



ANNO NONO

GEORGIIV. REGIS.

Cap. xv.

An Act to establish a Chapel of Ease in the Parish
of *Hove* in the County of *Sussex*.

[3d April 1828.]

WHEREAS the Parish of *Hove* in the County of *Sussex* is of considerable Extent; and the Eastern Part of the said Parish, in consequence of the Erection of *Brunswick Square* and *Terrace*, and Streets adjacent, is becoming very populous; and the Parish Church, being situate near the Western Extremity of the said Parish, and of small Dimensions, is inconvenient, and inadequate to the Accommodation of the Inhabitants: And whereas it would be of great Convenience to the Inhabitants of the said Parish, and more especially to those who reside in and near the said Square and Terrace, and the Streets adjacent, if a Chapel of Ease were erected in the Neighbourhood of the said Square and Terrace: And whereas the Prebendary of the Prebend of *Hova Ecclesia* in the Cathedral Church of *Chichester*, for the Time being, has the Right of Appointment of the Minister of the said Parish of *Hove*, and the Reverend *Henry Plimley* Clerk, Master of Arts, is the present Prebendary of the said Prebend, and the Reverend *James Stanier Clarke* Doctor of Laws is the present Vicar of the said Parish: And whereas the Reverend *Edward Everard* Clerk, Master of Arts, claims to be seised in his Demesne as of Fee of and in a certain Piece of Freehold Land situate in *Waterloo Street*, near to the said Square and Terrace, the Scite whereof is peculiarly eligible for such Chapel, and he has already partly erected, and is willing at his own Expence to complete and finish a Chapel of Ease on the said Piece of Ground, subject to such Regulations and Conditions as are herein-after contained; and the said *Henry Plimley* and *James Stanier Clarke* consent thereto and approve thereof, and agree that the Right of Nomination and Presentation to the said Chapel shall be vested in the said *Edward Everard*, his Heirs and Assigns, in manner herein-after mentioned, and upon such Conditions

[Local.]

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and

Chapel of
Ease to be
erected and
completed.

and under such Regulations as are herein-after contained; but as 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 after the passing of this Act it shall and may be lawful to and for the said *Edward Everard*, his Heirs and Assigns, at his and their own proper Costs and Charges, to erect, build, and complete, or cause to be erected, built, and completed, on such Piece of Ground of which the said *Edward Everard* shall be so seised in his Demesne as of Fee, a Chapel, with all convenient Appurtenances thereto, to be for ever thereafter used and appropriated and kept by him and them as and for a Chapel of Ease to the Parish Church of *Hove*, and for no other Purpose whatsoever, in such Manner and subject to such Provisions as are herein-after expressed.

Vaults and
Catacombs
to be made.

II. And be it enacted, That it shall and may be lawful to and for the said *Edward Everard*, his Heirs and Assigns, to erect and build Vaults and Catacombs under the said Chapel for the Burial of the Dead.

Chapel and
Catacombs to
be conse-
crated.

III. And be it further enacted, That when and so soon as the said Chapel shall be erected, completed, and fitted up, and furnished with all Things necessary for the Purposes of Celebration of Divine Service and the Administration of the Sacrament therein, and Provision shall be made for the Curate for the Time being of the said Chapel, in manner herein-after directed, it shall and may be lawful to and for the Lord Bishop of *Chichester* for the Time being, and he is hereby authorized and empowered to consecrate the said Chapel and Vaults; and the said Chapel shall for ever thereafter be called and known by the Name of *Saint Andrew's Chapel*, and shall to all Intents and Purposes be a Chapel of Ease to the Parish Church of *Hove*, and Divine Service shall from Time to Time for ever afterwards be performed therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, as by Law established, by a Minister to be nominated and appointed in manner herein-after directed; and the said Chapel, and the Minister thereof, shall for ever thereafter be subject to the ordinary Jurisdiction and Visitation of the Lord Bishop of *Chichester* for the Time being.

Minister to
be nomi-
nated and
appointed.

IV. And be it further enacted, That after the said Chapel shall have been completed and consecrated in manner aforesaid, the said *Edward Everard*, 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, being in Priests Orders, and who shall have taken a Degree in One of the Three Universities of *Oxford*, *Cambridge*, or *Dublin*, producing the customary Testimonials, to be licensed to the Perpetual Curacy of the said Chapel, but so as the Person who shall from Time to Time be nominated and presented as aforesaid be duly approved by the Lord Bishop of *Chichester* and the Vicar of *Hove* aforesaid for the Time being;

being; and on occasion of every Vacancy during the Period of Forty Years; the said *Edward Everard*, his Heirs and Assigns, shall and may, in like Manner, nominate, and shall have the Right of nominating, some fit and proper Person, to be approved and qualified as aforesaid, to be licensed as aforesaid; and after the Expiration of the said Term of Forty Years, all subsequent Nominations to the Curacy aforesaid shall be in the Vicar of *Hove* aforesaid, and his Successors; and in case the Person or Persons who shall for the Time being be entitled to such Nomination as aforesaid shall neglect for Six Months after any Vacancy, shall refuse to nominate as aforesaid, then and so 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 Chapel may be sued for and recovered, and the Incumbency thereof shall cease and be determined, in like Manner as if the Curacy of the said Chapel were a Presentative Benefice, but under the Value of Six Pounds Thirteen Shillings and Four-pence in the King's Books.

V. And be it further enacted, That the Curate or Minister for the Time being of the said Chapel shall on every *Sunday* Morning read in the said Chapel the Morning Prayers and other Service prescribed in the Book of Common Prayer or Public Liturgy of the United Church of *England* and *Ireland*, and in 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 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 the said Chapel, 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 authorize the Solemnization of any Marriage in or within the Scite of the said Chapel.

Duty of the Minister.

VI. And be it further enacted, That the Minister or Curate of the said Chapel for the Time being shall and he is hereby empowered from Time to Time to solemnize the Baptism of any Person or Persons, and the Churching of any Woman or Women, within the Scite of the said Chapel, and also to bury any Corpse or Corpses in the Vaults or Catacombs under the said Chapel, after the Consecration of the said Vaults.

Baptisms, Churchings, and Burials, allowed in the Chapel and Vaults.

VII. And in order that such Baptisms, Churchings, and Burials may not prejudice the Interests of the Incumbent for the Time being of the said Parish of *Hove*, be it further enacted, That there shall be paid to the Minister or Curate for the Time being of the said Chapel, beyond the Sum charged for the Vault, Catacomb, or Place of Burial, for every Burial performed in the Vaults of the said Chapel, and for every Baptism and Churching performed in the said Chapel, at least Double the Fees, Dues, and Perquisites which are usually and ought of Right to be paid for the Performance of such Service

Fees on Burials, Baptisms, and Churchings.

Service at the Parish Church of *Hove* aforesaid; and that the Minister of the said Chapel for the Time being shall from Time to Time collect and receive all such Fees, Dues, and Perquisites, but it shall be lawful for him to appropriate to his own Use only One Half Part of the Fees, Dues, and Perquisites to be so collected and received by him as aforesaid; and the said Minister or Curate shall account for and pay, by Two equal Payments in every Year, on every *Christmas* Day and *Midsummer* Day, to the Vicar for the Time being of the said Parish of *Hove*, or his Agent in that Behalf, the other Moiety of such Fees, Dues, and Perquisites so received by him as aforesaid, the first of the said Payments to be made on such of the said Days as shall happen next after the Consecration of the said Chapel; and in case of Nonpayment within Fourteen Days next after any of the said Half-yearly Days, One Moiety of all such Fees, Dues, and Perquisites shall and may be sued for and recovered from the said Minister, with full Costs of Suit, by and in the Name of the Vicar of the Parish of *Hove* in the said County of *Sussex*, by Action on the Case, for Monies had and received to his Use, in any of His Majesty's Courts of Record at *Westminster*.

All Christenings and Burials to be registered.

VIII. And be it further enacted, That all Christenings and Burials had and solemnized within the said Chapel or Vaults shall be registered in public Register Books to be provided by the Minister for the Time being of the said Chapel, and kept for that Purpose, according to the Laws in force for keeping Registers in that Part of the United Kingdom called *England*.

Pews to be set apart for the Minister's Benefit.

IX. And be it further enacted, That as soon as conveniently may be after the Erection and before the Consecration of the said Chapel, the said *Edward Everard*, his Heirs or Assigns, shall, together with the Vicar for the Time being of *Hove* aforesaid, set apart a Pew contiguous to the Pulpit, and sufficient to hold Six Persons at the least, for the Use of the Minister or Curate for the Time being of the said Chapel, and his Family; and shall also select, fairly and indifferently, from all the Pews or Seats in the said Chapel, such Number thereof as shall, in the Estimation of the said *Edward Everard*, his Heirs or Assigns, and of the then Vicar of *Hove* aforesaid, be deemed sufficient to produce the Sum of 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 Outside thereof, and shall for ever thereafter remain and be perpetually vested in and transmissible to the Minister or Curate for the Time being of the said Chapel, and he is hereby authorized and empowered to let the same 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 Eighty Persons at the least, in the said 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 Person or Persons

Free Seats to be set apart.

sons for the Right or Liberty of sitting in or upon such Free Pews, Seats, or Benches.

X. 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 Minister or Curate as aforesaid, the said Minister or Curate for the Time being shall find and provide Bread and Wine for the Holy Communion, and pay the Salary or Wages of the Clerk for the Time being of the said Chapel, and shall retain the Residue of such Rents and Profits for his own Maintenance.

Minister to provide Bread and Wine for the Communion, and pay the Clerk's Salary.

XI. And be it further enacted, That the Freehold of the said Chapel, and of the Scite thereof, with the Vaults or Catacombs in or under the same, and the several Pews and Seats within the same Chapel, (except such of the said Pews and Seats as shall be vested in the said Minister or Curate by virtue of this Act, and the Free Seats herein-before mentioned,) and the Rents, Profits, and Proceeds thereof, shall be and continue, and the same are hereby declared to be vested in and at the absolute Disposal of the said *Edward Everard*, his Heirs and Assigns.

Chapel and Vaults vested in Mr. Everard, his Heirs and Assigns.

XII. And be it further enacted, That it shall and may be lawful to and for the said *Edward Everard*, and his Heirs and Assigns, from Time to Time and at all Times from and after the passing of this Act, to sell and dispose of all or any of the Pews or Seats to be erected and set up in the said Chapel, and the Vaults, Catacombs, and Places of Burial under the same, to any Person or Persons, (save and except such of the Pews and Seats as shall be vested in the Minister or Curate of the said Chapel for the Time being by virtue of this Act, and the Free Seats herein-before mentioned,) and that the Pews or Seats, and Catacombs, Vaults, or Places of Burial, so sold and disposed of, shall, after Payment of the Purchase Money for the same, be immediately vested in the Person or Persons so purchasing and paying for the same respectively, and his, her, and their respective Heirs and Assigns, and shall and may be bargained, sold, conveyed, leased, let, devised, or otherwise aliened or disposed of by the Proprietors thereof for the Time being.

Mr. Everard empowered to sell Seats, Vaults, and Catacombs.

XIII. And be it further enacted, That from and after the Consecration of the said Chapel there shall from Time to Time be appointed by the Minister or Curate for the Time being of the said Chapel, a Clerk of the said Chapel; and in case the said Minister or Curate for the Time being shall, at any Time or Times after the Consecration of the said Chapel, refuse or neglect to appoint a Clerk of the said Chapel for the Space of One Calendar Month next after such Consecration, or after any future Vacancy in the Situation of Clerk to the said Chapel, 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 *Hove*, and he is hereby authorized, to appoint a Clerk to the said Chapel; and such Clerk shall be liable to Ecclesiastical Censures and Jurisdiction, and be removeable by the said Minister or Curate; and the said Minister and Curate for the Time being shall, out of the Rents and Profits arising from the said Pews or Seats vested in him by virtue of this Act, pay to such

Minister to appoint the Clerk.

[*Local.*]

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Clerk

Clerk such Salary or Wages as may be agreed on between them, or as the Vicar for the Time being of *Hove* aforesaid shall direct, if the said Minister, 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 Clerk shall be unpaid, either in the whole or in part, by the Space of Fourteen Days after a personal Demand made to the Curate 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 Minister or Curate of the said Chapel 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 may, if he think fit, sue for such Salary or Wages so remaining unpaid, by Action of Assumpsit, Debt, or on the Case, against the said Curate, 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.

Chapel to be kept in repair.

XIV. And be it further enacted, That after the said Chapel shall be completed and 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 *Edward Everard*, his Heirs and Assigns, as the Proprietors for the Time being of the Pews or Seats therein, for ever, and he and they shall be liable to Ecclesiastical Censures and Remedies for any Neglect in this respect.

Minister to appoint a Chapel-warden.

XV. And be it further enacted, That it shall be lawful for the Minister or Curate for the Time being of the said Chapel to appoint, from amongst the Proprietors of Pews or Seats in the said Chapel, a proper Person to the Office of Chapelwarden, and from Time to Time to remove or displace such Chapelwarden, and to appoint any other in his Stead, or in the Stead of any Chapelwarden to be from Time to Time appointed as aforesaid, who shall die, or decline or neglect to perform, or shall become incapable of performing his Office.

Rates to be made for Repairs.

XVI. And be it further enacted, That the Person appointed to the said Office of Chapelwarden of the said Chapel shall and may, and he is hereby authorized and required from Time to Time to make and assess, or cause to be made and assessed, a Rate sufficient to answer and pay the Expences herein mentioned, upon all and each of the Proprietors of Pews or Seats in the said Chapel, in equal Degrees, in proportion to the Value of their several Pews or Seats, and to collect and receive every such Rate from such Proprietors; and in case all or any of such Proprietors, their, his, or her Heirs, Executors, or Administrators, shall neglect or refuse to pay the Rates or Rate so made and assessed on him, her, or them, such Rates or Rate shall and may be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant to be issued under the Hand and Seal of any Justice of the

the Peace for the said County of *Sussex*, 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.

XVII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate made in pursuance of this Act, such Person may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the said County of *Sussex* next after the Expiration of Three Calendar Months from the Time wherein such Cause of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Chapelwarden of the said Chapel, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with sufficient Sureties, conditioned to try such Appeal, and abide the Order or Award of the said Justices thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order thereon, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall think proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive, to all Intents and Purposes whatsoever: Provided always, that upon any Appeal from any Rate or Assessment to be made in pursuance of this Act, the Justices of the Peace, at their General or Quarter Sessions to which such Appeal shall be made, may either set aside the same, and order a new Rate or Assessment to be made, or may alter and amend any such Rate or Assessment in such Manner as they shall think necessary for giving Relief to any Party aggrieved.

XVIII. And be it further enacted, That neither the Piece of Ground upon which the said Chapel is to be erected, nor the said Chapel, nor the Pews and Seats therein, nor the Vaults or Catacombs beneath the same, 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 Chapel; any Law, Statute, or Usage to the contrary notwithstanding.

XIX. And be it further enacted, That the Rent or Rents to become payable for any Pew or Pews, Seat or Seats, in the said Chapel, shall and may, in case of Nonpayment 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

Chapel not
to be rated.

Pew Rents
to be recovered by
Distress.

prietor 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 authorized 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
Hove.

XX. 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 *Hove* aforesaid, or his Successors, to any Tithes, Offerings, Surplice 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 Chapel as aforesaid.

Saving the
Rights of the
Bishop of
Chichester.

XXI. 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 Bishoprick of *Chichester*.

General
Saving.

XXII. 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.

Public Act.

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

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68