



ANNO SEPTIMO

GEORGII IV. REGIS.

Cap. iii.

An Act for the Appropriation of Two Chapels as
Chapels of Ease to the Parish Church of *Brighthelmston*, in the County of *Sussex*.

[22d *March* 1826.]

WHEREAS the Town of *Brighthelmston*, in the County of *Sussex*, hath of late considerably increased in Extent of Buildings and in Population: And whereas the present Parish Church and Chapels of Ease in the said Town are inadequate to the Accommodation of the Inhabitants, and it would be a great Convenience to the said Inhabitants if Two additional Chapels in the said Town were consecrated and appropriated for the Performance of Divine Service, according to the Rites and Ceremonies of the Church of *England*: And whereas *Nathaniel Kemp* Esquire is the Proprietor of a Chapel called *Saint James's Chapel*, situate in or near *Saint James's Street*, in the Eastern Part of *Brighthelmston* aforesaid, and the Reverend *Robert Anderson* Clerk is the Proprietor of a Chapel called *Trinity Chapel*, situate in or near *Duke Street*, in the Western Part of *Brighthelmston* aforesaid: And whereas the said *Nathaniel Kemp* and *Robert Anderson* are desirous that the said Two Chapels may be consecrated and appropriated as Chapels of Ease to the said Parish Church, upon such Conditions and under such Regulations as are hereinafter contained: And whereas the said Parish Church of *Brighthelmston* is a Vicarage within the Diocese of *Chichester*, and the Lord Bishop of the said Diocese for the Time being in Right of his Bishopric is the Patron thereof, and the Reverend *Henry Michael Wagner* Master of Arts is the Vicar of the said Vicarage:

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And

And whereas the said Lord Bishop and the said *Henry Michell Wagner* approve of such Chapels being so consecrated and appropriated as aforesaid, and the Right of Nomination and Presentation to the said Chapel called *Saint James's Chapel* being vested in the said *Nathaniel Kemp*, his Heirs and Assigns, for Forty Years, and the Right of Nomination and Presentation to the said Chapel called *Trinity Chapel* being vested in the said *Robert Anderson*, his Heirs and Assigns, for Forty Years, in Manner hereinafter mentioned, and upon such Conditions and under such Regulations as are hereinafter contained; but these Objects cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act the said Two Chapels called *Saint James's Chapel* and *Trinity Chapel* shall and may for ever thereafter be used and appropriated as and for Chapels of Ease to the Parish Church of the said Town of *Brighthelmston*, and for no other Purpose whatsoever, in such Manner and subject to such Provisions as are hereinafter expressed.

Two Chapels
to be appropriated as
Chapels of
Ease to
Brighton
Parish
Church.

Chapels to
be conse-
crated.

One to be
called St.
James's Cha-
pel, and the
other Tri-
nity Chapel.

II. And be it further enacted, That when and so soon as the said Chapels or either of them shall be fitted up and furnished with all Things necessary for the Purposes of the Celebration of Divine Service and the Administration of the Sacrament therein, and Provision shall be made for the Curates for the Time being of the said Chapels respectively in Manner hereinafter directed, it shall and may be lawful to and for the Bishop of *Chichester* for the Time being, and he is hereby authorised and empowered, to consecrate the said Chapels by their respective Names aforesaid, to be for ever thereafter Chapels of Ease to the Parish Church of *Brighthelmston*, and Divine Service shall from Time to Time for ever afterwards be performed therein according to the Rites and Ceremonies of the Church of *England* as by Law established, by Perpetual Curates to be nominated and appointed in Manner hereinafter directed; and the said Chapels and the Perpetual Curates thereof shall for ever thereafter be subject to the ordinary Jurisdiction and Visitation of the Lord Bishop of *Chichester* for the Time being.

Nomination
of Curates
to St. James's
Chapel.

III. And be it further enacted, That after the said Chapel called *Saint James's Chapel* shall have been consecrated in Manner aforesaid, the said *Nathaniel Kemp*, his Heirs and Assigns, shall and may, and he and they is and are hereby empowered and required to nominate under his or their Hand and Seal or Hands and Seals, to the Lord Bishop of *Chichester* for the Time being, a fit Person to be licensed to the Perpetual Curacy of the said Chapel called *Saint James's Chapel*; and on Occasion of every Vacancy in the Curacy of the said Chapel called *Saint James's Chapel* during the Period of Forty Years, the said *Nathaniel Kemp*, his Heirs and Assigns, shall and may in like Manner nominate and shall have the Right of nominating some fit Person to the Perpetual Curacy of the said Chapel called *Saint James's Chapel*.

To Trinity
Chapel.

IV. And be it further enacted, That after the said Chapel called *Trinity Chapel* shall have been consecrated in Manner aforesaid, the said *Robert Anderson*,

Anderson, his Heirs and Assigns, shall and may, and he and they is and are hereby empowered and required to nominate under his or their Hand and Seal or Hands and Seals, to the Lord Bishop of *Chichester* for the Time being, a fit Person to be licensed to the Perpetual Curacy of the said Chapel called *Trinity Chapel*; and on Occasion of every Vacancy in the Curacy of the said Chapel called *Trinity Chapel* during the Period of Forty Years, the said *Robert Anderson*, his Heirs and Assigns, shall and may in like Manner nominate and shall have the Right of nominating some fit Person to the Perpetual Curacy of the said Chapel called *Trinity Chapel*.

V. Provided always, and be it enacted, That the several Persons who shall be respectively nominated to the Curacies aforesaid shall be in Priests Orders, and shall be duly approved by the Lord Bishop of *Chichester* and the Vicar of *Brighthelmston* for the Time being; and after the Expiration of the said Term of Forty Years, all subsequent Nominations to the Curacies aforesaid and each of them shall be in the Vicar of *Brighthelmston* aforesaid, and his Successors; and in case the Person or Persons who shall for the Time being be entitled to any such Nomination as aforesaid shall neglect for Six Months after any Vacancy, or shall refuse to nominate as aforesaid, then and as often as the same shall happen, the Right of Nomination for that Turn shall lapse to the Lord Bishop of *Chichester*, and to the Metropolitan and to the Crown successively, in the Order and according to the Course of Law in like Cases of Presentative Benefices; and the Right of Advowson, Patronage, and Nomination to the said Chapels may be sued for and recovered, and the Incumbency thereof shall cease and be determined, in like Manner as if the Curacies of the said Chapels or either of them were Presentative Benefices, but under the Value of Six Pounds Thirteen Shillings and Four-pence in the King's Books.

Curates to be in Priest's Orders.

Lapse, in case of Neglect to nominate.

VI. And be it further enacted, That the Curates, Ministers, or Chaplains for the Time being of the said Chapels respectively shall on every *Sunday* Morning read in the said Chapels the Morning Prayers and other Service prescribed in the Book of Common Prayer or Public Liturgy of the Church of *England*, and the Afternoon or Evening of every *Sunday* in like Manner read therein the Evening Prayers and other Service prescribed in the said Book of Common Prayer; and shall on every *Sunday* throughout the Year, as well in the Morning as in the Afternoon or Evening, and on every *Christmas Day* and *Good Friday*, and in the Forenoon of any other Day to be set apart by His Majesty's Proclamation to be observed as a Day of Fasting or Thanksgiving, deliver or preach a Sermon in each of the said Chapels, and shall also administer the Holy Sacrament of the Lord's Supper therein, when and so often as by the Ecclesiastical Laws of the Realm is required to be done in a Parochial Church; provided that nothing herein contained shall extend to authorise the Solemnization of any Marriage, or the Burial of any Corpse, or the Baptism of any Person or Persons, or the Churching of any Woman or Women in or within the Site of the said Chapels.

Curate's Duty.

VII. And be it further enacted, That before the Consecration of the said Chapel called *Saint James's Chapel*, the said *Nathaniel Kemp*, his Heirs or Assigns, shall, together with the Vicar for the Time being of *Brighthelmston* aforesaid, set apart a Pew contiguous to the Pulpit of the said Chapel called *Saint James's Chapel*, and sufficient to hold Six Persons

Pews to be set apart for Curates, &c.

Persons at the least, for the Use of the Curate for the Time being of the same Chapel and his Family, and shall also select fairly and indifferently from all the Pews or Seats in the said Chapel called *Saint James's Chapel*, such Number thereof as shall in the Estimation of the said *Nathaniel Kemp*, or his Heirs or Assigns, and of the then Vicar of *Brighthelmston* aforesaid, be deemed sufficient to produce One hundred and fifty Pounds *per Annum*; and on such Selection being made, the said Seats or Pews so selected shall be marked with the Letter (C.) painted on the Outsides thereof, or shall be otherwise distinguished from the other Pews in the said Chapel called *Saint James's Chapel*, in such Manner as the said *Nathaniel Kemp*, or his Heirs or Assigns, and the Vicar for the Time being of *Brighthelmston* aforesaid, shall direct, and shall for ever thereafter remain and be perpetually vested in and transmissible to the Curate for the Time being of the said Chapel called *Saint James's Chapel*: And before the Consecration of the said Chapel called *Trinity Chapel*, the said *Robert Anderson*, his Heirs or Assigns, shall, together with the Vicar for the Time being of *Brighthelmston* aforesaid, set apart a Pew contiguous to the Pulpit of the said Chapel called *Trinity Chapel*, and sufficient to hold Six Persons at the least, for the Use of the Curate for the Time being of the same Chapel and his Family, and shall also select fairly and indifferently from all the Pews or Seats in the said Chapel called *Trinity Chapel*, such Number thereof as shall in the Estimation of the said *Robert Anderson*, or his Heirs or Assigns, and of the then Vicar of *Brighthelmston* aforesaid, be deemed sufficient to produce One hundred and fifty Pounds *per Annum*; and on such Selection being made, the said Seats or Pews so selected shall be marked with the Letter (C.) painted on the Outsides thereof, or shall be otherwise distinguished from the other Pews in the said Chapel called *Trinity Chapel*, in such Manner as the said *Robert Anderson*, or his Heirs or Assigns, and the Vicar for the Time being of *Brighthelmston* aforesaid, shall direct, and shall for ever thereafter remain and be perpetually vested in and transmissible to the Curate for the Time being of the said Chapel called *Trinity Chapel*: And the Curate for the Time being of each of the said Chapels is hereby authorised and empowered to let the Pews which shall be vested in him for any Space of Time not exceeding One Year from the Time of letting thereof, so as the Rent payable in respect thereof be the best and most improved Yearly Rent that can be obtained for the same, and be made payable by equal Half-yearly Payments, on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* annually: And there shall also be set apart a Number of Pews, Seats, or Benches sufficient for the Accommodation of Two hundred and twenty Persons in the aforesaid Chapel called *Saint James's Chapel*, and One hundred and sixty Persons in the aforesaid Chapel called *Trinity Chapel*, to be distinguished from the other Pews and Seats by the Words "Free Seats," to be marked thereon, and no Rent or Payment shall be demanded or taken from any Persons for the Right or Liberty of sitting in such Free Pews, Seats, or Benches.

Curates to
provide:
Bread and
Wine for
Communion,
and pay

VIII. And be it further enacted, That out of the Rents and Profits arising from letting the said Pews or Seats so to be vested in the said respective Curates as aforesaid, the said Curates for the Time being shall respectively find and provide Bread and Wine for the Holy Communion and pay the Salaries or Wages of their respective Clerks for the Time being of the said

said Chapels respectively, and shall retain the Residue of such Rents, Salaries of
Issues, and Profits for their own respective Maintenance. Clerks.

IX. And be it further enacted, That the said Chapel called *Saint James's Chapel*, and the several Pews and Seats within the same (except such of them as shall be vested in the Curate thereof by virtue of this Act, and the Free Seats hereinbefore mentioned), and the Rents, Profits, and Proceeds thereof, shall be and the same are hereby declared to be vested in and at the absolute Disposal of the said *Nathaniel Kemp*, his Heirs and Assigns, to hold to him, his Heirs and Assigns for ever. St. James's Chapel vested in Mr. Kemp.

X. And be it further enacted, That the said Chapel called *Trinity Chapel*, and the several Pews and Seats within the same (except such of them as shall be vested in the Curate thereof by virtue of this Act, and the Free Seats hereinbefore mentioned), and the Rents, Profits, and Proceeds thereof, shall be and the same are hereby declared to be vested in and at the absolute Disposal of the said *Robert Anderson*, his Heirs and Assigns, to hold to him, his Heirs and Assigns for ever. Trinity Chapel vested in Mr. Anderson.

XI. And be it further enacted, That from and after the Consecration of the said Chapels there shall from Time to Time be appointed by the Curates for the Time being of the said Chapels respectively Clerks of the said Chapels; and in case the said Curates or either of them for the Time being, shall at any Time or Times after the Consecration of the said Chapels refuse or neglect to appoint Clerks of the said Chapels or either of them for the Space of One Calendar Month next after such Consecration, or after any future Vacancy in the Situation of Clerk to either of the said Chapels, then and in such Case, and as often as the same shall happen, and from and after the Expiration of the said One Calendar Month, it shall and may be lawful to and for the Vicar for the Time being of the said Parish of *Brighthelmston* to appoint a Clerk or Clerks to the said Chapel or Chapels; and such Clerk or Clerks shall be liable to Ecclesiastical Censures and Jurisdiction, and be removable by the said Curates respectively, in the same Manner as the Clerk of the Parish Church of *Brighthelmston* aforesaid is liable or is removable by the said Vicar; and the said Curates for the Time being shall respectively, out of the Rents and Profits arising from the said Pews or Seats, vested in them by virtue of this Act respectively, pay to the Clerk such Salary or Wages as may be agreed on between them, or as the Vicar for the Time being of *Brighthelmston* aforesaid shall direct, if the Curate and Clerk for the Time being shall disagree as to the Amount of such Salary or Wages; and in case the Salary or Wages of the said Clerks respectively shall be unpaid, either in the Whole or in Part, by the Space of Fourteen Days after a personal Demand made to the Curates respectively from whom the same may be due, or Notice in Writing left at his usual Place of Abode, it shall be lawful for the Lord Bishop of *Chichester* for the Time being to sequester all or any of the Pews or Seats vested in the Curates respectively of the said Chapels for the Time being by this Act, and the Rents thereof; and the Sequestrators shall thereupon enter into and upon the said Pews and Seats so sequestered, and receive the Rents and Profits thereof until such Salary or Wages and the Costs and Charges of such Sequestration shall be duly satisfied and paid, or such Clerk or Clerks may, if he or they think fit, sue for such Salary or Wages so remaining unpaid by Action of Assumpsit, Debt,

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to which
the said

or on the Case, against the said Curates respectively, in any of His Majesty's Courts of Record at *Westminster*, and shall if he or they obtain a Verdict in such Action be entitled to Double Costs of Suit.

the said

Repairs of
St. James's
Chapel.

XII. And be it further enacted, That after the said Chapel called *Saint James's Chapel* shall be fitted for Divine Service, and consecrated by the Bishop, the same, and the Walls, Roofs, Doors, and every other Part thereof, and the Fittings up and Furniture thereof, shall be supported and kept in proper Repair by and at the Expence of the said *Nathaniel Kemp*, his Heirs and Assigns for ever, and he and they shall be liable to Ecclesiastical Censures and Remedies for any Neglect in this respect.

and the

Repairs of
Trinity Chapel.

XIII. And be it further enacted, That after the said Chapel called *Trinity Chapel* shall be fitted for Divine Service and consecrated by the Bishop, the same, and the Walls, Roofs, Doors, and every other Part thereof, and the Fittings up and Furniture thereof, shall be supported and kept in proper Repair by and at the Expence of the said *Robert Anderson*, his Heirs and Assigns for ever, and he and they shall be liable to Ecclesiastical Censures and Remedies for any Neglect in this respect.

and the

Chapels not
to be rated.

XIV. And be it further enacted, That neither the Pieces of Ground upon which the said Chapels are erected, nor the said Chapels, or either of them, nor the Pews and Seats therein, nor the Rents, Profits, and Proceeds thereof, nor any Person or Persons in respect thereof, or of any Yearly Salary, Profits, or other Sum payable to or derivable by such Person or Persons under or by Authority of this Act, shall be subject or liable to be assessed to the Relief of the Poor, or to any Parochial or other Charge, Rate, or Assessment whatsoever, made or to be made, from the Time of Divine Service having been performed in the said Chapels, or either of them; any Law, Statute, or Usage to the contrary notwithstanding.

Pew Rents
to be recovered by
Distress.

XV. And be it further enacted, That the Rent or Rents to become payable for any Pew or Pews, Seat or Seats, in the said Chapels, or either of them, shall and may, in case of Non-payment thereof for the Space of Fourteen Days after Demand made thereof by Notice in Writing under the Hand or Hands of the Person or Persons who shall for the Time being be entitled to such Rent or Rents (delivered to the Proprietor or Proprietors, Tenant or Tenants, of such Pew or Pews, Seat or Seats, or left at the usual or last Place of Abode of such Proprietor or Proprietors, Tenant or Tenants), and on Proof thereof upon Oath before any Justice of the Peace acting in and for the said County of *Sussex*, which Oath the said Justice is hereby authorised to administer, be levied by Distress and Sale of the Goods and Chattels of every such Proprietor or Proprietors, Tenant or Tenants, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus (if any) after deducting the Sums due in respect of such Rent or Rents, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels on Demand.

Saving the
Rights of
the Vicar of
Brightelm-
ston.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, impeach, or defeat any Right, Title, Interest, Claim, or Demand of the Vicar of the Parish of *Brightelmston* aforesaid, or his Successors, to any Tithes, Offerings, Surplice

plice Fees, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, or Advantages arising within the said Parish and belonging to the said Vicar for the Time being; but the said Tithes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, and Advantages, shall remain in full Force and be paid and payable in the same Manner as they were respectively before the passing of this Act, or would or ought to have been in case the same had not been made, any thing in this Act contained to the contrary notwithstanding; save and except as to any Right or Rights of Nomination and Presentation to the said Chapels, or either of them, as aforesaid.

XVII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, impeach, or defeat any Right, Title, Interest, Property, Privilege, or Jurisdiction of the Lord Bishop of *Chichester* for the Time being in the said Bishopric of *Chichester*. Saving the Rights of the Bishop of Chichester.

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

XIX. 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. Public Act.

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