ever since been appropriated to the Use of the Inhabitants of the 31 G. 3.

Pariſh of *Wakefield* aforeſaid: And whereas all the Pews in the ſaid Church have been ſold and diſpoſed of, as authorized by the ſaid recited Act, and the whole of the Money ariſing therefrom, and from the voluntary Subſcriptions and Donations made by the Inhabitants of the ſaid Pariſh and others, has been laid out and expended for the Purpoſes aforeſaid, and in Execution of the ſaid recited Act, and no Surplus remains for placing out at Intereſt upon Security, (as directed by the ſaid recited Act) towards providing for defraying the neceſſary Expences of ſupporting and keeping the ſaid Church and Churchyard, and the Fences thereof, in good Repair and Condition, and for providing Sacramental Bread and Wine: And whereas the ſaid Church is now in want of Repair, and it is therefore expedient that Proviſion ſhould be made for repairing the ſame, and maintaining the ſame in Repair, and for the other Purpoſes before mentioned, and for defraying the Expences thereof, and all other neceſſary Expences of the ſaid Church, and in purchaſing Books, and Sacramental Bread and Wine for the Adminiſtration of Divine Service in the ſaid Church, and in the Payment of the Spiritual Court Fees; and it is alſo expedient that the Powers and Proviſions of the ſaid Act ſhould be amended and enlarged: 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 it ſhall and may be lawful for the Commiſſioners appointed, or to be appointed, for carrying the ſaid recited Act into Execution, or any Three or more of them, and they are hereby authorized and empowered, at any Meeting or Meetings to be by them held, after Notice given in Manner directed by the ſaid recited Act, or at any Meeting or Meetings to be held in purſuance of the ſaid recited Act or of this Act, to give Orders for and to direct the doing of any, all and every ſuch Repair and Repairs of the ſaid new Church at *Wakefield* aforeſaid, and of the Churchyard or Burial Ground thereto belonging, as they ſhall think proper, and to order, direct and do all ſuch other Matters and Things relative to the Repair and Improvement of the ſaid Church as they ſhall think proper, and to enter into and make any Contract or Contracts with any Perſon or Perſons for effecting ſuch Repairs and Improvements, and all and every Contracts and Contract which ſhall be entered into by virtue of this Act, ſhall be entered into, under and ſubject to the ſame Directions, Regulations, Proviſions and Conditions, and ſhall be under and ſubject to the ſame Penalties and Remedies in caſe of Breach or Non-performance thereof, as is mentioned or contained in the ſaid recited Act, with reſpect to any Contract or Contracts to be entered into in purſuance thereof.

Seats for the Poor to be provided.

II. And be it further enacted, That ſuch Proviſion as can conveniently be provided in the Aiſles and any other Parts of the ſaid Church, ſhall be made for the decent and ſuitable Accommodation of all Perſons of what Rank or Degree ſoever, who are or ſhall be entitled to reſort to the

Pariſh Church of *Wakefield*, and whoſe Circumſtances may render them unable to pay for ſuch Accommodation; and the ſaid Truſtees ſhall and they are hereby authorized and required, to provide ſuch a Number of Seats in the ſaid Aiſles and other Parts of the Church for the Purpoſes aforeſaid, as the Archbiſhop of *York* for the Time being ſhall deem proper.

For paying Expences of preſent Repairs;

III. And in order to defray the Expence of the preſent Repairs of the ſaid *Saint John*'s Church, be it further enacted, That it ſhall be lawful for the Churchwardens of the ſaid Pariſh of *Wakefield* for the Time being, and they are hereby directed and required to pay to the Commiſſioners appointed in or by virtue of the ſaid recited Act, or to the Churchwardens of *Saint John*'s Church aforeſaid, the Sum of Four hundred Pounds, out of the Church Rates of the ſaid Pariſh of *Wakefield*, and the ſaid Churchwardens of the ſaid Pariſh of *Wakefield* ſhall be and are hereby indemnified for ſo doing; and the ſaid Sum of Four hundred Pounds ſhall be ſo paid to the ſaid Commiſſioners or Churchwardens of *Saint John*'s Church, within Three Calendar Months after the paſſing of this Act, and ſhall be applied by the ſaid Commiſſioners in or towards the Purpoſes of this Act; and a Book ſhall be prepared by the ſaid Commiſſioners and kept in the Office of their Clerk, and fair and regular Entries and Accounts ſhall be made and kept therein by the ſaid Clerk, of all Payments or Diſburſements to be made on Account of ſuch Repairs of the ſaid Church, and in carrying this Act into Execution, and ſuch Book ſhall be at all reaſonable Times open to the Inſpection of the Churchwardens of the ſaid Pariſh, and ſhall alſo from Time to Time, if required by the ſaid Churchwardens, be produced to a Veſtry of the ſaid Pariſh.

and of future Repairs.

IV. And, in order to provide for the Expence of the future Repairs of the ſaid *Saint John*'s Church, be it further enacted, That it ſhall be lawful for the Churchwardens of the ſaid Pariſh of *Wakefield* for the Time being, and they are hereby directed and required from Time to Time, to pay to the ſaid Commiſſioners, or the Churchwardens of *Saint John*'s Church aforeſaid, out of the Church Rates of the ſaid Pariſh of *Wakefield*, ſuch Sum or Sums of Money not exceeding in any One Year the Sum of One hundred Pounds, as ſhall be laid out and expended by the ſaid Commiſſioners, in cleanſing and repairing or maintaining in Repair *Saint John*'s Church aforeſaid, and in purchaſing Books and Sacramental Bread and Wine for the Adminiſtration of Divine Service in the ſaid Church, and in the Payment of the Spiritual Court Fees, or as ſhall be neceſſary or requiſite for thoſe Purpoſes; and ſuch Sum or Sums of Money ſhall be ſo paid to the ſaid Commiſſioners or Churchwardens of *Saint John*'s Church, from Time to Time, within Twenty-one Days after a Notice or Requiſition ſhall be given to them for that Purpoſe in Writing, ſigned by the Clerk for the Time being, to the ſaid Commiſſioners: Provided always, that fair and regular Entries and Accounts ſhall be made

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and kept by the Clerk to the ſaid Commiſſioners (in the Book to be provided and kept as aforeſaid) of all future Repairs of the ſaid Church, and of all other Payments and Diſburſements on account thereof, or relating thereto, and ſuch Book ſhall at all ſeaſonable Times be open to the Peruſal and Inſpection of the Churchwardens of the ſaid Pariſh, and ſhall, Once at leaſt in every Year, be laid before the Inhabitants of the ſaid Pariſh in Veſtry aſſembled, when the Accounts of the Churchwardens of the ſaid Pariſh are laid before ſuch Inhabitants to be inſpected and examined previous to the Allowance and final Settlement thereof; and in caſe the ſaid Account or Accounts, or any Part thereof, ſhall be diſallowed by a Majority of the Inhabitants aſſembled at any ſuch Meeting or Meetings, then the ſaid Churchwardens of the ſaid Pariſh for the Time being, ſhall deliver back to the ſaid Commiſſioners ſuch Book of Accounts, and it ſhall and may be lawful to and for the ſaid Commiſſioners then to produce the ſaid Book before any Two or more of His Majeſty's Juſtices of the Peace in and for the ſaid Riding, giving Seven Days Notice thereof to the Churchwardens of the ſaid Pariſh for the Time being; which ſaid Juſtices are hereby authorized and required to examine the ſame, and alſo the ſaid Commiſſioners and Churchwardens in ſupport of the ſame, and to hear and determine any Objection or Objections that ſhall be made to the ſaid Accounts, and to ſettle the Sum which to them ſhall appear due on the ſaid Account, and to enter the ſame on the ſaid Account, and to ſign their Names thereto; and the Churchwardens of the ſaid Pariſh for the Time being are hereby authorized and required to pay the ſaid Sum out of the Money which ſhall come to their Hands by virtue of any Church Rate or Aſſeſſment made or to be made for the ſaid Pariſh within Fourteen Days after ſuch Determination: Provided nevertheleſs, that in caſe the Churchwardens of the ſaid Pariſh for the Time being ſhall find that the ſaid Pariſh is aggrieved by any Neglect, Act, or Thing done or omitted by the ſaid Commiſſioners, or ſhall have any material Objection to ſuch Account, or any Part thereof, or to ſuch Determination as aforeſaid, it ſhall and may be lawful for the ſaid Churchwardens, in any of the Caſes aforeſaid, giving Fourteen Days Notice to the ſaid Commiſſioners, to appeal to the next General or Quarter Seſſions of the Peace for the ſaid Riding, or in caſe the Commiſſioners of the ſaid *Saint John*'s Church ſhall think themſelves aggrieved by any Determination of any ſuch Juſtices, it ſhall and may be lawful for the ſaid Commiſſioners, giving reaſonable Notice to the Churchwardens of the ſaid Pariſh, to appeal to the then next General Quarter Seſſions of the Peace for the ſaid Riding; and in either of the ſaid Caſes, the Juſtices of the Peace then aſſembled, are hereby authorized and required to receive ſuch Appeal, and to hear and finally determine the ſame, but if it ſhall appear to the ſaid Juſtices that Fourteen Days Notice was not given, then they ſhall adjourn the ſaid Appeal to the next Quarter Seſſions, and then and there hear and finally determine the ſame; and the ſaid Juſtices may award and order to the Party for whom ſuch Appeal

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ſhall be determined, ſuch Coſts and Charges in the Law as by the ſaid Juſtices ſhall be thought moſt reaſonable and juſt to be paid by the Party againſt whom ſuch Appeal ſhall be determined; and if the Party ordered to pay ſuch Coſts and Charges ſhall refuſe or neglect to pay the ſame within Fourteen Days after Demand ſhall be made thereof, ſuch Juſtices ſhall and are hereby required, upon requeſt to them for that Purpoſe made, and a true Copy of the Order for the Payment of ſuch Coſts and Charges produced, and proved by ſome credible Witneſs upon Oath, by Warrant under their Hands and Seals, to cauſe the Money mentioned in that Order to be levied by Diſtreſs and Sale of the Goods of the Perſon or Perſons that is or are ordered, and ought to pay the ſame, rendering the Overplus (if any) after Payment of ſuch Coſts and Charges, and of the reaſonable Charges of ſuch Diſtreſs and Sale, to the Perſon or Perſons whoſe Goods ſhall have been ſo diſtrained and ſold; and the ſaid Sum of Four hundred Pounds, and the ſaid ſeveral annual Sums of Money, and all other Monies neceſſary or requiſite for the Purpoſes of this Act, ſhall and may be raiſed, aſſeſſed, levied and recovered by the ſame Ways and Means, and of, upon, and from the ſame Perſons, Lands, Tenements and Hereditaments, as the Church Rates are or may be raiſed, aſſeſſed, levied, and recovered by Law.

Expences of this Act.

V. Provided always, and be it further enacted, That the Coſts, Charges and Expences incurred and paid, or to be incurred and paid, in and about the obtaining and paſſing of this Act, and all Money advanced, or which ſhall be advanced from Time to Time, for that Purpoſe, together with lawful Intereſt, ſhall be paid and diſcharged out of the Firſt Money which ſhall be raiſed or received by the Churchwardens of the ſaid Pariſh of *Wakefield*, by virtue or under the Authority of any Church Rate or Church Rates which ſhall be made on the Inhabitants of the ſaid Pariſh after the paſſing of this Act.

Powers of former Act to remain in force.

VI. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to repeal, annul or alter any of the Enactments, Proviſions, Powers, Authorities, Rights, Privileges, Matters or Things contained in the ſaid recited Act, but that all and every the Enactments, Proviſions, Powers, Authorities, Rights, Privileges, Matters or Things contained in the ſaid recited Act, ſhall be, remain and continue in as full force and effect as if this Act had not been paſſed, and ſhall be and are hereby declared to be extended to this Act, and to the Purpoſes thereof, and ſhall be conſtrued, deemed and taken to be Part of this Act, by all Judges, Juſtices, and others, as if the ſame had been herein inſerted and re-enacted, and ſhall and may be acted upon accordingly.

General Saving.

VII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to the Lord Archbiſhop of *York*, and His Succeſſors, Archbiſhops of *York* for the Time being, and to all other Perſon and Perſons, Bodies Politic and Corporate, their Heirs, Executors, Adminiſtrators and

and Succeſſors, all ſuch Right, Title, Intereſt, Claim and Demand whatſoever, which he, they, or any of them may or ought to have, in or to the Premiſes, or any of them, in caſe this Act had not been paſſed, any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Public Act. VIII. 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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