



ANNO QUINQUAGESIMO SEXTO

GEORGI II. REGIS.

Cap. xl.

An Act for building a Church or Chapel of Ease,
in the Parish of *Huddersfield*, in the West Riding
of the County of *York*. [31st May 1816.]

WHEREAS the Inhabitants of the Township of *Huddersfield*, in the Parish of *Huddersfield*, in the West Riding of the County of *York*, have of late Years considerably increased in Number, and are likely to continue to do so, the present Population of that Township consisting of Ten thousand five hundred Inhabitants: And whereas the Church of the said Parish, situate in the Town of *Huddersfield*, contains Seats for only about One thousand four hundred Persons, and is therefore very inadequate to the Accommodation of the said Inhabitants, and there being no other Place for the Performance of Divine Worship, according to the Rites and Usage of the Church of *England*, within Two Miles Distance from the said Church, it would be of great Benefit and Utility to the said Inhabitants, and to the other Inhabitants of the said Parish, if a Church or Chapel of Ease, for the Celebration of Divine Worship, according to the Rites and Usage of the Church of *England*, were erected within some Distance, not exceeding Half a Mile, of the said Town of *Huddersfield*: And whereas the said Parish Church is in the Diocese of *York*, and Sir *John Ramsden* of *Byram* in the County of *York*, Baronet, is Patron of the Vicarage of the said Parish Church, and the Reverend *John Coates* is the present Vicar thereof: And whereas *Benjamin Haigh Allen* of *Greenhead* in the said Parish of *Huddersfield*, Esquire, with the Privity and Consent of the most Reverend *Edward* Archbishop of *York*,

[*Local.*]

9 Z.

and

Mr. Allen
may con-
tract for the
Purchase of
Land, etc.

and the said *John Coates* is desirous, at his own Expence, to purchase a Piece of Land situate within Half a Mile of the said Town of *Huddersfield*, and to erect on Part thereof a Church or Chapel of Ease for the Celebration of Divine Worship, according to the Rites and Usage of the Church of *England*, and to apply the remaining Part for the Purposes of a Cemetery or Burial Ground, and to secure a suitable Provision for the Minister of the said Church or Chapel of Ease: But inasmuch as the Desire of the said *Benjamin Haigh Allen* cannot be effectuated without the Aid and Authority of Parliament: Therefore Your Majesty's most dutiful and loyal Subject, the said *Benjamin Haigh Allen*, doth most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the said *Benjamin Haigh Allen*, and he is hereby empowered, as soon as conveniently may be, after the passing of this Act, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments, within the said Parish of *Huddersfield*, and within Half a Mile of the said Town of *Huddersfield*, not exceeding Two Acres in the Whole, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms for Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, who are or shall be seised, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell any Lands, Tenements, or Hereditaments, for the Purpose of building and erecting thereon a Church or Chapel of Ease, with suitable Buildings and Conveniencies thereto, and of laying out a competent Part thereof (being not less than One Acre, exclusive of the Site of the said Church or Chapel of Ease); for the Purposes of a Cemetery or Burial-Ground for the same, and of making any Roads or Approaches to the said Church or Chapel of Ease, Cemetery, or Burial Ground; and it shall and may be lawful to and for the said *Benjamin Haigh Allen*, his Heirs and Assigns, to hold such Lands, Tenements, and Hereditaments so purchased; 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 contrary thereof in anywise notwithstanding.

Bodies Politic, etc. empowered to sell and convey.

II. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, who are or shall be seised or possessed of, or interested in their own Right; and all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested

in any Lands, Tenements or Hereditaments, or any Part thereof, which shall be thought necessary by the said *Benjamin Haigh Allen* to be purchased for the Purpose of building and erecting the said Church or Chapel of Ease, and other Conveniencies, and for other the Purposes of this Act, to treat, contract, and agree with the said *Benjamin Haigh Allen* for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said *Benjamin Haigh Allen*, for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all Persons whomsoever, claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion, expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons; and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

III. And be it further enacted, That if any Money shall be paid, or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the said *Benjamin Haigh Allen*, for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said

Application
of Purchase
Money, if
amounting to
200 l.

said Court shall authorize to be paid, affecting the said Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by order of the said Court, upon Application made thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased by virtue of this Act, and in case such Purchase or Settlement were made.

When less
than 200l.
and not less
than 20l.

IV. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapability as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid at the like Option to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by the said *Benjamin Haigh Allen*, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, in order that such principal Money, and the Dividends arising thereon, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction of the High Court of Chancery.

If less than
20l.

V. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled

to

to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said *Benjamin Haigh Allen* shall think fit; or in Case of Infancy, Idiocy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

VI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High Court of Chancery, and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

VII. Provided also, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said High Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said *Benjamin Haigh Allen* out of the Monies to be received by virtue of this Act; who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

VIII. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments, by the said *Benjamin Haigh Allen* to the Party or Person or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof unto the Bank of *England* in Manner hereinbefore directed; and upon the Conveyance of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand in Law or Equity of the Party or Person or Persons respectively, to whose Use the same shall be paid into or out of such Lands, Tenements, and Hereditaments, shall vest in the said *Benjamin Haigh Allen*, his Heirs and Assigns, for ever, for effecting the Uses and Purposes of this Act.

[Local.]

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IX. And

IX. And be it further enacted, That all Sales, Conveyances, and Assurances, of any Lands, Tenements, or Hereditaments, to be made to the said *Benjamin Haigh Allen* and his Heirs, shall be made in the following Form, or in some Form to the following Effect, (that is to say),

Form of Conveyance.

I, of _____ in Consideration
 of the Sum of _____ to me paid by *Benjamin Haigh Allen*, acting by virtue of an Act passed in the Fifty-sixth Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] do hereby grant and release to the said *Benjamin Haigh Allen*, his Heirs and Assigns, all [*here describe the Premises to be conveyed,*] and all my Right, Title, and Interest, in and to the same, and every Part thereof, to hold to the said *Benjamin Haigh Allen*, his Heirs and Assigns, for ever. In witness whereof I have hereunto set my Hand and Seal this _____ Day of _____, in the Year of _____ our Lord _____.

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and his, her, or their Cestuique Trusts; and all Persons claiming or to claim by, from, under, or in trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons; and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them as effectually as Fines and Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law, any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Mr. Allen to build a Church.

X. And be it further enacted, That it shall be lawful for the said *Benjamin Haigh Allen*, his Heirs and Assigns, and he or they are hereby authorized and empowered and required to erect and build on the said Land so to be purchased, in a substantial and Workman-like Manner, a Church or Chapel of Ease with a Chancel and Steeple, which together shall contain or cover Forty-two Yards in Length or thereabouts, and Twenty Yards in Breadth or thereabouts; and therein to make, erect, and set up proper Pews, Seats, a Vestry, and a Bell or Bells, and (if the same shall be found needful) a Gallery or Galleries, with proper Pews and Seats therein, and to provide proper Communion Plate, Ornaments, and other Requisites and Conveniencies, and in all Things to finish and complete the said Church or Chapel of Ease in a proper, decent, and commodious Manner, fit for the Performance of Divine Worship therein according to the Rites and Ceremonies of the Church of *England*; and also, if he or they shall think proper, to cause Vaults to be made under the Floor of the said Church or Chapel of Ease, for the Interment of the Dead.

Church when completed to be consecrated, and to be a Perpetual Cure.

XI. And be it further enacted, That the said Church or Chapel of Ease, when so built and completed, shall be set apart and dedicated to the Service of Almighty God as a Place of Divine Worship for ever, and shall be consecrated according to the Usage of the Church of *England*; and such Church or Chapel of Ease, from and immediately after the _____ Consecration.

Consecration and Dedication thereof, shall and is hereby declared to be a Perpetual Cure and Benefice, and shall be called by the Name of Trinity Church or Chapel in *Huddersfield* for ever.

XII. And be it further enacted, That after the Consecration of the said Church or Chapel of Ease; it shall and may be lawful to perform within the said Church or Chapel of Ease the following Offices of the Church of *England*, *videlicet*, Public Baptism, Baptism of such as are of riper Years, Confirmation, Burial of the Dead, and Churching of Women, but not to publish the Banns of Marriage, or solemnize any Marriage therein. Baptisms, etc. to be performed, but not any Marriage solemnized in the Church.

XIII. And be it further enacted, That immediately after the said Church or Chapel of Ease shall have been consecrated, the perpetual Advowson, Right of Patronage, Free Disposition, Nomination, and Presentation of, in, and to the said Church or Chapel of Ease, shall for ever thereafter appertain to, and the same is and are hereby vested in the said *Benjamin Haigh Allen*, his Heirs and Assigns, for ever, freed and absolutely discharged of all Estates, Rights, and Interests, of the said *John Coates* and his Successors for the Time being, Vicar of the Parish Church of *Huddersfield* aforesaid, and all Person or Persons whomsoever claiming under him, them, or any of them. Patronage vested in Mr. Allen in fee.

XIV. And, for keeping of the said Church or Chapel of Ease at all Times hereafter an entire and distinct Cure and Benefice from the Parish Church of *Huddersfield* aforesaid, be it further enacted, That it shall not be lawful for the Vicar for the Time being of the Parish Church of *Huddersfield* aforesaid, or any other Person holding any Curacy or Lectureship within the said Parish of *Huddersfield*, to be Minister of the said Church or Chapel of Ease. New Church to be a separate Cure.

XV. And be it further enacted, That for and towards the Support and Maintenance of the Minister of the said Church or Chapel of Ease, the said *Benjamin Haigh Allen*, his Executors and Administrators, shall, previous to the Consecration thereof, purchase and transfer the Sum of Three thousand three hundred and thirty-three Pounds Six shillings and Eightpence, in the Three Pounds *per Centum* Consolidated Bank Annuities, into the Names of the Most Reverend the Archbishop of *York*, the Very Reverend the Archdeacon of *York*, and the Reverend the Vicar of *Huddersfield* aforesaid, respectively for the Time being, who shall pay the Dividends thereof for ever to the Minister for the Time being of the said Church or Chapel of Ease; and in case of the Death of any such Minister before the Half-yearly Day of Payment of the said Dividends, shall pay unto the Executors or Administrators of the deceased Minister a proportionate Part of the said Dividends from the Half-yearly Day of Payment preceding his Death to the Time of his Death, and shall pay to the succeeding Minister the Residue of the said last mentioned Dividends: Provided always, that upon the Death of any of them, the said Archbishop, Archdeacon, and Vicar, or any future Archbishop, Archdeacon, or Vicar, into whose Name the said Bank Annuities may be transferred in pursuance hereof, the Survivors shall transfer the said Bank Annuities into the Names of themselves, and the Archbishop, Archdeacon, or Vicar who shall Provision for the Minister.

shall supply the Dignity or Place of the deceased Archbishop, Archdeacon, or Vicar.

Minister's
Duty.

XVI. And be it further enacted, That the Minister of the said Church or Chapel of Ease shall every *Sunday* Morning and Evening read or cause to be read therein the Prayers prescribed in the Book of Common-prayer, or Public Liturgy of the Church of *England*; and shall also every *Sunday* Morning and Evening, and on every *Christmas-day* and *Good Friday*, and on all occasional public Feasts and Festivals, in the Morning, after Divine Service is performed, preach or cause to be preached a Sermon in the said Church or Chapel of Ease, and shall, at least Eight Times in the Year, administer the Holy Sacrament of the Lord's Supper; namely, on *Good Friday*, *Easter Sunday*, *Whitsunday*, and *Christmas-day*; and on such other Four *Sundays* as he shall appoint, so that the Space of Time between such Administration of the Holy Sacrament of the Lord's Supper may be as nearly equal as may conveniently be.

Sittings to be
appropriated
for 500 Poor.

XVII. And be it further enacted, That the said *Benjamin Haigh Allen*, his Heirs and Assigns, shall, and he and they are hereby required, immediately before the Consecration of the said Church or Chapel of Ease to set apart and appropriate in the said Church or Chapel of Ease such a Number of Sittings for the Gratuitous Accommodation of the Poor of the Parish of *Huddersfield* aforesaid, for the Time being, as shall be sufficient to accommodate not less than Five hundred of such Poor; which Sittings, after the Consecration of the said Church or Chapel of Ease, are hereby vested in the Minister and Church or Chapel-warden, for the Time being, of the said Church or Chapel of Ease.

Pews, Seats,
and Vaults to
be vested in
Mr. Allen
in fee.

XVIII. And be it further enacted, That all the Pews and Seats, and the Gallery or Galleries in the said Church or Chapel of Ease, (save and except such Sittings as shall be so set apart and appropriated for the Poor of the Parish of *Huddersfield* aforesaid) and all the Vaults (if any) under the said Church or Chapel of Ease, with their Appurtenances, shall be and the same are hereby vested in the said *Benjamin Haigh Allen*, his Heirs and Assigns, for ever.

Pews to be
numbered
and valued.

XIX. And be it further enacted, That all the Pews and Seats to be erected and set up in the said Church or Chapel of Ease, and in the Gallery or Galleries thereof (save and except such Sittings as shall be so set apart and appropriated for the Poor of the Parish of *Huddersfield* aforesaid) 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 all the Pews and Seats in the said Church or Chapel of Ease (except as aforesaid) shall be fairly valued immediately after the Consecration of the said Church or Chapel of Ease; which Valuation shall at all Times hereafter be referred to and abided by in any Rate to be made in pursuance of this Act.

Mr. Allen
may dispose
of One-fifth
Part of the
Burial-
ground.

XX. And be it further enacted, That it shall and may be lawful to and for the said *Benjamin Haigh Allen*, his Heirs and Assigns, and he and they are hereby authorized and empowered, to sell and dispose of (in such Proportions as he or they shall think fit) One-fifth Part of the said Cemetery or Burial Ground, so that the same be made use of as Vaults or
Places

Places of Interment for the Dead ; the Price or Prices to be paid for the same to be regulated by the Archbishop of *York*, for the Time being, by Writing under his Hand : Provided always, that no more than the said One-fifth Part of the said Cemetery or Burial Ground shall be sold and appropriated for the Purpose aforesaid, and that the Remainder of the said Cemetery or Burial Ground shall be taken and considered as the Burial Ground for the Inhabitants of *Huddersfield, Marsh, Linley, and Fartown*.

XXI. And be it further enacted, That no Graves or Burial Places be made within the Walls of the said Church or Chapel of Ease, but only in the said Cemetery or Burial Ground, and in the Vaults under the said Church or Chapel of Ease (if any Vaults shall be made); in which Vaults, or any of them, no Corpse or dead Body shall be deposited or buried without a Coffin made of Lead, or otherwise inclosed in Pitch of Half an Inch in Thickness, between an interior and exterior Coffin of Wood, and in no Case shall the Pews or Seats be taken up or removed, for the Purposes of burying the dead; nor shall any Grave be made in the said Cemetery or Burial Ground, within Four Feet of the Walls of the said Church or Chapel of Ease.

No Burial Places within the Walls of the Church.

XXII. Provided always, and be it further enacted, That notwithstanding any Thing herein-before contained, it shall and may be lawful to and for the said *Benjamin Haigh Allen*, his Heirs and Assigns, to erect and build on the Lands, Tenements, and Hereditaments to be purchased by the said *Benjamin Haigh Allen*, for the Purposes aforesaid, a House for the Residence of the Minister of the said Church or Chapel of Ease, and a School House or Room : Provided, that not less than One Acre of the said Lands, Tenements, and Hereditaments, exclusive of the Site of the said Church or Chapel of Ease, shall at all Times hereafter remain to be made use of as a Cemetery or Burial Ground.

Mr. Allen may build a Parsonage House, School-house or Room.

XXIII. And be it further enacted, That all Christenings and Burials solemnized within the said Church or Chapel of Ease shall be registered in Public Registers, to be provided and kept for that Purpose ; which Registers shall be received in all Courts of Law and Equity as Evidence of such Christenings and Burials, and shall be subject to all the Laws and Statutes now enacted and in force, or hereafter to be enacted and in force, concerning the Registers of Christenings and Burials.

All Christenings and Burials to be registered.

XXIV. And in order that the Erecting the said Church or Chapel of Ease may not prejudice the Vicar of the said Parish Church of *Huddersfield* aforesaid for the Time being, or lessen his Revenues, be it further enacted, That there shall be paid to the Minister of the said Church or Chapel of Ease, for every Burial, and for every Churching of a Woman, which may be performed in the said Church or Chapel of Ease, Double the Fees which are actually and of Right ought to be paid for the Performance of such Services respectively at the Parish Church of *Huddersfield* aforesaid ; and that the Minister of the said Church or Chapel of Ease shall, from Time to Time, collect and receive all such Double Fees, and shall keep an Account thereof, which shall be open to the Inspection of the Vicar of the said Parish of *Huddersfield*, and shall account for and pay by Two equal Half-yearly Payments in every Year ; *videlicet*, on the First Monday after *Christmas-day* and *Midsummer Day*, One Moiety or Half Part thereof

Double Fees on all Christenings, &c. to be paid to the Vicar of *Huddersfield*.

[Local.]

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to

to the Vicar of the said Parish of *Huddersfield* for the Time being, or his Agent appointed by him in that Behalf; the First of the said Payments to be made on such of the said Days as shall happen next after the Consecration of the said Church or Chapel of Ease; and in case of Non-payment within Fourteen Days next after any of the said Half yearly Days, such Moiety or Half Part of all such Fees shall and may be sued for and recovered from the said Minister of the said Church or Chapel of Ease, with full Costs of Suit, by the Vicar of the said Parish for the Time being, in the same Manner and by the same Ways and Means as any Surplice Fees, due and payable at the Parish Church of *Huddersfield* afore said, can or may be recovered, or by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

This Act not to make a new Parish, or alter any Tithes, &c.

XXV. Provided always, That nothing in this Act contained shall extend or be construed to extend to the making of any new Parish, or the altering of any Rights or Privileges belonging to the said Vicar of the said Parish, or of any Tithes, or any other Ecclesiastical Dues or Payments, or any Rates, Assessments, or other Payments whatsoever, due to the Vicar of the Parish Church of *Huddersfield* afore said; or shall prejudice, impeach, or defeat the Right, Title, Interest, Claim, or Demand of the said Vicar of, in, or to any Tithes, Offerings, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Benefits, or Advantages, arising within the same Parish, and belonging to the said Vicar or his Successors (save the Right of Nomination to the said Church or Chapel of Ease, as herein-before provided); but the same shall remain and belong to the said Vicar and his Successors, and shall be paid and payable to him and them in the same Manner as they would or ought to have been in case this Act had not been made.

Lecturer may be appointed.

XXVI. And be it further enacted, That if at any Time hereafter the Proprietors and Renters of Pews in the said Church or Chapel of Ease, or the major Part of them, assembled at a Public Meeting, convened by Notice affixed to the principal Door of the said Church or Chapel of Ease, at least Ten Days before such Meeting, shall be willing and desirous to have a Lecturer appointed, to read Prayers and preach a Sermon in the said Church or Chapel of Ease, every *Sunday*, in Addition to the Duty herein-before provided to be done by the Minister of the said Church or Chapel of Ease, and shall be also willing to subscribe a sufficient annual Sum to remunerate such Lecturer, and of such their Intention shall give Notice in Writing to the said *Benjamin Haigh Allen*, his Heirs or Assigns, being the Patron for the Time being of the said Church or Chapel of Ease; then, and in every such Case it shall be lawful for the said *Benjamin Haigh Allen*, his Heirs or Assigns, being the Patron for the Time being of the said Church or Chapel of Ease, if he or they shall see fit, to engage the Minister of the said Church or Chapel of Ease, or any other Person duly qualified by Law, to be such Lecturer for the Purposes afore said and that every such Lecturer so engaged (such Lecturer, other than the Minister of the said Church or Chapel of Ease, being duly licensed thereto by the Archbishop of *York* for the Time being) shall have the Use of the said Church or Chapel of Ease, and the Pulpit therein, and the Books thereof.

Minister of the Church or

XXVII. And be it further enacted, That it shall be lawful for the Minister of the said Church or Chapel of Ease for the Time being to appoint

point a proper Person to the Office of Church or Chapel-warden, such Person to be appointed Church or Chapel-warden being a Proprietor of One or more Pew or Pews in the said Church or Chapel of Ease; and also to appoint proper Persons to the Offices of Questman or Sidesman, Clerk, and Sexton, and of Organist, if any Organ shall be set up in the said Church or Chapel of Ease; and to such other Offices and Places as he shall think proper; and from Time to Time to remove or displace any such Officer or Officers, and appoint others in their Stead, or in the Stead of such of them as shall die, or decline, or become incapable to perform their Offices respectively.

Chapel to appoint to the Offices.

XXVIII. Provided always, and it is hereby declared, That the Church or Chapel-warden, Questman or Sidesman, Clerk, and Sexton, to be appointed as aforesaid, shall be subject and liable to the Ecclesiastical Jurisdiction, in the same Manner as the Church-wardens, Questmen, or Sidesmen, Clerk, and Sexton of the Parish Church of *Huddersfield* aforesaid, are subject and liable to; and that the said Church, or Chapel of Ease, its Minister and Lecturer, and also the Church or Chapel-warden thereof, shall be under and subject to the ordinary Jurisdiction of the Archbishop of *York* for the Time being, and shall be visited in such Manner as other Churches within the Diocese of *York* are visited.

Certain Officers to be subject to Ecclesiastical Jurisdiction, etc.

XXIX. And be it further enacted, That the Person so appointed to the said Office of Church or Chapel-warden, of the said Church or Chapel of Ease, as aforesaid, shall and may, and is hereby authorized and required to make and assess, or cause to be made and assessed, a Rate sufficient to answer and pay the Expences herein-after mentioned, upon the Proprietors of such Pews or Seats in the said Church or Chapel as shall not be let or demised, and upon the Renters of such Pews or Seats as shall be let or demised, in equal Degrees, in Proportion to the Value of such Pew or Seat respectively, as ascertained in the Manner herein-before directed, and to collect and receive every such Rate from such Proprietors and Renters; and in Case any such Proprietor or Renter, his, her, or their Heirs, Executors, or Administrators, shall at any Time or Times neglect or refuse to pay the Rate so made and assessed on him or her respectively, it shall be lawful for the said Church or Chapel-warden to use such Means for the Recovery of every such Rate, as by the Laws and Statutes of the Realm are provided for compelling the Payment of Assessments for the Repairs of Churches; and that the said Church or Chapel-warden shall, and is hereby required, by and out of the Monies arising by such Rates, to find and provide Bread and Wine for the Holy Communion, and Books and Surplices for the Minister, and to keep the Windows of such Church or Chapel of Ease whole and in good Repair, and also the Inside of the said Church or Chapel of Ease, at all Times, in a clean, neat, and decent State, suitable for the solemn Celebration of Divine Worship therein; and also to defray any Expence that may be incurred relative to the Sum of Three thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence, Three Pounds *per Centum* Consolidated Bank Annuities to be purchased and transferred as aforesaid, or the Three Pounds *per Centum* Reduced Bank Annuities, to be purchased with the Sum of Two hundred Pounds and their Accumulations, and the Land to be purchased with Part thereof respectively herein-after mentioned; in consequence of the Deaths of any of them, the Archbishop of *York*, the Archdeacon of

Church-warden to make a Rate.

Power for Recovery of Rate.

Application of such Rate.

of the West Riding of the County of *York*, and the Vicar of *Huddersfield* aforesaid respectively, for the Time being, and also all other Expences incidental to the Purposes herein-before mentioned.

Providing a
Fund for sub-
stantial Re-
pairs.

XXX. And be it further enacted, That within the Space of Two Years after the Consecration of the said Church or Chapel of Ease, the said *Benjamin Haigh Allen*, his Heirs or Assigns, shall invest in the Three Pounds *per Centum* Reduced Bank Annuities, in the Names of the Most Reverend the Archbishop of *York*, the Very Reverend the Archdeacon of *York*, and the Reverend the Vicar of *Huddersfield* aforesaid, respectively for the Time being, the Sum of Two hundred Pounds Sterling, the Dividends whereof shall from Time to Time accumulate and be added to the Principal, till the whole Amount to the Value of the Sum of Four hundred Pounds Sterling, for providing a Fund for and to be laid out and applied by the said Minister and Church or Chapel-warden, for the Time being, of the said Church or Chapel of Ease, in the necessary Expences of supporting and keeping in Repair the Roof, main Walls, and Timbers of the said Church or Chapel of Ease, and the Church-yard and Fences, so that the same may at all Times be preserved in good Repair and Condition: Provided always, that in the Application of the said Sum of Money, the same shall never be reduced below the Value of the Sum of Three hundred Pounds Sterling, which shall, as soon as may be done conveniently, be laid out in the Purchase of Land (which shall not exceed in Value in the whole the Yearly Sum of Three hundred Pounds) in the Names of the said Archbishop, Archdeacon, and Vicar respectively for the Time being, and their Successors for ever, for the Purpose of applying the Rents and Profits thereof as a continual Provision for such Repairs of the said Church or Chapel of Ease, and the Church-yard or Fences as are not herein otherwise provided for, and for enlarging or improving the said Church or Chapel of Ease, as shall appear proper to the said Minister and Church or Chapel-warden thereof for the Time being: Provided also, that upon the Death of any of them, the said Archbishop, Archdeacon, and Vicar, or of any future Archbishop, Archdeacon, or Vicar, into whose Name the said Bank Annuities may be transferred in pursuance thereof, the Survivors shall transfer the said Bank Annuities into the Names of themselves and the Archbishop, Archdeacon, or Vicar who shall supply the Dignity or Place of the deceased Archbishop, Archdeacon, or Vicar.

Exempting
all the Town-
ships, etc.
within the
Parish of
Hudders-
field, from
the Repairs of
the said
Church or
Chapel of
Ease.

XXXI. And whereas all the Townships or Districts within the Parish of *Huddersfield* aforesaid are by Law, Custom, or Usage, contributory or liable to contribute and pay in certain Proportions to the Repair of the Parish Church of *Huddersfield* aforesaid; be it therefore further enacted, That nothing herein contained shall extend, or be construed to extend, to charge the said Townships or Districts, or any of them, or any Lands, Tenements, or Inhabitants thereof respectively, with any Sum or Sums of Money, Duties, or Demands whatsoever, for or towards the Repairs or Support of the said Church or Chapel of Ease, or any Act, Matter, or Thing, in anywise relating thereto.

Minister em-
powered to
accept or
purchase any

XXXII. And be it further enacted, That it shall be lawful for the said *Benjamin Haigh Allen*, his Heirs and Assigns, or the Minister of the said Church or Chapel of Ease for the Time being, and he or such Minister is

is hereby authorized and empowered, at any Time or Times, to accept or purchase, or take in Perpetuity, any Lands, Tenements, or Hereditaments, not exceeding in the whole the Yearly Value of Two hundred Pounds (exclusive of the Provision hereby or intended to be hereby made for the Minister of the said Church or Chapel of Ease for the Time being), for the Site of a House for the Residence of the Minister of the said Church or Chapel of Ease, and for opening and making any additional Roads or Avenues thereto, or for supporting and maintaining, repairing, or otherwise improving the same, or for the Benefit of the said Minister, or other the Purposes of this Act; the Statutes of Mortmain, or any other Law or Statute to the contrary thereof notwithstanding.

XXXIII. And be it further enacted, That the Keys of the said Church or Chapel of Ease shall from Time to Time be kept by and left in the Custody of the Minister thereof for the Time being, or of any One Person as he may appoint, and that the Plate, Furniture, Records, and Books belonging thereto, shall and may be deposited and kept in the Vestry Room of the said Church or Chapel of Ease, or in such other Place as the Proprietors and Renters of Pews and Seats therein, or the major Part of them, shall from Time to Time direct, in a strong Chest, to be for that Purpose provided, with Two secure Locks and different Keys, One of which Keys shall from Time to Time be kept by the said Minister, and the other by the said Church or Chapel-warden for the Time being.

XXXIV. 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 Justices of the Peace at the First General or Quarter Sessions of the Peace, to be holden for the West Riding of the County of York, next after the Expiration of Three 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 least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Church or Chapelwarden of the said Church or Chapel of Ease, and, within Five Days after such Notice, entered into a Recognizance before some Justice of the Peace of the said West Riding, with 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 entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order thereon, 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.

XXXV. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, after the Expiration of Six Calendar Months next after the Fact committed, or after Satisfaction made and tendered;

[*Local.*]

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Limitation of Actions.

dered; and every such Action or Suit shall be brought or tried in the County where the Cause of Action shall have arisen, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made and tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared; or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then, and in every such Case, the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases of Law.

General
Saving of
Rights.

XXXVI. Saving always to the King's most Excellent Majesty, and to His Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than in the Cases already provided for, and meant to be provided for by this Act), all such Estates, Rights, Titles, and Interests as they, every or any of them had and enjoyed before the passing of this Act, or could or might have had or enjoyed in case this Act had not been made.

Public Act.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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