



ANNO QUINQUAGESIMO OCTAVO

# GEORGII III. REGIS.

\*\*\*\*\*

## *Cap. lxxxvi.*

An Act for building a Chapel of Ease in the Township of *Pendleton* and Parish of *Eccles*, in the County Palatine of *Lancaster*. [10th June 1818.]

**W**HEREAS the Population of the Township of *Pendleton*, in the Parish of *Eccles*, in the Diocese of *Chester* and County Palatine of *Lancaster*, is very large, and hath of late Years much increased; the Parish Church is at an inconvenient Distance from the Inhabitants of the said Township, and the only Church or Chapel of Ease now there, called the Chapel of *Saint Thomas in Pendleton*, is not sufficient in Size to accommodate the said Inhabitants, and hath no Convenience whatever for the Poor; and it is therefore expedient that another Church or Chapel for Divine Worship according to the Usage of the Church of *England* should be erected in the said Township, and an Establishment provided for the Residence and Support of the Curate or Minister thereof: And whereas His Majesty is most graciously disposed to give a sufficient Portion of the Wastes of *Pendleton* aforesaid, whereof His Majesty is seised in Right of His Duchy of *Lancaster*, for the Purpose of having a Church or Chapel, with a Cemetery to the same, erected and made thereon: And whereas the King's most Excellent Majesty is Patron of the Parish Church of *Eccles* aforesaid, and the Reverend *Thomas Blackburne* Clerk is the present Vicar of the Parish and Parish Church of *Eccles* aforesaid; and the Appointment of the Minister of the said Chapel of *Saint Thomas* belongs to the Vicar of the Parish of *Eccles* aforesaid: And whereas it would be of great public Convenience if Marriages were allowed to be celebrated in the said intended Church or Chapel; but as these

[*Local.*]

22 O

several

Trustees for  
building the  
Chapel, &c.

several useful Purposes cannot be effected 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 *James Ackers, Richard Ashworth, the Reverend Thomas Blackburne* Clerk, Vicar of the Parish of *Eccles, John Barton, Benjamin Booth, John Bowker, John Douglas, Richard Entwisle, Thomas Entwisle, John Fitzgerald, George Gardner, James Hardman, Edward Hobson, Nathan Knight, John Leaf, John Moon, Thomas Ollier, William Ramsden, George Ramsden, Thomas Sherratt, John Simpson, Richard Withington* the younger, and their Successors, from Time to Time to be nominated and appointed in Manner herein-after directed, shall be and they are hereby declared to be Trustees for building and erecting a Church or Chapel with a Cemetery or Burying Ground, to be erected and completed upon the Ground in *Pendleton* aforesaid, to be given and granted by His said Majesty as herein-after mentioned, and for collecting, receiving, and applying all and every Sum and Sums of Money and Donations as have been or shall be subscribed or given for the Purposes aforesaid, or any of them, and for putting this Act in Execution.

Power to  
appoint  
new Trustees.

II. And be it further enacted, That if any one or more of the said Trustees hereby appointed (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Estates and Offices), or their Successors, to be elected in Manner herein-after mentioned, shall die, or shall refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint one other Person to be a Trustee in the Room of each Trustee so dying, or refusing or becoming incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and inserted in One or more of the Newspapers published in the Town of *Manchester* in the said County, Fourteen Days at least before such Meeting; and every Person so elected and appointed a new Trustee shall be and is hereby empowered to act in the Execution of this Act to all Intents and Purposes in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

Oath of  
Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in the Power of giving Notice of the First Meeting under this Act, and of administering the following Oath; which Oath the said Trustees herein-before named, or any one of them, being a Justice of the Peace, are and is hereby empowered to administer), until he shall have taken and subscribed an Oath to the following Effect:

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me as a Trustee by virtue of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third [*here set forth the Title of this Act*].  
‘ So help me GOD.’

IV. Pro-

IV. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act unless he shall in his own Right or in the Right of his Wife be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the County of *Lancaster*, of the clear yearly Value of One hundred Pounds above all Reprizes, or shall be possessed of or entitled to a Personal Estate of Two thousand Pounds, nor until he shall have taken and subscribed, before any Two or more of the said Trustees, an Oath in the Words or to the Effect following; and which Oath the said Trustees, or any one of them, being a Justice of the Peace, are and is hereby empowered to administer; (that is to say),

Oath of  
Qualification.

‘ I *A. B.* do swear, That I am truly and *bonâ fide* in my own Right [or in the Right of my Wife] in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the County of *Lancaster*, of the clear yearly Value of One hundred Pounds above Reprizes [or am possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds].

‘ So help me GOD.’

V. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall be interested in any Contract, or enjoy or hold any Place or Employment of Profit under this Act; and if any Person, not being qualified as by this Act directed, or being disqualified as aforesaid, shall presume to act contrary to the true Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same; to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of the Offence before mentioned, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Trustees  
incapable of  
acting when  
interested.

VI. And be it further enacted, That the said Trustees or any Five or more of them, shall meet at some convenient Place within the said Township, on the Sixth *Monday* after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and proceed to put this Act in Execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be deemed to be and is hereby declared to be adjourned to the next Day (*Sunday, Good Friday, Christmas Day*, and all Days on which Divine Service is ordered by Authority to be celebrated, only excepted, and then to the following Day), and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution

First Meeting  
of Trustees.

Execution of this Act, or until Three Trustees shall attend and adjourn such Meeting (Three Trustees being hereby declared to be sufficient for the Purpose of Adjournment only, in case Five Trustees shall not assemble before the said Hour of Two at such First Meeting); and the said Trustees shall and may at such First Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn and appoint the next Meeting to be holden there or at any other Place in the said Township of *Pendleton*, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear before the said Hour of Two at any such subsequent Meeting, a sufficient Number of Trustees to act in the Execution of this Act, the Trustees or Trustee then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case may happen, adjourn such Meeting to some other Day within Fourteen Days then next following, to be holden at the same Place; and the said Clerk shall cause Notice thereof to be given in Manner aforesaid, at least Ten Days before the Day to which such Meeting shall be adjourned.

Meetings on  
Emergencies.

VII. Provided always, and be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Five or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purposes of such earlier Meeting being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Fourteen Days after such Notice; and all Proceedings of such Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of an Adjournment, and such earlier Meeting or Meetings shall and may be adjourned, and such Adjournment and Adjournments shall be considered as an Adjournment of the original Meeting under this Act: Provided always, that all Meetings to be held in pursuance of this Act, whether by Adjournment or Emergency, or otherwise, the said Trustees shall bear, pay, and defray their own Expences.

Acts of  
Trustees to  
be done at a  
Meeting of  
Five Trust-  
tees or more.

VIII. And be it further enacted, That all Acts, Orders, and Proceedings of the said Trustees shall be done, made, or had at some Meeting or Meetings to be holden in pursuance of this Act, and not otherwise (except in such Cases as are in this Act particularly mentioned or authorized to be otherwise done, made, or had) and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as

herein-after excepted (and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and so often as it shall happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such case it shall and may be lawful for such Chairman to give the decisive or casting Vote; and all such Trustees as are or may be Justices of the Peace may act as such within their respective Jurisdictions in the Execution of this Act notwithstanding their being Trustees, except only where they are or may be personally interested; and that in all Cases under this Act, where any Justice or Justices of the Peace are or is authorized to examine any Person or Persons upon Oath, it shall be lawful for such Justice or Justices, and they are hereby respectively empowered and required to administer such Oath.

IX. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be specially called for that express Purpose by Notice, specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, and given in Manner aforesaid at least Fourteen Days before such subsequent or special Meeting, or unless a Majority of the Trustees present at such subsequent or special Meeting shall decide in favour of such Revocation or Alteration, and an equal or greater Number of the Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

No Order to be revoked unless at a Meeting for the Purpose, or unless a Majority of the Trustees concur.

X. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings, and all 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 in Evidence in all Causes, Suits, and Actions touching or concerning any Thing done in pursuance of this Act, and such Book or Books shall at all reasonable Times be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Rates and Assessments hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof or Extracts therefrom, paying for every Copy or Extract so had, not exceeding Seventy-two Words, the Sum of Sixpence, and so in Proportion for any greater Number of Words.

Proceedings to be entered in a Book.

XI. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and a Collector or Collectors of the Rates or Assessments, and also such other Officers and Assistants for the Execution of this Act, as the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as the said Trustees shall see occasion; and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said

Trustees to appoint Officers, and remove them, and allow Salaries.

[Local.]

Trustees to  
take Security  
from the  
Treasurer and  
Collector.

Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer, and from the Collector or Collectors of the Rates and other Officers for the due Execution of his and their Office and Offices; and all such Officers so to be appointed shall under their Hands, at such Time or Times and in such Manner, as the said Trustees shall direct, deliver to the said Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, when thereunto required by the said Trustees, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them if approved of; and if any such Officer shall refuse or neglect to make and render, or produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same within Ten Days after having been thereunto required by the said Trustees, or any Five or more of them; by Notice in Writing, given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings, in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or any Five or more of them, 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, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue his Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing without some reasonable or sufficient Excuse, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies which shall have been collected and raised by virtue of this Act, shall remain due from such Officer, such Justice may and he is hereby authorized and required upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods of such Officer; and if no Goods and Chattels of such Officer can 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 Officer shall 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, shall be in the Custody or Power of such Officer, and he shall 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 commit such Offender to the Com-

mon 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 shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Officer 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.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

Same Person  
not to act as  
Clerk and  
Treasurer.

XIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name or Names of their Treasurer or Clerk for the Time being to be appointed under this Act; and that no Action or Suit which may be brought by or against the said Trustees, or any of them, in relation to this Act, in the Name or Names of their Treasurer or Clerk, shall be abated or discontinued by the Death or Removal of any such Treasurer or Clerk, without the Consent of the said Trustees; but the Treasurer or Clerk for the Time being shall always be deemed Plaintiff or Plaintiffs, or Defendant or Defendants in every such Action or Suit, as the Case may be: Provided always, that every such Treasurer or Clerk shall be reimbursed out of the Monies to be raised by virtue of this Act all such Costs, Damages, and reasonable Expences as he or they shall be put unto, or become charged or chargeable with by reason of his or their being so made Plaintiff or Plaintiffs or Defendant or Defendants as aforesaid.

Trustees may  
sue and be  
sued.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to cause a Church or Chapel of Ease to be erected or built upon the said Parcel of Land so to be given as aforesaid, after such Model and of such Dimensions, and with such Materials, and in such Manner as they the said Trustees, with the Approbation of the Lord Bishop of the Diocese for the Time being shall order or direct; and also to cause Pews, Seats, and Galleries, and a Vestry Room, together with such Ornaments and Conveniences to be made, erected, and set up in the said Church or Chapel,  
and

Trustees to  
build a  
Chapel.

and to cause any Bell or Bells to be hung up in the said Church or Chapel, as by the said Trustees, with the like Approbation, shall be deemed necessary or proper, in order that the said Church or Chapel may be completely fitted up and finished for the Performance of Divine Service therein, according to the Rites and Ceremonies of the said United Church of *England and Ireland*, and also with the like Approbation to take in and inclose with proper Walls and Fences the said Church or Chapel, and a sufficient Portion or the Whole of the said Parcel of Land for a Cemetery or Burying Ground, and to make sufficient Approaches to the said Church or Chapel.

Trustees may purchase Land for Parsonage House.

XV. Provided always, and be it further enacted, That it shall be lawful to and for the said Trustees, and they are hereby empowered to purchase in Fee Simple in Possession, any Freehold Lands, Tenements, or Hereditaments in the said Township of *Pendleton*, not exceeding Half an Acre in the whole, of and from any Person or Persons whomsoever, for the Purpose of building upon some Part or Parts thereof a Parsonage House, and to accept and take a Conveyance thereof unto them the said Trustees and their Successors, and to hold the same unto and to the Use of them the said Trustees and their Successors for ever, in Trust for the Purposes of this Act, and to pay for the Purchase thereof out of the Monies to be raised in Manner herein-after mentioned for the Erection of such new intended Church or Chapel, and other Purposes of this Act, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatsoever to the contrary notwithstanding; and that the said Trustees shall and may erect and complete a suitable Dwelling House, with a Garden, Offices, and Conveniencies for the Residence of the Minister or Curate of the said intended Church or Chapel, and near and convenient thereto.

Trustees, instead of erecting a Parsonage House, may purchase one.

XVI. Provided nevertheless, and be it further enacted, That in case the said Trustees shall think it better or more beneficial or convenient instead of erecting a new Parsonage House for the Residence of the Curate or Minister of the said intended new Church or Chapel, to purchase a House in Fee Simple near and convenient to such new intended Church or Chapel, it shall be lawful for them the said Trustees, and they are hereby empowered to purchase such House, with the Rights, Members, and Appurtenances thereto belonging; and the Fee Simple and Inheritance thereof of and from any Person or Persons whomsoever, and to pay for the Purchase of the same out of the Monies to be raised by virtue of this Act, or which shall or may at any Time or Times hereafter be given or contributed to or for the Use, Benefit, or Purpose of erecting such new Church or Chapel, and the Parsonage House, and other Purposes of this Act, and to accept and take a Conveyance of the same, and the Fee Simple and Inheritance thereof unto them the said Trustees and their Successors for ever, in Trust for the Purposes of this Act, without incurring or being liable to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Statute or Law to the contrary notwithstanding.

Making Contracts for building the Church.

XVII. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to contract or agree with any Person or Persons for the building of the said Church or Chapel and House for the



the Curate thereof, and for providing Materials for building, erecting, finishing, and completing the same respectively, or any Part or Parts thereof respectively, and generally to make and do all such Orders, Matters, and Things as they shall think necessary and proper fully and effectually to carry this Act into Execution; and all such Contracts and Agreements when made and entered into by or between the said Trustees and any other Person or Persons, shall be reduced into Writing at the Expence of the Parties with whom such Contracts or Agreements shall be made, and shall be signed by the said Trustees, or any Five or more of them, and by the other Party or Parties thereto, and shall be good, valid, and binding, as well upon the said Trustees and their Successors to be elected in Manner aforesaid, as upon all other Parties thereto, his, her, and their Executors, Administrators, and Assigns; and the said Trustees shall and may pay, or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, out of the Monies to arise by virtue of this Act, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in One or more of the Newspapers published in the Town of *Manchester* aforesaid, expressing the Purpose of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees, at a certain Time and Place in such Notice to be mentioned, and Copies of all Contracts made in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose, and such Book and Books shall from Time to Time, and at all convenient Times, be open to the Inspection of all and every Person and Persons upon whom any Rate or Assessment shall be made under the Authority of this Act, on Payment of Two Shillings and Sixpence to the Clerk or Person in whose Custody the same shall be.

XVIII. And be it enacted, That it shall be lawful for the said Trustees, if they think proper, to cause Vaults to be made under the Floor of the said Church or Chapel for the Interment of the Dead, but the Entrance to the said Vaults shall be made on the Outside of the said Church or Chapel. Vaults not to be entered from Church.

XIX. And be it enacted, That no Graves or Burial Places shall be made within Twenty Yards of the East Window of the said Church or Chapel. No Graves within 20 Yards of East Window.

XX. And be it further enacted, That the said Church or Chapel when built and completed, shall be set apart and dedicated to the Service of Almighty God, as a Place of Divine Worship for ever according to the Usage of the Church of *England*; and such Church or Chapel from and immediately after the Consecration and Dedication thereof, shall, and is hereby declared to be a Perpetual Cure and Benefice, and shall be called by the Name of *Saint Matthew*: Provided always, that nothing in this Act contained shall extend, or be construed to extend to the making of any new Parish, or to the altering of any Tithes, or any Ecclesiastical Dues, or Payments of any Rates, Taxes, Assessments, or other Payments whatsoever. Church or Chapel to be dedicated.

The Pews,  
Seats, and  
Galleries  
vested in the  
Trustees.

XXI. And be it further enacted, That all the Pews, Seats, and Galleries in the said intended Church or Chapel, with their Appurtenances, shall be and the same are hereby vested in the said Trustees and their Successors for ever.

Allotment of  
Seats for the  
Poor.

XXII. And be it further enacted, That the said Trustees shall, and they are hereby required to set apart and appropriate One-third Part of the said intended Church or Chapel for Seats, for the gratuitous Accommodation of the Poor of the said Township of *Pendleton* for the Time being, and the remaining Two-third Parts of the said Church or Chapel shall be laid out into Pews and Seats, upon such Plan and in such convenient Manner as shall be approved of by the said Lord Bishop of the Diocese, and shall be disposed of in Manner herein-after directed.

Pews and  
Seats to be  
numbered.

XXIII. And be it further enacted, That all the Pews and Seats to be erected and set up in the said intended Church or Chapel, and in the Galleries thereof, (except such Seats as shall be so set apart for the Poor as aforesaid) shall be marked with and distinguished by different Numbers of Figures to be carved or painted on the Door of each Pew or Seat respectively.

Pews and  
Seats may be  
sold, reserving  
a Rent.

XXIV. And be it further enacted, That the said Trustees shall and they are hereby required, with all convenient Speed after the said Church or Chapel shall be in a sufficient State of Forwardness, to sell by public Auction or private Contract the Fee-Simple and Inheritance of all the said Pews and Seats not appropriated to the Poor, in such Manner as to the said Trustees shall seem meet, to any Person or Persons willing to become the Purchaser or Purchasers thereof, at such Price or Prices in Money as can or may be reasonably had or gotten for the same; and that a Memorandum of each such Sale being entered in a Book or Books kept for the Purpose, and signed by Five or more of the said Trustees, and by the Purchaser or Purchasers of such Pews and Seats respectively, shall be good, valid, and effectual, to vest the Fee-Simple and Inheritance thereof in such Purchaser or Purchasers, without any Faculty or other Instrument whatsoever: Provided always, that on every such Sale of the said Pews and Seats there shall be respectively reserved and made payable as herein-after directed, such yearly Rent or Sum, to be payable by equal Half-yearly Payments, as the said Trustees shall think fit to affix upon each and every such Pew or Seat; and all Sums of Money which shall be produced by the Sale of any such Pews or Seats shall be applied in Manner herein-after directed.

If Rent not  
paid Posses-  
sion may be  
resumed.

XXV. And be it further enacted, That the aforesaid Rent or Sum to be reserved in respect of every Pew and Seat, shall be ascertained and determined and entered in a Book provided for that Purpose, before any Sale or Conveyance shall be made of them, or any of them; and that the Entry of the same, on being signed by Five or more of the Trustees, and by the Purchaser of such Pew and Seat, shall be considered binding and conclusive to all Intents and Purposes whatsoever; and that in case the Rent of any such Pew and Seat shall be behind and unpaid for the Space of Ten Days next after the same shall become due and payable and shall have been demanded, it shall and may be lawful for the said Trustees, or any Person by their Order, to enter upon and reassume or take Possession of such Pew and Seat, and for the said Trustees to sell and convey the same,

same, on the Terms and in Manner before mentioned, to any other Person or Persons, at such Price or Prices in Money as can or may be reasonably had or gotten for the same, and after deducting therefrom the Rent in Arrear, and all Expences attending such Resale, the said Trustees shall pay the Surplus (if any) to the late Owner or Owners of such Pew or Seat: Provided always, that Notice in Writing shall be affixed on the Door of the said Church or Chapel of such Rent being behind or unpaid as aforesaid, and of the Intention of the said Trustees to enter and resell, for Three succeeding *Sundays* previous to any such Sale being made.

XXVI. And be it further enacted, That when and as soon as the said intended Church or Chapel shall be built and consecrated, the Advowson, Right of Patronage, free Disposition, Nomination, and Presentation of the Minister or Curate to the said intended Church or Chapel, shall, for the Space of Sixty Years from the Consecration thereof, appertain to, and the same is and are hereby vested in, the said Trustees and their Successors; and after the Expiration of the said Term, the same shall belong to and is and are hereby vested in and settled upon the Vicar for the Time being of the said Parish of *Eccles*.

Patronage  
vested in  
Trustees for  
60 Years.

XXVII. Provided always, and be it enacted, That the Right of Patronage, Nomination, and Presentation of the Minister or Curate to the said Church or Chapel hereby vested in the said Trustees, shall be exercised by Five only of the said Trustees; and that such Five Trustees shall be chosen by Lot at some Meeting of the said Trustees to be held for that Purpose as soon as the said Church or Chapel shall be built and ready for the Celebration of Divine Worship, which Five Persons so appointed, or the major Part of them, shall, at some Meeting to be held by them within One Calendar Month next after such their Appointment, nominate, elect, and choose a fit and proper Spiritual Person, and shall present such Person to the Bishop of the Diocese of *Chester* for his Approbation and Licence, to serve the said Church or Chapel as the Minister or Curate thereof; and that the subsequent Presentation of the Minister or Curate to the said Church or Chapel shall take place in like Manner upon any Vacancy that shall occur by the Death, Resignation, or Removal of any such Minister or Curate of the said Church or Chapel, until the Expiration of the said Term of Sixty Years.

Right of No-  
mination  
vested in  
Trustees, &c.

XXVIII. And for the keeping the said Church or Chapel at all Times hereafter an entire and distinct Cure and Benefice from the Parish Church of *Eccles* aforesaid; be it further enacted, That it shall not be lawful for the Vicar of the said Parish of *Eccles*, or any other Person holding a Curacy or Lectureship within the said Parish or under the Vicar thereof, to be Ministers of the said intended Church or Chapel.

The Vicar  
of *Eccles*,  
&c. not to be  
Minister of  
the new  
Church.

XXIX. And be it further enacted, That after the Consecration of the said intended Church or Chapel, it shall and may be lawful for the Banns of Matrimony to be published, and Marriages and Christenings to be solemnized, within the said intended Church or Chapel, provided the same be published and solemnized according to the Laws and Customs of this Realm in that Behalf; and that all such Banns as shall be so published, and also all and every such Marriages and Christenings as shall be solemnized

Rites of  
Marriage and  
Baptism may  
be solemnized  
in the new  
Church;

nized in the said intended Church or Chapel, shall be as good, valid, and effectual to all Intents and Purposes as if the same were published and solemnized in the Parish Church of *Eccles* aforesaid: Provided always, that it shall be lawful for the Vicar of *Eccles* for the Time being to perform any of the aforesaid Ceremonies in the intended Church or Chapel at any Time, so as not to interfere with the accustomed Hours of Divine Worship at the said Church or Chapel.

and to be registered there.

XXX. And be it further enacted, That all Marriages and Christenings solemnized within the said intended Church or Chapel shall be registered in public Register Books to be provided by the Churchwardens of the said Church or Chapel, and kept for that Purpose by the Minister or Curate of the said Church or Chapel, according to the Laws in force for keeping Registers in that Part of the United Kingdom called *England*; and that such Register Books shall be received in all Courts of Law and Equity as Evidence of such Marriages and Christenings, in the same Manner as Register Books of Marriages solemnized in Churches and public Chapels in which Banns were usually published before the passing of an Act made in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for the better preventing of Clandestine Marriages*, or Copies thereof, are read in Evidence.

What Fees and Dues are to be paid in the new Church.

XXXI. And in order that the erecting the said intended Church or Chapel may not prejudice the Vicar and Clerk of the said Parish for the Time being, or lessen his or their Fees, be it further enacted, That there shall be paid to the Minister of the said intended Church or Chapel, for every Marriage and for every Churching of Women which may be performed in the said Church or Chapel, 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 *Eccles* aforesaid; and that the Minister of the said intended Church or Chapel shall from Time to Time collect and receive all such Double Fees, of which an Account shall be kept by him, open to the Inspection of the Vicar of the said Parish, and account for and pay by Two equal Half-yearly Payments in every Year, *videlicet*, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December*, one Moiety or Half Part thereof to the Vicar of the Parish for the Time being, or his Agent appointed by him in that Behalf, to be divided between the said Vicar and the Clerk of the said Parish within Ten Days after such Vicar shall receive the same, in such Shares and Proportions as the Fees payable at the said Church are divided; 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; and in case of Non-payment within Twenty Days next after any of the said Half-yearly Days, such one 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, 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 *Eccles* aforesaid 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*.

XXXII. And

XXXII. And be it further enacted, That the Minister of the said intended Church or Chapel shall, every *Sunday* Morning and Evening, 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 intended Church or Chapel; and shall, at least Four Times in the Year, administer the Holy Sacrament of the Lord's Supper, namely, on *Good-Friday*, *Easter-Sunday*, *Whit-Sunday*, and *Christmas-day*, and such other Four *Sundays* as the Minister for the Time being shall appoint, so that the Spaces of Time between such Administration of the Holy Sacrament of the Lord's Supper shall be as nearly equal as can conveniently be.

Service to be performed in the new Church or Chapel according to the Liturgy of the Church of England.

XXXIII. And be it further enacted, That for the Maintenance and Support of the Minister for the Time being of the said intended Church or Chapel and for the Endowment thereof, the said Trustees shall and they are hereby directed and required, to lay out and invest such a Sum of Money in the Purchase of the Fee-simple and Inheritance of Lands in the said County of *Lancaster*, as will produce the annual Sum of Ten Pounds, to be effectually conveyed and assured unto and to the Use of, and to be held and enjoyed by the Minister of the said Church or Chapel, and his Successors, as the Glebe Lands belonging thereto.

Endowing the Chapel.

XXXIV. And be it further enacted, That if the Proprietors of Pews and Seats in the said intended Church or Chapel, or the major Part of them, shall be desirous of a Lecturer to read Prayers and preach a Sermon in the said intended Church or Chapel every *Sunday* in addition to the Duty herein before provided to be done by the stated Minister, it shall be lawful for the said Proprietors of Pews and Seats, or the major Part, from Time to Time to employ and engage the Minister of the said intended Church or Chapel, or any other Minister duly qualified by Law, to be such Lecturer; and that every such Lecturer, other than the Minister of the said intended Church or Chapel, being first approved of and duly licensed thereto by the Bishop of the Diocese, shall have the Use of the said intended Church or Chapel, and the Pulpit therein, for the Purposes aforesaid; and that every such Lecturer, and all the Expence attending the same, shall be paid by a voluntary Subscription of the said Proprietors of Pews and Seats, as they or the major Part of them shall appoint.

Proprietor may appoint a Lecturer, who is to be paid by voluntary Subscription.

XXXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, at any Time or Times hereafter, without Licence in Mortmain, to accept and take any immediate Gift, Grant, Conveyance, or Devise, Gifts, Grants, Conveyances, or Devises, of any Lands, Tenements, or Hereditaments, any Bequests of Money, Goods, Chattels, or Effects, not being of greater Amount or Value in the Whole than Three thousand Pounds Sterling, to them and their Successors for ever, by the Name and Style of "The Trustees of *Saint Matthew's Chapel*," for the Augmentation of the Minister's Salary, or Endowment of the said intended Church or Chapel, or for the Discharge of any Debt or Debts incurred in the Building of

Trustees may accept Gifts, Grants, &c. for Augmentation of Minister's Salary.

the said Church or Chapel, or any other of the Purposes of this Act; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Appointment  
of Chapel-  
wardens.

XXXVI. And be it further enacted, That as soon after the Consecration of the said intended Church or Chapel, as conveniently may be, Two Persons shall be appointed out of the Proprietors of Pews and Seats therein, to be and act as Church and Chapelwardens of the said intended Church or Chapel until the *Easter Tuesday* 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 every *Easter Tuesday* yearly for ever, Two fit Persons shall be appointed as aforesaid, to be and act as Church or Chapelwardens of the same Church or Chapel, such Church or Chapelwardens to be appointed by the said Proprietors, or the major Part of them to be assembled in the said Church or Chapel for that Purpose; and in case of the Death of any Church or Chapelwarden during the Year for which he shall have been elected, then and in every such Case a new Church or Chapelwarden shall be appointed by and out of the Persons aforesaid, in such Manner as the deceased Church or Chapelwarden shall have been appointed; and every such Church or Chapelwarden to be so appointed as last aforesaid, shall respectively be and act as Church or Chapelwarden of the said intended Church or Chapel, until the *Easter Tuesday* next after his Appointment.

Appointment  
of Organist  
and Ringers.

XXXVII. And be it further enacted, That the said Proprietors of Pews and Seats in the intended Church or Chapel, or the major Part of them, are hereby authorized and empowered to nominate and appoint a proper Person to the Office of Organist (if any Organ shall be set up in such intended Church or Chapel), and also a Sexton, with such Salaries as they shall think proper, and of Ringers (if a Set of Bells shall be hung up in the Steeple thereof), and from Time to Time to remove or displace any such Officer or Officers, and to appoint any other or others in his or their Stead, or in the Stead of such of them as shall die, or decline or become incapable to perform his or their Office or Offices respectively.

Chapel to be  
under the  
Jurisdiction  
of the Lord  
Bishop of  
Chester.

XXXVIII. And be it further enacted, That the said intended Church or Chapel and Minister and Church and Chapelwardens shall be under and subject to the ordinary Jurisdiction of the Lord Bishop of *Chester*, and shall be visited in such Manner as other Churches within the Diocese of *Chester* are visited.

Keys of the  
Chapel to be  
kept by the  
Minister, &c.

XXXIX. And be it further enacted, That the Keys of the said intended Church or Chapel shall from Time to Time be kept and left in the Custody of the Minister and Church or Chapelwardens thereof for the Time being, or of any one whom they may appoint; and the Plate and Furniture belonging thereto shall and may be deposited and kept in the Vestry Room of the said intended Church or Chapel, or in such other Place as the Proprietors 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 shall from Time to Time be kept by the said Clerk,

Clerk, and the other by the said Church or Chapelwardens for the Time being.

XL. And be it further enacted, That it shall be lawful for any Five or more of the said Trustees from Time to Time to borrow and take up at Interest (such Interest not exceeding the Rate of Five Pounds *per Centum per Annum*) such Sum or Sums of Money as they shall think necessary for the several Purposes of this Act, over and above the Expences of obtaining and passing this Act, upon the Credit of the Produce of the Sale of the Pews and Seats in the said Chapel, and also upon the Credit of the Rate or Rates, Assessment or Assessments, to be made, levied, and collected by virtue of this Act, and also upon the Credit of the Rents to be reserved for every Pew or Seat in the said Church or Chapel, and by Writing under their Hands and Seals, or the Hands and Seals of any Five or more of them, to assign all or any Part of the said Produce of such Sale, and of such Rates or Assessments and Rents, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignment thereof (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following; that is to say,

Power to borrow Money.

WE, Five of the Trustees appointed by or in pursuance of an Act of Parliament passed in the Fifty-eighth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*], in consideration of the Sum of \_\_\_\_\_, advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said *A. B.* or to his or her Trustee or Trustees (as the Case may require), his or her Executors, Administrators, and Assigns, such Proportion of the Money to be produced by the Sale of any Seats or Pews under the said Act, and of the Rates or Assessments to be raised, levied, and collected by virtue of the said Act, and by the Rents of Pews or Seats in the said Chapel, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing or be charged upon the Credit of the said Sales, Rates, or Assessments and Rents, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ until the Sum of \_\_\_\_\_ with Interest after the Rate of \_\_\_\_\_ *per Centum per Annum* for the same, shall be repaid and satisfied. In Witness whereof, we, the said Trustees, have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ of our Lord

Form of Assignment.

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all

all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power of transferring Assignments in prescribed Form.

XLI. And be it further enacted; That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest as aforesaid, and their respective Executors, Administrators, or Assigns, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; that is to say,

‘ I *A. B.* being entitled to the Sum of \_\_\_\_\_ secured to  
 ‘ *C. D.* and his Assigns, [*or*, his Executors, Administrators, and Af-  
 ‘ signs, *as the Case may be*], by virtue of an Assignment, bearing Date the  
 ‘ \_\_\_\_\_ Day of \_\_\_\_\_, under the Hands and Seals of  
 ‘ of the Trustees acting in the Execution of an Act passed in the  
 ‘ Fifty-eighth Year of the Reign of King *George* the Third, intituled [*here*  
 ‘ *set forth the Title of this Act*], upon the Credit of the Produce of the  
 ‘ Sales of Seats and Pews under the said Act, and of the Rates or Assess-  
 ‘ ments and Rents granted or made payable by the said Act, do hereby  
 ‘ transfer all my Right and Title in and to the same Sum, and all Interest  
 ‘ and other Money now due and owing thereon, unto *E. F.* his Executors,  
 ‘ Administrators, and Assigns. Dated this \_\_\_\_\_ Day of  
 ‘ in the Year of our Lord \_\_\_\_\_.

And a Copy of every Security or Assignment, together with the Number or Numbers thereof, which shall be made in pursuance of this Act; and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, which Extract or Memorial shall specify or contain the Date, Names of the Parties, and Sums of Money thereby transferred, and to which Book or Books any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Two Shillings and Sixpence, and no more; and every such Transfer, after such Entry thereof as aforesaid made, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Provision for Payment of Creditors by Ballot.

XLII. And in order that no Preference may be given to any of the Persons who shall have advanced Money upon the Credit of the Rates or Assessments, Sale of Pews, and Rents to be raised, levied, or collected by virtue of this Act, in the Repayment of the Money so advanced, be it further enacted, That the said Trustees (if there shall be more Creditors than one) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the principal Monies lent and advanced upon the Credit of the said Rates or Assessments, Sale of Pews and Rents, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper, of an equal Size; and all such Papers shall be rolled up in the same Form, as near as may be, and put in a Box or Wheel, and the Number or Numbers of the said Assignments



Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Trustees, in the Presence of the said Trustees, or any Five or more of them; and after such Ballot the said Trustees shall cause Notice, signed by their Clerk, to be given or left at the last usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there shall be only one Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the principal Money so to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid, but the principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

XLIII. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Trustees from Time to Time to charge the Produce of the said Sales of Pews, the said Rates or Assessments, and Rents, in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Power to borrow Money at a lower Interest to discharge Securities at a higher Rate.

XLIV. And in order to raise Money sufficient for carrying the several Purposes of this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, and they are hereby authorized and required, in each and every Year during the Period herein-after mentioned, to make, at some Meeting to be holden for that Purpose (of which Meeting or Meetings, and of the Purpose thereof, Notice in Writing signed by the Clerk to the said Trustees shall be given in Manner before prescribed by this Act, Fourteen Days at the least immediately preceding the same respectively), a Rate or Rates, Assessment or Assessments, on the Occupiers of all Houses, Buildings, Lands, Tenements, and Hereditaments within the said Township of *Pendleton* aforesaid, not exceeding One Shilling in the Pound in any one Year on the full annual Rent or Value of all such Houses, Buildings, Lands, Tenements, and Hereditaments within the said Township, according to such Proportion of the yearly Rent or Value as the yearly Rent or Value of the same Houses, Buildings, Lands, Tenements, and Hereditaments shall have, for the Year One thousand eight hundred and seventeen, been assessed to the Poor's Rate for the said Township; and in case at the Time of rating or assessing any Premises for the Purposes of this Act, the Value or Rental of any such Premises shall be more or less than

Rates to be made.

[Local.]

22 S

the

the Value or Rental at which the same shall have been assessed to the Poor Rate in the said Year, then the said Trustees shall apportion the Rate or Assessment for the Purposes of this Act on such Premises accordingly; and such Rate or Rates, Assessment or Assessments, shall be made after the Expiration of Three Calendar Months from and after the passing of this Act, and shall be raised, levied, collected, and paid by any Collector or Collectors to be appointed by the said Trustees to the Treasurer appointed by the said Trustees, to be applied for the Purposes of this Act in the Manner herein-after mentioned: Provided always, that the Sum to be raised or borrowed upon the Credit of the Rates or Assessments on Houses, Buildings, Lands, Tenements, and Hereditaments within the said Chapelry, and on the Sale and Rents of Pews or Seats, for the Purposes of this Act, shall not in the whole exceed the Sum of Five thousand Pounds, together with such further Sum as may be necessary for Payment of the Interest upon the said Sum of Five thousand Pounds, and also together with such Sum as shall have been expended in the procuring and passing of this Act.

Power for  
levying Rates  
to cease at the  
Expiration  
of Five  
Years from  
29th Sept.  
1818.

XLV. Provided always, and be it further enacted, That the Power and Authority hereby given for making, levying, collecting, and recovering the said Rate or Assessment of One Shilling in the Pound on Houses, Buildings, Lands, Tenements, and Hereditaments within the said Township, shall cease and determine at the Expiration of Five Years from the Twenty-ninth Day of *September* One thousand eight hundred and eighteen, save and except so far as relates to the Recovery of any Arrears of the said Rate or Assessment that may then be due and unpaid, and which shall and may be levied and recovered in like Manner as if the Power of making the said Rate or Assessment had continued in force: Provided also, that if there shall be any Surplus of the Money arising from the said Rate or Assessment and the Sale of the said Pews, the same shall be applied in like Manner as is hereby directed with respect to the Rents of the Pews or Seats in the said Church or Chapel.

Rates to  
continue in  
force until  
altered.

XLVI. Provided always, and be it further enacted, That the Rate or Assessment to be made as aforesaid, in or for any Year, shall continue in force, and shall be collected and recovered in or for every subsequent Year, until the said Trustees shall make a new Rate or Assessment by virtue of this Act, in like Manner as if they had made such Rate or Assessment in and for every subsequent Year.

Rates how  
payable.

XLVII. And be it further enacted, That the said Rate or Rates, Assessment or Assessments, shall be payable Half-yearly, *videlicet*, at *Christmas* and *Midsummer*, the first Payment thereof to be made at *Christmas*; and the same shall be payable and paid to the Collector or Collectors to be appointed by virtue of this Act; and that it shall be lawful for the Person or Persons to be appointed by the said Trustees a Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered, to receive, levy, and collect the same accordingly.

Tenants to  
pay the  
Whole and

XLVIII. And be it further enacted, That the several Tenants or Occupiers of such Houses, Buildings, or Premises, Lands, Tenements, and Hereditaments,

ments; so to be rated or assessed as aforesaid, shall and they are hereby required to pay the Whole of such Rate or Assessment on the Premises in his, her, or their Occupation; and every such Tenant or Occupier, the unexpired Term of whose then existing Lease shall not be more than Fourteen Years, shall and may deduct out of his or her Rent payable to his or her Landlord Three-fourth Parts of such Rate or Assessment; and every other such Tenant or Occupier shall and may deduct out of his or her Rent payable to his or her Landlord One Half Part of such Rate or Assessment; and such Landlord is hereby required and directed to allow such Tenant such Payments and Allowances accordingly; and every Tenant and Occupier paying such Part of the said Rate or Assessment for or upon account of the Landlord, and producing a Receipt or Receipts for the same, shall be acquitted and discharged of and from so much of his, her, or their Rent due to his, her, or their Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his, her, or their Rent was or should have been paid or payable.

deduct certain Parts of the Rates out of their Rents.

XLIX. And be it further enacted, That every Person, being Landlord or Tenant, who shall let his or her House in separate Apartments or ready furnished to a Lodger or Lodgers, by the Year or by any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Rates where Houses are let to several Families.

L. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed by virtue of this Act, for the Space of Ten Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof and delivered to and left at the usual Place of Abode of such Person or Persons, signed by any Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors to be appointed as aforesaid, and he and they is and are hereby respectively authorized and required, to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any One or more Justices of the Peace for the said County Palatine of *Lancaster*; which Warrant such Justices are hereby empowered and required, after having first issued a Summons under their Hands to such Person or Persons to appear before them, and having heard the Matter in a summary Way, or upon the Contempt or Non-appearance of the Person or Persons summoned, and due Proof made of the Service of such Summons, to grant, upon Proof made upon Oath (which Oath the said Justices are hereby empowered and required to administer) before them of such Demand and Non-payment as aforesaid, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale.

Recovery of Rates.

LI. And be it further enacted, That every Person or Persons to be appointed Collector or Collectors as aforesaid, who shall collect or receive any of the Monies arising by any such Rate or Assessment, shall, as often as thereunto

Collectors to account for Rates.

thereunto required by the said Trustees or any Five or more of them, deliver in Writing under his Hand or their Hands to the said Trustees, or unto such Persons as they shall appoint, a true and perfect Account in Writing of all Monies which he or they shall have collected and received by such Rate or Assessment, and shall pay all the Money collected by such Rate or Assessment in his or their Hands, Custody, or Power, unto the Treasurer to the said Trustees; and if any such Collector or Collectors shall refuse or neglect to receive the Sums to be rated and assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody, or Power, in Manner herein directed as aforesaid, every such Collector or Collectors so offending shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Ten Pounds; which Penalty, and also all the Money in the Hands, Custody, or Power of such Collector or Collectors, so due and owing from such Collector or Collectors to the said Trustees for or on account of such Rate or Assessment, shall and may be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the said County Palatine of *Lancaster*, which Warrant such Justices are hereby required to give on Proof of any such Refusal or Neglect, or that any Sum or Sums of Money is or are due and owing from such Collector or Collectors to the said Trustees, for or on account of such Rate or Assessment, on the Oath or Oaths (which Oath or Oaths such Justices, or any or either of them, are and is hereby empowered to administer) of any credible Witness or Witnesses, directed to any Person or Persons whomsoever, by Distress and Sale of the Goods and Chattels of the Collector or Collectors so refusing or neglecting, or from whom any Sum or Sums of Money shall be so due and owing, for or on account of such Rate or Assessment as aforesaid, rendering the Overplus (if any), upon Demand, to the Owner of such Goods and Chattels, after deducting such Penalty, and the Sum or Sums of Money as shall appear to be so due and owing to the said Trustees, for or on account of such Rate or Assessment; and the Costs and Charges of such Distress and Sale, or the Sum or Sums of Money so due and owing from such Collector or Collectors, shall be paid by the Surety or Sureties for such Collector or Collectors, or in case of Refusal or Neglect of Payment by such Surety or Sureties, shall be recovered from such Surety or Sureties by the said Trustees, by an Action or Actions of Debt, to be commenced and prosecuted agreeably to the Directions of this Act.

Application  
of Money  
borrowed or  
received.

LII. And be it further enacted, That the Money which shall be borrowed, advanced, or lent as aforesaid, or which shall arise or be received from the Sale of Pews or Seats, shall be paid to the Treasurer to the said Trustees, or to such Person or Persons as they shall appoint, and the same shall be applied and disposed of in Manner following; that is to say, in the first Place, in paying and defraying the Costs, Charges, and Expences incident and attendant upon the applying for, obtaining, and passing this Act, and then in erecting, building, and completing the said Church or Chapel, and towards the Endowment of the Minister thereof, and in either purchasing Land and erecting thereon a House for the Minister of the said Church or Chapel, or in purchasing, altering, and repairing any House to be purchased as aforesaid, as the Case may require, and in otherwise carrying this Act into Execution.

LIII. And

LIII. And be it further enacted, That the Sums of Money arising from the Rates and Assessments to be made under the Provisions of this Act shall be applied in the first Place in the paying and discharging all such Costs and Charges of or incident to the applying for and obtaining this Act, as shall not have been paid out of any Money advanced or borrowed for the Purposes of this Act; and then, in the Payment of the Interest of such Sums as shall have been advanced or borrowed, for the erecting and providing of such new Church or Chapel, and House for the Minister thereof, under this Act; and in the next Place, in the Repayment of all such Principal Sums as shall have been advanced or borrowed for the building and completing such Church or Chapel and House, as shall not have been repaid by the Produce of the Sale of the Seats or Pews in such Church or Chapel, the Rates and Assessments granted by this Act shall cease: Provided always, 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 such Money, with lawful Interest for the same, from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act; any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Application  
of the Money  
arising from  
the Rates.

LIV. And be it further enacted, That the Money which shall arise from the Rents of the Pews or Seats as aforesaid, shall be applied by the said Trustees in providing Bread and Wine for the Holy Communion, and Books and Surplices for the Minister, and in defraying all incidental Charges and Expences relative thereto; and also to pay all Expences that shall from Time to Time be incurred in repairing and keeping in good Repair and Condition the said intended new Church or Chapel and the Parsonage House, and all Appendages thereto; and in keeping the Inside of the said intended new Church or Chapel at all Times cleaned and painted, and in a neat decent State suitable for the solemn Celebration of Divine Worship therein, and in defraying the Salaries of the Clerk, Organist, and Sexton of the said Church or Chapel; and the Residue thereof shall from Time to Time be applied in Aid of the Produce of the Sale of the said Pews, and of the said Rates and Assessments, to the Discharge of the Money hereby authorized to be borrowed, and the Interest thereof, and when the same shall be fully paid off and discharged, then such Residue shall and may be disposed of for the Benefit of the Inhabitants of the said Township, in such Manner as the said Trustees, or any Five or more of them, shall order and direct.

Application  
of the Money  
arising from  
Rents of  
Pews.

LV. And be it further enacted, That all Penalties or Forfeitures, or any Penalty or Forfeiture by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant), upon the Confession of the Party, or upon the Evidence of any credible Witnesses upon Oath, and the Overplus (if any) of the Monies arising by such Distress and Sale shall be returned

Recovery of  
Penalties.

upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress, such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice and he is hereby authorized and required by Warrant under his Hand and Seal to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

## Conviction.

LVI. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act or against any Order of Sessions, or any Matter or Thing done in the Execution of this Act, the Form of Conviction shall be in the Words or to the Effect following; that is to say,

## Form of Conviction.

‘ **B**E it remembered, That on this Day of  
 ‘ in the Year of our Lord A. B.  
 ‘ is convicted before of His Majesty's Justices  
 ‘ of the Peace for the of having [as the Offence shall be]  
 ‘ and I [or we] the said do adjudge him [her or them]  
 ‘ to forfeit and pay for the same the Sum of . Given  
 ‘ under my Hand and Seal [or our Hands and Seals] the Day and Year  
 ‘ afore said.’

## Appeal.

LVII. 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, Assessment or Assessments, or any Judgment or Determination, or by any Matter or Thing made, given, 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 County or Place within which the Matter of Appeal shall arise, next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at the least of his, her, or their Intention to bring such Appeal, and the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Six Days after such Notice entering into a Recognizance before some Justices of the Peace of such County or Place, with sufficient Sureties conditioned to try such Appeal, and abide the Order or Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Cause and 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 they the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and

and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive on all Parties, to all Intents and Purposes whatsoever.

LVIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same; but if upon Appeal from the Rate or Assessment it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Justices may relieve on an Appeal against Rates, without quashing the whole Assessment.

LIX. And be it further enacted, That every Warrant of Distress for Non-payment of any Rate or Assessment to be made by virtue of this Act shall be in the Words or to the Effect following:

Form of Warrant of Distress.

Lancashire, } TO the Collector or Collectors of the Rate or Rates for  
to wit. } building a Chapel in the Township of *Pendleton* in the  
County Palatine of *Lancaster*, and to all Constables,  
Headboroughs, and Peace Officers for the said Parish.

WHEREAS the under-mentioned Persons, now or late Inhabitants' Householders, Landlords, Tenants, Occupiers, or Enjoyers of Lands, Houses, Shops, Warehouses, Coachhouses, Stables, Cellars, Vaults, or other Buildings, Tenements, or Hereditaments, or Part of some Building, Tenement, or Hereditament within the said Township of *Pendleton*, were and are rated and assessed, or liable to the Rate or Rates duly made, and by virtue of a certain Act passed in the Fifty-eighth Year of the Reign of His present Majesty King *George* the Third, intituled [*here set forth the Title of this Act*]: And whereas, the said Persons have refused or neglected to pay the several Sums of Money at and against their Names herein-after respectively set down for Money due from them, for or towards the Purposes in the said Act mentioned, and the said several Sums are still remaining due in arrear and unpaid, as appeareth upon Oath to Two of His Majesty's Justices of the Peace of the said County; and the said several Persons having been summoned to appear before them to answer the Premises, as also appeareth to me [*or, us, the said Justice or Justices*] upon Oath, and no sufficient Cause having been shewn by them or any of them why such Sums of Money should not be paid; these are therefore, in His Majesty's Name, to will and require you, or either of you, forthwith to levy the said several Sums due from the said Persons, and hereunder joined to or set against their Names respectively, by Distress and Sale of their respective Goods and Chattels, (such Goods and Chattels being kept for the Space of Five Days before the same are sold), rendering to them respectively the Overplus (if any); the reasonable Charges of such Summons of this Warrant, and of such Distress and Sale, being first deducted, and if no sufficient Distress can be had or taken, that then you certify the same to me, [*or, us*] to the end that such further Proceedings may be had therein as to the Law doth appertain; and I [*or, we*] do hereby strictly charge and command all and singular

‘ singular the Constables, Headboroughs, and other His Majesty’s Peace  
 ‘ Officers for the said County, to be aiding and assisting in all Things  
 ‘ relating to the Premises. Given under my Hand and Seal [or, our  
 ‘ Hands and Seals] this                      Day of                      in the Year  
 ‘ of our Lord

								£	s.	d.
A. B.	-	-	-	-	-	-	-			
C. D.	-	-	-	-	-	-	-			
E. F.	-	-	-	-	-	-	-			
G. H.	-	-	-	-	-	-	-			

Distress not  
unlawful for  
want of  
Form.

LX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings  
not to be  
quashed for  
want of  
Form, or  
removeable  
by Certiorari.

LXI. 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, or 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.

Plaintiff not  
to recover  
without  
Notice, or  
after Tender  
of Amends.

LXII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days at least before such Action shall be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

LXIII. 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 Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in



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 Fourteen Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than 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 by Law.

LXIV. Provided always, and be it further enacted, That all and every the said Trustees herein named, and herein-after to be chosen, shall at all Times for ever be amply and fully indemnified from and out of the Monies to arise and be received by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Treasurers as aforesaid, shall or may sustain or be put unto for or by reason of any Action, Suit, or other Proceeding which may be had, sued, commenced, or prosecuted against them, or any or either of them, for any Act, Matter, or Thing which may be by them or any of them done in or about the Execution of this Act, and the Trusts hereby in them reposed. Indemnity to Trustees.

LXV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatever, relating to or concerning the Execution of this Act, no Inhabitant of the said Township of *Pendleton* shall be deemed an incompetent Witness on account of his or her being charged with or liable to pay, or having paid any Rate or Assessment to be raised, levied, and collected by virtue of this Act. Inhabitants not incompetent Witnesses.

LXVI. Provided always, and be it enacted, That nothing in this Act contained shall take away, change, diminish, prejudice, impeach, or defeat any Estate, Right, Title, Interest, Property, Privilege, or Jurisdiction of the Bishop of *Chester* for the Time being, or any Right, Title, Claim, or Demand of the Patron or Vicar of the said Parish of *Eccles* for the Time being, of, in, or to any Tithes, Offerings, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Benefits, or Advantages arising within the same Parish, but the same shall be paid and payable, reserved and enjoyed in the same Manner as they would or ought to have been in case this Act had not been made. Saving of Rights to the Bishop of the Diocese, and the Patron and Vicar of Eccles.

LXVII. Saving always to the King's most Excellent Majesty, 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 those meant and intended to be barred and destroyed 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. General Saving.

[Local.]

22 U

LXVIII. And

2010

58<sup>o</sup> GEORGE III. Cap. lxxxvi.

Public Act.

LXVIII. 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. 1818.