



ANNO DECIMO

GEORGIIV. REGIS.

Cap. li.

An Act for erecting and endowing a Church in *Abercrombie Square* in the Parish of *Liverpool* in the County Palatine of *Lancaster*.

[14th *May* 1829.]

WHEREAS the Parish of *Liverpool* in the County of *Lancaster* hath of late Years considerably increased in Population, and the present Parish and other Churches or Parochial Chapels are inadequate to the Accommodation of the Inhabitants of the said Parish; and the Erection and Endowment of a Church in the Town of *Liverpool* within the said Parish, for the Performance and Celebration of Divine Service therein according to the Rites and Ceremonies of the Church of *England*, would be of great Benefit to the Inhabitants of such Parish, and of general Utility: And whereas, in order to promote so useful a Measure, several Persons have subscribed a Sum sufficient for building such Church, and have purchased a Piece of Leasehold Land situate on the East Side of *Abercrombie Square* in the said Town of *Liverpool*, of which Land the said Mayor, Bailiffs and Burgesses, have agreed to grant the Reversion in Fee: And whereas the desirable Object before mentioned cannot be carried into complete Effect 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

[*Local.*]

16. B

Advice

Trustees.

Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Gladstone, Matthew Miller, William Lawson, John Deane Case, and William Dickson*, and their Successors, to be elected or appointed in manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Vacancies in Trustees how to be supplied.

II. And be it further enacted, That when and so often as any of the Trustees herein named, or any of the Trustees hereafter to be elected or appointed as herein-after mentioned, shall die, or cease to be a Proprietor of a Seat in the Church to be erected under the Powers of this Act, or become incapable of acting, or decline to act when required so to do, it shall be lawful for the Majority of the Proprietors of Seats in the said Church present at any Meeting to be called for the Purpose by the Majority of Trustees for the Time being, of which Meeting Fourteen Days previous Notice shall be given by affixing the same upon the Doors of the said Church on Two *Sundays* next preceding the Day on which such Meeting is intended to be held, and by Advertisement in Two of the Newspapers usually printed and circulated in *Liverpool*, from Time to Time to nominate and appoint some other Person, being a Proprietor of a Seat in the said Church, to be a Trustee in the Place of the Trustee so dying, ceasing to be a Proprietor of a Seat, or becoming incapable of acting or declining to act as aforesaid; and the Property by this Act vested in the Trustees herein-before named shall be thereupon considered as vested in such continuing and other Trustee or Trustees to be appointed as aforesaid; and such new Trustee or Trustees shall in every respect be invested with the like Powers and Authorities to all Intents and Purposes as the Person or Persons in whose Place or Stead he or they may be so nominated and appointed as aforesaid.

In case of Omission to elect Trustees, Common Council to appoint.

III. And be it further enacted, That in case, from any Omission to elect Trustees by virtue of the Power herein-before given for that Purpose, the Number of Trustees shall at any Time be reduced to Three, and no Appointment of new or other Trustees shall be made by the said Proprietors in manner aforesaid for the Space of Three Calendar Months after the last Vacancy shall have occurred, it shall be lawful for the Common Council of the Town of *Liverpool* aforesaid for the Time being, or the major Part of them, in Common Council assembled, and they are hereby authorized and empowered, from Time to Time to nominate and appoint any Trustee or Trustees in the Room or Stead of any of those dying, or ceasing to be a Proprietor or Proprietors of a Seat in the said Church, or becoming incapable of acting or declining to act as aforesaid; and the said new Trustee or Trustees so to be nominated and appointed as last aforesaid is and are hereby invested with the same Powers and Authorities, to all Intents and Purposes, as if he or they had been originally named a Trustee or Trustees in this Act.

Meeting of Trustees.

IV. And be it further enacted, That the said Trustees shall meet on the First Day of *June* next after the passing of this Act in *Liverpool*,
 5 between

between the Hours of Twelve and Two, and then and from Time to Time afterwards adjourn themselves 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 Two or more of the said Trustees shall think it necessary at any Time or from Time to Time that a Meeting should be held, then and in either of the said Cases it shall be lawful for any Two or more of the said Trustees to call a Meeting, and Notice in Writing signed by any Two or more of the Trustees of every such Meeting (except in case of an Adjournment from Day to Day) shall be delivered or left at the usual or last Place of Abode of every Trustee Two Days before such Meeting.

V. And be it further enacted, That all the Powers and Authorities vested in the Trustees by this Act may be exercised by the major Part of them present at such Meetings to be held as herein-before mentioned, the Number of Trustees present at any such Meetings not being less than Three; and at every Meeting the Trustees present shall elect a Chairman; and in all Cases, except the Appointment of a Minister as herein-after mentioned, where the Number of Votes upon any Question shall be equal, the Chairman shall have a second or casting Vote.

Three Trustees to be a Quorum.

VI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be kept for that Purpose of all the Acts and Proceedings of the said Trustees at any of their Meetings, and of the Names of the Trustees who shall be present, and the same shall, when approved and confirmed, be signed by the Chairman; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever.

Proceedings to be entered in Books, and to be Evidence.

VII. And be it further enacted, That the said Trustees shall, by themselves or by some Clerk or proper Person to be by them appointed for the Purpose, keep just and true Accounts of all Sums of Money to be by them received or paid in, about, or concerning the said Church, and shall enter all Debits, Payments, and Receipts in a Book or Books to be kept as aforesaid for that Purpose; all which said Books of Account, and all Papers and Documents relating to the said Church, shall at all Times be open to the Inspection and Examination of the said Proprietors or any of them.

Books of Accounts to be kept.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to accept and take from the Mayor, Bailiffs, and Burgesses of the Town of *Liverpool* aforesaid a Conveyance in Fee Simple of the Piece or Parcel of Land situate on the East Side of *Abercrombie Square* in the said Town of *Liverpool* aforesaid, with all Rights and Privileges and Appurtenances to the same belonging; and the said Piece of Land, when so accepted and taken as aforesaid, shall be and the same is hereby vested in the said Trustees and their Successors for ever; and it shall be lawful for the said Trustees and their Successors to hold the

Trustees may accept Conveyance of Land for Site of new Church.

the same without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever, to the Use, Intent, and Purpose, that the said Church may be erected and built upon the said Piece of Land, and when so built may be set apart, consecrated, and dedicated to the Service of Almighty God, as a Place of Divine Worship according to the Liturgy and Usage of the Church of *England*, for ever; and the said Church shall from and after the consecrating thereof be and the same is hereby declared to be a Perpetual Cure and Benefice, and shall be called "The Church of *Saint Catherine* in *Liverpool* in the County Palatine of *Lancaster*."

Trustees to
cause Church
to be built.

IX. And be it further enacted, That it shall be lawful for the said Trustees to cause the said Church to be erected and built according to such Plan and Elevation as shall be approved of by the Mayor, Bailiffs, and Common Council of the said Town, and which Plan and Elevation shall be submitted to the Bishop of the Diocese of *Chester* for his Sanction and Approbation; and the said Trustees shall have full Power and Authority to make and enter into such Contracts or Agreements for the erecting and completing of the said Church as they may deem proper; and the building of the said Church shall be subject to the Inspection and Approval of a Surveyor to be appointed to inspect and survey the same on the Part of the said Mayor, Bailiffs, and Common Council.

Trustees to
make equal
Calls on Pro-
prietors for
Amount of
Subscription.

X. And be it further enacted, That the said Trustees shall have full Power and Authority from Time to Time to make equal Calls on the respective Subscribers, their Executors or Administrators, for the Payment of the Sums of Money by them severally subscribed, not exceeding the Sum of Twenty Pounds *per Centum* at any One Call or Time, and so that such Calls shall be made at the Distance of Two Calendar Months from each other, to be applied in and about the Erection and Completion of the said Church and carrying this Act into effect; and if any of the said Subscribers, his, her, or their Executors or Administrators, shall refuse or neglect to pay any such Call or Sum of Money to the Person or Persons who shall be from Time to Time authorized and empowered by the said Trustees to receive the same, and also all Arrears of any Call or Calls already made, together with lawful Interest for the same from the Time when the same ought to have been paid, and at the Place where it shall be appointed by the said Trustees that the same shall be paid, being in the Town of *Liverpool* aforesaid, for the Space of One Calendar Month after Notice thereof by Letter addressed by or by the Order of the said Trustees to such Person or Persons, directed to them, him, or her, and left at their, his, or her usual or last Place of Abode, such Person or Persons so refusing or neglecting to pay such Call or Sum of Money shall, at the Discretion of the said Trustees, forfeit all future Interest of and in the said Church in respect of the Share or Interest therein wherein Default shall be made, or the same shall be sold and disposed of by the said Trustees for the Time being by public Auction, for the general Benefit of the rest of the Proprietors of the said Church, and the Money which the same shall be sold for shall be applied to the general Funds of the said Proprietors;

Proprietors; all which forfeited Shares any of the said Proprietors shall be at liberty to purchase.

XI. And be it further enacted, That if any Person or Persons who hath subscribed to and on account of the said Church, or to whom any Share thereof shall at any Time hereafter be assigned, his, her, or their Executors or Administrators, shall neglect to pay the Money which shall from Time to Time become due by virtue of any Call hereafter to be made as aforesaid, with lawful Interest for the same as aforesaid, it shall be lawful for the said Trustees for the Time being, instead of declaring the Forfeiture of any Share or Shares as aforesaid, to sue for and recover the Money so due in any of His Majesty's Courts of Record by Action of Debt or on the Case; and notwithstanding the Transfer or Assignment of any such Share or Shares, the original Subscribers, or the Persons appearing as Subscribers in the general Contract or Instrument of Subscription, and his, her, and their respective Executors and Administrators, shall be liable to such Action as aforesaid.

Trustees, instead of declaring Share to be forfeited, to sue for Amount due.

XII. And be it further enacted, That it shall be lawful for the Trustees for the Time being acting under and by virtue of this Act, for the Term of Forty Years from the passing hereof, to nominate to the Bishop of the Diocese of *Chester*, for his Approbation and Licence, a Minister of the said Church; and all subsequent Nominations of a Minister of the said Church, from and after the Expiration of the said Term of Forty Years, shall be and the same are hereby vested in the Mayor, Bailiffs, and Burgesses of the said Town of *Liverpool* for ever; and that the Mayor, Aldermen, Bailiffs, and Common Council of the Borough and Corporation of *Liverpool*, and their Successors, or the major Part of them, in Common Council assembled, shall and may and they are hereby authorized to nominate and present to the Ordinary, under the Common Seal of the said Borough and Corporation, a proper Person duly qualified to be Minister of the said Church, to be thereto licensed by the Ordinary, on every Vacancy and Avoidance thereof.

Nomination of Minister.

XIII. And be it further enacted, That the said Trustees shall, before or within Three Calendar Months next after the Consecration of the said Church, and within Six Calendar Months next after every Vacancy which shall afterwards happen during the said Term of Forty Years, at or in the Vestry Room of the said Church, nominate and elect a fit and proper Person to be the Minister of the said Church; and such Person so to be nominated and elected, having obtained a Licence from the Bishop of *Chester* for the Time being, shall from thenceforth be deemed and taken to be the Minister of the said Church according to the Directions of this Act: Provided always, that in case of a Difference of Opinion amongst the said Trustees as to a proper Person to be nominated as such Minister as aforesaid, the same shall be decided by a Majority of Votes of the said Trustees for the Time being; and if there shall at any such Election be an equal Number of Votes for Two or more Candidates for the Ministry of the said Church, then and in every such Case it shall be lawful for the Bishop of *Chester* for the Time being, and he is hereby authorized and required, to give

Notice of Meeting for Election of Minister.

the casting or decisive Vote ; and the Minister in whose Favour such Vote shall be so given shall be thereupon deemed and declared to be duly elected.

Notice of Meeting for Nomination of first Minister.

XIV. And be it further enacted, That Fourteen Days previous Notice at the least of the Day, Time, and Place of the Meeting for the Nomination of the first Minister of the said Church, shall be given by Note in Writing under the Hand of One or more of the said Trustees, to be left at the last or usual Place of Abode of each of the said Trustees, specifying the Purport of the Meeting.

Notice of every subsequent Meeting to be given.

XV. And be it further enacted, That upon every Vacancy of the Ministry of the said Church, within the said Term of Forty Years, a Meeting of the said Trustees shall be called and held, in pursuance of this Act, for the Purpose of electing a Minister of the said Church, of which Fourteen Days previous Notice at the least, signed by Two or more of the said Trustees, and specifying the Day, Time, and Purport of such Meeting, shall be affixed in the said Vestry Room and on the Doors of the said Church, and shall also be left at the usual or last Place of Abode of each of the Trustees for the Time being ; and at the Meeting to be held pursuant to such Notice, or at some Adjournment thereof, or at some future Meeting to be called for the Purpose, it shall be lawful for the said Trustees who shall be present at such Meeting to nominate and elect, in the Manner hereinbefore directed, a fit and proper Person to be the Minister of the said Church, and after such Election, by Writing under their Hands, to present such Minister to the Bishop of *Chester* for the Time being ; and every such Presentation of a Minister, he being so licensed by the said Bishop as aforesaid, shall be good, valid, and binding to all Intents and Purposes upon all Persons whomsoever.

In failure of Nomination, Presentation to lapse.

XVI. And be it further enacted, That in case the Office or Place of Minister of the said Church shall be suffered to remain for the Space of Six Calendar Months without any Nomination or Presentation thereunto by virtue of this Act, then and in every such Case the Nomination or Presentation to the said Church shall lapse in the usual Manner, and according to the Laws of this Realm in the Case of Presentative Livings or Benefices.

Church to be subject to Jurisdiction of the Bishop of Chester.

XVII. And be it further enacted, That the said Church, and the Minister thereof for the Time being, as also the Persons who shall act as Churchwardens thereof for the Time being, to be appointed as herein-after directed, shall be under and subject to the ordinary Jurisdiction of the Bishop of *Chester* and his Successors, and shall be visited in such Manner as other Churches in the Diocese of *Chester* are visited ; and the Minister of the said Church for the Time being shall be deemed and taken by virtue of this Act to be incorporated and made One Body Politic and Corporate, by the Name of "The Minister of the Church of *Saint Catherine* in *Liverpool* in the County Palatine of *Lancaster*," and by that Name shall have perpetual Succession, and shall sue and be sued in all Courts of the Realm ; and the said Church, (except the Seats or Pews and Sitting Places, which are by this Act

vested

vested in the said Trustees,) and the Churchyard belonging to the same, shall be vested in the said Minister for the Time being, and his Successors, Ministers of the said Church, for ever, in the same Manner as the Freehold and Inheritance of the Parish Church is by the Laws of this Realm vested in the Incumbent thereof.

XVIII. Provided always, and be it further enacted, That every Election, Appointment, and Presentation of any Minister under, in, and by virtue of this Act, shall be on this express Condition, that in case such Minister shall accept of any other Living or Church Preferment, the same shall render such Election, Appointment, and Presentation voidable; and it shall be lawful for the said Trustees, or the major Part of them; during the said Term of Forty Years, and for the Mayor, Bailiffs, and Common Council of *Liverpool*, after the Expiration of the said Term of Forty Years, to declare the said Church void, and proceed to the Election, Appointment, and Presentation of some Minister to fill the Vacancy, as if the same had happened by Resignation or Death.

Minister not to accept any other Preferment.

XIX. And be it further enacted, That the Seats or Pews to be erected in the said Church shall be numbered; and One convenient Seat or Pew, situate in the Body of the said Church, shall be allotted for the Use of the Minister of the said Church for the Time being and his Family, and One other Seat or Pew in the Body of the said Church shall be allotted for the Use of the Servants of the said Minister, upon which Two Seats or Pews no Rent shall be charged; and Seats or Sitting Places, to be marked with the Words "Free Seats," to accommodate not less than One hundred and fifty Persons if such Church shall contain One thousand Sittings or upwards, and not less than One hundred Persons if such Church shall contain less than One thousand Sittings, shall be allotted and set apart in the said Church for the Use of the Poor of the said Parish of *Liverpool* for ever, and upon which no Rent shall be charged; and the Remainder of the Seats or Sitting Places which shall not have been sold under the Power herein-before contained for that Purpose shall from Time to Time, until the same shall be sold, be let by the Churchwardens for the Time being to any Person or Persons who may be willing to take the same, at such Rents as shall be approved of by the said Trustees.

Regulations as to Seats.

XX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby required, at any Time before or within Two Calendar Months after the Consecration of the said Church, to fix upon and ascertain the Rent to be paid, for the Purpose herein mentioned, for each Seat or Pew so authorized to be sold as aforesaid, so as the Rents of all the said Seats or Pews so to be fixed and ascertained as aforesaid do not amount in the whole to less than the yearly Sum of Four hundred and fifty Pounds; and the said Trustees shall cause the said Rents to be entered in a Book to be kept for that Purpose by the Churchwardens to be appointed as herein-after mentioned, referring to the Number of each Seat or Pew.

Reserved Rents to be fixed on Seats.

XXI. And be it further enacted, That every Purchaser or other Person or Persons possessed of or occupying a Seat or Pew or Sitting Place

Payments of Seat Rents to be half-yearly.

Right of
Re-entry in
case of
Default.

Arrears may
be sued for
by Action ;

or may be
levied by
Distress.

Seats to be
sold or let.

Place in the said Church, upon which Rent is authorized to be affixed, or which is authorized to be let as aforesaid, shall pay such Rent by Two half-yearly Payments; that is to say, on the Feasts of the Blessed Virgin *Mary* and *Saint Michael* the Archangel; the first Payment thereof (or such a proportionable Part thereof as shall have accrued after the Consecration of the said Church) to begin and be made at and upon such of the said Days as shall next happen after such Consecration; and in case the Rent of any such Seat or Pew or Sitting Place shall happen to be in arrear or unpaid by the Space of Twenty Days next after the same shall become due, then the Churchwardens for the Time being to be appointed in pursuance of this Act, and their Successors, shall and may and they are hereby required, without Delay, either to enter upon such Seat or Pew or Sitting Place, or let the same to any other Person or Persons, in such Manner as such Churchwardens shall think proper, until the Rent in arrear shall be duly paid and satisfied (rendering the Overplus, if any, to the former Owners or Occupiers who shall be so in arrear); or the said Churchwardens may and they are hereby required to sue for the same Rents so in arrear by Action of Debt or upon the Case, for the Use and Occupation of such Seat or Pew or Sitting Place, to be brought against the Owner or Owners, Occupier or Occupiers thereof, in the Name of "The Churchwardens of the Church of *Saint Catherine* in *Liverpool* in the County Palatine of *Lancaster*," in any of the Courts of Record at *Westminster*, or in the Court of Common Pleas for the said County Palatine of *Lancaster*, or in the Borough Court of *Liverpool*, with Costs of Suit.

XXII. Provided always, and be it further enacted, That the said Rent or Rents to become payable by virtue of this Act may, in case of Nonpayment thereof for the Space of Ten Days after Demand made thereof by Notice in Writing under the Hand of One of the said Churchwardens delivered to any Occupier or Occupiers of any Seat, Pew, or Sitting Place in the said Church, or left at his, her, or their usual or last Place of Abode, and on Proof thereof upon Oath before any Justice of the Peace of the said Borough of *Liverpool*, which Oath the said Justice is hereby authorized to administer, be levied by Distress and Sale of the Goods and Chattels of every such Occupier or Occupiers, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus, if any, after deducting the Sums due in respect of such Rent or Rents, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels, on Demand.

XXIII. And be it further enacted, That all the Seats or Pews and Sitting Places to be erected in the said Church (except those to be set apart for the Minister and his Servants, and the Seats or Sitting Places to be appropriated to the Use of the Poor, as herein-before mentioned,) shall be and the same are hereby vested in the said Trustees; and it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to sell and dispose of the said Seats or Pews, and convey the same respectively, to any Person who may contract for the Purchase thereof, and to the Executors, Administrators, and Assigns of such Purchaser respectively, for a Term of One
8
thousand

thousand Years as Personal Property, and the same shall be transferrable and transmissible as such, subject nevertheless to such annual Rents or yearly Sums to be fixed thereon as provided for by this Act; and until the said Seats or Pews shall respectively be so contracted for and conveyed, the Churchwardens for the Time being of the said Church shall have full Power and Authority to let the same upon such Terms and at such Rents as may be approved of by the said Trustees, and apply the Rents to be received for the Purpose of this Act; and the Assignment or Transfer of every Seat or Pew in the said Church shall be registered by the said Trustees, or by their Clerk for the Time being, in a Book to be provided for that Purpose, and kept in the Vestry of the said Church.

XXIV. And be it further enacted, That upon or immediately after the Consecration of the said Church Two fit Persons, being Occupiers of Seats or Pews in the said Church, shall be nominated and appointed Churchwardens of the said Church until the *Thursday* in *Easter Week* next after such Appointment, and from thenceforth upon *Thursday* in *Easter Week* yearly Two Persons, being Occupiers of Seats or Pews as aforesaid, shall be Churchwardens of the said Church, the one of such Churchwardens to be nominated by the Minister for the Time being, and the other by the said Trustees; and the Persons so nominated and appointed as aforesaid shall respectively be and shall act as or in the Nature of Churchwardens of the said Church, and shall appear and be admitted and sworn according to Law, and continue in Office until *Thursday* in *Easter Week* next after their respective Appointments; and they and their Successors, and the Survivor of them, are and is hereby authorized and required to collect and receive the Rents of the said Seats and Pews and Sitting Places, and in case of Non-payment to enter upon the same, or otherwise to sue and bring Actions for Recovery of such Rents, or to distrain for the same, in manner aforesaid, and out of the said Rents to pay the Minister, Clerk, and Sexton, and also the Organist and Singers of the said Church for the Time being, their respective Salaries, Stipends, and Wages, and likewise to provide Bread and Wine for the Holy Communion, and also to support and keep in repair the said Church and Churchyard, and the Walls, Gates, and other Appurtenances thereto, and also the Bells and other Things to the said Church belonging; and to do and perform all other Matters whatsoever necessary or expedient for and concerning the Management, Support, and good Order of the said Church, which Churchwardens are by Law authorized to do, so far as respects the said Church and Churchyard; and such Person and Persons so to be nominated and appointed to act as Churchwardens so aforesaid for the Time being, and their Successors, shall and they are hereby respectively required and enjoined to keep true and perfect Entries, in a proper Book or Books to be provided for that Purpose, of all Sums of Money by them received on account of the Rents of the said Seats or Pews and Sitting Places as aforesaid, and otherwise, and of all Sums of Money by them issued and paid; and all such Books and Accounts, and also the Books containing the Entries of the Rents of the Seats or Pews and Sitting Places so to be fixed and ascertained as aforesaid, shall and may be inspected at all convenient Times by all Owners and Proprietors of Seats in the said Church, and by the Minister of

Appointment
of Church-
wardens ;

their Duty.

the said Church, and all other Persons interested therein; and in case of the Death of any Churchwarden during the Year for which he shall be appointed, then and so often a new Churchwarden, qualified as aforesaid, shall be nominated and appointed by such Person or Persons and in such Manner as the deceased Churchwarden shall have been appointed; and every Churchwarden so to be appointed in the Room of one dying in his Year of Office shall have and be invested with the same Powers and Authorities as his Predecessor.

Repairs of
Church.

XXV. And be it further enacted, That out of the Rents to be received for the said Seats or Pews and Sitting Places an annual Sum of not less than Forty Pounds shall be retained by the Churchwardens for the Time, and the same and such Part thereof as may be requisite shall be applied by the Churchwardens of the said Church for the Time being in the Repairs of the said Church and Churchyard; but in case it shall not be requisite, in the Judgment of the Churchwardens for the Time being, to lay out and expend the whole of the said Sum of Forty Pounds towards the requisite Repairs of the said Church and Churchyard in any One Year, such Part thereof as shall not be so applied shall be laid out and invested, under the Direction of the Trustees of the said Church for the Time being, in Government or Corporation of *Liverpool* Securities, at Interest, in the Name of the Minister of the said Church for the Time being and any Three or more of the said Trustees, and the accumulating Interest and Dividends thereof shall be laid out and invested in like Manner, and so from Time to Time, so that a Fund sufficient for all Purposes of substantial and lasting Repairs of the said Church may be provided, which Fund shall from Time to Time be at the Disposal of the Churchwardens for the Time being, and shall be by them applied in the Repairs of the said Church and Churchyard, when and as the same may be requisite.

In case the
Fund for Re-
pair shall
amount to
1,000*l.*, the
annual Sum
reserved for
that Purpose
to be divided
amongst Pro-
prietors of
Seats in the
Church.

XXVI. And be it further enacted, That in case the said Fund so directed to be reserved and invested for the Purpose of repairing the said Church as aforesaid shall by means of Accumulation at any Time hereafter amount to the Sum of One thousand Pounds and upwards, then and in that Case, and as often as the same shall happen, the said annual Sum of Forty Pounds, so to be reserved out of the Rents as before directed, shall be paid and divided by the said Trustees for the Time being unto and amongst the said Proprietors, in proportion to the Share and Interest which they shall have respectively in the said Church; and the Repairs of the said Church shall be defrayed out of such Fund until the same shall by reason thereof be reduced to the Sum of Five hundred Pounds or under, and then and from thenceforth and as often as the same shall happen the said annual Sum, or so much thereof as shall not be expended, together with all accruing Interest thereon, shall be again vested in manner herein before directed.

Minister's
Duty.

XXVII. And be it further enacted, That the Minister for the Time being of the said Church shall reside in or near to the Town of *Liverpool*, and shall (unless prevented by Sickness or other reasonable Cause, to be approved of by the Bishop of the Diocese,) every *Sunday* Morning

Morning read in the said Church the Morning Prayers and other Service prescribed in the Book of Common Prayer or Public Liturgy of the Church of *England*; and in the Afternoon of every *Sunday* in like Manner read therein the Evening Prayers and other Service prescribed in the said Book of Common Prayer; and shall on every Day which is set apart for that Purpose by the Church of *England* in like Manner read in the said Church the Morning Prayers and other Service prescribed in the said Book of Common Prayer for such Days respectively; and shall on every *Sunday* throughout the Year, as well in the Morning as in the Afternoon, and on every *Christmas Day* and *Good Friday* in the Morning, after Divine Service performed, preach a Sermon in the said Church; and shall on every *Easter Sunday*, *Whitsunday*, and *Christmas Day*, and also upon such other Days as shall be directed by the Ordinary of the Diocese, administer the Holy Communion in the said Church, according to the Rites and Ceremonies of the Church of *England*.

XXVIII. And be it further enacted, That the Minister for the Time being of the said Church shall and he is hereby required, whenever requested, in addition to the Performance of the Duties herein before specified, to visit the Sick in such Division or District of the Town of *Liverpool* aforesaid as shall be from Time to Time fixed and appointed by the Bishop of the Diocese of *Chester* for the Time being, and perform the several Offices prescribed and to be performed upon the Visitation of the Sick, in such Division or District aforesaid, according to the Laws and Canons of the United Church of *England* and *Ireland*.

Minister to
visit the Sick.

XXIX. And be it further enacted, That for the Maintenance of the Minister for the Time being of the said Church, the Persons who shall be appointed to act as Churchwardens thereof for the Time being in pursuance of this Act, and their Successors, shall, by and out of the Rents of the said Seats or Pews and Sitting Places as aforesaid, pay or cause to be paid to such Minister for the Time being a Sum not less than Two hundred and fifty Pounds of lawful *English* Money, without any Deduction or Abatement for Taxes or otherwise howsoever, at the Feasts of the Nativity of our Saviour *Christ* and of *Saint John* the Baptist, by even and equal Portions; and on such of the said Days as shall happen next after the Consecration of the said Church, the Persons who shall be appointed Churchwardens as aforesaid shall pay or cause to be paid to such Minister such Proportion of his Stipend as shall have accrued from the Time of the Consecration of the said Church to such last-mentioned Day; and the Money so to be paid shall be allowed to such Churchwardens in their Account; and a like Apportionment of the said Stipend shall from Time to Time be made between the Executors or Administrators of any Minister of the said Church dying in the Interval between such Two half-yearly Days of Payment, and the Successor of such Minister so dying, for and in respect of the incurring Half Year when such Death shall happen.

Minister's
Stipend.

XXX. And be it further enacted, That if Default shall be made in Payment of the said yearly Stipend, or any Part or any Apportionment thereof, to the said Minister for the Time being, or to the Executors or Administrators of a deceased Minister, by the Space of

Remedy for
Recovery of
the Minister's
Stipend.

Twenty

Twenty Days next after any of the Days of Payment whereon the same ought to be paid, then it shall be lawful for such Minister, and his Executors and Administrators, to sue for and recover the same, with full Costs of Suit, against the Churchwardens or Churchwarden for the Time being, by Action of Debt or upon the Case, for so much Money had and received for the Use of such Minister, his Executors or Administrators, or for Work and Labour, to be brought in the Court of Common Pleas for the said County Palatine of *Lancaster*, or in any of His Majesty's Courts of Record at *Westminster*, or in the said Borough Court of *Liverpool*, wherein respectively no Essoign, Protection, Privilege, Wager of Law, or more than One Imparlance, shall be allowed.

No more than Half a Year's Arrear to be recovered from succeeding Churchwardens.

XXXI. Provided always, and be it further enacted, That no Arrears of the said yearly Stipend to be had and recovered against any succeeding Churchwardens, which shall have accrued due in the Time of their Predecessors, shall exceed in the whole One half-yearly Payment of the said yearly Sum, nor exceed the Amount of the Money which shall have been paid to such succeeding Churchwardens by their Predecessors; and every Action for the Recovery thereof shall be commenced against such succeeding Churchwardens within the Space of Two Calendar Months next after their first entering upon and being sworn in the Office of Churchwardens.

Minister to appoint Clerk, Organist, and Sexton.

XXXII. And be it further enacted, That it shall be lawful for the Minister for the Time being of the said Church to nominate and appoint such Persons as he shall think fit to officiate as Clerk, Organist, and Sexton in the said Church, and also from Time to Time to displace and remove such Clerk, Organist, and Sexton respectively, upon just and reasonable Cause, to be approved by the Ordinary of the Diocese for the Time being; and the Wages or Stipend of the Clerk shall never be less than Twenty-five Pounds, nor of the Organist than Thirty Pounds, nor of the Sexton than Twenty Pounds *per Annum*; and such Clerk, Organist, and Sexton respectively shall and may from Time to Time use the like Methods for the Recovery of their respective Wages or Stipends as are herein-before given to the Minister of the said Church for the Recovery of his Stipend.

No Graves allowed.

XXXIII. And be it further enacted, That no Graves or Burial Places shall be made or allowed within the Body of the said Church, or within any Part of the Churchyard belonging thereto.

Marriages to be solemnized in the Church.

XXXIV. And be it further enacted, That from and after the Consecration of the said Church Banns of Matrimony may be published and Marriages solemnized therein, according to the Laws and Canons in force within this Realm in that Behalf; and all Marriages solemnized as aforesaid in the said Church shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been solemnized in the Parish Church of *Saint Peter* or the Parochial Chapel of *Our Lady* and *Saint Nicholas* in *Liverpool* aforesaid.

Public Registers to be kept.

XXXV. And be it further enacted, That all Christenings and Marriages performed and solemnized in the said Church shall be registered

registered according to the Provisions of an Act passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better regulating and preserving Parish and other Registers of Births, Baptisms, Marriages, and Burials, in England,* 52 G.3.c.146. in Books to be provided for that Purpose by the Churchwardens of the same for the Time being; and Transcripts or Copies thereof, signed and attested according to the Provisions of the said Act, shall be from Time to Time transmitted to the Registrar of the Diocese of *Chester* on or before the First Day of *June* in each Year, to be by him kept and preserved with the Register Book of the said Parish of *Liverpool*.

XXXVI. And be it further enacted, That there shall be paid to and into the Hands of the Minister of the said intended Church for the Time being, for the Performance of the several and respective Offices of Minister, Clerk, and Sexton there, Double the Fees, Due, and Perquisites, which are usually and of Right ought to be paid for every Marriage or Churching at the Parish Church of *Saint Peter*, and Parochial Chapel of *Our Lady* and *Saint Nicholas*; and the Minister of the said intended Church shall from Time to Time collect and receive such Fees, Dues, and Perquisites, and account for and pay, on the First Day of *January* and the First Day of *July* in every Year, one Moiety thereof, in equal Shares, to the Rectors of the said Parish Church and Parochial Chapel of *Our Lady* and *Saint Nicholas* for the Time being, to be divided amongst them, and the Clerks and Sextons of the same Parish Church and Parochial Chapel, within Ten Days after such Rectors shall have received the same, in such Shares and Proportions as the Fees payable at the same Church and Chapel are divided; and the remaining Moiety shall on the said half-yearly Days be divided between the Minister, Clerk, and Sexton of the said intended Church, in such Shares and Proportions as Fees of the like Nature and for the like Services are usually or of right ought to be divided among the Rectors, Clerks, and Sextons of the said Parish Church or the said Parochial Chapel of *Our Lady* and *Saint Nicholas*; the first of which Payments to the said Rectors, Clerks, and Sextons of the said Parish Church and the said Parochial Chapel shall begin and be made at and upon such of the said half-yearly Days as shall first happen after the Consecration of the said intended Church; and in case of Nonpayment thereof at any Time or Times within Twenty Days after either of the said half-yearly Days, one Moiety of such Fees, Dues, and Perquisites shall and may be sued for and recovered from the Minister of the said intended Church for the Time being, from Time to Time, by and in the Names of the Rectors of the Parish of *Liverpool*, by Action, for Monies had and received for their Use, in any of the Courts herein-before mentioned. Fees.

XXXVII. And be it further enacted, That there shall be paid by the Minister of the said Church for the Time being to the Lord Bishop of *Chester* for the Time being the usual or customary Payments at the Feast of *Easter* every Year for Synodals, and for Procurations at every Triennial or Ordinary Episcopal Visitation, according to the Custom of the Diocese of *Chester*; the same to be recovered in like Manner as Synodals and Procurations are by Law recoverable. Procurations and Synodals.

[*Local.*]

16 E

XXXVIII. And

Application
of Money
received.

XXXVIII. And be it further enacted, That the Monies which shall or may be received by the said Trustees for the Time being from the Subscriptions of the several Proprietors, or from the Sale of Seats or Pews, or otherwise, by virtue of this Act, shall be applied by them in the Payment of the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and in the Payment of all other just and reasonable Costs, Charges, and Expences in carrying the same into execution, and in erecting, completing, and furnishing the said Church, and in paying or discharging any Advances or Liabilities made or incurred by them relating to the same, and for other the Purposes of this Act; and the Monies that shall remain after such Payments, together with the several Sums of Money which shall or may be received by the Churchwarden or Churchwardens of the said Church for the Time being, and which may remain after Payment of the Salary or Stipend to the Minister, Clerk, Sexton, and Organist, and of the Expences herein-before authorized and required to be paid, applied, and disbursed by such Churchwarden or Churchwardens respectively, and after providing for the Repairs of the said Church in manner herein-before mentioned, shall from Time to Time be equally paid and divided by the said Trustees for the Time being unto and amongst the said Proprietors and their respective Representatives, in proportion to the Share and Interest which each of them may have in the said Church.

General
Meeting of
Proprietors
to be held.

XXXIX. And be it further enacted, That a General Meeting of the Proprietors shall be held, at some convenient Place within the Town of *Liverpool*, on the Twenty-fifth Day of *March* in every Year, or within Fifteen Days thereafter; and at every such annual Meeting the said Trustees for the Time being shall submit their Accounts for the preceding Year to the Proprietors present, for their Inspection and Examination, and shall report to the said Meeting the State of the Funds in their Hands, and such other Matters relating to the said Church as it may be important for the said Proprietors to know; and it shall be lawful for the Proprietors present at every such annual Meeting, or a Majority of them, to direct how much of the Monies in the Hands of the said Trustees, divisible amongst the said Proprietors under the Authority of this Act, shall be divided; and it shall be lawful also for the said Trustees for the Time being, at any Time or Times, and from Time to Time, to call Special General Meetings of the said Proprietors, for the Purpose of consulting them on any Occasion, Matter, or Thing whatsoever; and Notice of every such Annual General Meeting and Special General Meeting shall be given by Advertisement, signed by any Two or more of the said Trustees, to be published Once in any Two of the *Liverpool* public Newspapers, Ten Days previous to any such Meeting, but in the Case of Special General Meetings the Notice shall express the Object of such Meeting.

Limitation
of Actions.

XL. And be it further enacted, That if any Action or Suit shall be commenced or prosecuted against any Person or Persons for any thing done in pursuance of this Act, every such Action or Suit shall be brought within Six Calendar Months next after the Cause of Action shall arise, and not afterwards, and shall be laid in the County where

the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear so to be done, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Suit or Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given against the Plaintiff or Plaintiffs, upon Demurrer, then and in any of the said Cases the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have by Law for Costs in any other Case.

XLI. And be it further enacted, That none of the Parishioners of the said Parish of *Liverpool* shall be subject or liable to the Repairs of the said intended Church, or to any Charge, Rate, or Assessment on account of such Repairs, other than the Sums herein directed to be paid by the Owners of any Seats or Pews and Sitting Places in the said Church for or towards such Repairs.

Parishioners
of *Liverpool*
not to be lia-
ble to Repairs
of Church.

XLII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all other Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said Mayor, Bailiffs, and Burgesses, their Successors and Assigns,) all such Estate, Right, Title, and Interest of, in, to, and out of the said Piece of Land so to be set apart for erecting the said intended Church, and for a Churchyard thereto, as they, every or any of them had before the passing of this Act, or would have been entitled to in case this Act had not been made.

Saving
Clause.

XLIII. 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 the same being specially pleaded.

Public Act.

