ANNO TERTIO

GULIELMI IV. REGIS.

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Cap. xx.

An Act for taking down the Parish Church of *Stretton-upon-Dunsmore* in the County of *Warwick* and Diocese of *Lichfield* and *Coventry*, and building a new Church in lieu thereof.

[20th *April* 1833.]

Order of the Court of Chancery, 27th May 1831.

WHEREAS by an Order of the Right Honourable the Master of the Rolls made in the Matter of *Daniel*'s Charity, and bearing Date the Twenty-seventh Day of *May* One thousand eight hundred and thirty-one, after reciting that the Honourable and Right Reverend Father in God *Henry* Lord Bishop of *Lichfield* and *Coventry*, and the Venerable *William Spooner* Archdeacon of *Coventry*, did, on the Twenty-third Day of *May* then instant, prefer their Petition unto the Right Honourable the Master of the Rolls, setting forth, that the Reverend *William Daniel* deceased made his Will, dated the Twenty-sixth Day of *December* One thousand eight hundred and twelve, and he thereby bequeathed the Sum of Four thousand Pounds unto his Wife *Sarah Daniel*, her Executors, Administrators, and Assigns, upon Trust, at her Discretion, to invest the same upon Securities, which she might vary as she might deem proper, and receive the Interest thereof for her Life for her own Use and Benefit, and after her Decease upon Trust that her Executors, Administrators, or Assigns should pay or transfer such Sum of Four thousand Pounds unto the Honourable and Right Reverend *James Cornwallis*, then Lord Bishop of *Lichfield* and *Coventry*, and the Reverend Doctor *Vyse*, then Archdeacon of *Lichfield* and *Coventry*, both since deceased, and their Successors, Bishops and Archdeacons for the Time being, upon Trust to receive the Dividends

and Proceeds thereof, and from Time to Time to invest the same in the Public Funds, and when such Four thousand Pounds, with the Accumulations thereupon, should become sufficient, then to dispose thereof in taking down the Parish Church of *Stretton-upon-Dunsmore* in the County of *Warwick*, or such Part thereof as should be deemed necessary, and in building and completing a new Parish Church in the Churchyard thereupon, or near to the Site of the then present Church, with Pews or Seats, and other Conveniences and Decorations, according to such Plan and in such Form as the Bishop and Archdeacon for the Time being should think fit to order and direct; but they were nevertheless requested to appoint a proper Person to superintend the taking down the then present Church or Chapel, and the rebuilding of such new one in its Place; and the said Testator thereby appointed his said Wife sole Executrix of his said Will; that the said *William Daniel* died in the Year One thousand eight hundred and sixteen, leaving the said *Sarah Daniel* his Widow him surviving, who, on the Twelfth Day of *June* One thousand eight hundred and seventeen, duly proved his said Will in the proper Ecclesiastical Court; that the said *Sarah Daniel* possessed Assets of the said Testator more than sufficient to enable her to pay his Debts and Legacies, and she invested the said Sum of Four thousand Pounds so bequeathed by the said Will as aforesaid in the Purchase of Four thousand eight hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities, in her Name, and she received the Dividends thereof during her Life; that the said *Sarah Daniel* made her Will, dated the Twenty-first Day of *September* One thousand eight hundred and twenty-six, whereby, after mentioning that the said Sum of Four thousand eight hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities was purchased by her in pursuance of the Trusts reposed in her by the said *William Daniel* as the Legacy or Bequest intended by him to be applied after the Decease of her the said Testatrix for the building of the Parish Church of *Stretton-on-Dunsmore* aforesaid, she thereby directed her Executrixes and Executor, or the Survivors or Survivor of them, immediately after her Decease, to transfer the said Stock unto the Lord Bishop of *Lichfield* and *Coventry* and the Archdeacon of *Lichfield* and *Coventry* for the Time being, in fulfilment of the Trusts reposed in her and her Executors in that respect by the Will of the said *William Daniel*; and the said Testatrix thereby appointed her Sister *Margaret Orton*, since deceased, *Sarah*, afterwards the Wife of the Reverend *Henry Saint George* of *Altamont* in *Ireland*, then *Sarah Noble* Spinster, and *Henry Eyres Landor*, therein described, joint Executrixes and Executor of her said Will; that the said Testatrix died in the Month of *November* One thousand eight hundred and twenty-nine, without having revoked or altered her said Will, and shortly after her Decease the said *Margaret Orton* and *Sarah Saint George* (then *Sarah Noble*) alone duly proved her said Will in the proper Ecclesiastical Court, the said *Henry Eyres Landor* having declined to act as Executor thereof; that about the Month of *December* One thousand eight hundred and twenty-nine the said *Sarah Noble* intermarried with the said *Henry Saint George*, and was then lately deceased; that in or about the Month of *May* One thousand eight hundred and thirty the said *Margaret Orton* died, and at the Time of her Decease the said Sum of Four thousand eight hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities was still standing in the Books of the Governor

Governor and Company of the Bank of *England* in the Name of the said *Sarah Daniel*; that on or about the Seventh Day of *September* One thousand eight hundred and thirty the said *Sarah Saint George*, as such surviving Executrix as aforesaid, and in pursuance of the Direction for that Purpose contained in the Will of the said *Sarah Daniel*, transferred the said Sum of Four thousand eight hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities into the Names of the Petitioners; that the Petitioners had then lately caused a Sum of Six hundred Pounds like Bank Annuities, Part of the said Sum of Four thousand eight hundred and eighty-five Pounds Ten Shillings like Annuities, to be sold out, and the Proceeds thereof, together with the Sum of Thirteen Pounds Eight Shillings and Five-pence, Part of the Dividends accrued due on the said Stock, to be applied in Payment of the Legacy Duty payable upon or in respect of the said Legacy and of the Expences incurred by such Transfer and Sale, and that there was then standing in the Names of the Petitioners in the Books of the Governor and Company of the Bank of *England* the Sum of Four thousand two hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities, which, together with the Sum of Two hundred and six Pounds Eight Shillings and Four-pence, the Balance of the said Dividends, formed the then Residue and Surplus of the said Trust Fund; that the Petitioners had been advised by an eminent Architect, who had then lately surveyed the Parish Church of *Stretton-upon-Dunsmore*, that it would be expedient that it should be wholly taken down and rebuilt; that it would be greatly to the Benefit of the Inhabitants of the said Parish that a small Piece of Land adjoining to the Churchyard of the said Parish, and which might be obtained without applying any Part of the Trust Fund for the Purpose, (being the Piece of Land comprised in the Indenture herein-after recited,) should be added to the then Churchyard of the said Parish, and that the said Sum of Four thousand two hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consols, and the Accumulations thereof, and the Sum of Two hundred and six Pounds Eight Shillings and Four-pence, should be applied in causing a new Church to be erected on such additional Piece of Land, as and for the future Parish Church of the said Parish; that the Petitioners were advised they could not safely concur in such an Application of the said Trust Funds without the Sanction of the Court of Chancery, and they further submitted whether the Church so to be erected on the said Piece of Land could be adequately converted into and become the Parish Church of the said Parish, to all Intents and Purposes, without the Authority of Parliament; and they therefore prayed that all proper Directions might be given for ascertaining in what Manner the Legacy or Sum of Four thousand two hundred and eighty-five Pounds Ten Shillings Three *per Centum* Consolidated Bank Annuities, and Two hundred and six Pounds Eight Shillings and Four-pence, the Balance of Dividends, and the Accumulations thereof, ought to be applied in pursuance of the Directions contained in the Will of the said *William Daniel*, and that the same might be so applied accordingly, and, if necessary, that Application might be made to Parliament for an Act to authorize the building of a Parish Church for the said Parish on the said new Site to be added to the former Churchyard as aforesaid; his Honour did order that it be referred to the Master in rotation to inquire and state to the Court whether it would be expedient that an Application should be made

to

to Parliament for an Act to authorize the Appropriation of the Funds in the Petition mentioned to the building of the Parish Church of the Parish of *Stretton-upon-Dunsmore* on the new Site to be added to the former Churchyard, as in the Petition mentioned: And whereas by an Indenture of Bargain and Sale duly inrolled in the High Court of Chancery, bearing Date on or about the Fourteenth Day of *April* One thousand eight hundred and thirty-two, and made or expressed to be made between *John Clark Powell* Esquire of the First Part, the said *Henry* Lord Bishop of *Lichfield* and *Coventry* of the Second Part, the said *William Spooner* Archdeacon of *Coventry* of the Third Part, the said *John Clark Powell*, as Patron of the Vicarage and Parish Church of *Stretton-upon-Dunsmore*, of the Fourth Part, and the Reverend *Harry Townsend Powell* Clerk, Vicar of *Stretton-upon-Dunsmore* aforesaid, of the Fifth Part, reciting in part to the Effect recited in the herein-before recited Order, and also reciting that the said Church or Chapel of *Stretton-upon-Dunsmore* aforesaid being in a ruinous and dilapidated Condition so as to render it expedient for the same to be wholly taken down and rebuilt, it was intended forthwith to apply the said Trust Monies, Stocks, Funds, and Securities, under the Sanction of the High Court of Chancery, in taking down and rebuilding the same; and also reciting that it would tend greatly to the Benefit and Convenience of the Inhabitants of the said Parish of *Stretton-upon-Dunsmore* that the said Church or Chapel should be rebuilt upon a different Site to that upon which the present Church or Chapel then stood, and the Piece or Parcel of Ground therein-after described or referred to, which was the Property of the said *John Clark Powell*, and adjoined to the then Churchyard, having been selected as a more proper and convenient Site for the Erection of such new Church or Chapel, it was desirable that the same Piece or Parcel of Ground should be added and annexed to it so as to form Part of the said then Churchyard, under the Powers and Provisions contained in a certain Act of Parliament passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to promote the building, repairing, or otherwise providing of Churches and Chapels, and of Houses for the Residence of Ministers, and the providing of Churchyards and Glebes*; and also reciting that the said *John Clark Powell*, in order to promote such Benefit and Convenience as aforesaid, had voluntarily and gratuitously proposed and agreed to convey the said Piece or Parcel of Ground therein-after described and bargained and sold, and the Fee Simple and Inheritance thereof in possession, free from Incumbrances, unto and to the Use of the said *Harry Townsend Powell*, and his Successors, Vicars of the said Parish of *Stretton-upon-Dunsmore* aforesaid for the Time being, to the Intent that Part of the same Piece or Parcel of Ground might be appropriated and used as and for the Site of the said intended new Church or Chapel, and the Remainder thereof might forthwith be annexed and added to the then Churchyard or Burial Ground of the said Parish of *Stretton-upon-Dunsmore* for enlarging the same, and that the whole of the said Piece or Parcel of Ground might be vested in the said *Harry Townsend Powell*, and his Successors, Vicars of *Stretton-upon-Dunsmore* for ever, for the Purposes aforesaid; and also reciting that as well the said Lord Bishop of *Lichfield* and *Coventry* and the said Archdeacon of *Coventry* as also the said *John Clark Powell*, as Patron of the said Vicarage, taking into their Consideration and being fully satisfied of the more eligible Situation of the said Piece or Parcel of Ground as the Site for the Erection of the said new Church or Chapel,

Indenture of Bargain and Sale, 14th April 1832.

43G.3. c.108.

and

and of the Benefit and Convenience which would arise from an Augmentation of the Churchyard or Burial Ground of the said Parish of *Stretton-upon-Dunsmore*, had respectively consented to and did approve of the said intended Gift and Addition, and the Bargain, Sale, and Conveyance intended to be thereby made by the said *John Clark Powell*; and the said Lord Bishop had likewise agreed, in furtherance of the Purposes aforesaid, as soon as conveniently might be, to consecrate the said Piece or Parcel of Ground as and for an Addition to the said Churchyard or Burial Ground, and also to consecrate the said new Church or Chapel when and so soon as the same should have been erected thereon, which said Consent and Approbation of the said Lord Bishop and Archdeacon and *John Clark Powell* was testified by their severally executing the Indenture now in recital, and also, on the Part of the said Lord Bishop, by the affixing thereto of the Episcopal Seal of the said See of *Lichfield* and *Coventry*; it was witnessed that, in pursuance and performance of the said Proposal and Agreement on the Part of the said *John Clark Powell*, and in consideration of the Benefit and Advantage which would arise to the Parishioners of the said Parish of *Stretton-upon-Dunsmore* by having the said new Church or Chapel erected upon the Piece or Parcel of Ground therein-after described, granted, bargained, and sold, and for a nominal Consideration, the said *John Clark Powell* (with the Consent and Approbation of the said Lord Bishop and Archdeacon, testified as aforesaid) did give, grant, bargain, sell, and confirm unto the said *Harry Townsend Powell*, and his Successors, Vicars for the Time being of the said Parish of *Stretton-upon-Dunsmore*, all that Piece or Parcel of Ground situate, lying, and being in the Parish of *Stretton-upon-Dunsmore* aforesaid, adjoining to the Churchyard of the Parish Church there, containing Half an Acre or thereabouts, as the same was then staked and marked out and delineated in the Margin thereof, abutting on the West Part on the said Churchyard, on the East on other Land of the said *John Clark Powell*, on the South on Land of Lord *John Scott* in the Occupation of *Richard Mann*, and on the North upon the public Highway leading from the Village of *Stretton-upon-Dunsmore* aforesaid, through *Finacre Lane*, to the *Oxford* Road, and on Part of which said Piece or Parcel of Land a Messuage and Buildings then lately stood, which had then been taken down, and the other Part thereof was a Garden or Curtilage to the said Messuage, and was Part of the Premises formerly in the several Tenures or Occupations of *Richard Butler*, *Francis Few*, and *Brazil Checkland*, afterwards of *Joseph Young* and *William Flamell*, and then late of *Thomas Blockley*, his Under-tenants or Assigns, some or one of them, and which were purchased by the said *John Clark Powell* from the Reverend *John Sikes Sawbridge* Clerk, with the Appurtenances, to hold the same unto and to the Use of the said *Harry Townsend Powell*, and his Successors, Vicars for the Time being of the said Parish of *Stretton-upon-Dunsmore*, for ever, to the Intent and Purpose that the same Piece or Parcel of Ground might be forthwith converted into and consecrated as an Addition to the then Churchyard or Burial Ground of the said Parish of *Stretton-upon-Dunsmore*, and that such Part thereof as should be required might be appropriated and used as or for the Site of the said intended new Church or Chapel, and might thenceforth vest in and be held by him the said *Harry Townsend Powell*, and his Successors, Vicars for the Time being of the said Parish of *Stretton-upon-Dunsmore*, for ever, for the Intents and Purposes aforesaid: And whereas *William Wingfield* Esquire, one of the Masters of the High Court of Chancery,

Master's Report, 15 Jan. 1833.

Chancery, by his Report made in the said Matter of *Daniel*'s Charity in pursuance of the herein-before recited Order, and bearing Date the Fifteenth Day of *January* One thousand eight hundred and thirty-three, certified (among other Things) that he found that the said Petitioners (after deducting the Expences of obtaining the Transfer of the said Stock from the said Executrix, and of and relating to the Payment of the said Legacy Duty,) had from Time to Time duly laid out and invested the surplus Dividends received by them on the said Stock in the Purchase of like Bank Three Pounds *per Centum* Annuities, in their joint Names; and that he also found, by the Admission of the said Petitioners, that there was then standing in the Names of the said Petitioners in the Books of the Governor and Company of the Bank of *England* Four thousand seven hundred and eighty-one Pounds Twelve Shillings and Eight-pence Bank Three Pounds *per Centum* Annuities, which, together with the Sum of Seventy-one Pounds Fourteen Shillings and Seven-pence, Cash, being the Dividend on the said Bank Annuities to the Fifth Day of *January* then instant, then in the Hands of the Trustees, formed the then Residue and Total of the Trust Fund in the said Matter; and that it had been stated to him that the said Petitioners had been advised by an eminent Architect, who had then lately surveyed the said Parish Church of *Stretton-upon-Dunsmore*, that it would be expedient that it should be wholly taken down and rebuilt; and further, that it would be greatly to the Benefit of the Inhabitants of the said Parish that a small Piece of Land, containing Half an Acre or thereabouts, adjoining to the Churchyard of the said Parish, and which might be obtained for an Addition thereto without applying any Part of the said Trust Fund for the Purpose (being the Piece of Land conveyed by the herein-before recited Indenture), should be added to the then Churchyard of the said Parish; and that Part of the said Four thousand seven hundred and eighty-one Pounds Twelve Shillings and Eight-pence Bank Three Pounds *per Centum* Annuities, and the said Sum of Seventy-one Pounds Fourteen Shillings and Seven-pence, Cash, and of the Accumulation thereof, should be applied in raising a new Church, to be erected on such additional Piece of Land, as and for the future Parish Church of the said Parish; and the said Master certified, that he was of opinion that it would be best and most expedient that the Trustees should be authorized to obtain and proceed under the Sanction of a special Act of Parliament for the Purpose in the said Order and therein-before mentioned: And whereas by an Order of the Vice Chancellor of *England* made in the said Matter, on the Seventh Day of *February* One thousand eight hundred and thirty-three, the herein-before recited Report was confirmed, and the Court did declare that the Trust Funds in the said Report mentioned ought to be applied by the Petitioners in causing the present Church of the said Parish of *Stretton-upon-Dunsmore* to be pulled down, and in building a new Parish Church on the small Piece of Land containing Half an Acre or thereabouts, in the said Report mentioned, adjoining the Churchyard of the said Parish; and it was ordered that the Petitioners should be at liberty to apply to Parliament for an Act to authorize the Petitioners to pull down the present Parish Church of *Stretton-upon-Dunsmore*, and to build a new Parish Church of the said Parish on the aforesaid Piece of Land, and to apply the said Trust Funds in the said Report mentioned, and the Accumulation thereof, or a sufficient Part thereof, and the Materials of the present Parish Church, in building such new Parish Church and other necessary Conveniences, and in inclosing the Burial Ground

Order confirming the Master's Report, 7th Feb. 1833.

to be added to the present Churchyard, and for the Purpose of making the new Church to be built as aforesaid the Parish Church of the said Parish of *Stretton-upon-Dunsmore*, in the Place and Stead of the present Parish Church, to all Intents and Purposes: And whereas it is expedient that the present Church should continue to be used for the Celebration of Divine Service until the new Church to be erected under this Act shall have been completed, consecrated, and rendered fit for such Use: 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 *Henry* Lord Bishop of *Lichfield* and *Coventry*, or the Lord Bishop of *Lichfield* and *Coventry* for the Time being, and the said *William Spooner* Archdeacon of *Coventry*, or the Archdeacon of *Coventry* for the Time being, shall be and they are hereby declared to be Trustees from Time to Time for carrying the several Purposes of this Act into execution.

Bishop of Lichfield and Coventry and Archdeacon of Coventry appointed Trustees for Purposes of this Act.

II. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to build upon some Part of the said Piece of Land conveyed by the herein-before recited Indenture a new Church, of such Size and Dimensions, of such Form, and of such Materials, and according to such Plans and Specifications, and in such Manner, as the said Trustees shall think proper, and also to build such Vestry Room or other Buildings appertaining to or for the Use of the said new Church, and also to erect and set up in the said new Church such Pews, Seats, Sittings, Benches, Forms, Galleries, Organ, Communion Table, Pulpit, Desks, Ornaments, and Conveniences, and such Clock, Bells, and other Requisites, as the said Trustees shall think right and proper; and the said Trustees are hereby further authorized and empowered to erect any Walls, Railings, or Fences around all or any Part of the Churchyard or Burial Ground of the said Parish, including the said Piece of Land conveyed by the said Indenture as aforesaid, and also, so soon as the said new Church shall have been completed, consecrated, and rendered fit for the Celebration of Divine Service, then to take and pull down, or to order and cause to be taken and pulled down, the whole of the present Parish Church of *Stretton-upon-Dunsmore* aforesaid, and the Buildings appertaining thereto.

Trustees empowered to build a new Church.

III. And be it further enacted, That whenever it shall be necessary in pursuance and execution of this Act to open or disturb any Grave or Vault under the said present Parish Church, it shall be lawful for the Heirs, Executors, Administrators, Relations, or Friends of any Person or Persons who shall have been interred or deposited in such Grave or Vault, at their own Expence, with the Consent of the Vicar and Churchwardens of the said Parish, or the major Part of them, to remove and carry away the Remains of any such Person or Persons, and place the same in any Part of the Churchyard or Burial Ground of the said Parish, or any other Churchyard or consecrated Ground, in such Manner as the Lord Bishop of *Lichfield* and *Coventry* for the Time being, or such Person as he may appoint, shall direct; and the Remains of such Person or Persons as shall have been interred or deposited in the Graves or Vaults so to be opened and disturbed as aforesaid, which shall not be removed or carried away as aforesaid, shall, unless such Graves or Vaults shall be finally

Removal of Bodies.

finally closed up, be removed, at the Expence of the said Trustees acting in the Execution of this Act, from such Graves or Vaults into and be interred in some Part of the Churchyard or Burial Ground of the said Parish, in such Manner as the Lord Bishop of *Lichfield* and *Coventry* for the Time being, or such Person as he shall appoint, shall direct.

Grave-stones and Monuments may be replaced.

IV. And be it further enacted, That it shall be lawful for the said Trustees to cause the several Monuments, Grave-stones, and monumental Inscriptions which shall be removed in taking down the present Church, or any of them, to be replaced and fixed in the said new Church, in such Manner as the said Trustees shall appoint: Provided always, that no Fees shall be payable to the said Vicar in respect of the said Monuments and monumental Inscriptions being replaced in such new Church.

Materials of the present Church vested in the Trustees.

V. And be it further enacted, That all and every the Timber, Stones, Bricks, Iron, Lead, and other Materials of the present Church and other Buildings so to be taken down as aforesaid shall belong to and become the Property of the said Trustees so soon as the new Church to be erected under this Act shall have been completed, consecrated, and rendered fit for the Celebration of Divine Service; and all the Stones, Bricks, Timber, Iron, Lead, and other Materials which shall be purchased or procured by Order of the said Trustees for building the said new Church and other Buildings, and for making Vaults, Catacombs, and Arches under the said new Church, and also all the Materials of all Walls and all Railings and Fences of the said present Churchyard or Burial Ground which shall be so taken down as aforesaid, or which shall be purchased or provided by the said Trustees for inclosing the said Piece of Land as an Addition to the said Churchyard or Burial Ground as aforesaid, shall belong to and be the Property of, and the same and every Part thereof are and is hereby vested in, the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who shall spoil, injure, or destroy, or steal, take, remove, or carry away, the Stones, Bricks, Timber, Iron, Lead, Railings, Fences, and other Materials respectively vested in the said Trustees by virtue of this Act, or any of them, or any Part or Parts thereof.

Materials may be sold.

VI. And be it further enacted, That it shall be lawful for the said Trustees to sell and dispose of all and every the said Timber, Stones, Bricks, Iron, Lead, and other Materials of the said present Church and other Buildings, Walls, Railings, and Fences, so to be taken or pulled down as aforesaid, or any of them, or any Part or Parts thereof, and any Materials which may be purchased or provided by the said Trustees as aforesaid, and which may not afterwards be wanted for the Purposes of this Act, to any Person or Persons whomsoever, either by public Auction or private Contract, as to the said Trustees shall seem meet; and the Money arising by such Sale or Sales shall be applied to the Purposes of this Act; or it shall be lawful for the said Trustees, if they shall think fit, and they are hereby empowered, to employ or apply any of such Timber, Stone, Bricks, Iron, Lead, and other Materials of the said present Church and other Buildings, Walls, Railings, and Fences, or any Part or Parts thereof, as to them shall seem proper, in the Erection of such substantial

stantial and proper Fences to the said Churchyard and additional Burial Ground in such Manner as they shall think fit.

Rights of Vicar and Patron reserved.

VII. And be it further enacted, That the said *Harry Townsend Powell*, the present Vicar, and his Successors, Vicars for the Time being of the Parish of *Stretton-upon-Dunsmore* aforesaid, shall continue to be the Vicar of the said new Church in like Manner as of the old or present Church; and the Person or Persons who now has or have a Right of presenting, nominating, or appointing a Vicar to the said old or present Church, or in whom such Right would hereafter for the Time being have been vested in case the same Church had not been taken down by virtue of this Act, shall have the Right of Presentation, Nomination, or Appointment to the said new Church upon every future Vacancy or Avoidance; and every Person to be so presented, nominated, or appointed as aforesaid, being duly instituted and inducted, shall be the Vicar of such new Church, and shall have and enjoy such and the same Profits, Privileges, Commodities, and other Ecclesiastical Dues and Duties as the present Vicar of the said Church of right has or ought to have and enjoy.

Repair of Chancel.

VIII. Provided always, and be it further enacted, That the Person or Persons who, before the passing of this Act, was or were subject and liable to repair the Chancel of the said present Church, shall be for ever hereafter subject and liable to repair the Chancel of the new Church hereby authorized to be erected.

Trustees empowered to contract for building the new Church.

IX. 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 with any Person or Persons for the taking down of the said present Church and other Buildings, and all or any Part of the present Walls, Railings, or Fences of the said Churchyard or Burial Ground, and for providing Materials for, and for building, erecting, finishing, ornamenting, fitting up, and completing the said new Church, and any Walls, Railings, or Fences around all or any Part of the said Churchyard or Burial Ground, including the said Piece of Land conveyed by the said Indenture as aforesaid, or for any of such Purposes, and generally to make and do all such Orders, Matters, and Things as they shall think proper and necessary fully and effectually to carry this Act into execution; and all such Contracts and Agreements, when made 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 Contracts or Agreements to the Person or Persons entitled to receive the same, out of the Monies applicable by virtue of this Act.

Trustees not to be personally liable.

X. And be it further enacted, That no Trustee acting under this Act shall be deemed to be personally liable or responsible for any Act, Deed, Matter, or Thing whatsoever to be 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.

New Church to be the Parochial Church of Stretton-upon-Dunsmore.

XI. And be it further enacted, That the new Church to be built by virtue of this Act shall, when the same shall be built, completed, and consecrated, be from thenceforth for ever called and known by the Name of, and to all Intents and Purposes be, the Church of the said Parish of *Stretton-upon-Dunsmore* in the County of *Warwick*, and Divine Service, the Solemnization of Matrimony, Baptisms, the Burial of the Dead, and all other Rites and Ceremonies, Notices, Matters, and Things whatsoever which were or of right have been used to be celebrated, solemnized, administered, read, or published, had, done, or performed, by the Vicar or Minister of the present Church, shall and may be celebrated, solemnized, administered, read, and published, had, done, and performed, in such and the like Manner by the said Vicar or Minister of the said Parish, and his Successors, Vicars or Ministers of the said Parish for the Time being, in the said new Church to be built by virtue of this Act; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Pews to be provided for the Minister and his Servants and for the Churchwardens.

XII. And be it further enacted, That when the said new Church shall be completed, and previous to the Consecration thereof, a Seat or Pew sufficient to hold Six Persons at the least shall be set apart in the Body or Ground Floor of the said Church, and contiguous or near to the Pulpit, for the Use of the Minister of the said Church for the Time being and his Family, and one other Seat or Pew, in some other convenient Part of the said Church, capable of containing Four Persons at the least, shall also in like Manner be set apart for the Use of the Minister's Servants, and also one other Seat or Pew, capable of containing Four Persons at the least, for the Churchwardens of the said Parish.

Free Sittings to be allotted for the Use of the Poor.

XIII. And be it further enacted, That it shall be lawful for the said Trustees (if they shall think fit) to cause to be set out and appropriated in a convenient Manner any Sittings in the Gallery and in the Body of the said new Church or either of them, which shall for ever afterwards be free and open to be used and occupied during the Time of Divine Service and the Administration of the Holy Sacrament of the Lord's Supper by any poor Person or Persons, being an Inhabitant or Inhabitants of the said Parish, who shall be willing to use and occupy the same, without any Appointment or Permission whatsoever: Provided always, that it shall be also lawful for the said Trustees to set out and allot out of the said Free Seats, to or to the Use of all such Children as shall at any Time or Times be receiving Education or Instruction in any Charity School or other public Institution in the said Parish, such a Number thereof as the said Trustees shall think proper.

Pews to be allotted and appropriated.

XIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Person or Persons authorized by Writing under their Hands, to allot and appropriate to or for the Use of any Person or Persons now entitled to or to the Use of any Pew or Pews in the said present Church, (either as Inhabitant or Inhabitants of any House or Houses within the said Parish, or otherwise,) and in lieu of such Pew or Pews, any Pew or Pews in the new Church to be built as aforesaid; and

the Person or Persons to or for whose Use any such Pew or Pews in the said new Church shall be so allotted or appropriated, and his, her, or their Heirs, Executors, Administrators, or Assigns respectively, or the Inhabitant or Inhabitants for the Time being of the House or Houses in respect of which such Person or Persons respectively is or are now entitled as aforesaid, shall hold, use, and enjoy the same in such and the same Manner as he, she, or they respectively was or were, or if the said present Church had not been taken down would have been, entitled to hold, use, or enjoy the Pew or Pews in lieu whereof the same respectively shall be allotted or appropriated as aforesaid.

Pews may be allotted to the Proprietors of Houses to which no Pews at present belong.

XV. And be it further enacted, That it shall be lawful for the said Trustees, if they shall deem it expedient, to allot and appropriate to the Proprietor or Proprietors of any House or Houses within the Parish of *Stretton-upon-Dunsmore* aforesaid, the Occupiers whereof respectively are assessed or are liable to be assessed in respect thereof to the Church Rates of the said Parish, and to which House or Houses respectively no Pew in the present Church is annexed or belongs, any Pew or Pews in the said new Church which may remain unappropriated after providing and allotting the Pews herein-before mentioned, upon such Terms as the said Trustees shall think proper: Provided always, that the same Pew or Pews so to be allotted and appropriated shall be and for ever remain annexed as appurtenant to such House or Houses, for the Use of the respective Occupiers thereof for the Time being; and an Entry of every such Allotment and Appropriation shall be made in the Roll or Book herein-after mentioned; and such Roll or Book, or an authenticated Copy or Extract thereof, shall be good and sufficient Evidence of the Title to such Pew or Pews, and of the Annexation thereof to such House or Houses respectively.

Pews to be numbered.

XVI. And be it further enacted, That the said Trustees shall and they are hereby directed to cause the several Pews or Seats in the said Church to be numbered, and the several Numbers of such Seats and the Appropriations thereof respectively to be fairly transcribed upon a Roll or in a Book or Books, One Part whereof shall be deposited in the Registry of the Diocese, and a Duplicate thereof shall be kept and preserved in the Parish Chest with the other public Documents relating to the said Parish, and shall be open to the Inspection of all Persons interested, without Fee or Reward; and the same or authenticated Copies thereof shall be admitted as Evidence in all Courts, and by all Judges, Justices, and others.

Application of Funds.

XVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to apply the said Sum of Four thousand seven hundred and eighty-one Pounds Twelve Shillings and Eight-pence Bank Three *per Centum* Annuities, and the Dividends to become due for the same, and the said Sum of Seventy-one Pounds Fourteen Shillings and Seven-pence, and any Monies which may arise from the Sale of any Materials herein-before authorized to be sold as aforesaid, in the first place in defraying the Costs, Charges, and Expences of applying for and obtaining the Directions of the Court of Chancery relative to the said Trust, and also preparatory to and of applying for and obtaining this Act, and, after Payment thereof, in defraying all Costs, Charges, and Expences already

already incurred or to be incurred in carrying into execution the Purposes of this Act.

Trustees may sell the Stock and apply the Produce.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees to sell out all or any Part of the said Sum of Four thousand seven hundred and eighty-one Pounds Twelve Shillings and Eight-pence Bank Three *per Centum* Annuities at any such Time or Times before the same or the Produce thereof shall be wanted for any of the Purposes aforesaid, as the said Trustees shall think fit, and to deposit or place the Monies to arise from such Sale, or any other Monies which from Time to Time shall belong to or be vested in the said Trustees, either in the Bank of *England* or in any Banking House in the Cities of *London* or *Westminster*, in the Names or to the Account of the Trustees under this Act, and in the meantime, and until such Sale or Sales, to receive and reinvest the Dividends to arise and become payable for or in respect of the said Trust Stock, or such Part thereof as shall remain unsold, at their Discretion; and it shall be lawful for the Trustees by whom such Monies shall be so deposited or placed, or other the Trustees for the Time being under this Act, from Time to Time to draw out from the Bank of *England* or any such private Banking House as aforesaid the Sum or Sums of Money so to be deposited or placed, as and when the same shall at their Discretion be wanted for any of the Purposes aforesaid.

Powers of Bishop of Lichfield, &c. not to be invalidated.

XIX. Provided always, and be it enacted and declared, That this Act or any thing herein contained shall not extend or be construed to extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of *England*, or to destroy any of the Rights or Powers belonging to the Lord Bishop of *Lichfield* and *Coventry* for the Time being, or in anywise to abridge or control the ordinary Jurisdiction of the said Lord Bishop of *Lichfield* and *Coventry* for the Time being in and over the aforesaid Parish of *Stretton-upon-Dunsmore*, or over the Ministers and Churchwardens thereof, or in, over, or relating to any Matter or Thing respecting the said Parish and the Ministers and Churchwardens thereof, except so far as herein-before is provided for; but it shall be lawful for the said Lord Bishop of *Lichfield* and *Coventry* for the Time being to, and such Lord Bishop and the Archdeacon of *Coventry* respectively shall and may, at all Times after the passing of this Act, visit and exercise Ecclesiastical Jurisdiction in the said Parish of *Stretton-upon-Dunsmore* as amply as such Lord Bishop and Archdeacon respectively might do immediately before the passing of this Act, and in such Manner as in any other Parishes or Places within their Jurisdiction.

Public Act.

XX. 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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