



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. cxiv.

An Act for repairing and improving, or re-building the Church at *Barnsley*, in the West Riding of the County of *York*, and for improving and enlarging the Church Yard and Burial Grounds thereof.

[2d July 1819.]

WHEREAS the Church or Parochial Chapel of *Barnsley*, in the West Riding of the County of *York*, is a very ancient Building, and is in a very dilapidated and decayed State, and is not sufficient for the Accommodation of the Inhabitants of the Township of *Barnsley* aforesaid, and it is expedient and necessary that the said Church or Chapel should be repaired and improved, or taken down, rebuilt, and enlarged: And whereas the Population of the said Township hath lately much increased, and the present Church Yard and Burial Grounds are insufficient for the decent Interment of Persons dying within the said Township, and it may therefore be expedient and necessary that the same should be enlarged, or that an additional Burial Ground should be provided for the Use of the said Township: And whereas the said Church Yard and Burial Grounds adjoin and are near or contiguous unto Ground and Premises upon which certain Messuages, Erections, and Buildings are now standing, and also to other open and void Ground; and it may be desirable that such Ground, Messuages, Erections, Buildings, and Premises

[Local.]

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should

should be purchased for the Purpose of enlarging the said Church Yard and Burial Grounds: And whereas there is a Public Footway over and through the said Church Yard leading from the *Church Street* into *Church Lane* there, whereby the said Church Yard is exposed to Inroads and Depredations, and the Graves therein trampled upon and injured by idle and disorderly Persons, in disregard of public Decency, which might be prevented if the said public Footway was stopped up, and if another public Footway was set out and made in lieu thereof: And whereas the several Purposes aforesaid cannot be accomplished 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 the Honourable *Charles William Wentworth Fitzwilliam* commonly called *Lord Viscount Milton*, *Sir Francis Lindley Wood* Baronet, *James Archibald Stuart Wortley*, *John Henry Smyth*, *Francis Offley Edmunds*, *John Spencer Stanhope*, *Godfrey Wentworth Wentworth*, *Thomas Wentworth Beaumont*, *Frederick Thomas William Vernon Wentworth*, *Joseph Scott*, *Saint Andrew Ward* the younger, *John Birks*, *Richard Taylor*, *John Hoyland*, *Samuel Oxley* Doctor of Medicine, *John Micklethwait*, *George Hammond*, *Stuart Corbett* Doctor of Divinity, *John Lowe* Clerk, *Jeremiah Dixon* Clerk, *Robert Affleck* Clerk, *Christopher Bird* Clerk, *George Beckett* Clerk, *John Penketh Buee* Clerk, *Thomas Trebeck* Clerk, *John Fletcher* Clerk, *Benjamin Mence* the Perpetual Incumbent or Curate of *Barnsley*, and his Successors, for the Time being, *Robert Willan* the officiating Minister of *Barnsley*, and his Successors, for the Time being, *Henry Cooke* Clerk, *Martin Joseph Naylor* Clerk, *William Wood* Clerk, *Francis Benson* Clerk, and *Robert Wilkinson* Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Trustees.

Qualification
of Trustees.

II. And be it further enacted, That no Person shall be capable of acting as a Trustee for carrying this Act into Execution (except the several Persons for the Time being entitled to be Trustees by virtue of their respective Office or Offices,) unless he shall be possessed of Freehold, or Leasehold, or Copyhold Property, of the yearly Value of One hundred Pounds, or Two thousand Pounds Personal Property, or Heir Apparent to some Person or Persons possessed of Freehold, Leasehold, or Copyhold Estates, of the annual Value of One hundred and fifty Pounds; and 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 Oath herein-after mentioned; and which Oath any or either of the Trustees herein-before named are hereby empowered to administer), until he shall have taken an Oath in the following Words, or in Words to the following Effect; and an Entry or Minute shall be made in the Book of Proceedings of the Trustees of the taking of such Oath, and of the Date of administering the same.

Trustees Oath
of Office.

I 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, of the yearly Value of One hundred Pounds, or am possessed of or entitled to a Personal Estate of the clear Value of Two thousand

‘ thousand Pounds, or an Heir Apparent to some Person possessed of
 ‘ Freehold, Leasehold, or Copyhold Estates of the yearly Value of One
 ‘ hundred and fifty Pounds; and that I will faithfully, honestly, and
 ‘ impartially, according to the best of my Skill, Knowledge, and Judg-
 ‘ ment, execute the several Trusts and Powers reposed in me as a
 ‘ Trustee, by virtue of an Act passed in the Fifty-ninth Year of His
 ‘ Majesty King George the Third, intituled *An Act* [*here insert the Title*
 ‘ *of this Act.*] So help me GOD.’

III. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons not exceeding Ten in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified shall be, and are hereby invested with the same Powers and Authorities for executing this Act as if they had been herein named: Provided always, that no Trustee so to be elected shall be an Inhabitant of the Town of *Barnsley* aforesaid.

Power to
 appoint
 additional
 Trustees.

IV. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at a Meeting to be holden in pursuance of this Act; 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 held pursuant to this Act, the Number of Trustees present at every such Meeting not being less than Five; and all 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 the Trustees for the Time being; and at every Meeting of the said Trustees, a Chairman shall be appointed; and when and as often as it shall so 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 be lawful for such Chairman to give the decisive or casting Vote.

No Act of
 Trustees
 valid except
 at a Meeting.

V. Provided always, and be it further enacted, That in case and when and as often as any of the Trustees hereby nominated and appointed, or hereafter to be nominated and appointed by virtue of this Act, shall resign, die or become Bankrupt, or shall refuse to act, or shall neglect to act for the Space of Six successive Calendar Months, 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 (qualified as aforesaid) to be a Trustee in the Room or Place of each such Trustee so resigning, dying, becoming Bankrupt, or refusing or neglecting to act, and Notice in Writing of the Time and Place of the Meeting for every such Election (signed by the Clerk for the Time being to the said Trustees), shall be given to each of the said Trustees Twenty Days at least before such Meeting; and every Person so elected and appointed a new Trustee as aforesaid, after taking the Oath herein-before mentioned, 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

Election of
 Trustees to
 fill Vacancies.

Stead

Stead he shall have been so elected, or as if he had been herein named and appointed.

Trustees incapable of acting when interested in any Contract. Penalty on Trustees acting if not qualified.

Acts of unqualified Trustees, before Conviction, valid.

First Meeting of Trustees.

VI. And be it further enacted, That no Person, although he may be regularly appointed, shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall be interested, directly or indirectly, in any Contract, or enjoy any Employment or Place of Profit under this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall presume to act in the Execution 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 Imparlance shall be allowed; and the Person so prosecuted shall prove that he is so qualified, and hath not been disqualified, or otherwise, shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all 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 such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

VII. And be it further enacted, That the said Trustees shall meet in the Public Office in the Bank Yard in the said Township, or in some other convenient Place in the said Town of *Barnsley*, on the Fifth *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon, and shall then proceed to put this Act into Execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be and be deemed 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 on the following Day), and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend and adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden at the said Public Office, or at any other Place in the said Township of *Barnsley*, 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 at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk of the said Trustees, shall from Time to Time, as often as the Case may happen, adjourn such Meeting to some other Day, within Twenty-one Days then next following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be given to the Trustees at least Seven Days before the Day to which such Meeting shall be adjourned; and the said Trustees shall at their several Meetings be allowed their reasonable Expences.

VIII. And

VIII. 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, mentioning the Time, Place, and Purpose of such earlier Meeting being given to him, or left at his last or usual Place of Abode), shall forthwith give Notice to the Trustees of the Meeting to be holden on such earlier Day, in Manner before directed, and of the Time, Place, and Purpose which shall be mentioned in the Order of the said Trustees, such Time not being less than Seven 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 any Adjournment.

Meetings on Emergencies.

IX. And be it further enacted, That no Order, Appointment, or Proceeding whatsoever 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 holden for that express Purpose, nor unless Notice, specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, shall be given in Manner aforesaid at least Twenty-one Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of 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 or altered at any subsequent Meeting, unless special Notice given, and a greater Number of Trustees present than at the former Meeting.

X. And be it further enacted, That any Trustee or Trustees appointed in or by virtue of this Act, who shall be a Justice or Justices of the Peace, may, and is and are hereby authorized and empowered to act as a Justice or Justices of the Peace, within his or their respective Jurisdictions, in the Execution of the Powers of this Act, notwithstanding his or their being a Trustee or Trustees, provided that such Justice or Justices be not personally interested in the Matters to be adjudged by him or them, otherwise than as a Trustee or Trustees.

Persons in Commission of the Peace may act both as Trustees and Justices.

XI. And be it further enacted, That the said Trustees, at a Meeting to be held for that Purpose, shall and may, and they are hereby empowered from Time to Time to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, and also such other Officers and Persons for the Execution of this Act, as the said Trustees shall think proper, and from Time to Time to remove and displace such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, 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 Treasurers, Clerks, Collectors, Officers, and other Persons as the said Trustees shall think reasonable; and the said Trustees shall, and they are hereby required to take such sufficient Security from every Treasurer appointed or to be appointed by virtue of this Act, and also from every Clerk, Collector, and other Officer for the due and faithful Execution of his and their respective Offices, as they shall think proper; and all such Treasurers, Clerks, Collectors, and other Officers so to be

Trustees to appoint Collectors and Officers.

Treasurers, Collectors, and Officers to give Security to Trustees.

Clerks and
Officers to
pay over
Monies to
Treasurer.

appointed by the said Trustees as aforesaid, shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the 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 all the Monies which shall have been by such Treasurer, Clerks, Collectors, and other Officers respectively, received by virtue of and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purposes, together with proper Vouchers for all such Payments; and shall pay all such Money as shall remain due from them respectively to the said Trustees, or such Person or Persons as they shall appoint to receive the same; and if any such Treasurer, Clerk, Collector, or Officer shall refuse or neglect to make and render any such Account, 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, by Notice in Writing given or left at the last or usual Place of Abode of such Treasurer, Clerk, Collector, or Officer, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in such Case, upon Complaint made by the said Trustees, 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, Riding, City, or Place wherein such Treasurer, Clerk, Collector, or Officer so refusing or wilfully neglecting shall be or reside, such Justice may, and he is hereby authorized and required to issue a Warrant under his Hand and Seal, for the Treasurer, Clerk, Collector, or Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, 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 that shall have been collected and raised by virtue of this Act shall remain due from such Treasurer, Clerk, Collector, or other 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 and Chattels of such Treasurer, Clerk, Collector, or other Officer; and if no Goods and Chattels of such Treasurer, Clerk, Collector, or 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 Treasurer, Clerk, or 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 Treasurer, Clerk, Collector, or 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 of such Cases such Justice shall commit such Offender to the Common Gaol or House of Correction for the City, County, Riding, 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

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 to such Person or Persons as the said Trustees shall appoint to receive the same, (which Composition the said Trustees are hereby empowered to make), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Treasurer, Clerk, Collector, or Officers 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 Three Calendar Months.

XII. And be it further enacted, That such Treasurer or Treasurers shall from Time to Time pay and discharge all such Bills or Sums of Money as shall be directed by the Trustees, and signed by not less than Three of them, at any Meeting held in pursuance of this Act; and the said Treasurer or Treasurers, and his or their Successors, shall at all Times be reimbursed by the said Trustees out of the Monies arising by virtue of this Act, for any and every Sum of Money which upon the Balance of Accounts it may appear that such Treasurer or Treasurers, or his or their Successor or Successors, is or are actually in advance, together with such legal Interest thereon as to the said Trustees shall appear to be just and reasonable.

Treasurer to pay Bills.

XIII. 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 Purpose of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk of the said Trustees; 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 so offending, 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 Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Offices of Clerk and Treasurer not to be held by one Person.

XIV. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Clerk for the Time being, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received and paid, laid out and expended, for or on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the Rates hereby granted, or to any Inhabitant contributing thereto, without Fee or Reward, and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk who shall have the Care and Custody of the said Book or Books shall refuse to permit

Clerk to keep Books open to the Inspection of Trustees, &c.

permit

permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner in this Act directed.

Claims to be delivered in for Seats.

XV. And be it further enacted, That all Persons and Bodies Politic or Corporate who shall have or claim any Pews, Seats, or Sittings, or other Right to or in the present Church or Chapel and Chancel thereof respectively, shall deliver or cause to be delivered to the Trustees at some Meeting to be appointed by them for that Purpose (or within such further Time as the Trustees shall for some special Reason think proper to allow for that Purpose) an Account or Schedule in Writing, signed by them respectively, or by their respective Husbands, Guardians, Trustees, Committees, or Agents, of their several and respective Pews, Seats, and Sittings, or other Rights, stating the Number of Sittings in each Pew, and to what Premises such Pews, Seats, or Sittings, or other Rights, is or are appurtenant, or how otherwise held by such Person or Persons respectively claiming the same; and on Non-compliance therewith, each and every of them making Default therein shall, so far only as respects any Right or Claim so neglected to be delivered, be totally barred and excluded of and from all Right and Title in or to any Pews, Seats, or Sittings, or to any Right or Estate in the present or intended Church or Chapel or Chancel respectively in respect thereof, all which said Claims or Accounts shall at all reasonable Times, so long as the Trustees shall think fit, be open to the Inspection and Perusal of all Parties interested, or claiming to be interested in the Premises, their respective Agents or Attornies, who may take Copies thereof or Extracts therefrom respectively; and if any Person or Persons, or Body Politic or Corporate, interested or claiming to be interested in the Premises, shall have any Objection to offer to any such Account or Claim, the Particulars of such Objection shall be reduced into Writing and signed by them respectively, or their respective Husbands, Guardians, Trustees, Committees, or Agents, and shall be delivered to the said Trustees at some other Meeting of such Trustees to be by them appointed for that Purpose, and no such Objection shall afterwards be received unless for some legal Disability or special Cause to be allowed of by the said Trustees.

Trustees to determine Rights to Pews.

XVI. And be it further enacted, That if any Doubt, Question, Difference, or Dispute shall arise by or between any of the Parties interested or claiming to be interested in or to any Pews, Seats, or Sittings, or other Rights, in the present or intended Church or Chapel or Chancel respectively, touching or concerning any Right, Title, or Claim which they or any of them shall or may have or claim to have therein or thereto, or touching or concerning any other Matter or Thing relating to the Pews, Seats, or Sittings, or other Right in the said present or intended Church or Chapel or Chancel respectively, it shall be lawful for the Trustees, and they are hereby authorized and required, upon Inquiry and Evidence, to examine into, hear, and determine the same.

Proceedings to be entered in a Book.

XVII. 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

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 Meetings of the said Trustees be open 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 any of the said Trustees and Creditors shall and may take Copies thereof, or Extracts therefrom, without paying any thing for the same.

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

To sue and be
sued in the
Name of the
Treasurer or
Clerk.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, at their Discretion, at any of their Meetings, to employ any Architect or Architects for the Purpose of furnishing Estimates, Plans, Sections, and Elevations, either for repairing and improving the present Church or Chapel, or for building any new Church or Chapel, and making necessary Specifications and Estimates, and to contract or agree with any Person or Persons for repairing and improving the present Church or Chapel, or for rebuilding any new Church or Chapel, or any Part thereof, and for providing Materials for repairing and improving, or 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, Acts, Matters, and Things as they shall think proper and necessary fully and effectually to carry this Act into Execution, and all such Contracts and Agreements, when made and entered into by and between the said Trustees, or any Three or more of them, 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 signed by the Parties thereto, and shall be good, valid, and binding, as well upon the said Trustees 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, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into, Twenty-one Days Notice at the least shall be given in any One or more of the Newspapers published in the West Riding of the County of York, expressing the Purpose of every such Contract or Contracts, in order that any Person or

Making
Contracts for
repairing or
taking down
and re-build-
ing the
Church.

[Local.]

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Persons

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 or 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 One Shilling to the Clerk or Person in whose Custody the same shall be.

Trustees may direct the present Church to be improved, or to be taken down, and sell old Materials.

XX. And be it further enacted, That it shall be lawful for the said Trustees, at their Discretion, and they are hereby authorized and empowered, either to repair and improve the present Church or Chapel in such Manner as they shall think fit and proper, or to take and pull down, or cause to be taken and pulled down, the Whole or any Part or Parts of the present Church or Chapel of *Barnsley* aforesaid, and the Vestry Room, and the Pews, Seats, Sittings, Lofts, Galleries, Organ, Monumental Inscriptions, and Things therein, and the Pews and Seats in the said Chancel respectively, and to sell and dispose of the Timber, Stones, Bricks, Iron, Lead, and other Materials thereof, or any Part or Parts thereof, to any Person or Persons whomsoever, and the Money arising by such Sale shall be applied to the several Purposes of this Act; or it shall be lawful for the said Trustees, and they are hereby empowered to employ or apply any such Timber, Stones, Bricks, Iron, Lead, and other Materials, or any Part or Parts thereof, as to them shall seem right, in repairing and improving the present Church or Chapel, or in rebuilding the said Church or Chapel; or to use them for any of the Purposes of this Act, in such Manner as they shall think proper.

Materials, &c. vested in Trustees.

XXI. And be it further enacted, That all Stones, Bricks, Timber, Iron, Lead, and Materials, of which the Body of the present Church or Chapel, and the Pews, Lofts, and Galleries therein, are constructed or built, and all the Stones, Bricks, Timber, Iron, Lead, and other Materials bought or procured by Order of the said Trustees, shall belong to and be the Property of, and the same is and are hereby vested in the said Trustees; and it shall be lawful for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who shall steal, remove, or carry away, spoil, injure, or destroy the said Church or Chapel, or the Stones, Timber, Iron, Lead, and other Materials thereof respectively, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment, it shall be and be deemed and taken to be sufficient to state generally that the said Church or Chapel, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for repairing and improving or re-building the Church or Chapel of *Barnsley*, in the West Riding of the County of *York*, without particularly stating or specifying the Names of all or any of the said Trustees.

Present Church repaired, or new Church built.

XXII. And be it further enacted, That the said Trustees, at their Discretion, shall, and they are hereby authorized and required either to repair and improve the present Church or Chapel, or to erect and rebuild, or cause

cause to be erected and rebuilt the Whole of the said Church or Chapel and Vestry Room, or any Part or Parts thereof, on the present Scite thereof, or on any other Scite within the present Church Yard, so as conveniently to accommodate with Seats or Sittings at least One thousand Persons, comprising the Pews and Seats to be made in the Chancel of the present Church or Chapel, or of such larger Size and Dimensions, and of such Materials, and after such Plan, Elevation, Specification, and Model, as to the said Trustees, with the Approbation of the Lord Archbishop of *York*, shall seem right and proper; and the said Trustees shall make, erect, and set up, or cause to be made, erected, affixed to, or set up in the present Church or Chapel and Chancel, or in such new Church or Chapel respectively, such Pews, Seats, Sittings, Stalls, Galleries, Bells, Organs, Communion Table, Pulpit, Desks, Vestry Room, Clock, Ornaments, and Conveniences, as to the said Trustees, with such Approbation as aforesaid, shall seem necessary, convenient, and proper.

XXIII. And be it further enacted, That in case the present Church or Chapel should be taken down and a new Church or Chapel erected, then the said new 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 United Church of *England* and *Ireland*; and such new 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 Mary*. Church or Chapel to be dedicated.

XXIV. And be it further enacted, That the said Trustees shall, and they are hereby authorized and empowered, as soon as possible after the Estimate, Plan, Section, and Elevation for repairing and improving the present Church or Chapel, or for building any new Church or Chapel shall have been approved of by the Lord Archbishop of *York*, to cause and procure to be drawn or delineated on a Plan the Whole of the Pews, Seats, Sittings, and Open Stalls intended to be erected and made in the Body, Aisles, Galleries, and Chancel of the present Church or Chapel and Chancel, or of such new Church or Chapel; and that a List or Schedule of such Pews, Seats, or Sittings, and Open Stalls shall be made as a Reference to the said Plan; and the said Trustees shall, and they are hereby authorized and required, immediately after such Plan and List shall be perfected, to set out, allot, and appoint an equal Number of such Pews, Seats, or Sittings therein to the several Proprietors or Persons who shall, at the Time of such Allotment or Appointment be respectively legally entitled to the Pews, Seats, or Sittings in the present Church or Chapel and Chancel; and such new Pews or Seats shall be made convenient to accommodate as many Persons as the Pews, Seats, or Sittings which such Proprietors or Persons are or shall or may be entitled to in the present Church or Chapel and Chancel as aforesaid do now accommodate, and shall be as conveniently and eligibly situated as the present Pews, Seats, or Sittings, or as nearly so as Circumstances will admit of: Provided nevertheless, that it shall be lawful for the said Trustees, with the Consent in Writing of any such Proprietors or Persons, to allot and appoint to him, her, or them any Pew or Seat, Pews or Seats, in the present Church or Chapel or Chancel, or in any new Church or Chapel to be erected by virtue of this Act, of smaller Dimensions and Size, or capable of accommodating fewer Persons than the Pew or Seat, Pews or Seats, which he, she, Allotment of Pews.

she, or they is or are entitled to as aforesaid, in the present Church or Chapel or Chancel, in lieu of such last-mentioned Pew or Seat, Pews or Seats, any thing herein contained to the contrary notwithstanding; and in case any Person or Persons having a Right or Rights to any Pew, Seat, or Sitting, Pews, Seats, or Sittings in any Part of the present Church or Chapel or Chancel, shall be dispossessed thereof by reason of any Arrangement to be made by virtue of this Act, or shall be desirous of exchanging such Right to such Pew or Seat, Pews or Seats, for a Right to a Pew or Seat, Pews or Seats in any other Part of the present or any such new Church or Chapel or Chancel, the said Trustees shall allot and appoint a Pew or Seat, Pews or Seats to such Person or Persons accordingly, such Person or Persons paying such Sum for the Difference in Value as the Trustees shall think proper; and all the new Pews, Seats, and Sittings which shall be set out, allotted, or appointed to or for the several Proprietors or Persons so entitled to Pews, Seats, or Sittings in the present Church or Chapel and Chancel, shall be held and enjoyed by such Proprietors or Persons respectively, and their respective Heirs, Executors, Administrators, Successors, and Assigns, in the same and in as full and ample a Manner as the present Pews, Seats, or Sittings, in lieu of which such new Pews, Seats, or Sittings shall be so set out or allotted, are or ought to be held and enjoyed respectively, except in Cases where the Holding or Occupancy of such Pews or Seats shall be otherwise ordered or regulated by the said Trustees under the Provisions of this Act; and such Proprietors or Persons shall pay or cause to be paid to the Treasurer for the Time being of the said Trustees such Sum or Sums of Money as they the said Trustees shall in their Judgment consider to be a fair Equivalent for such Sum or Sums of Money and other Expences which the said Trustees shall pay, expend, or be at, in the rebuilding and completing of such new Pews, Seats, or Sittings respectively, and as will be equal at least to the Cost or Price of erecting and completing such new Pews, Seats, or Sittings; and such Sum and Sums of Money shall and may be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the West Riding of the County of *York*, returning the Overplus, if any, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Seats to be allotted for Minister and Churchwardens, and for the gratuitous Accommodation of the Poor.

XXV. And be it further enacted, That the said Trustees shall, and they are hereby authorized, empowered, and required, in the next Place, to set out and appropriate in the present or such new Church or Chapel, suitable and convenient Pews or Seats for the Minister and Churchwardens for the Time being, and also such a Number of Seats, or open Stalls, for the gratuitous Accommodation of the poor Inhabitants of the said Township of *Barnsley* for the Time being, as shall be sufficient to accommodate at least Two hundred Persons.

Pews may be let by Trustees.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to lease or demise such or so many of the said Pews, Seats, or Sittings to be erected or made in the present Church or Chapel and Chancel, or in such new Church or Chapel (not otherwise

otherwise appropriated in pursuance of this Act), as to them shall seem meet, for any Term or Number of Years not exceeding Twenty-one Years, unto any Person or Persons being an Inhabitant or Inhabitants of or Resident or Residents within the said Township of *Barnsley*, willing to take the same Pews, Seats, or Sitings respectively, at or under, or for such yearly reserved Rents as the said Trustees shall think fit; and every such Lease or Demise as shall be made in pursuance of this Act, being signed by Five or more of the said Trustees, and by the Lessee or Lessees of such Pews, Seats, or Sitings, shall be good, valid, and effectual to lease and demise such Pews, Seats, or Sitings respectively, without any Faculty or other Instrument whatsoever, and shall be received as Evidence in all Causes, Suits, and Actions touching or concerning any such Lease or Demise, which respective yearly Rents shall be reserved and made payable by equal Half-yearly Payments, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in each and every Year; the first of such Payments for every such Pew, Seat, or Sitting to commence and become due and payable on such of the said Days as shall first happen next after the Time of taking Possession thereof; and all the Monies to arise by or from such Leases and Demises shall be applied for the Purposes of this Act; and in case the Rent reserved upon any such Lease or Demise shall be behind or unpaid during the Space of Twenty Days next after the same shall become due, and shall have been demanded at the last known Place of Residence of the Lessee or Occupier thereof, it shall be lawful for the Churchwardens for the Time being of the said Church or Chapel, and they are hereby authorized and required to enter upon and take Possession of such Pew, Seat, or Sitting, for and on behalf of the said Trustees; and the said Trustees may let the same to any other Person or Persons, being also an Inhabitant or Inhabitants of or Resident or Residents within the said Township of *Barnsley*; and such Rent shall and may be recovered by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the West Riding of the County of *York*, returning the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

XXVII. And be it further enacted, That after the present Church or Chapel shall be repaired and improved as aforesaid, or any such new Church or Chapel shall be rebuilt and completed as aforesaid, and all the Monies by this Act authorized to be borrowed or raised shall be paid off and discharged, it shall be lawful for the Churchwardens for the Time being, of the said Township, from Time to Time (subject to any such Lease or Leases, Demise or Demises as shall or may have been made by the said Trustees) to lease or demise such or so many of the said Pews, Seats, or Sitings to be erected or made in the present Church or Chapel, or in such new Church or Chapel (not otherwise appropriated in pursuance of this Act), as to them shall seem meet, for any Term or Number of Years not exceeding Twenty-one Years, unto any Person or Persons, being an Inhabitant or Inhabitants of or Resident or Residents within the said Township of *Barnsley*, willing to take the same Pews, Seats, or Sitings respectively, at or under or for such yearly reserved Rents as the said Churchwardens shall think fit; and every such Lease or Demise as shall be

When the Church, &c. shall be completed, the Pews may be let by the Churchwardens.

[Local.]

34 D.

made

made in pursuance of this Act, being signed by the said Churchwardens, and by the Lessee or Lessees of such Pews, Seats, or Sitings, shall be good, valid, and effectual to lease and demise such Pews, Seats, or Sitings respectively, without any Faculty or other Instrument whatsoever, and shall be received as Evidence in all Causes, Suits, and Actions touching or concerning any such Lease or Demise; which respective Yearly Rents shall be reserved and made payable by equal Half-yearly Payments, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in each and every Year; the first of such Payments for every such Pew, Seat, or Sitting to commence and become due and payable on such of the said Days as shall first happen next after the Time of taking Possession thereof; and in case the Rent reserved upon any such last-mentioned Lease or Demise shall be behind or unpaid during the Space of Twenty Days next after the same shall become due, and shall have been demanded at the last known Place of Residence of the Lessee or Occupier thereof, it shall be lawful for the said Churchwardens, and they are hereby authorized and required to enter upon and take Possession of such Pew, Seat, or Sitting, and to let the same to any other Person or Persons, being also an Inhabitant or Inhabitants of or Resident or Residents within the said Township of *Barnsley*; and such Rent shall and may be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the West Riding of the County of *York*, returning the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Leases to be void at the End of any current Year in which any Lessee shall cease to be an Inhabitant, &c.

XXVIII. Provided always, and be it further enacted, That in case any such Inhabitant or Resident to whom any Lease or Demise of any such Pew, Seat, or Sitting shall be granted by virtue of this Act, for any longer Term than One Year, shall cease to be an Inhabitant Householder in the said Township, or discontinue his, her, or their Attendance at the present Church or Chapel, or at any new Church or Chapel to be erected by virtue of this Act for the Space of One Year, then and in every such Case his, her, or their Lease, Demise, Term, Estate, and Interest in such Pew, Seat, or Sitting respectively, shall, at the End or Expiration of the then current Year of the said Term or Period, cease and determine, to all Intents and Purposes whatsoever; and such Pew, Seat, or Sitting shall and may be again let in Manner herein-before mentioned by the said Trustees or Churchwardens, as the Case may be.

Application of the Money from Rents of Pews.

XXIX. And be it further enacted, That the Money which shall from Time to Time arise from the Rents of the Pews or Seats to be received by the said Churchwardens as aforesaid, shall be applied by them in paying all Expences that shall from Time to Time be incurred in keeping in good Repair and Condition the Parsonage House and all Appendages thereto belonging, and the Residue thereof shall be paid to the perpetual Curate for the Time being of the said Church or Chapel.

Owners of the Chancel to have the Rents arising

XXX. And be it further enacted, That it shall be lawful for his Grace the Duke of *Leeds*, and the Owners of the present Chancel for the Time being, from and after the Expiration of any Lease or Leases to be granted

by the said Trustees for Twenty-one Years, pursuant to the Powers and Provisions of this Act, of all and every the Pews and Seats in the said Chancel to be demise by the said Trustees as aforesaid, by virtue of the Powers in this Act contained, to let and demise all such Pews and Seats in such Manner as he and they shall think proper, and to receive the Rents and Profits to arise and be produced by the leasing or letting of any such Seat or Pew by the said Duke or such Owners of the said Chancel, to and for his and their own Use and Benefit; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

from the new Pews after the Expiration of the Twenty-one Years.

XXXI. Provided always, and be it further enacted, That it shall and may be lawful for the Churchwardens for the Time being of the said Township, to employ a proper Person or Persons to open all or any of the Pews, Seats, or Sitings in the said present Church, Chapel, or Chancel, or such new Church or Chapel, at such Time of Divine Service, after the End of the First Lesson, as the Minister and Churchwardens for the Time being shall direct, which shall be unoccupied, and to admit therein such Persons attending Divine Service as may be in want of such Accommodation.

Pews to be opened.

XXXII. And be it further enacted, That after the said Church or Chapel shall, by virtue of this Act, be repaired and improved, or rebuilt and completed, no new Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Scite of the said present or any such new Church or Chapel.

No new Grave or Vault to be made in the Church, unless built with Brick, and arched over.

XXXIII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any Tomb or Monument, or any Grave Stone, or any Foot or Head Stone erected, placed, or set up, or to be erected, placed, or set up in the Churchyards, or any Rails thereto affixed, or the Rails, Doors, Gates, Walls, or Fences of or belonging to the Churchyards, it shall be lawful for any one or more Justice or Justices of the Peace for the said West Riding of the County of York, or for any one or more Magistrate or Magistrates of the County, Riding, City, or Place wherein such Person or Persons so offending shall reside or be, and such Justice or Justices, Magistrate or Magistrates, is and are hereby required, upon Oath being made by one or more credible Witness or Witnesses before him or them of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Person or Persons accused thereof; or it shall be lawful for any Person or Persons who shall see any such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending such Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before any such Justice of the Peace for the West Riding of the County of York, or to deliver him, her, or them into the Custody of any Constable or other Peace Officer, in order to be secured and conveyed before such Justice of the Peace, to be dealt with as herein-after is directed; and the Person or Persons so accused, being brought before any such Justice or Justices, Magistrate or Magistrates, or who being duly summoned to appear, shall neglect so to do, the said Justice or Justices, Magistrate or Magistrates, shall and may, either on the Confession of the Person or Persons so offending, or on Proof of such Offence by

Penalty on Persons damaging Monuments.

by the Oath of One or more credible Witness or Witnesses, convict such Offender or Offenders of the said Offence or Offences, and order or adjudge him, her, or them to forfeit and pay any Sum of Money not exceeding Five Pounds for each and every such Offence, together with the Expences and Charges of repairing and making good the Damage by him, her, or them occasioned or committed, which Expences and Charges shall be ascertained by the said Justice or Magistrate, Justices or Magistrates, in and by the said Conviction; one Moiety of the said Forfeiture to be paid to the Informer or Informers, and the other Moiety, together with the said Expences and Charges, to be paid to the said Trustees or their Treasurers which last Moiety is to be by them applied for the Purposes of this Act; and the said Expences and Charges to go to the repairing and making good such Damages as shall by such Offender or Offenders have been occasioned or committed; and in case such Offender or Offenders shall not upon such Conviction pay such Forfeiture, together with the Expences and Charges so adjudged, such Justice or Justices, Magistrate or Magistrates, is and are hereby required to commit such Offender and Offenders to the House of Correction, there to be kept to hard Labour, for any Time not exceeding Three Calendar Months, unless such Forfeiture, Expences, and Charges shall be sooner paid.

Punishment
of Persons
stealing Iron
Rails, &c.
out of the
Churchyards.

XXXIV. And be it further enacted, That if any Person or Persons shall steal, take, carry away, or remove any Iron Rail or Rails, or any Lead, Iron, or other Metal fastened to or in anywise belonging or appertaining to any Monument or Tomb in the Churchyards of the said Township, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as if convicted of Petit Larceny; and the Court by or before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be punished, in like Manner as Persons convicted of Petit Larceny are directed to be punished by the Laws and Statutes of this Realm; and that in all Indictments and Prosecutions for the said Offences, it shall be deemed and taken to be sufficient to state generally that the said Church or Chapel, Article or Articles, Thing or Things, for or on account of which such Bill or Bills of Indictment shall be preferred is or are the Property of the Trustees for repairing and improving or rebuilding the Church or Chapel of *Barnsley* in the County of *York*, without particularly stating or specifying the Names of all or any of the said Trustees.

Power to re-
move Grave
Stones and
Monuments.

XXXV. And be it further enacted, That the said Organ and the several Monumental Inscriptions which shall be taken down and removed in repairing or rebuilding the said Church or Chapel, shall be preserved and kept by or by the Order of the said Trustees, in such Place or Places as to them shall seem proper; and when and as soon as the said Church or Chapel shall be repaired or rebuilt, or as soon after as conveniently may be, the said Organ and all such Monumental Inscriptions shall be replaced and fixed in such Manner as the said Trustees shall think proper, or as near to the Place or Places from whence they shall have been removed as may be.

Where Di-
vine Service
and Banns

XXXVI. And be it further enacted, That Divine Service, the Administration of the Sacrament of the Lord's Supper, the Solemnization of Matrimony, Baptisms,

Baptisms, Burials, and all other Matters and Things which were and of right used to be celebrated, administered, solemnized, had, done, and performed by the Incumbent or Curate for the Time being in the present Church or Chapel, and Chancel and Churchyards, shall and may be celebrated, administered, solemnized, had, done, and performed, in the like Manner, in the Place commonly called *The National School* in *Barnsley* aforesaid, until such Time as the Church or Chapel so to be repaired and improved, or rebuilt, shall be repaired and improved, or rebuilt, completed and finished, and rendered fit for the Celebration of Divine Service therein; and that all Publications of Banns of Marriage and every other Notice which by Law are required to be made and published in the Church or on the Church Doors of the said Township of *Barnsley*, may be made and published in the said National School until such Time as the Church or Chapel to be repaired and improved, or rebuilt, by virtue of this Act shall be completely finished and rendered fit for Divine Service; and all such Publications of Banns of Marriage and every other such Notice so made and published in the said Place called *The National School*, during the Time of performing Divine Service therein, and all Marriages solemnized therein, shall be as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if such Banns and Notices had been made and published, and such Marriages had been solemnized in the said present Church or Chapel of *Barnsley* aforesaid, any Law or Statute to the contrary thereof in anywise notwithstanding; and also that the Meetings of the Inhabitants of the said Township of *Barnsley*, in Vestry, shall be held at such Place or Places within the said Township as the Trustees shall appoint.

shall be performed and published during the Time the Church shall be rebuilding.

XXXVII. And be it further enacted, That all Marriages duly solemnized in any new Church or Chapel (to be erected by virtue of this Act), according to and in pursuance of the Provisions and Directions of an Act made in the Twenty-sixth Year of the Reign of King *George* the Second, intituled *An Act for the better preventing clandestine Marriages*, shall be good, valid, and effectual in the Law; and a Register of every such Marriage, or a Copy thereof, shall be received in all Courts of Law and Equity as Evidence of Marriage, in such and the like Manner as the Register of any Marriage solemnized in any other Church is received in Evidence.

Banns may be published, and Marriages solemnized in the new Church.

XXXVIII. And be it further enacted, That in case the said Trustees shall deem it necessary or proper to take down, enlarge, or rebuild the said Church or Chapel, or any Part thereof, it shall and may be lawful for the said Trustees, with the Approbation of the Lord Archbishop of the Diocese, to lay out and make, upon the Land to be purchased by virtue of this Act, or any Part or Parts thereof, such new or additional Burial Ground or Cemetery as they shall think fit; and such new or additional Burial Ground or Cemetery shall be consecrated by the Lord Archbishop of the Diocese aforesaid for the Time being; and it shall be lawful for the said Trustees to alter, repair, pull down, and rebuild, and to erect, build, and make, or order and direct to be altered, repaired, pulled down, and rebuilt, or to be built, erected, or made, the Walls or Fences of the present Churchyards or Burial Grounds, and of the new or additional Cemetery or Burial Grounds, and the Gates or Entrances into the same respectively, and to stop up and discontinue, or alter or vary, or order to be stopped

Power to make new Burial Grounds.

[Local.]

up and discontinued, or altered or varied, such of the Entrances and Gates now leading into the present Churchyards or Burial Grounds as to them shall appear useles or unnecessary, or as they shall think fit to stop up and discontinue, or alter or vary; and also to stop and discontinue the public Footway herein-before described, provided the same be done with the Approbation of the Archbishop of the Province aforesaid, and by and with the Consent of any Two Justices of the Peace for the said West Riding, and on Notice being given in the Manner and Form prescribed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*; and the said Trustees shall and they are hereby directed and required to lay out and appropriate so much of the said Churchyard, or of the Ground which shall be purchased for the Purposes of this Act, as the said Justices shall think necessary and proper, in lieu and stead of the said public Footway and Path herein-before authorized to be shut up and discontinued, and to lay into the present Street Part of the East End of the said Churchyard, if they the said Trustees shall think proper.

Power to
purchase
Lands.

XXXIX. And be it further enacted, That in case the said Trustees shall deem it necessary or proper to take down, enlarge, or rebuild the said Church or Chapel, or any Part thereof, it shall be lawful for the said Trustees, from Time to Time, with the Consent of the Lord Archbishop of the Province, to contract and agree with the Owner or Owners of and any Trustees, Parties, or Persons interested in any of the Lands, Grounds, Buildings, Tenements, or Hereditaments, not exceeding One Acre, mentioned and described in the Schedule hereunto annexed, for the Purchase of the said Lands, Grounds, Buildings, Tenements, or Hereditaments, or for the Purchase of any Property, Right, or Interest to or in the Chancel or any Chapel or other Part of the present Church; provided that no such Contract or Agreement be made or entered into without the Consent of a Majority of the Trustees present, and to be signified at a Meeting of such Trustees to be held for that special Purpose, and that Ten Days previous Notice be given by the Clerk, to each Trustee, of the Purport of such Meeting.

Incapacitated
Persons
empowered
to sell.

XL. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any Tenant or Tenants in Tail, or for Life, Lives, or Years, Husbards, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for or on behalf of themselves, their Heirs and Successors, but also for or on behalf of their Infant Wards, Cestuique Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Femmes Covert who are or shall be seized or interested in their own Right, or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seized or possessed of, or interested in any such Lands, Grounds, Buildings, Tenements, or Hereditaments, Chapel, or other Part of the present Church or Chapel, to contract with the said Trustees, or any Three or more of them, for the Price or Satisfaction to be made for such Lands, Grounds, Buildings,

ings, Tenements, Hereditaments, or Premises, or any Part thereof, for the Purpose aforesaid; and all Contracts, Sales, Agreements, and Conveyances which shall be so made shall be good, valid, and effectual to all Intents and Purposes; any Law, Statute, Usage, or other Matter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants in Tail or for Life, Lives, or Years, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

XLI. Provided always, and be it further enacted, That if any of the Lands, Messuages, Tenements, or Hereditaments mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is stated or described to be, or the Owner or Owners, Leaseholder or Leaseholders thereof, or other Person or Persons interested therein, or in any Part thereof, shall happen to be misnamed, or incorrectly described, then and in such Case, on the same being certified by any Two of His Majesty's Justices of the Peace for the said West Riding of the County of York, such Misnomer or incorrect Description shall not prevent or retard the Execution of this Act; but the same Premises, and every Part thereof, shall and may be purchased, sold, assessed, and valued in manner as in this Act mentioned, and afterwards conveyed, disposed of, and applied for and to the Purposes of this Act, as fully and effectually as if the same was or were properly named and described in this Act, or in the said Schedule hereunto annexed.

Misnomers or wrong Descriptions in the Schedule not to prevent the Execution of the Act.

XLII. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for as aforesaid, shall be paid out of the Monies to be raised by virtue of this Act to the Parties or Persons respectively entitled to such Monies, or to their Agents, or into the Bank of England (as the Case may be); and that upon such Payment it shall be lawful for the said Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Buildings, Grounds, or Hereditaments, and to take down all the Buildings and Erections on the Lands or Grounds so purchased or thereto belonging, and to do all and every such Acts, Matters, and Things, with relation thereto, as the said Trustees, or any Three or more of them, shall (subject to the Provisions of this Act) think fit or necessary for the Purposes of this Act, and to sell and dispose of the Materials of such Buildings and Erections, or any of them, or of so much thereof as they shall think proper, and in such Manner as they shall think fit, or to apply the same, or any Part thereof, for any of the Purposes of this Act; and the Money arising from the Sale of such Materials shall be applied to the Purposes of this Act; and upon the Execution of the Conveyance of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity, of the Person or Persons respectively to whom or for whose Use the Purchase Money shall be paid, in, to, or out of such Lands, Tenements, or Hereditaments, or other Property or Right, shall vest in the said Trustees and their Successors for the Uses and Purposes of this Act.

Money agreed upon how to be paid or tendered.

XLIII. And

XLIII. And be it further enacted, That all Sales, Conveyances, and Assurances, of any Lands, Tenements, or Hereditaments, Property, Right, or Interest, to be made to the said Trustees and their Successors, shall be made in the Form or to the Effect following, or as near and conformable thereto as Circumstances will admit of; *videlicet*,

Form of
Conveyance.

‘ I [or we] in consideration of the Sum of
‘ I paid by the Trustees acting by virtue of an Act passed in the Fifty-
‘ ninth Year of the Reign of King George the Third, intituled [here in-
‘ sert the Title of this Act], do hereby grant and release to the said
‘ Trustees and their Successors, all [here describe the Premises to be con-
‘ veyed] and all my [or our] Right, Title, and Interest to and in the
‘ same and every Part thereof, to hold to the said Trustees and their
‘ Successors for ever. In witness whereof, I [or we] have hereunto set
‘ my Hand and Seal [or our Hands and Seals], this Day of
‘ in the Year of our Lord

Such Con-
veyance to be
good and
effectual.

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 Trust, and all other Persons claiming or to claim by, from, through, under, or in Trust for him or them respectively, or in Remainder, Reversion, or Expectancy, or otherwise howsoever; and the same shall be deemed and considered to bar the Dower and Dowery of such Person and Persons, and all Estates Tail, and all Estates in Possession, Reversion, Remainder, or Expectancy, the Issue and Issues of such Person and Persons, and every Person claiming or to claim under them respectively, as effectually as Fines and Recoveries would do if levied or suffered by the Parties interested, and such Parties had been adult and without Impediment; any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all and every Person and Persons shall be divested of all Property, Right, Title, or Interest as aforesaid, according to the Terms of such Conveyance.

In case the
Owner can-
not agree
with the
Trustees, a
Jury to be
summoned.

XLIV. And be it further enacted, That in case any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Spiritual, Eleemosynary, or Lay, Executors, Administrators, Trustees, Feoffees in Trust, Husband, Guardian, Committee of any Lunatic or Idiot, Tenant or Tenants for Life, Tenant or Tenants in Fee Tail, general or special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, or other Person or Persons whomsoever, seized or possessed of, or otherwise entitled or interested in or to the Lands, Grounds, Messuages, Tenements, or Hereditaments specified in the Schedule to this Act, and by this Act authorized to be purchased for the Purposes herein-before mentioned, or any of them, shall neglect or refuse to treat, or shall not agree with the said Trustees for carrying this Act into Execution, for the Sale of, or for the taking and using any such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or for his, her, or their Interest therein, or by reason of Absence or other Inability shall be prevented from treating with the said Trustees, or shall not or cannot produce and make out a clear Title to the Hereditaments and Premises required to be purchased, taken, or used as aforesaid, and of which he, she, or they may be in Possession, or to the
Interest

Interest he, she, or they do claim therein, to the Satisfaction of the said Trustees, at a Meeting to be by them the said Trustees appointed for that Purpose, of which Meeting Eight Days' Notice at least, signed by the Clerk to the said Trustees, shall be given or left at the Dwelling House or Place of Abode of the Owner, Trustee, or other Person interested in such Lands, Messuages, Tenements, or Hereditaments, or at the House of the Occupier thereof; or where the same shall be unoccupied, such Notice shall be affixed on the Door or some other conspicuous Part of the said Premises; then and in every such Case it shall and may be lawful to and for the said Trustees to cause a Notice in Writing, signed by their Clerk, to be given, left, or affixed as aforesaid, of the Sum of Money in gross they are willing to pay for the Purchase of such Lands, Messuages, Tenements, or Hereditaments, or for the joint or separate Interest of the said Bodies Politic, Corporate, or Collegiate, Corporation, Tenant or Tenants for Life, Tenant or Tenants in Fee Tail, general or special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, Executors, Administrators, Trustee or Trustees, Feoffees, Husbands, Guardians, Committees, Owners, Occupiers, or other Person or Persons interested in the same, or for any Part or Parts thereof, concerning the Sale and Purchase whereof there shall be any Dispute or Difficulty; in which Notice a Time and Place shall be appointed for a Meeting with the Parties interested in the same, which Time shall be at the Distance of Fourteen Days at the least from the Delivery of such Notice; and in case such Owner, Occupier, Trustee, or other Person so interested as aforesaid, or some Person duly authorized in their, his, or her Behalf, shall refuse or neglect to attend at the Time and Place in such Notice mentioned, or shall refuse to accept the Sum or Sums of Money so offered, or shall not then produce and make out to the Satisfaction of the said Trustees a clear Title to the Hereditaments and Premises, or to the particular Interests claimed therein, or shall, upon being required by the said Trustees, refuse to enter into a written Contract or Agreement to convey the same to the said Trustees, or to such Person or Persons and in such Way or Ways as they shall direct, then the said Trustees, or any Three or more of them, shall cause to be inquired into, ascertained, and assessed, by and upon the Oath of Twelve indifferent Men of the said County of York, qualified to serve as Jurymen upon the Trial of Issues at the Assizes for the said County, what Recompence or Satisfaction shall be made to the Owners, Proprietors, Occupiers, or other Persons interested as aforesaid, for or upon account of the purchasing, taking, and using such Lands, Messuages, Tenements, or Hereditaments, or of the respective Interests of the said several Parties therein; which Jury shall and may, according as the said Trustees shall deem it advisable, inquire into and ascertain either the total Recompence to be made to the Owner or Owners and all other Persons interested in the Premises collectively, or only so much and such Part or Parts thereof, or for such Interest or Interests therein, as the said Trustees shall deem it necessary at such Time to have inquired into and ascertain; and in order thereto, the said Trustees shall and they are hereby required to give a Notice in Writing Ten Days at least previous to the Day on which the Jury shall be summoned to meet, in manner herein-after mentioned, to the Person or Persons interested in the said Lands, Messuages, Tenements, or Hereditaments, or so many of them as are at that Time known to the said Trustees; which Notice shall specify the Time and Place in which the Trustees and Jury

[Local.]

34 F

are

are to meet for the Purposes of assessing and ascertaining the Amount of the said Recompence and Satisfaction for Premises, or, where they deem it advisable, of the particular Interest or Interests, the Value of which is then to be assessed and ascertained, which Notice shall be signed and served in the same Manner as the Notice last herein-before by this Act required is directed to be signed, given, served, or affixed; and the said Trustees, or any Three or more of them, are hereby empowered and required, from Time to Time as Occasion shall require, to issue their Warrant to the Sheriff of the said County of *York*, thereby commanding him to impanel, summon, and return Twenty-four disinterested and reputable Persons of the said County, qualified to serve as Juries, and not being Landholders, Tenants, or Occupiers of Lands or Tenements within or Inhabitants of the said Township of *Barnsley*, to appear before the said Trustees, or any Three or more of them, at such Time and Place as in such Warrant shall be appointed; and the said Sheriff or his Deputy is hereby required to impanel, summon, and return such Number accordingly; and the Persons so impanelled, summoned, and returned, are hereby required to appear before the said Trustees, or any Three or more of them, at such Time or Place as in and by such Warrant and Summons shall be directed and appointed, and to attend there, or at any other Place or Places within the said Township to which the said Inquiry shall, by the said Trustees or any Three or more of them, be adjourned, from Day to Day until they shall be discharged by the said Trustees, or any Three or more of them; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the Clerk to the said Trustees shall draw or cause to be drawn by Ballot, Twelve out of the said Twenty-four, who shall take the Oath herein-after set forth, and against whom Cause of Challenge shall be allowed in manner herein-after mentioned; which Oath the said Trustees, or any Three or more of them, are hereby authorized to administer; and in default of the Attendance of a sufficient Number of Persons so summoned and impanelled, or if their Number shall be reduced to less than Twelve by the setting aside of some, for Cause of Challenge allowed in manner as is herein-after provided, then and in every such Case the Sheriff or his Deputy, if the Majority of the Trustees then present shall direct him so to do, shall impanel other honest and indifferent Men of the Bystanders, or that can be speedily procured to attend thereon, who shall be sworn in like manner, until the Number of Twelve shall be completed; which Twelve Persons so sworn shall be the Jury for the Purposes aforesaid; and the said Trustees, and all other Persons interested or concerned, shall have their lawful Challenges against any of the said Jurymen when they come to be sworn: Provided always, that all Persons interested and concerned in the Matter of the said Inquiry, other than the said Trustees, shall join in their Challenges of the said Jurymen, or otherwise the same shall not be allowed; and shall not be permitted to challenge the Array, or more than Ten of the said Persons so impanelled or called; and the said Trustees, or any Three or more of them, are hereby also empowered and required, at any Time after they shall have issued their Warrant to the Sheriff aforesaid, directing him to impanel a Jury, and as often from Time to Time thereafter as Occasion shall be or require, to issue their Precept or Summons, thereby commanding any Person or Persons whomsoever to appear and be examined before the said Jury upon Oath touching the Matters in question (which Oath the said Trustees, or any

I

Three

Three or more of them, are hereby authorized to administer); and the said Trustees, or any Three or more of them, shall and may order and cause the Jury so impannelled and sworn to view the Premises in question, if there be Occasion, and shall use all other Ways and Means for the Information of the said Jury in the Premises, which shall to them the said Trustees seem fit and expedient; and the said Trustees shall have full Power to adjourn every such Meeting or Hearing from Day to Day, and to such Hour and Place or Places within the said Township, as Occasion shall require; and all Persons summoned on such Juries, and the said Jury when sworn, and all Witnesses and Parties, shall and are hereby required to attend thereupon until they shall be discharged by the said Trustees; and the said Trustees, or any Three or more of them, shall have full Power from Time to Time and at all Times to impose any reasonable Fine or Fines on such Sheriff, his Under Sheriff or Deputy, or their Bailiff or Bailiffs, Officer or Officers, Agent or Agents, making Default in the Premises, and on any Person or Persons who, being summoned and returned on such Jury shall not appear and attend at each and every Meeting and Meetings, and Adjournments thereof, until they shall be discharged in manner aforesaid, and on any Person or Persons who shall refuse to be sworn on such Jury, or who being so sworn shall refuse or shall not give his or their Verdict therein, or who shall in any other Manner wilfully neglect his or their Duty for which he or they shall have been so summoned or returned or impannelled, or upon any Person or Persons who, being summoned to give Evidence before the said Jury, shall (without a reasonable Excuse) neglect or refuse to appear, having been paid or tendered a reasonable Sum for his or their Costs, Charges, and Expences, or appearing shall refuse to be sworn and give Evidence therein; and from Time to Time to recover, levy, and apply all such Fine or Fines hereby authorized to be by them the said Trustees or any Three or more of them imposed, in the same Manner as is herein-after mentioned and provided, so as that no such Fine shall exceed the Sum of Twenty Pounds upon the Sheriff or Deputy, or of Ten Pounds upon any other Person, for each such Offence; and the Jury so sworn shall inquire into and assess the Value of and the Recompence and Satisfaction to be paid or made to the Owners, Proprietors, or Occupiers of or Persons otherwise interested in the Premises, all or any of them (as the Case may be), and shall give in their Verdict accordingly to the said Trustees.

XLV. And be it further enacted, That after the said Jury shall have inquired of, ascertained, and assessed such Recompence and Satisfaction as aforesaid, the said Trustees shall thereupon adjudge and determine the Sum or Sums of Money so assessed by the said Jury, to be paid or granted to the Corporation, Owner, Proprietor, Occupier, Trustee or Trustees, or other Person or Persons aforesaid, according to such Verdict or Inquisition; and the Judgment and Order, or Determination so had and made, shall be final, binding, and conclusive to all Intents and Purposes against all Parties and Persons whomsoever, claiming in Possession, Reversion, Remainder, or otherwise, their Heirs, Executors, Administrators, and Successors (as well absent as present), Infants, Females Covert, Idiots, Lunatics, Cestuique Trusts, and Persons under any other Disability whatsoever; and all and every such Owner, Proprietor, and Occupier; and other Persons interested in such Lands, Messuages, Tenements, Grounds, and Hereditaments, shall, upon Payment or Tender of the Money so assessed as aforesaid,

Verdict of
the Jury to
be final.

faid, or upon Payment of the same into the Bank of *England* in manner herein-after directed, be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, and Property of, in, and to the same; and thereupon the said Lands, Messuages, Tenements, or Hereditaments, or the Rights or Interests so purchased, shall vest in the said Trustees, and they shall be deemed in Law to be in the actual Possession thereof, to all Intents and Purposes whatsoever, for the Purposes of this Act.

Jury to be sworn.

XLVI. And be it further enacted, That each and every of the said Jury shall be sworn to ascertain and assess such Recompence and Satisfaction as aforesaid, in the Form following; except so far as it may be necessary to change the same for the Purpose of describing the Matter or Thing, Matters or Things, for which the said Recompence or Satisfaction is to be made, ascertained, or given:

Form of Oath.

‘ I *A. B.* do swear, That I will well and truly assess and inquire, without
 ‘ any Favour, Partiality, or Affection whatsoever, the Sum which ought
 ‘ to be paid or granted [*as the Case may be*] for and in Recompence of
 ‘ [*describing the Premises only if the total Value thereof is to be the Matter*
 ‘ *of Inquiry, or if any separate Interest or Interests therein, then say,*] the
 ‘ Estate and Interest of *A. B.*; or of the severall and respective Estates and
 ‘ Interests of *A. B.*, *C. D.*, and *E. F.*, and each and every of them, in the
 ‘ [*describe the Premises to be purchased*], under and by virtue of an Act
 ‘ passed in the Fifty ninth Year of the Reign of King *George* the Third,
 ‘ intituled [*here recite the Title of this Act*]; and that I will a true Verdict
 ‘ give according to the Evidence. So help me GOD.’

Verdict to be recorded, and Copies to be Evidence.

XLVII. And be it further enacted, That each and every Verdict so given, together with the Adjudication of the said Trustees thereon, shall be transmitted to and kept by the Clerk of the Peace, or other Person or Persons having the Custody of the Records of the Quarter Session of the West Riding of the County of *York*, and shall be deposited with and deemed to be the Records of such Quarter Session to all Intents and Purposes; and the same, or true Copies thereof, shall be good Evidence, and be received in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, or to have Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, every Figure in such Copy or Copies being calculated as a Word, and so in proportion for any greater or less Number.

By whom the Expences of Jury are to be paid.

XLVIII. And be it further enacted, That in case the Sum or Sums of Money, or other Recompence so assessed and awarded by any Jury, in consequence of any Refusal to treat and agree for any such Purchase or Purchases as hereinbefore mentioned, shall not exceed in the whole the Sum or Sums of Money or other Satisfaction which the said Trustees shall have previously offered to allow as and for such Purchase and Satisfaction, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence and assessing and awarding the same, and in consequence thereof, to be ascertained as hereinafter is mentioned, shall be borne and paid by the Body Politic, Corporate, or Collegiate, or other Person or Persons so claiming, and refusing to treat and agree as before mentioned respectively; and the said Trustees

Trustees are hereby authorized and empowered to receive and retain, or cause to be received and retained, the Amount of the said Costs, Charges, and Expences out of the Sum or Sums of Money so to be assessed or awarded, or out of any Payment or Payments thereof, and to cause the same to be applied in discharge of such Costs, Charges, Damages, and Expences: Provided always, that before any such Costs, Charges, and Expences shall be so retained or deducted by the said Trustees, the same shall be ascertained and allowed by Two Justices of the Peace for the said West Riding of the County of *York*, who are hereby respectively authorized and required to ascertain the same for the Purposes aforesaid: Provided also, that in Cases wherein any Person or Persons shall, by reason of Absence from or being out of *Great Britain*, be prevented from treating with the said Trustees, then the Costs and Expences of summoning the said Jury, and all other Expences of the said Trustees in obtaining such Assessments, shall be paid and discharged by the said Trustees or their Treasurer, out of the Monies to be raised by virtue of this Act.

No Costs to be deducted if Claimants prevented by Inability to treat.

XLIX. Provided always, and be it enacted, That each and every Jurymen who shall be sworn for the Purposes of this Act shall, for his Trouble and Expence in the Premises, be allowed the Sum of Ten Shillings and Sixpence for each Day's Attendance, and no more, notwithstanding such Jurymen shall be sworn on several Inquiries and Assessments on the same Day; and that the Sheriff of *Yorkshire*, for impannelling, summoning, and returning of each Jury, shall be allowed the Sum of One Pound One Shilling, and no more; which said Allowance, in case of any Dispute or Difference, shall be settled and determined by any Two Justices of the Peace for the said County.

Allowance to Sheriff or Bailiff and Jury.

L. And be it further enacted; That in case the Sum or Sums of Money so assessed or awarded by any such Jury, and ordered and adjudged by the said Trustees to be paid or granted to the Owners or Occupiers, and others, for their respective Rights and Interests in the Premises, the Subject of such Inquiry shall not be paid, tendered, or deposited as hereinbefore directed, within Six Calendar Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury, and the Order of Adjudication thereon, shall not be binding upon the said Parties, but the same shall be null and void to all Intents and Purposes whatsoever, any thing herein contained to the contrary notwithstanding; and thereupon the said Parties shall be entitled to the Costs and Expences by them sustained by reason of such Inquiry; which Costs and Expences, to be ascertained in such Manner as Costs and Expences are by this Act directed to be ascertained, shall be paid by the said Trustees within Fourteen Days next after the same shall be demanded of their Clerk or Treasurer for the Time being.

Unless the Recompence awarded is paid or secured within Six Months, Verdict not binding.

LI. And whereas the said Trustees under the Provisions of this Act may purchase Buildings, Lands, Tenements, or Hereditaments which may be found more than sufficient for the Purposes thereof; be it therefore enacted, That it shall and may be lawful to and for the said Trustees or any Three or more of them, acting in the Execution of this Act, to sell and dispose of, and by Indenture or Indentures under their Hands and Seals, to grant and convey, by way of absolute Sale in Fee Simple, for

Trustees empowered to resell Lands.

a Consideration in Money, and on such Terms and Conditions as they the said Trustees or any Three or more of them shall think proper, such Part or Parts of the Buildings, Lands, Tenements, and Hereditaments which may have been so purchased, as shall in the Judgment of the said Trustees or any Three or more of them, at any of their Meetings to be holden in pursuance of this Act, not be wanted for the Purposes of this Act, and upon Payment of the Money which shall arise by or from the Sale of such Buildings, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Trustees to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof: Provided always, that the said Trustees, or any Three or more of them, before they shall sell or dispose of any such Lands, Tenements, or Hereditaments, shall first offer to re-sell the same to the Person or Persons from whom the same shall have been purchased, the Price at which the same shall be re-sold being adjusted and settled by a Jury, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is herein directed to be settled, in case of Difference or Dispute as to the Value thereof; and all and every the Clauses, Provisoes, and Enactments herein contained in respect to the summoning of Juries to assess the Value of any Lands, Grounds, Buildings, or Premises to be purchased by the said Trustees by virtue of this Act, and the Payment of the Costs and Expences thereof, *mutatis mutandis*, shall be in force, and shall be applied in respect of Juries to be summoned to assess the Value of any Lands, Tenements, and Hereditaments to be re-sold by the said Trustees by virtue hereof; and if such Person or Persons from whom the same shall have been so purchased shall not agree, or shall neglect or refuse to re-purchase the same, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of York, stating that such Offer was made by or on behalf of the said Trustees, and that such Person or Persons, did not agree, or neglected or refused to re-purchase such Lands, Tenements, or Hereditaments, as the Case may be; and such Affidavit shall be in all Courts sufficient Evidence and Proof that such Offer was made, and not agreed to, or neglected or refused.

Monies for Sale of Lands to be applied for Purposes of this Act.

LII. And be it further enacted, That the Monies arising from the Sale of such Buildings, Lands, Tenements, and Hereditaments, shall be applied and disposed of by the said Trustees for carrying the several Purposes of this Act into Execution.

Application of Compensation if amounting to 200l.

LIII. 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, to be purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate,

or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or to any Tenant or Tenants for Life, Lives, or Years, Feoffees in Trust, Executors, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons 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 Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees 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 the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; 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, or Hereditaments, which shall be conveyed, limited, 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, or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application 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 or Interest 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

LIV. 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 for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to 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

Where less than 200l. and above 20l.

Guardian

Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, 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, 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 Three or more of the said Trustees for executing this Act (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 and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery.

Where under
20l.

LV. Provided also, and be it further enacted, That where such Money so agreed to be paid as next herein-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 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 Trustees or any Three or more of them shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

In case of not
making out
Titles.

LVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be adjudged or awarded by or for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid, 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, to be placed to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said High Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title or Interest of the Persons making Claim thereunto, and to make such other Order in the Premises as to the same Court shall seem just and reasonable; and the Cashier or Cashiers of the
Bank

Bank of *England*, who shall receive such Sum or Sums, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums into the Bank as aforesaid.

LVII. 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, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or 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, or under the Possession of 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 and Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be 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.

In case of
disputed
Titles.

LVIII. 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, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, and 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 be lawful 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, and of any Application or Applications to the said Court, or so much of such Expences as the said Court shall seem reasonable, to be paid by the said Trustees, or any Three or more of them, out of the Monies to be received by virtue of this Act, and the said Justices shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may
order reason-
able Expences
to be paid
by Trustees.

LIX. 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 empowered, in each and every Year until all the Monies necessary to repair and improve the present Church or Chapel, or to rebuild any new Church or Chapel, and all the Monies to be borrowed under and by virtue of this Act, and the Annuities and Interest thereof, shall be paid off and discharged, and the several other Purposes of this Act

Rates to be
made.

[Local.]

34 H

shall

shall be carried into complete Execution at any Meeting or Meetings to be holden for that Purpose (of which Meetings and of the Purpose thereof Notice in Writing, signed by the Clerk of the said Trustees, shall be given to the Trustees Ten Days at the least immediately preceding the same respectively), to make a Rate or Rates, Assessment or Assessments, not exceeding One Shilling in the Pound in any One Year on the full annual Rent or Value of all Houses, Buildings, Premises, Lands, Tenements, and Hereditaments, rated or rateable for the Relief of the Poor of the said Township of *Barnsley*, One-half thereof on the Landlords, and the other Half thereof on the Tenants or Occupiers respectively; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act, and shall be paid to and raised, levied, and collected by any Collector or Collectors to be appointed by the said Trustees, and shall, when collected, be paid to the Treasurer or Treasurers for the Time being of the said Trustees; and such Rates or Assessments shall in the first Place be appropriated in paying the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and afterwards in carrying the several Purposes thereof into Execution, in such Manner as the said Trustees shall direct, and the Overplus of such Rates or Assessments (if any) shall from Time to Time be applied in manner by this Act directed: Provided always, that the Sum to be raised for the Purposes of this Act by such Rate or Rates, or Assessment or Assessments, shall not in the whole exceed the Sum of Seven thousand Pounds, exclusive of such further Sum as may be necessary for Payment of the Annuities or Interest upon the said Sum of Seven thousand Pounds, or such Part thereof as hath been or shall be borrowed, and also exclusive of such Sum as hath been or shall be expended in the procuring and passing of this Act, and Interest upon such Part of the said last-mentioned Sum as hath been or shall be advanced or lent by any Person or Persons.

Power to
borrow
Money.

LX. And be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Six thousand Pounds, as they shall judge necessary for the several Purposes of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments 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 (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; that is to say,

Form of
Assignment.

WE of the Trustees appointed by or in pursuance of an Act passed in the Fifty-ninth 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 _____ of _____ in the County of _____ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said _____ [*or to his Trustee or Trustees, as the Case may be*], his [*or her*] Executors, Administrators, and Assigns, such Proportion

of the Rates or Assessments to be raised, levied, and collected by virtue of the said Act, 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 Rate or Assessment, to be had and holden from this Day of until the said Sum of with Interest after the Rate of *per Centum per Annum* for the same, shall be fully paid 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

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Exception and 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 Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

LXI. And be it further enacted, That in case the said Trustees shall think it advisable and more advantageous for the Purposes of this Act, to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives, instead of Assignment as aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Trustees, any Sum or Sums of Money, for the absolute Purchase of an Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, at the Time of Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship, as the said Trustees shall think proper; and the Expence of every such Grant or Annuities shall be paid by the Trustees out of the Monies so contributed, and the Grant of every such Annuity shall be in the Words or to the Effect following; that is to say,

WE, of the Trustees appointed by or in pursuance of an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid by (or if intended to be granted with Benefit of Survivorship, by to the Treasurer appointed in pursuance of the said Act), do hereby grant unto the said and his Assigns, (or if by Survivorship, unto the said and to the Survivors and Survivor of them), the Annuity or yearly Sum of to be paid out of the Rates and Assessments to be raised, levied, and collected by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said or his Assigns, during the Term of his natural Life, (or if by Survivorship, unto and among them the said and the Survivor and Survivors of them), upon the Day of in every Year, during the natural

Power for Trustees to raise Money by Annuities.

Form of the Grant of Annuity.

' natural Life of him the said
 ' *if by Survivorship*, during the natural Lives of the said (or
 ' , and the Survivors and Survivor of them), at
 ' the , the First Payment thereof to be
 ' made upon the Day of next ensuing
 ' the Date thereof. In witness whereof we the said Trustees have here-
 ' unto set our Hands and Seals, the Day of
 ' in the Year of our Lord

And every such Grant shall be good, valid, and effectual in the Law, with-
 out any Enrolment or Registry of the Memorial thereof, any Law or
 Statute to the contrary thereof in anywise notwithstanding; and every
 Annuity so to be granted as aforesaid shall be and is hereby charged upon
 and shall be payable and paid by the Treasurer to the said Trustees, out
 of the said Rates or Assessments to be raised, levied, and collected by
 virtue of this Act, according to the Grant of such Annuity, free from all
 Deductions whatsoever.

Power of
 transferring
 Assignments
 and Securi-
 ties in a pre-
 scribed Form.

LXII. 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 on legal
 Interest as aforesaid, or to be received by the granting of Annuities as afore-
 said, and their respective Executors, Administrators, or Assigns (as the Case
 may be), 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 being entitled to the Sum of
 ' , or an Annuity of
 ' secured to me, my Executors, Administrators, and Assigns, by virtue of
 ' an Assignment (or Grant of an Annuity, or Assignment of the original
 ' Grant, &c. as the Case may be), bearing Date the Day
 ' of under the Hands and Seals of
 ' of the Trustees acting in Execution of an Act passed in the Fifty-ninth
 ' Year of the Reign of King George the Third, intituled [*here set forth the*
 ' *Title of this Act*], upon the Credit of the Rates or Assessments granted
 ' or made payable by the said Act, do hereby transfer all my Right and
 ' Title in and to the same Sum (or Annuity), and all Interest and other
 ' Money now due and arising thereon, unto
 ' his Executors, Administrators, and Assigns. Dated the
 ' Day of in the Year of our Lord

And a Copy of every Security or Assignment, together with the Number
 or Numbers thereof, and of every Grant of Annuity 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 Trustees, which Extract or Me-
 morial shall specify and contain the Date of the Deed, Names of the
 Parties, and Sums of Money thereby transferred, and to which Book or
 Books any Person or Persons interested shall at all reasonable Times
 have Access, and shall have free Liberty to inspect the same without
 Fee or Reward; and for the Entry of every such Transfer the 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 as aforesaid made, shall entitle the
 Person

Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

LXIII. And for preventing any improvident Grants of Annuity under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life, at any higher Rate than the following; that is to say, when the Age of the Annuitant or Person for whose Life the Annuity shall be granted shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; when the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and when the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

For granting Annuities under certain Restrictions.

LXIV. And in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates or Assessments to be raised, levied, or collected by virtue of this Act; be it further enacted, That the said Trustees (if there shall be more 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, 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 be put into a Box or Wheel, and the Number or Numbers of the said 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; and after every such Ballot the said Trustees shall cause Notice, signed by the Clerk, to be given to or left at the last or 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, then that Six Calendar Months Notice

Provision for the Payment of Creditors by Ballot.)

[Local.]

34 I

shall

shall be given to such Creditor, of the Intentions of the said Trustees to pay him or her as aforesaid, and every such Notice shall express the Sums 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 Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the principal Money to be paid off shall, from and after the Day so to be 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: Provided always, that nothing herein contained shall extend or be construed to extend, so as to enable or require the said Trustees to pay off and discharge any Monies lent on the Credit of the Rates or Assessments by way of Annuity, until all other the Creditors of the said Rates shall be paid off and discharged, and except the several Parties so lending Money by way of Annuity shall agree or shall have agreed to accept the Sum or Sums of Money offered or to be offered by the said Trustees for the Purchase of such his, her, or their Annuity or Annuities.

Application
of Money
borrowed or
received.

LXV. And be it further enacted, That the several Rates and Assessments to be made by or under the Authority of this Act, and all the Money which shall be borrowed, advanced, or lent as aforesaid on the Credit of the said Rates or Assessments, or which shall arise or be received under any of the Powers or Provisions of this Act, shall be paid to the Treasurer or Treasurers for the Time being of the said Trustees; 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 of applying for or incident to the obtaining and passing of this Act, and then for repairing and improving the present Church or Chapel, or for rebuilding any new Church or Chapel and Chancel, and in enlarging and improving the said Churchyards, and in furnishing, finishing, and completing the same; and that when and so soon as all the Monies authorized to be raised or to be borrowed by virtue of this Act, and the Annuities and Interest of the Money to be borrowed by virtue of this Act, shall be paid off and discharged, and the several Purposes of this Act shall be carried into Execution, the Rates and Assessments granted by this Act shall cease and be no longer paid or payable: 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.

Tenants to
pay the whole
Rate, and
deduct a
Moiety from
the Land-
lords.

LXVI. And be it further enacted, That every Tenant or Occupier of the rated Premises, shall first pay the whole Rate made in respect of the Premises in his or her Possession, by virtue of this Act, and then after be entitled to deduct out of the Rent payable to his or her Landlord One Moiety of such Rates; and every intermediate Tenant in the Cases
of

of Under-leafes or Lettings, shall in like Manner be entitled to deduct or retain such Proportion of the said Rates out of his or her particular Rent, payable to his or her immediate Landlord, as the rated Rent charged by the Trustees herein, shall bear to the Rack Rent payable by such intermediate Tenants as aforesaid; and that every such Landlord shall allow of such Deduction accordingly, notwithstanding any Agreement to the contrary; and that the Production of the Receipt, duly stamped, shall be taken as Payment of so much of the Rents.

LXVII. And be it further enacted, That if it shall appear to the said Trustees, at any Time after the making any Rate or Assessment to be made under this Act, that the Name of any Person liable to be included in such Rate or Assessment hath been omitted, or that there is any Error or Errors therein, it shall be lawful for the said Trustees, or any Three or more of them, to add or cause to be added to such Rate or Assessment, the Name of the Person so omitted, together with the Sum for which he ought to be so rated, and the Amount of such Rate or Assessment in respect thereof, and to correct any such Error or Errors therein; and every such Addition made to the said Rates and Correction of Errors therein, shall be as valid and effectual in Law to all Intents and Purposes as if the same had been inserted or made in the Rate at the Time the same was first made out: Provided always, that no Rate or Assessment so to be made and signed in Manner aforesaid, for any of the Purposes aforesaid, shall be valid, unless allowed by Two of His Majesty's Justices of the Peace, acting in and for the West Riding of the County of York, and Notice thereof shall be given in the said National School on the *Sunday* next after the same shall be allowed, whereupon the same shall be valid and acted upon accordingly.

Trustees may rectify Omissions in Rates.

LXVIII. And, for the better and more effectually raising and levying the said Rates and Assessments, be it further enacted, That in case any Landlord or Occupier or Landlords or Occupiers, or any Owner or Owners, Proprietor or Proprietors, Lessee or Lessees, of any Messuage, Dwelling House, Shop, Warehouse, Coach House, Stable, Yard, Land, Ground, Wharf, Cellar, Vault, Buildings, Tenements, or other Hereditaments, within the said Township of *Barnsley*, shall refuse or neglect to pay the Money rated and assessed upon him, her, or them respectively by virtue of this Act, after Demand made thereof, and all Arrears for the Time being due thereon, or upon any former Rate or Rates, after Demand thereof, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the West Riding of the County of York, and he or they is and are hereby authorized and required, by Writing under his or their Hand or Hands, on Complaint made by the said Trustees, or any Three or more of them, to summon all and every Person and Persons who shall have so refused or neglected as aforesaid, upon Oath being made before such Justice or Justices, by the Collector or Collectors appointed by the said Trustees as aforesaid for the Time being, of his or their having attended upon or at the Dwelling House or last Place of Abode of all and every Person or Persons then intended to be summoned, or who are or shall be liable to the Payment of the said Rate or Rates, and having demanded the Rate or Rates, Assessment or Assessments, and of the Neg-

How Rates are to be levied.

lect

lect or Refusal of such Person or Persons to pay the said Rate or Rates to appear before such Justice or Justices, at a Time and Place to be mentioned in such Summons; and it shall be lawful for the Collector or Collectors appointed or to be appointed by virtue of this Act, or for any of the Constables of the said Township of *Barnsley*, to serve all and every such Summons and Summonses upon all and every Person or Persons so neglecting or refusing to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their last or usual Place or Places of Abode, or at the Premises for which the Rate or Rates, Assessment or Assessments mentioned in such Summons shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she or they shall attend, and shall not shew good and sufficient Cause to such Justice or Justices, that he, she, or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, so to be made upon him, her, or them under this Act, then and in every such Case, every such Person or Persons shall pay the Rate or Rates in respect of which such Summons was issued, and the reasonable Costs and Charges of such Summons; and in all Cases where such Rate or Rates, or Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice or Justices who shall have directed such Summons and Summonses to be issued as aforesaid, and he and they is and are hereby authorized and required, upon Oath made before him or them of the due Service of such Summons or Summonses, by the Party who shall have served the same, to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorizing or directing the said Collector or Collectors, or any Constable of the said Township of *Barnsley*, to collect or levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs, Charges, and Expences of the said Warrant or Warrants, and of executing the same, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either within the said Township of *Barnsley* or elsewhere, or if belonging to Landlords who may compound as hereafter mentioned; and if within Five Days next after any such Distress shall be made, the said Rate or Rates, Assessment or Assessments, with all Arrears due thereon, shall not be paid, together with all the reasonable Charges and Expences of the said Summons and Warrant, and of making such Distress and keeping such Goods and Chattels, the said Collector or Collectors, Constable or Constables, shall cause the said Goods to be appraised by One or more Appraiser or Appraisers, and to be sold, or such Part or Parts thereof as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the reasonable Costs, Charges, and Expences aforesaid, and of appraising and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand made thereof by him, her, or them.

Form of
Warrant of
Distress.

LXIX. 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:

‘ To

West Riding of } To the Collector or Collectors of the Church Rate
 Yorkshire, to wit. } (as the Case may be) of the Township of *Barnsley*, in
 the West Riding of the County of *York*, and to all Constables,
 and others, His Majesty's Officers of the Peace for the said
 Riding.

WHEREAS the undermentioned Persons, now or late Inhabitants,
 Householders, Landlords, Tenants, Occupiers, or Enjoyers of
 Lands, Houses, Shops, Warehouses, Wharfs, Yards, Coach Houses,
 Stables, Cellars, Vaults, or other Buildings, Tenements, or Heredita-
 ments, or Part of some Building or Tenement within the said Township
 of *Barnsley*, were and are rated and assessed as liable to the Rate or
 Rates duly made for the Purpose of an Act made in the Fifty-ninth
 Year of the Reign of King *George* the Third, intituled [*here set forth the*
Title of this Act]: And whereas the said Persons have refused or neg-
 lected to pay the said several Sums of Money at and against their Names
 hereunder respectively set down, for Money due from them for or
 towards the Purposes in the said Act mentioned, and the said several
 Sum and Sums are still remaining due, in arrear, and unpaid, as ap-
 peareth upon Oath to _____ of His Majesty's Justices of
 the Peace for the said West Riding of the County of *York*; and the said
 several Persons having been summoned to appear before _____
 to answer the Premises, as also appeareth to _____ the
 said Justice (or Justices) upon Oath, and _____ nor
 either of them having shewn any sufficient Cause why any such Sum or
 Sums of Money should not be paid: These are therefore in His Ma-
 jesty's Name to will and require you, or any of you, forthwith to levy
 the said several Sums due from the said Persons, and hereunder joined
 to or set against the 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 Charge of such Dis-
 tress and Sale and keeping and obtaining this Warrant being first de-
 ducted; and if no sufficient Distress can be had or taken, that then you
 are to certify the same to us, to the End such further Proceedings may
 be had therein as to Law doth appertain: And
 do hereby strictly charge and command all and singular the Constables
 and other His Majesty's Officers of the Peace for the said Riding, to
 be aiding and assisting in all Things relating to the Execution of this
 Warrant. Given under my Hand and Seal, (or our Hands and Seals)
 this _____ Day of _____ in the Year of our
 Lord _____

LXX. And whereas certain Messuages, Houses, Tenements, Gardens, Tenements
 and Hereditaments in the said Township are let at small Rents, or to let at small
 weekly and monthly Tenants, or let out in Lodgings or separate Apart- Rents, or
 ments, or let ready furnished, and the Payment of the Rates for or in to weekly
 respect of some such Houses, Tenements, or Hereditaments may be often- Lodgers.
 times evaded, and the Collection of the Rates for others may be attended
 with much Difficulty, so that much Loss may on that account be sustained
 by the said Township; for Remedy whereof be it enacted, That where
 the yearly Rent or Value of any such Messuage, House, Garden, or Te-
 nement being let to One Person shall not exceed Twelve Pounds, or
 where the same shall be let to weekly or to monthly Tenants or Lodgers,

[Local.]

Or in any other Case where the Rents shall become payable at any shorter Periods than quarterly, or where the yearly Rent or Value of any such Messuage, House, Garden, or Tenement, being more than Twelve Pounds, may be occupied by more than One Tenant, being sub-let to Lodgers or a Lodger; then and in any of the said Cases, it shall be lawful for the said Trustees, or any Three or more of them (if they shall think proper), at a Meeting of the Trustees to be called for that Purpose, and due Notice given, to compound with the Landlord or Landlords, Owner or Owners of all and every or any such House or Houses, Tenement or Tenements, or Gardens and Hereditaments in the said Township, for Payment of the Rate or Rates, Assessment or Assessments to be made by virtue of this Act, at such reduced yearly Rental as the said Trustees respectively shall think reasonable, and such Landlord or Landlords, Owner or Owners, is and are hereby enabled to make and enter into such Composition with the said Trustees; and in case such Landlord or Landlords, Owner or Owners, shall refuse, neglect, or object to make or enter into such Composition with the said Trustees, such Landlord or Landlords, Owner or Owners, shall thereupon be rated and assessed to, and from Time to Time shall pay or cause to be paid the several Rates or Assessments charged upon the respective Premises by virtue of this Act, unto the Collector or Collectors for the Time being, who is and are hereby authorized and empowered to receive and collect the same, and upon Non-payment thereof, to levy the same by Distress and Sale of the Goods and Chattels either of such Landlord or Landlords, Owner or Owners, wheresoever such Goods and Chattels shall be found, within the said Township or elsewhere, or belonging to Landlords who have compounded, or of the Person or Persons inhabiting the same respectively, in like Manner as any Rate or Assessment may be raised, levied, and collected by virtue of this Act; provided always, that no such Inhabitant shall be liable to any such Distress for a greater Amount than the Rent which shall at the Time be due or accruing due from such Inhabitant to his Landlord; and that no such Landlord or Owner shall be charged with or liable to be rated, or to pay for or in respect of any increased Rent reserved or made payable to him in consequence of such Landlord or Owner having agreed to pay the several Rates or Assessments heretofore charged upon the Occupier; and where any House, Tenement, or Hereditament shall be let out in Lodgings or separate Apartments, or ready furnished, the Landlord or Landlords, Owner or Owners of such Premises shall be deemed and taken to be the Occupier or Occupiers thereof, and shall be rated to and pay the several Rates or Assessments in respect of all such Houses, Tenements, and Hereditaments for the Purposes of this Act.

Certain
Houses ex-
empted.

LXXI. Provided always, and be it further enacted, That no Weaver's House with a Shop containing less than Five Looms, nor any Cottage or Dwelling House not having a Weaver's Shop thereto, of the annual Value of Seven Pounds or under, shall be rated or assessed, or be subject or liable to any Rates or Assessments under or by virtue of this Act, for or in respect of the Tenant or Occupier's Moiety thereof, unless such Weaver's House and Shop, or Cottage or Dwelling House, shall be occupied by the Landlord or Owner thereof, or unless the Tenant or Occupier thereof shall hold or occupy some other Tenement or rateable Property within the Township of *Barnsley* aforesaid.

LXXII. And whereas it may be reasonable to excuse some Persons from the Payment of the said Rates or Assessments on account of their real Poverty; be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to grant to such Person or Persons such Relief in the Payment of any Rate or Assessment as they the said Trustees shall think reasonable and proper.

Trustees may remit a Part of the Rates.

LXXIII. And be it further enacted, That the Goods and Chattels of each and every Person renting and occupying any separate Part or Apartments of or in any House or Building, and the Goods and Chattels in any House or Building let ready furnished (though not assessed under or by virtue of this Act), shall, after such Summons as is herein-before directed to be given, be liable to be distrained and sold by virtue of a Warrant under the Hand and Seal of One or more of His Majesty's Justices of the Peace in and for the West Riding of the County of York (which Warrant every such Justice or Justices of the Peace is hereby required to issue), for Payment of the said Rates or Assessments which accrued and became due during the Term of his, her, or their Occupancy only, and all reasonable Costs, Charges, and Expences attending thereupon; and that each and every Person who shall pay any such Rates or Assessments as ought to have been paid by his, her, or their Landlord or Landlords, or upon whose Goods and Chattels the same shall be levied in pursuance of this Act, shall and may deduct the same from and out of the Rent for the Time being due and payable or to become due and payable to his, her, or their Landlord or Landlords so letting out the same; and the Receipt and Receipts for such Payment shall be a sufficient Discharge to every such Person for so much Money as he, she, or they shall have so paid, or which shall have been so levied on his, her, or their Goods and Chattels in pursuance of this Act, and shall be allowed by such Landlord or Landlords of such Houses or Buildings in part or full Payment, as the Case may be, for the Rent due or to become due to him, her, or them from such Person or Persons as aforesaid, unless only in Cases of actual Agreement to the contrary.

Rates to be repaid by the Landlords to Tenants.

LXXIV. And whereas it may happen that many Persons liable to and who may be rated and assessed under this Act may, before the Payment of the Sum which may be rated on them respectively, quit and leave their Grounds, Dwelling Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, and remove out of the said Township of *Barnsley*; be it therefore further enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit or be about to quit his, her, or their Lands, Grounds, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, before he, she, or they shall have paid such Rate or Rates, Assessment or Assessments, as may be then due, and shall refuse to pay the same when demanded by the Collector or Collectors authorized and appointed to receive the same as aforesaid, then and in every such Case it shall be lawful for the said Collector or Collectors, or any one of them (Oath having been made by him or them that he or they hath or have Cause to suspect that such Person or Persons is or are removing, or hath or have removed his or their Goods and Chattels), by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices of the Peace in and for

Recovery of Rates from Persons removing.

for the West Riding of the County of *York*, which Warrant such Justice or Justices is or are hereby authorized and required to grant immediately; and in case such Person or Persons shall have removed, such Warrant being first backed and countersigned by some Magistrate of the County, Riding, City, or Liberty to which such Person or Persons shall have removed (which Warrant such Magistrate is hereby required to back or countersign), to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments, or any of them, and to sell the same, rendering the Overplus (if any) after having deducted the reasonable Costs, Charges, and Expences attending such Distress and Sale, upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

Goods may be followed into any other County or Riding.

LXXV. And, for the more effectual levying the Money rated and assessed for the several Purposes of this Act, be it further enacted, That the Goods and Chattels of any Person or Persons rated or to be rated under this Act, and neglecting or refusing to pay the Sum or Sums of Money by him, her, or them respectively payable as aforesaid, shall and may be distrained in Manner aforesaid, not only in the Township where such Rate or Assessment was made, but at any other Place, if the said Goods have been removed out of the said Township, or are the Property of Landlords who have compounded; and if sufficient Distress cannot be found within the same Riding, then, upon Oath thereof made before One or more Justice or Justices of the Peace of any other County, City, Riding, Liberty, or Place, (which Oath shall be certified under the Hand of the said Justice or Justices on the Warrant made out for such Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay), shall be subject and liable to such Distress and Sale in such other County, Liberty, or Place where the same shall be found, and may, by virtue of such Warrant or Certificate, be distrained in the same Manner as if the same had been found within the said Township of *Barnsley*.

Lists of Defaulters to be made out.

LXXVI. And be it further enacted, That the Collectors for the Time being under this Act are hereby required and directed to demand, collect, and receive from Time to Time the said Rates or Rate, with all practicable Expedition after the same shall be allowed, and Notice thereof given as aforesaid; and the said Collectors are hereby further required to make out a correct List of all Defaulters, or Persons refusing or neglecting to pay the said Rates, and to proceed to the Recovery thereof forthwith, by Summons and Distress, in such Manner as is herein mentioned and prescribed.

For apportioning Rates.

LXXVII. And be it further enacted, That in case any Person or Persons shall remove out of or from, or quit the Possession of any House, Building, Tenement, Ground, or Hereditament within the said Township, before any Rate or Assessment charged thereon by virtue of this Act shall be paid, or if any Person or Persons shall enter into the Occupation of any Messuage, House, Building, Ground, or other Tenement, out of or from which any other Person or Persons shall have so removed before Payment of any such Rate or Assessment, or which, at the Time of rating or assessing the same shall be empty or unoccupied, then and in every such Case the Rates and Assessments shall be divided and apportioned, and

and assessed upon the going out and coming in Tenants or Occupiers in the Manner following, (that is to say), a proportionable Part thereof shall be assessed upon the going out Tenant up to the Time of his quitting and giving up Possession; and a further proportionate Part thereof shall be assessed upon the coming in Tenant from the Time of his taking Possession, which Proportion, in case of Dispute, shall be determined by the said Trustees.

LXXVIII. And whereas it would tend materially to facilitate the raising the Money wanted for the Purpose of repairing and improving, or building and completing such Church or Chapel and Chancel, if Powers were given to the said Trustees to treat and agree with any Person or Persons liable to be rated or assessed under this Act for the Redemption of the Rates to which they may be subject for the said Purposes; be it therefore further enacted, That from and after such Rate or Assessment shall have been made, and not appealed from for the Space of Six Calendar Months from the making thereof as herein directed, or shall be confirmed or allowed upon Appeal, it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered, until the Consecration of the said new Church, to contract and agree with any Person or Persons possessing or occupying any rateable Property within the said Township, for the Redemption or Purchase of the Rate or Assessment, Rates or Assessments, to which any such Person or Persons shall or may be respectively subject or liable for the said last-mentioned Purposes, at such a Proportion of the total Sum to be raised for the said Purposes as the Rate or Assessment, Rates or Assessments, so to be redeemed or purchased, shall bear to the Residue of the Rate or Assessment, Rates or Assessments imposed upon the said Township; and in every such Contract or Agreement, the Time or Times of Payment of the said Sum or Sums of Money which shall be so contracted or agreed to be paid for the Redemption or Purchase of any such Rate or Assessment, Rates or Assessments, either in one entire Sum or by several successive Instalments, shall be fixed and specified; and from and after Payment of the Sum or Sums of Money so contracted or agreed to be paid for the Redemption or Purchase of any such Rate or Assessment, Rates or Assessments, as aforesaid, the Person or Persons so redeeming or purchasing such Rate or Assessment, Rates or Assessments, who were previously assessed or liable to pay or contribute to such Rate or Assessment, Rates or Assessments, and his, her, and their respective Heirs, Executors, Administrators, Successors, and Assigns, shall for the Lands, Tenements, and Hereditaments, or other Property, in respect of or upon which such Rate or Assessment, Rates or Assessments, so redeemed or purchased, shall have been assessed or imposed, shall from thenceforth for ever thereafter be freed, exonerated, and discharged of and from the Payment of the Rate or Assessment, Rates or Assessments, so assessed and imposed, and of all other Rates or Assessments which shall or may thereafter be made or assessed for the Purpose of raising a sufficient Sum of Money for the building and completing such new Church; any thing herein contained to the contrary thereof in anywise notwithstanding.

Persons may advance Money for building Church, &c. by Redemption of Rates.

LXXIX. And be it further enacted, That it shall be lawful for the Trustees to compound with any Person whomsoever, at any Time after the Expiration of Three Months after the passing of this Act, but not at

Trustees may compound after Three Months.

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less than Seventeen Shillings in the Pound, and without abating such Part of the Rates as shall at that Time have been charged upon the Premises of such Person so then wishing to compound.

Indemnity to Trustees.

LXXX. Provided always, and be it further enacted, That all and every the Trustees hereinbefore named, and hereafter to be appointed, shall from Time to Time, and at all Times hereafter, be amply and fully indemnified from and out of the Monies to be raised under and by virtue of this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk as aforesaid, shall or may pay, sustain, or be put unto, for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them, any or either of them, for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, and the Trusts reposed in them under the same.

Inhabitants may be Witnesses.

LXXXI. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, Indictments, and other Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Township of *Barnsley* shall be deemed an incompetent Witness on account of his or her being charged or liable to pay or having paid any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Penalty on Nuisances near the Church or Church Yard.

LXXXII. And be it further enacted, That if any Person or Persons shall place or lay any Rubbish, Stones, Soil, Manure, Litter, Compost, Dung, or other Nuisance, Matter, or Thing, in or against the said Church when rebuilt, or in or against the Walls, Rails, or Fences surrounding the same, or in or upon any of the Church Yards or Burial Grounds thereto belonging, or the Walls, Rails, or Fences surrounding the same, or shall permit or suffer the same Rubbish, Stones, Soil, Manure, Litter, Compost, Dung, or other Nuisance, Matter, or Thing, to remain in, against, or near such Church or Burial Grounds, or the Fences or Fence thereof, longer than shall be necessary for the housing or removing the same therefrom, every Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Rights of Incumbent, and Right of Presentation, preserved.

LXXXIII. And be it further enacted, That the present Incumbent or Perpetual Curate of the said Township, and his Successors for the Time being, shall be the Incumbent or Perpetual Curate of the said Township in any new Church to be built by virtue of this Act, in like Manner as in the present Church; and that the Person or Persons who for the Time being would have had a Right of presenting, nominating, or appointing an Incumbent or Perpetual Curate to the said present Church, in case the same had not been taken down or disused by virtue of this Act, shall, after such new Church shall be completed or finished, and rendered fit for the Celebration of Divine Service as aforesaid, have the Right of Presentation, Nomination, or Appointment to such new Church upon every future Vacancy or Avoidance; and that every such Person to be presented, nominated, or appointed as aforesaid, shall be the Incumbent or Perpetual Curate of such new Church, and shall have and enjoy such and the same Profits, Privileges, Commodities, and other Ecclesiastical Dues and Duties arising within the said Township or Chapelry of *Barnsley*, as the present Incumbent

Incumbent or Perpetual Curate of the said Township or Chapelry hath or ought to have and enjoy: Provided always, that this Act shall not prejudice the Rights of the Incumbent or Perpetual Curate of the Township or Chapelry for the Time being, or the Rights of Presentation, Nomination, or Appointment, of any Incumbent or Perpetual Curate, Minister, or Curate of the said Township or Chapelry, although the said present Church be taken down and such new Church or Chapel not built or finished.

LXXXIV. And be it further enacted, That nothing in this Act contained shall affect or in any Manner prejudice the Right, Title, or Interest of his Grace the Duke of *Leeds*, or the Owner or Owners of the present Chancel for the Time being, to the Chancel of the present Church, or any Part thereof, save and except as in this Act is expressly mentioned and contained.

This Act not to affect the Interest of the Duke of Leeds.

LXXXV. And be it further enacted, That such new Church or Chapel shall be under and subject to the ordinary Jurisdiction of the Lord Archbishop of *York*, and shall be visited in such Manner as other Churches within the Diocese of *York* are visited.

Jurisdiction of the Church.

LXXXVI. And whereas certain Fee Farm Rents and Money Payments in lieu of Tithes, within the Township of *Barnsley*, are now payable to the Persons entitled thereto, at or in the Vestry Room of the present Church or Chapel in *Barnsley* aforesaid; be it therefore enacted, That in case the said Vestry Room shall be taken down or rebuilt by virtue of this Act, such Fee Farm Rents and Money Payments in lieu of Tithes shall be paid and payable, until a new Vestry Room shall be built, at or in such other Place or Places within the said Township of *Barnsley*, as the said Owner or Owners for the Time being of such Fee Farm Rents or Money Payments in lieu of Tithes, or his or their Agent, shall direct and appoint by any Notice or Writing, to be affixed on the outer Door of the said Church or Chapel, or of such other Place wherein Divine Service shall be performed according to the Establishment of the Church of *England* in *Barnsley* aforesaid, instead of such Church or Chapel, Two *Sundays* at least previous to the Days appointed for Payment thereof, and from and after such new Vestry Room shall be built and finished, then the said Fee Farm Rents or Money Payments in lieu of Tithes shall be payable at or in such new Vestry Room, in like Manner as they are now payable and directed to be paid in the present Vestry Room of the said Church.

Provision respecting Fee Farm Rents and Money Payments directed to be made in the Vestry.

LXXXVII. And be it further enacted, That all Penalties and Forfeitures by this Act incurred or imposed, shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said West Riding of the County of *York*, (which Warrant such Justice and Justices is and are hereby authorized and required to issue), upon Confession of the Party or Parties, or upon the Evidence of any credible Witness or Witnesses upon Oath (which Oath such Justice and Justices is and are hereby required and empowered to administer), and the Overplus (if any) after such Penalties and Forfeitures, and the Charges of such Distress and Sale (such Charges to be settled by the said Justice or Justices) are or shall be recovered and deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and

For Recovery of Penalties.

and all such Penalties and Forfeitures, when so recovered and paid, shall from Time to Time be paid to the said Trustees, or to their respective Treasurer or Treasurers or Clerk, to be applied for the Purposes of this Act, as the said Trustees shall direct; and in case sufficient Distress cannot be found, or such Costs, Charges, Penalties, and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said Riding, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Costs, Charges, Penalties, and Forfeitures shall be sooner paid and satisfied.

Appeal.

LXXXVIII. 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, Riding, 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, or other the Respondent or Respondents, and within Six Days after such Notice entering into a Recognizance before some Justices of the Peace of such County, Riding, 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 all such Orders and Determinations of the said Justices shall be final, binding, and conclusive on all Parties to all Intents and Purposes whatsoever.

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

LXXXIX. Provided also, 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.

Form of Conviction.

XC. And be it further enacted, That in all Cases where any Person or Persons shall be convicted of any Offence committed against this Act, it shall be sufficient if the Conviction is in the Form or to the Effect following:

BE

BE it remembered; That on the _____ Day of _____
 in the _____ Year of the Reign of our Sovereign
 Lord _____ A. B. is convicted before me [or us] [or Two,
 &c.] of His Majesty's Justices of the Peace for the West Riding of the
 County of York, by virtue of an Act passed in the Fifty-ninth Year of
 the Reign of King George the Third, intituled *An Act [here set forth the
 Title of this Act]*, for that he the said A. B. did, on the
 Day of _____ in the Year of our Lord
 [here state the Offence], by reason whereof I [or we] do hereby adjudge
 the said A. B. to have forfeited (if the Offender is to be fined) the Sum of
 [insert the Penalty], together with the Sum of
 for Cofts and Charges (if any given); [or if to be imprisoned, then] do
 adjudge the said A. B. to be committed to the [naming the Gaol], for
 the Space of [insert the Time, and if the Commitment be for Nonpayment of
 a Penalty, then add] unless the said Sum of
 shall be sooner paid. Given under my [or our] Hand and Seal [or
 Hands and Seals] the Day and Year above written.

XCI. And be it further enacted, That no Order, Verdict, Judgment, Proceedings
 or other Proceedings made touching or concerning the Conviction of any not to be
 Offender or Offenders against this Act, shall be quashed or vacated for quashed for
 Want of Form only, or be removed or removable by *Certiorari*, or by Form or
 any other Writ or Process whatsoever, into any of His Majesty's Courts of removable by
 Record at *Westminster*, or elsewhere; any Law or Statute to the contrary *Certiorari*.
 thereof in anywise notwithstanding.

XCII. And be it further enacted, That no Plaintiff or Plaintiffs shall Plaintiff not
 recover in any Action to be commenced against any Person for any Thing to recover
 done in pursuance of this Act, unless Notice in Writing shall have been without No-
 given to the Defendant or Defendants Twenty-one Days before such tice or after
 Action shall be commenced, of such intended Action, signed by the Tender of
 Attorney for the Plaintiff or Plaintiffs, specifying the Cause of Amends.
 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 the 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.

XCIII. Provided always, and be it further enacted, That no Action or Limitation
 Suit shall be commenced or brought against any Person or Persons for of Actions.
 any Thing done in pursuance of this Act, after Six Calendar Months next
 after the Fact committed, and every such Action or Suit shall be brought
 and tried in the County or Place where the Cause of Action shall arise,
 and not elsewhere; and the Defendant or Defendants in every such
 Action or Suit shall and may plead at his and their Election specially, or
 the General Issue, and give this Act and the special Matter in Evidence at
 any Trial to be had thereupon, and that the same was done in pursuance
 and by the Authority of this Act; and if the same shall appear to have
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been so done, or if any such Action or Suit shall be brought before Twenty-one Days' Notice shall have been given, or after a sufficient Satisfaction made or tendered, or after the Time limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict 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 any other Cases by Law.

Public Act. XCIV. 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.

The SCHEDULE to which this ACT refers.

Description of Property.	Owners.	Occupiers.
A Cottage - - -	Mr. Joseph Oldroyd	Mary Barnes.
Ditto A - - -	Ditto	Lydia Barrett.
Ditto - - -	Ditto	Jonathan Grey.
Ditto - - -	Ditto	William Hyde.
Ditto - - -	Ditto	Ellen Peckett.
Ditto - - -	Ditto	Sam ^l Simmonds.
Ditto - - -	Ditto	Joshua Fox.
Messuage and Garden -	Ditto	Miss Savage.
Cottage - - -	Ditto	William Bruce.
Ditto - - -	Ditto	{ Late in the Occupa- tion of Hannah Hirst.
Piece of vacant Ground, Part of } a Fold or Yard - - }	Ditto	
A Malt Kiln - - -	Joseph Beckett, Esq.	Unoccupied.
A Cottage - - -	Ditto	Martin Truelove.
Ditto - - -	Ditto	Joseph Mallison.
Kitchens - - -	Ditto	William Jackson.
Piece of vacant Ground -	Ditto	Do.
Part of a Close of Land used as } Gardens - - - }	Ditto	{ Joseph Beckett and his Tenants.
Part of a Close of Land -	Duke of Leeds	Edward Medlam.

THE HISTORY OF THE UNITED STATES

CHAPTER I

THE DISCOVERY OF AMERICA

THE EARLY SETTLEMENTS

THE REVOLUTIONARY WAR

THE CONFEDERATION

THE CONSTITUTION

THE FEDERAL GOVERNMENT

THE TERRITORIAL ACQUISITIONS

THE WESTERN EXPLORATIONS

THE SLAVE TRADE

THE ABOLITION MOVEMENT

THE CIVIL WAR

THE RECONSTRUCTION

THE GROWTH OF THE UNION

THE INDUSTRIAL REVOLUTION

THE POPULATION GROWTH

THE ECONOMIC DEVELOPMENT

THE POLITICAL CHANGES

THE SOCIAL PROGRESS

THE CULTURAL ADVANCEMENT

THE SCIENTIFIC DISCOVERIES

THE ARTS AND LETTERS

THE EDUCATIONAL SYSTEM

THE RELIGIOUS FREEDOM

THE CONTEMPORARY SITUATION