



ANNO SEXTO

# GEORGIIV. REGIS.

\*\*\*\*\*

## Cap. lviii.

An Act to provide for the perpetual Maintenance and Support of the Chapel of the *Holy and Undivided Trinity*, in the Town of *Gosport*, within the Parish of *Alverstoke*, in the County of *Southampton*. [20th May 1825.]

WHEREAS a Chapel of Ease to the Parish Church of *Alverstoke* was built in the Year One thousand six hundred and ninety-six, on a Piece of Ground Part of the Waste called *Gosport Common*, within the Town and Manor of *Gosport*, of which the Bishop of *Winchester* in Right of his See is Lord partly by free Donations from pious and well disposed Persons, but principally by Subscriptions from certain Inhabitants of the said Town, to whom in Consideration thereof the Pews in the said Chapel were appropriated in Proportion and according to the various Sums by them subscribed: And whereas on the Twenty-fourth Day of *September* One thousand six hundred and ninety-six, the said Chapel was consecrated by the then Bishop of *Winchester*, but no Act of Parliament or Trust Deed or other public Instrument was either applied for or entered into prior to the Building of the said Chapel: And whereas all Documents relative to the said Chapel, except the Act of Consecration, previous to the Year One thousand seven hundred and thirty, being utterly lost, it is not possible to ascertain by whom or by what Means the Chapel was repaired prior to that Time: And whereas in the Year One thousand seven hundred and forty-three, the Incumbency of the Chapel was endowed by the Gover-

[Local.]

15 F

nors



nors of Queen *Anne's* Bounty and other Benefactions, and the Chapel thereby became a Benefice, according to the Provisions of an Act passed in the First Year of the Reign of His late Majesty King *George* the First, intituled *An Act for making more effectual Her late Majesty's gracious Intentions for augmenting the Maintenance of the Poor Clergy*: And whereas in the Year One thousand seven hundred and forty-five, the Chapel was enlarged under and by virtue of a Faculty from the Ecclesiastical Court of the Bishop of *Winchester*, with Powers for the Builders in whose Favour the Faculty was so made to assign the new Pews made by them to such of the Inhabitants as would contribute to the Expences of such Enlargement: And whereas from the Year One thousand seven hundred and forty-seven down to the Year One thousand eight hundred and eighteen, Vestry Meetings of all such Persons as were Pew Owners were called by Public Notice in the said Chapel in or about the *Easter* Week, to nominate and appoint Chapel Wardens for the ensuing Year, and to examine the Accounts of such retiring Officers, and other Vestries of the Pew Owners were held at other Periods in the Year when necessary: And whereas the said Chapel and Fences of the Chapel Yard, and all proper and necessary Furniture, Matters, and Things belonging or incidental thereto, were repaired, maintained, and provided by the Chapel Wardens out of Rates made and allowed by the Pew Owners so assembled, and levied by and upon the respective Pew Owners: And whereas the Minister of the said Chapel and the Chapel Wardens have been constantly summoned and required to attend the Visitation of the Ordinary, and they and their Predecessors are and have ever been subject to Ecclesiastical Jurisdiction equally with the Rectors, Vicars, and Churchwardens in Parish Churches: And whereas it was decided in the Court of Arches, in One thousand eight hundred and eighteen, that there was no legal Method of making and levying Rates for the Repairs, Support, and incidental Expences of the said Chapel: And whereas the Fences and Walls of the Chapel Yard and the said Chapel are dilapidated and fallen into decay from the Want of the Power to raise Resources for its Support, and various Repairs are necessary, and other Matters and Things requisite to be supplied and done for the Safety and Convenience of Persons who attend the said Chapel; and for the regular and decent Performance of Divine Worship therein, it is expedient that certain Provisions should be made with respect to the future Maintenance and Support of the said Chapel, and the same cannot be done without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the Authority of the same, That within Two Months after the passing of this Act Two Persons shall be appointed out of the Proprietors of Pews and Seats therein to be and act as Chapel Wardens of the said Chapel until the Twenty-fifth Day of *March* next after such Appointment; and in case of the Death of either of them before such Time, then the Survivor to be and act as aforesaid until such Time, and from thenceforth upon the Twenty-fifth Day of *March* Yearly, or within Fourteen Days thereafter, for ever, Two fit Persons shall be appointed as aforesaid to be and act

Appoint-  
ment of  
Chapelwar-  
dens.

as



as Chapel Wardens of the same Chapel; One of them by the Minister of the said Chapel for the Time being, and the other of them by the Proprietors of Pews in the said Chapel, or the major Part of them to be assembled in the said Chapel for that Purpose; and in case of the Death of any Chapel Warden during the Year for which he shall have been elected, then and in every such Case a new Chapel Warden shall be appointed by and out of the Persons aforesaid, in such Manner as the deceased Chapel Warden shall have been appointed; and every such Chapel Warden to be so appointed as last aforesaid shall respectively be and act as Chapel Warden of the said Chapel until the Twenty-fifth Day of *March* yearly, or within Fourteen Days next after his Appointment.

II. And be it further enacted, That the Persons so appointed to the said Office of Chapel Wardens of the said Chapel as aforesaid shall and may at the Annual Vestry to be held on the Twenty-fifth Day of *March* Yearly, or within Fourteen Days thereafter, make One Rate of One Shilling in the Pound upon the Proprietors of Pews or Seats in the said Chapel, in equal Degrees in Proportion to the Value of such Pews or Seats respectively, as ascertained in the Manner herein-after directed, to pay the Salaries and Expences herein-after mentioned; and if such Rate shall not be sufficient to answer and pay such Salaries and Expences, then it shall and may be lawful for the said Chapel Wardens under the Orders and Directions of the Majority of the said Pew Proprietors in Vestry assembled, to make any other Rate or Rates for the proper Maintenance of the said Chapel at any Time during the Year.

Chapelwardens to make Rates upon the Proprietors of Pews or Seats.

III. And be it further enacted, That in case any Person or Persons charged with any such Rate or Assessment to be made or assessed by virtue of this Act, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, after Demand thereof made, by Notice left at his, her, or their House or other Premises, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County of *Southampton*, and he and they is and are hereby authorised and required to summon, by Writing under his or their Hand or Hands, all and every Person and Persons so charged, and who shall have so refused or neglected as aforesaid (on Oath being made before such Justice or Justices by the Chapel Wardens for the Time being, or One of them, of his, her, or their having attended upon, and at the Place or Places of Abode of such Person or Persons then intended to be summoned, and having so as aforesaid demanded the Rate or Rates, and of the same being unpaid) to appear before such Justice or Justices, or before any other Justice or Justices of the Peace for the said County, at a Time and Place to be mentioned in such Summons (Service of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or most usual Place of Abode, to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect, without sufficient Cause, to attend at the Time and Place mentioned in such Summons, or if he, she, or they do or shall attend, and shall not make it appear to such Justice or Justices that he, she, or they is or are

Recovery of Rates.



are not chargeable with such Rate or Rates according to this Act, then all and every the Person and Persons who shall have been so summoned shall pay, as well such Rate or Rates as the reasonable Costs and Charges of such Summons, Service, and Attendance before such Justice or Justices; and in all Cases where the said Rates or Assessments, Costs, and Charges shall not be paid upon the Return of such Summons, it shall be lawful to and for the said Justice or Justices who shall have issued the same, or before whom the same shall be made returnable, or for any One or more of them, and he and they is and are hereby authorised and required (on Oath being made before him or them of the due Service of such Summons as aforesaid, which Oath he or they is and are hereby empowered to administer) to make an Order or Orders under his or their Hand or Hands for the Payment of such Rate or Rates within Seven Days after the Date thereof, to be served upon or left at the Residence of the Party; and in Default of Payment after Service of such Order and Proof thereof upon Oath, to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorising and directing such Chapel Wardens, or the Constable or Constables of the Town of *Gosport* or Parish of *Alverstoke*, or any other Person or Persons specially appointed by such Justice or Justices, to levy all such Rates or Assessments, and all Arrears thereof, and the Expences of the Summons and Warrant, and of the Service and Execution thereof respectively, by Distress of the Goods and Chattels of the Party liable to pay the same; and if, on Demand by such Chapel Wardens, Constable or Constables, or other Person or Persons, after such Warrant or Warrants shall be granted, the said Rate or Rates, Assessment or Assessments and Arrears so due and payable and unpaid, and the Costs and Charges of the said Summons and Warrant, and of such Distress, and of taking and keeping of such Goods and Chattels, shall not be paid and satisfied, it shall be lawful for such Chapel Wardens, Constable or Constables, or other Person or Persons, to cause the said Goods and Chattels, or so much thereof as shall be sufficient to be sold to pay the said Rate or Rates, Assessment or Assessments, together with such Costs, Charges, and Expences as aforesaid, returning the Overplus of the Money arising by such Sale (if any) to the Owner or Owners of the Goods or Chattels respectively, on Demand thereof made by him, her, or them; which Costs, Charges, and Expences, in case of Dispute, shall be settled and ascertained by any One or more of His Majesty's Justices of the Peace for the said County of *Southampton*.

On Non-payment of Rates, Pews to be taken Possession of and let.

IV. And be it further enacted, That in case of Non-payment of any Rate or Rates by Pew Owners, and the Chapel Wardens being unable to levy the same for want of Effects within the County, for the Space of Six Months, the said Chapel Wardens shall and may, by the Direction of a Vestry Meeting duly convened as aforesaid, take Possession of the Pews of such Defaulters, and let and appropriate the same to any other Person or Persons, being Inhabitants of the Parish of *Alverstoke*; and the Rents of the Pews not belonging to or claimed by Persons rated for the same, shall be applied in such Manner as the Monies raised by Rates; and all Assignments of Pews shall, within One Month after Transfer, be registered in a Book to be kept by the



the Vestry Clerk of the said Chapel for that Purpose: Provided, nevertheless, that no Transfer shall be permitted or be deemed legal to any Person not being at the Time of such Transfer an Inhabitant of and Householder in the said Parish of *Alverstoke*.

V. And be it further enacted, That the said Chapel Wardens shall and are hereby required, by and out of the Monies arising by such Rates, to find and provide Books and Surplices, and all other Articles and Things of whatsoever Nature or Kind, proper, useful, or necessary for the Performance of all Divine Offices, except such Matters and Things as have heretofore been found and provided by the Churchwardens of *Alverstoke*; and for the decent and proper Security, Convenience, Support, and Maintenance of the said Chapel Vestry Room and Chapel Yard, Walls, Fences, Gates, and Paths thereof, and for maintaining and repairing the same as may from Time to Time become necessary and proper, and to keep the Inside of the said Chapel at all Times in a clean, neat, and decent State, suitable for the solemn Celebration of Divine Worship therein.

Application  
of such  
Rates.

VI. Provided always, and be it enacted, That in case any Person or Persons shall advance and lend, or pay any Money for or towards defraying the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid the same out of the Money which shall be first raised under and by virtue of this Act.

Repayment  
of Money  
for Ex-  
pences of  
Act.

VII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to charge the Inhabitants of the said Town of *Gosport* or Parish of *Alverstoke*, except such of them as may happen to be Pew Owners, or any of them, nor to charge any Lands or Tenements with any Sum or Sums of Money, Duties, or Demands whatsoever for or towards the Repairs or Support of the said Chapel, or any Act, Matter, or Thing in anywise relating thereto.

Exempting  
the Town of  
*Gosport* and  
Parish of  
*Alverstoke*  
from the  
Repairs of  
the said  
Chapel.

VIII. And be it further enacted, That all and every Pews and Seats erected and set up in the said Chapel, and in the Galleries thereof, shall be marked with and distinguished by different Numbers or Figures, to be carved or painted on the Door of each Pew and Seat respectively, and shall not be altered or the Seats painted in different Colours without the Consent in Writing and under the Direction of the Minister and Chapel Wardens; and all Pews and Seats in the said Chapel shall be fairly valued by Persons appointed at a Vestry duly called within Two Months after the passing of this Act; which Valuation shall at all Times hereafter be referred to and abided by in any Rate or Rates to be made in pursuance of this Act, and that a Table of such Valuation shall be affixed in such public Place or Part of the said Chapel or of the Vestry Room as shall be appointed by the Minister and Chapel Wardens.

Pews to be  
numbered.

IX. And be it further enacted, That the said Pews or Seats shall be sold, assigned, and transferred in the following Form, and when sold shall be registered by the Vestry Clerk in a Book to be kept for that Purpose:

[Local.]

15 G. IV. c. 11. s. 1, A. B.



Form of  
Transfer.

‘ I, *A. B.* in Consideration of the Sum of \_\_\_\_\_  
‘ paid to me by *C. D.*, do hereby bargain, sell, assign, and trans-  
‘ fer to the said *C. D.*, his Executors, Administrators, and Assigns  
‘ [*as the Case is*], all that my Pew or Seat in the Chapel of *Gosport*,  
‘ in the County of *Southampton*, numbered \_\_\_\_\_, situate in  
‘ the \_\_\_\_\_ of the said Chapel, to hold to him the said  
‘ *C. D.*, his Executors, Administrators, and Assigns; and I the said  
‘ *C. D.* do hereby agree to accept thereof. Witness our Hands and  
‘ Seals this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our  
‘ Lord \_\_\_\_\_

And for the Registry thereof the said Vestry Clerk shall be paid the Sum of Three Shillings and Sixpence, and no more.

Power to  
appoint a  
Committee.

X. And be it further enacted, That it shall and may be lawful to and for the said Proprietors or Pew Owners from Time to Time to depute a Committee of Twelve, being Pew Owners, including the Minister or his Curate, either of whom when present shall be the Chairman, and Chapel Wardens, to act as a Select Vestry, shall, when called together by Notices as aforesaid, assemble in the said Chapel or Vestry Room, and with such and so many Powers and Authorities as are by this Act given to the said Proprietors or Pew Owners; and the said Committee or Select Vestry shall continue to exist only during the Pleasure of the said Proprietors or Pew Owners, or the major Part of them, at a Public Meeting to be called for such Purpose, which any Five or more Proprietors or Pew Owners, each Pew Owner being possessed of a Pew valued at Fifteen Pounds, shall have Power to require to be called on, giving Six Days Notice in Writing of such Desire to the Minister and Chapel Wardens, who shall call such Vestry accordingly, and at such Meeting no other Business shall be transacted than what shall be mentioned in such Notice: Provided always, that a General Meeting or Vestry of the said Proprietors or Pew Owners shall be held on the Twenty-fifth Day of *March* in every Year, or within Fourteen Days thereafter, for the Purpose of appointing or re-electing such Committee and the Wardens of the said Chapel.

Seats to be  
appropriated  
for Naval  
and Military  
Officers, &c.

And for the  
Poor.

XI. And be it further enacted, That within Three Months after the passing of this Act, there shall be set apart and appropriated in the said Chapel One large Pew for the free Accommodation of Naval and Military Officers, and Gentlemen who are not Residents in the said Parish, and One other large Pew for the free Accommodation of Warrant Officers who are not Householders in the said Parish, and such a Number of Seats and Benches for the gratuitous Accommodation of all Persons, of what Rank or Degree soever, resident in the said Town and Borough of *Gosport*, whose Circumstances may render them unable to pay for the same, as shall be sufficient to accommodate Two hundred and fifty of such Persons.

Meetings for  
sanctioning  
the Expen-  
diture of  
Money.

XII. And be it further enacted, That every Question relative to the Expenditure of Money under and by virtue of this Act, above the Amount of Ten Pounds at any one Time, shall first be proposed and sanctioned at a Meeting of the Select Committee duly assembled, and that no Sum exceeding Fifty Pounds shall be ordered to be expended  
by



by the said Committee without a Public Vestry of the Pew Owners, stating the Nature and Intention of such Question, of which Notice shall first be given in the said Chapel on the preceding *Sunday*, and by Notices affixed on the principal Doors of the said Chapel.

XIII. And be it further enacted, That from and after the passing of this Act, no Meeting of the Proprietors or Pew Owners or Committee, shall be holden until public Notice shall have been given of such Meeting, and of the Place and Hour of holding the same, and of the Business intended to be entered upon, Three Days at the least before the Day to be appointed for holding such Meeting, by the Publication of such Notice in the said Chapel on some *Sunday* during Divine Service; and all Acts, Orders, and Proceedings entered in the Book of Proceedings without Notice as aforesaid shall be void to all Intents and Purposes whatsoever.

No Meeting to be held until Three Days Notice thereof shall be given.

XIV. And be it further enacted, That all and every the Powers, Authorities, Directions, Matters, and Things by this Act given or directed to be done by or before the said Proprietors or Pew Owners at any Meeting, shall and may be exercised, had, and done by or before the Majority present at such Meeting, the whole Number present not being less than Five, and every Question shall be determined by the Majority of the Votes of the Proprietors or Pew Owners present at every Meeting; and such Determination shall be as valid and of as full Force and Effect, as if done or executed by or before all the Proprietors or Pew Owners, and the Minister or his Curate shall, if present, be the Chairman; and in case of the Absence of both of them, then the Proprietors present at every Meeting shall, before they proceed to Business, elect One of the Proprietors then present to be Chairman of such Meeting; and if at any Meeting of the Proprietors or Pew Owners any Question shall be put to the Vote, and there shall happen to be an equal Number of Votes for or against the Question, then the Chairman shall have a second or casting Vote, which shall determine the Question; provided always, that in case Five Proprietors or Pew Owners shall not be present at any such Meeting, then the same shall be adjourned from Day to Day (except *Sundays*, or *Christmas Day* or *Good Friday*), until a sufficient Number of Proprietors or Pew Owners shall be present.

Proceedings to be regulated by the Majority of Proprietors present at Meetings.

XV. And be it further enacted, That no Person, except the Minister or Curate, who shall have refused or neglected to pay any Rate for the Support and Maintenance of the said Chapel which shall be due from, and shall have been demanded of him, her, or them, shall be entitled to vote or to be present in any Vestry to be holden in the said Chapel for which such Rate shall have been made, until he, she, or they shall have paid the same.

Non-payment of Rates to disqualify from being present or voting in Vestry.

XVI. And be it further enacted, That the said Proprietors, or any Five, or more of them, shall and may at their First Meeting to be holden in pursuance of this Act, nominate and appoint One Person to be their Vestry Clerk, and that the said Vestry Clerk shall continue in his said Office during his good Behaviour, and that as often as the said Office shall become vacant by Death, Resignation, Incapacity,

Appointment of Vestry Clerk, who shall have Possession of all Books, &c.



capacity, or Dismissal of such Vestry Clerk, which said Dismissal may, for any Misbehaviour of the Person holding such Office, be made by the said Proprietors at any Meeting to be held in pursuance of this Act, it shall and may be lawful for the said Proprietors, or any Five of them, at the next Meeting of the said Proprietors to be held in pursuance of this Act, after such Death, Resignation, Incapacity, or Dismissal, to elect and appoint some other fit and proper Person to be Vestry Clerk in the Room of the Person so dying, resigning, or dismissed as aforesaid; and the said Proprietors, or any Five or more of them, shall, by and out of the Monies to be raised by virtue of this Act, make and order such Allowance to the said Vestry Clerk for the Time being as to the said Proprietors shall seem reasonable, provided the said Allowance shall not exceed Twenty-five Pounds a Year; and the said Vestry Clerk shall attend all the Meetings of the said Proprietors and their Committees from Time to Time, make Entries of their Proceedings in a Book or Books to be provided and kept for that Purpose, give the several Notices herein directed to be given, and make all such Rates as may be necessary for the Purposes of this Act; and that all Books and Papers relating to the Vestry Meetings shall be kept by the Vestry Clerk of the said Chapel, to which Books and Papers all the Owners of Pews and Seats in the said Chapel shall at all seasonable Times have free Access for Inspection without Fee or Reward.

Books of  
Accounts to  
be kept by  
the Vestry  
Clerk.

XVII. And be it further enacted, That the said Pew Owners shall and they are hereby required from Time to Time, and at all Times hereafter, to order and direct a Book or Books to be provided and kept by their Vestry Clerk for the Time being, in which Book or Books such Vestry Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money which shall be received, paid, laid out, and expended in pursuance of the Powers and Provisions of this Act, by, or for, or on account of the Pew Owners, and of the several Articles, Matters, and Things for which such Sums of Money shall have been paid, laid out, and expended, which Books shall at all seasonable Times be open to the Inspection of the Pew Owners and any Creditor or Creditors on the Rates hereby granted without Fee or Reward; and the said Pew Owners and Creditors, and such Persons rated as aforesaid, or any of them, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof respectively, without paying any Thing for the same; and in case the said Vestry Clerk shall refuse to permit or shall not permit the said Pew Owners or such Creditors or any of them to inspect the said Book or Books, or to take such Copies or Extracts as aforesaid, he and they shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds.

Possession  
of Pews.

XVIII. And be it further enacted, That before any Person or Persons shall be entitled to any Pew or Seat in the said Chapel in Right of Marriage, an Affidavit containing a Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Vestry Clerk of the said Chapel for the Time being, who shall file and register the  
the



the same, and make an Entry thereof in a Book or Books which shall be kept for that Purpose; and before any Person or Persons who shall claim any Pew or Seat in the said Chapel by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to occupy the same, the Probate Copy of the said Will, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be produced and shewn to the Vestry Clerk of the said Chapel, who shall thereupon register the same in a Book to be provided by the Chapel Wardens, and kept by the said Vestry Clerk for that Purpose; and thereupon the Pew or Seat of the Proprietor so dying shall be transferred in the Books of the said Proprietors into the Name or Names of his or her Executors or Administrators, to be by such Executors or Administrators transferred and disposed of according to the said Will, or in a due Course of Administration.

XIX. And be it further enacted, That the Chapel Wardens shall provide or cause to be provided and kept with the Vestry Clerk, a proper Book or Books, in which fair regular Minutes or Entries shall be made of all the Acts, Orders, and Proceedings of the said Pew Owners relative to the Execution of this Act, and of the Names of all such Proprietors of Pews or Seats as shall be present at their several Meetings; and all Minutes and Entries in such Book or Books, being signed by the Chairman of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions touching or concerning any Thing done in pursuance of this Act.

Chapelwardens to provide Books, and keep Entries of all Proceedings. Minutes of Proceedings signed by the Chairman to be read in Evidence.

XX. And be it further enacted, That if the Chapel Wardens, or either of them, or the said Vestry Clerk, shall refuse or wilfully delay to make and render an Account or Accounts, or to produce and deliver up Vouchers relating to the same, or to make Payment of the Money which he or they shall have received, or shall refuse or wilfully neglect to deliver up to the said Proprietors, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Proprietors, by Notice in Writing under the Hands of any Seven or more of the said Proprietors, or of the Chairman of the said Proprietors, given or left at the last or usual Place of Abode of such Chapel Warden or Wardens, or Vestry Clerk, all Books, Papers, and Writings, and other Goods, Matters, or Things in his or their respective Custody or Power belonging to the said Chapel or Chapel Yard, or relating to the Execution of this Act, or to give Satisfaction to the said Proprietors respecting the same, then and in every such Case, upon Complaint made by the said Proprietors, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace for the County of *Southampton*, such Justice may, and he is hereby authorised and required to issue a Summons under his Hand and Seal for the Chapel Warden or Wardens, or Vestry Clerk so refusing or neglecting to appear before him; and upon his or their appearing, or having been summoned and not appearing without some sufficient or reasonable Excuse, or not being found, to hear and determine the Matter in a summary Way, and if upon the Confession of the Party,

Officers refusing or delaying to render Accounts subject to a Penalty.



or by the Testimony of any credible Witness or Witnesses upon Oath, whether Proprietor or not (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any Monies remain due from such Chapel Warden or Wardens or Vestry Clerk, such Justice may, and he is hereby authorised and required upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Chapel Warden or Wardens, or Vestry Clerk; and if no Goods or Chattels of such Chapel Warden or Wardens or Vestry Clerk shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Chapel Warden or Wardens or Vestry Clerk has or have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, or Books, Papers, Goods, Matters, or Things belonging to the said Chapel, remain in his or their Hand and Hands, or in the Custody or Power of such Chapel Warden or Wardens or Vestry Clerk, and he and they has or have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall, and he is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he or they shall give and make a true and perfect Account as aforesaid, and until he or they shall have paid such Monies as aforesaid, or compounded with the said Proprietors for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Proprietors are hereby empowered to make and receive), and until he or they shall deliver up such Books, Papers, and Writings, Goods, Matters, or Things, or give Satisfaction in respect thereof to the said Proprietors; but no such Offender or Offenders shall be detained or kept in such Common Gaol or House of Correction for Want of sufficient Distress by virtue of this Act for any longer Space of Time than Six Calendar Months.

Limitation  
of Imprison-  
ment for  
Want of suf-  
ficient Dis-  
tress.

Organist  
and Sexton  
to be ap-  
pointed by  
Proprietors.

XXI. And be it further enacted, That the Appointment of the Organist shall be from Year to Year, and that the Proprietors for the Time being, or the major Part of them, shall at a Public Vestry to be held for that Purpose, or at the Annual Vestry to be holden on the Twenty-fifth Day of *March*, or within Fourteen Days thereafter, nominate and appoint the said Organist, and One Person to be Grave Digger and Sexton, and One other to be Pew Opener; and that the said Proprietors shall fix what Salary or Annual Stipend shall be paid to each of them for their respective Services, and also what Salary shall be paid by the Chapel Wardens for the Time being to the Clerk of the said Chapel, to which Office of Clerk the sole Appointment shall continue and be in the Minister for the Time being.

Persons in-  
juring the  
Chapel, &c.

XXII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously injure, pull down, or break any Tree or Trees, Railing or Railings, Fence or Fences, Wall or Walls, or other In-  
closure



closure of the said Chapel Yard, or of the said Chapel or the Windows thereof; or other Buildings or Works, or any other Part or Parts thereof, or wilfully or maliciously break down or destroy any Head or Foot Stone or Monument which shall be therein erected or placed, or obliterate or deface any Inscription thereon, otherwise than as by Law or Custom any Person or Persons now may or can or may authorise others to do, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings, and shall also make Satisfaction for the Damage by him, her, or them done as aforesaid.

subject to a  
Penalty.

XXIII. And be it further enacted, That if any Person or Persons shall run, drive, draw, or roll, or cause or permit any Truck, Wheel, Sledge, Cask, Wheelbarrow, Baker's or Butcher's Cart or Carriage to be run, drawn, driven, or rolled in Front of the said Chapel, or in the Streets or Roads surrounding and leading thereto, during the Time of Divine Service on *Sundays*, Thanksgiving or Fast Days, or on other Days on which Divine Service is ordered by Authority to be celebrated; or shall play at Foot Ball, or any other Game or Sport, or discharge Fire Arms or Fire Works in the said Chapel Yard or Street adjoining thereto, or shall blow any Horn, or use any noisy Instrument for the Purpose of hawking or selling or distributing any Article whatsoever, or make any other Noise, to the Disturbance of the Congregation assembled in the said Chapel; or place any Rubbish, Stones, Soil, Manure, Litter, Compost, Dung, Timber, or commit any other Nuisance whatsoever, Matter, or Thing, in or against the said Chapel, or in or against the Walls, Rails, or Fences surrounding the same, or shall permit or suffer the same Rubbish, Stones, Soil, Manure, Litter, Compost, Dung, Timber, or other Nuisance, Matter, or Thing, to remain in, against, or near the said Chapel or Chapel Yard longer than shall be necessary for the housing or removing the same therefrom, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, nor less than Five Shillings, to be recovered in such Manner as herein-after directed as to other Offences against this Act.

Penalty on  
Persons  
committing  
Nuisances  
near the  
Chapel or  
Chapel Yard.

XXIV. And be it further enacted, That it shall and may be lawful for the officiating Minister, or Chapel Wardens, or any of the Proprietors of Sittings in the said Chapel, or their Clerk, or other Officer or Officers of the said Chapel respectively, and such Person or Persons as they or any of them shall call to his or their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County of *Southampton*, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Apprehend-  
ing Offend-  
ers.

XXV. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted, or authorised to be imposed, shall upon Proof of the Offences respectively before any Justice of the Peace for the County,

For Reco-  
very of Pe-  
nalties and  
Forfeitures.



County, City, or Place where the Offender or Offenders shall be or reside, either by the Confession of the Party offending, or by the Oath of One or more credible Witness or Witnesses, whether Proprietor or not, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant) and the Overplus (if any) after such Penalties, Forfeitures, and Fines, and the Charges of keeping such Distress and Sale are deducted, shall be returned on Demand unto the Owner or Owners of such Goods and Chattels; and the Money arising by such Penalties, Forfeitures, and Fines, when paid or levied, shall be from Time to Time paid to the Chapel Wardens for the Time being, and applied for the Purposes of this Act; and in case such Penalties and Forfeitures shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the same Offender or Offenders shall give a sufficient Security to the Satisfaction of such Justice for his, her, or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by Way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or if it shall appear to such Justice either by the Confession of the Offender or Offenders, or otherwise that the Offender or Offenders hath or have not sufficient Goods, and Chattels whereon to levy such Penalties and Forfeitures, Costs and Charges as aforesaid, if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice of the Peace, and he is hereby authorised and required by Warrant or Warrants under his Hand and Seal, to cause such Offender or Offenders to be committed to the common Gaol of the said County of *Southampton*, or to any Bridewell or House of Correction within the same, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges shall be sooner paid or satisfied.

Proceedings  
not to be  
quashed for  
Want of  
Form, or re-  
moveable by  
Certiorari.

XXVI. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings, made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, nor be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

XXVII. And be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the Form following; (that is to say,)

BE



County of South- } BE it remembered, that on the Day of  
 ampton, to wit. } in the Year of our Lord  
 is convicted before me of His Majesty's Justices of the  
 Peace for the of having [*here specify*  
 ' the Offence or Omission, and the Time and Place when and where  
 ' committed, as the Case may be,] and I [or, we, as the Case may be,]  
 do adjudge that the said hath forfeited for his  
 [or, her] said Offence the Sum of Given  
 under my Hand and Seal [or, our Hands and Seals, as the Case may  
 be,] the Day and Year first above written.'

Form of  
 Conviction.

XXVIII. Provided always, and be it further enacted, That if any  
 Person or Persons shall think himself, herself, or themselves aggrieved  
 by any Rate or Rates, or by any Matter or Thing made or done in  
 pursuance of this Act, such Person or Persons may appeal to the Jus-  
 tices of the Peace at the First General or Quarter Sessions of the Peace  
 to be holden for the County of Southampton next after the Expiration  
 of Six Calendar Months from the Time wherein such Cause of Appeal  
 shall have arisen, the Person or Persons appealing having first given  
 Twenty-one Days Notice at the least of his, her, or their Intention  
 to bring such Appeal and the Matter thereof to the Vestry  
 Clerk of the said Chapel, and within Two Days after such No-  
 tice, entering into a Recognizance before some Justice of the  
 Peace of the said County of Southampton, with Two sufficient  
 Sureties conditioned to try such Appeal, and abide the Order or  
 Award of the said Justices thereon; and the said Justices, upon due  
 Proof of such Notice or Recognizance having been given and en-  
 tered into, are hereby authorised and required to hear and determine  
 the Matter of such Appeal in a summary Way, and to make such  
 Order therein, and to award such Costs to either of the Parties, or  
 otherwise, as they the said Justices shall judge proper; and the said  
 Justices may also order such further Satisfaction to be made to the  
 Party injured as they shall judge reasonable; and all such Orders  
 and Determinations of the said Justices shall be final, binding, and  
 conclusive, to all Intents and Purposes whatsoever.

Appeal.

XXIX. Provided always, and be it enacted, That nothing in this Act  
 contained shall extend or be construed to extend to prejudice, im-  
 peach, or defeat the Authority, Right, or Jurisdiction, or beneficial  
 Interests of the Bishop, Ordinary, Patron, or Minister over, about,  
 or concerning or arising within the same Chapel and Chapel Yard,  
 and belonging to them respectively, by any Law or Custom now in  
 being (other than in the Cases already provided for and meant to be  
 provided for by this Act), but the same shall remain and belong to  
 them and each of them in the same Manner as they would or ought  
 to do in case this Act had not been made.

Rights of  
 Bishop, &c.

XXX. Provided always, and be it further enacted, That in any Appeal  
 from the said Rates or Assessments, or any of them, the said Justices at  
 the General or Quarter Sessions to be holden for the said County, or  
 at any Adjournment thereof, shall and may amend the same in such  
 Manner as may be necessary for the giving Relief without quashing  
 or altering such Rates or Assessments with respect to other Persons

Justices may  
 relieve on  
 Appeal from  
 Rates, with-  
 out quashing  
 the whole.



mentioned therein ; but if upon Appeal against the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in every such Case it shall and may be lawful for the said Justices to order a new Rate or Assessment to be made in Manner herein directed.

Pew Owners  
to be sued  
in the Name  
of their  
Vestry Clerk.

XXXI. And be it further enacted, That the said Pew Owners shall and may sue and be sued in the Name of their Vestry Clerk, and that no Action to be brought or commenced by or against the said Pew Owners or any of them by virtue of this Act in the Name of their Vestry Clerk or Chapel Warden, shall abate or be discontinued by the Death or Removal, or by the Act of such Vestry Clerk or Chapel Warden, without the Consent of the Pew Owners, but the Vestry Clerk or Chapel Warden to the said Pew Owners for the Time being shall always be deemed to be Plaintiff or Defendant, as the Case may be, in every such Action : Provided always, that every such Vestry Clerk or Chapel Warden in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein.

Public Act.

XXXII. 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.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1825.