

Chapel to be
erected.

Divine Service has of late, with the Consent of the Right Reverend the Lord Bishop of *Chichester*, been performed, for the Benefit of the Inhabitants of the said Parishes, in Rooms temporarily adapted for that Purpose: And whereas, in consequence of the great Number of the present Inhabitants, and the continued Increase of the Population and Buildings of the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen* respectively, it would be a great Convenience to the Inhabitants of the said Parishes if a Chapel were erected within the said Parish of *Saint Leonard's*, for the Performance of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, and if a Piece of Ground within the said Parish of *Saint Leonard's* were appropriated as a Place of Burial for the Inhabitants of the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen*: And whereas *James Burton* Esquire, of the Parish of *Saint Leonard's* aforesaid, claims to be seised in Fee Simple of a certain Piece of Ground situate in the said Parish of *Saint Leonard's*, and is willing to erect a Chapel at his own Expence thereon, and to appropriate a Part thereof as and for a Place of Burial for the Inhabitants of the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen*: But as these Objects cannot be effected without the Aid 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 it shall and may be lawful to and for the said *James Burton*, his Heirs or Assigns, at his and their own Costs, to erect, on any Part of the Lands whereof he is seised in Fee in the said Parish of *Saint Leonard's*, a Chapel, with all convenient Appurtenances thereto, to be for ever thereafter appropriated as a Chapel for the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen*, and for no other Purpose whatsoever, and also to convert any other Part of such Lands into a Cemetery or Burial Ground to the said Chapel, in such Manner and subject to such Provisions as are herein-after expressed, and to make Vaults and Catacombs under the Floor of the said Chapel, for the Interment of the Dead.

Chapel to be
consecrated,
and to be
called St.
Leonard's
Chapel.

II. And be it further enacted, That when and so soon as the said Chapel shall be erected, and fitted up and furnished with all Things necessary for the Purposes of the Celebration of Divine Service and the Administration of the Sacraments therein, and Provision shall be made for the Minister for the Time being of the said Chapel in manner herein-after directed, and when the said Cemetery or Burial Ground shall be fenced in and completed, 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 by the Name of "*Saint Leonard's* Chapel," and also the Piece of Ground to be appropriated as a Place of Burial for the Inhabitants of the said Parishes of *Saint Leonard's*

Leonard's and *Saint Mary Magdalen*; and that Divine Service shall from Time to Time for ever afterwards be performed in the said Chapel according to the Rites and Ceremonies of the United Church of *England* and *Ireland* as by Law established, by a Perpetual Minister, to be nominated and appointed in manner herein-after directed; and the said Chapel, and the Perpetual Minister thereof, shall for ever thereafter be subject to the ordinary Jurisdiction and Presentation of the Lord Bishop of *Chichester* for the Time being.

III. And be it further enacted, That after the said Chapel shall have been completed and consecrated in manner aforesaid, the said *James Burton*, his Heirs and Assigns, shall and may and he and they is and are hereby empowered and required to nominate, under his or their 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*, 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* for the Time being; and on Occasion of any future Vacancy, the said *James Burton*, 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 on Failure of such Nomination for the Space of Six Calendar Months after the aforesaid Consecration, or such Vacancy, or of his, her, or their Refusal so to nominate, as the Case may be, 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.

The Right of Nomination of a Minister to be in *James Burton Esq.*, his Heirs and Assigns.

IV. And be it further enacted, That the Minister for the Time being of the said Chapel shall therein every *Sunday* Morning and Evening, and in the Morning on every *Christmas Day* and on *Good Friday*, and on all occasional Fasts and Festivals, read or cause to be read the Prayers prescribed in the Book of Common Prayer or Public Liturgy of the Church of *England*; and also every *Sunday* Morning and Evening, and in the Morning of every *Christmas Day* and *Good Friday*, and on all occasional Feasts and Festivals, preach or cause to be preached a Sermon; and also, at least Eight Times in the Year, administer or cause to be administered the Holy Sacrament of the Lord's Supper, namely, on *Good Friday*, *Easter Sunday*, *Whitsunday*, and *Christmas Day*, and on such other Four *Sundays* as he shall appoint, so that the Spaces of Time between such Administration be

Minister's Duty.

be as nearly equal as conveniently may be; and moreover shall administer Private Baptism according to the Rubric of the Church of *England*, when duly required.

Minister to perform Rites and Ceremonies of Marriage, Burial, &c.

V. And be it further enacted, That it shall and may be lawful for the Minister for the Time being of the said Chapel to publish Banns of Matrimony, and perform the Rites and Ceremonies of Marriage, Burial, and Baptism, and also of Churching Women, in or within the said Chapel or the Site and Burial Ground thereof, as if the same was by Law the Parish Church of the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen*, and to demand and receive such and the like Church or Surplice Fees, Dues, and Benefices as shall from Time to Time be payable on such Occasions respectively within the Parish of *Saint Mary in the Castle* within the Liberty of the Town and Port of *Hastings* aforesaid, but without Prejudice, nevertheless, in the Case of Burials within the said Chapel, to the Right of the said *James Burton*, his Heirs and Assigns, in and to the Freehold of the said Chapel and Site thereof, and to the Right of the said *James Burton* to sell Catacombs or Graves or Vaults in the aforesaid Burial Ground.

Marriages, Christenings, and Burials to be registered.

VI. And be it further enacted, That all the Marriages, Christenings, and Burials had and solemnized within the said Chapel shall be registered in the Public Register Books to be provided by the Minister 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.

VII. 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 *James Burton*, his Heirs and Assigns, shall, together with the Lord Bishop of *Chichester* for the Time being, or his Chancellor, set apart a Pew contiguous to the Pulpit, and sufficient to hold Six Persons at the least, for the Use of the Minister for the Time being of the said Chapel and his Family, and shall also select, fairly and indifferently from all the Pews in the said Chapel, such a Number of Pews as shall contain One hundred and sixty Seats in the whole, and on such Selection being made the same Pews 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 for the Time being of the said Chapel, and the List and Number and Situation thereof shall be registered in the Registry of the Diocese of *Chichester*, and the said Minister 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 reasonably obtained for the same, and be made payable by equal half-yearly Payments on the Twenty-fourth Day of *June* and the Twenty-fourth day of *December* annually; and there shall be also set apart a Number of Pews, Seats, or Benches sufficient for the gratuitous Accom-

Free Seats.

VIII. And be it further enacted, That out of the Rents and Profits arising from the letting of the said Pews and Seats, so to be vested in the said Minister as aforesaid, the said Minister for the Time being shall find and provide Bread and Wine for the Holy Communion, and pay the Salary or Wages of the Clerk and Sexton for the Time being of the said Chapel, and shall retain the Residue of such Rents, Issues, and Profits for his own Use and Maintenance.

X. And be it further enacted, That it shall and may be lawful to and for the said *James Burton*, and his Heirs and Assigns, from Time to Time and at all Times 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, or in the aforesaid Burial Ground, to any Person or Persons, (save and except such of the Seats and Pews as shall be vested in the Minister of the said Chapel for the Time being as aforesaid, 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, 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 and disposed of, by the Proprietors thereof for the Time being.

XI. And be it further enacted, That all such Pews, Seats, Catacombs, Vaults, or Places of Burial, so to be sold as aforesaid by the said *James Burton*, his Heirs or Assigns, shall be conveyed in the Form following, or as near thereto as Circumstances may require :

' I Sum of in consideration of the
 ' paid to me by do hereby
 ' grant and convey to his, [her
 [Local.] 3 K or

‘ or their] Heirs and Assigns, all that [Pew, Seat, Catacomb, Vault,
 ‘ or Place of Burial, *as the Case may be, and identifying the same,*]
 ‘ in or belonging to *Saint Leonard’s* Chapel in the County of *Sussex*,
 ‘ [or the Burial Ground thereof, *as the Case may be,*] to hold the
 ‘ same to the said
 ‘ his [her or their] Heirs and Assigns for ever, subject to such
 ‘ Regulations as shall be from Time to Time subsisting in respect
 ‘ thereof under or by virtue of a certain Act passed in the First
 ‘ Year of the Reign of His Majesty King *William* the Fourth,
 ‘ intituled [*here insert the Title of this Act*].’

Appointment
 of Chapel-
 wardens and
 other Officers.

XII. And be it further enacted, That from and immediately after the Consecration of the said Chapel, and from Time to Time for ever thereafter, it shall be lawful for the said *James Burton* and his Heirs and Assigns to appoint one proper Person, and for the Minister of the said Chapel for the Time being, in like Manner, in Writing, under their Hands respectively, to appoint another proper Person, to be the Wardens of the said Chapel, and also for the Minister thereof for the Time being to appoint proper Persons to the Offices of Clerk and Sexton, and of Organist, (if an Organ shall be set up in the said Chapel,) and to such other Offices and Places as he shall think proper; and all such Officers may from Time to Time be removed by the Persons respectively appointing them, at their Discretion: Provided always, and it is hereby declared, that the Chapelwardens, Clerk, and Sexton to be appointed as aforesaid shall be subject and liable to Ecclesiastical Censures and Jurisdictions; and the said *James Burton*, and the Minister of the said Chapel, and the other Owners for the Time being of the Pews therein, shall be subject to Ecclesiastical Censures for not keeping the said Chapel and Burial Ground in repair.

Chapelwar-
 dens to keep
 Accounts;

XIII. And be it further enacted, That all and every Person and Persons so to be appointed into and accepting the said Office of Chapelwarden as aforesaid shall and each of them is hereby enjoined and required to keep a true and perfect Account of all and every Sum and Sums of Money by each of them severally received and paid during their Continuance in the said Office under and by virtue of this Act, and to enter all such Receipts and Payments in a proper Book or Books, to be kept by each of the said Chapelwardens for that Purpose, which said Book or Books and Accounts shall and may be from Time to Time inspected by the said *James Burton*, his Heirs or Assigns, or by any Owner or Proprietor of a Pew or Seat in the said Chapel, or by the Minister of the said Chapel for the Time being, upon Demand.

and to ren-
 der the same,
 when re-
 quired.

XIV. And be it further enacted, That each of the said Chapelwardens shall from Time to Time, when required by the said *James Burton*, his Heirs and Assigns, or by the aforesaid Minister, or by a Majority of any other Persons entitled to any Pews as aforesaid, render a true Account in Writing, upon Oath (which Oath shall and may be taken in Writing before any Justice of the Peace

Peace of the said County of *Sussex*, who is hereby empowered and required to administer the same without Fee or Reward), of all such Receipts and Payments, and all other Matters and Things committed to the Charge of such Chapelwardens by virtue of and under the Authority of this Act, and shall, within Fourteen Days next after the rendering of such Account, pay and deliver unto the said *James Burton*, his Heirs or Assigns, or other the Person or Persons entitled to demand and receive the same, all and every such Sum and Sums of Money as shall remain due from such Chapelwardens respectively upon the Balance of such Account; and if any such Chapelwarden shall refuse or neglect to render such Account, or to pay any such Balance accordingly, it shall be lawful to and for any Two Justices of the Peace of the said County of *Sussex*, and they are hereby authorized and required, to commit such Chapelwarden so refusing or neglecting as aforesaid to the Common Gaol of the said County, there to remain without Bail or Mainprize until he shall render such Account and pay such Balance as aforesaid.

XV. And be it further enacted, That the said Minister for the Time being shall, out of the Rents and Profits arising from the said Pews and Seats vested in him by virtue of this Act, pay to such Clerk and Sexton such Salary or Wages, and at such Periods, as may be agreed on between them; and in case the Salary or Wages of the said Clerk or Sexton, or either of them, shall be unpaid, either in whole or in part, by the Space of Fourteen Days after a personal Demand made to the said Minister, 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 said Minister 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 and Sexton respectively 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 Minister, in any of His Majesty's Courts of Record at *Westminster*, and shall, if he obtain a Verdict in such Action, be entitled to Double Costs of Suit.

Minister to
pay Clerk
and Sexton.

Remedy in
Case of
Default.

XVI. And be it further enacted, That after the said Chapel shall be fitted up 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 the Furniture thereof, and the Walls inclosing the same, and the Approaches thereto, shall be supported and kept in proper Repair by and at the Expence of the said Minister and the said *James Burton* and the Lessees and Proprietors of Pews or Seats in the said Chapel for the Time being, rateably and in proportion to the Amount or the Number of their Pews or Seats.

Chapel to be
kept in re-
pair by the
Proprietors
of the Pews.

XVII. Pro-

Manner of
making
Rate or As-
sessment for
Repairs.

XVII. Provided always, and be it enacted, That when and as often as it shall be necessary to make or do any Repairs in, to, or about the said Chapel, the said Lessees and Proprietors of Seats for the Time being, or the major Part of them assembled and met in the said Chapel, pursuant to Notice to be for that Purpose given in the said Chapel by Order of the Chapelwardens on some *Sunday* after Morning Service, at least Ten Days previously to such Meeting, shall and may and they are hereby required to make or cause to be made (and in the Event of their failing so to do pursuant to such Notice it shall and may be lawful for the Chapelwardens for the Time being to make) a Rate upon each and all of the Lessees and Proprietors of Pews or Seats in the said Chapel according to the Value of their several Pews or Seats, and every such Rate shall be signed by the Chapelwardens and the major Part at least of the Lessees and Proprietors of Pews or Seats so assembled, or in case of their Refusal as aforesaid, by the Chapelwardens alone, and every such Rate, so signed, being confirmed by the Ecclesiastical Judge, shall and may be recoverable in the same Manner and by the same Process as Church Rates are by Law recoverable, and shall in like Manner in all respects be paid and applied in such Repairs as aforesaid as the same would according to Law be applicable by the Churchwardens if the same was a Rate raised for the Repairs of a Church.

Repair of
Burial
Ground.

XVIII. And it is hereby further enacted, That the said Burial Ground and the Premises thereof shall for ever hereafter be kept in repair by the said *James Burton*, his Heirs and Assigns.

Chapel not
to be rated.

XIX. And be it further enacted, That neither the said Piece of Ground upon which the said Chapel is intended to be erected as aforesaid, nor the said Chapel itself, nor the Pews, Vaults, or Catacombs in or under 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, nor the said Piece of Ground to be appropriated for a Place of Burial for the Inhabitants of the said Parishes of *Saint Leonard's* and *Saint Mary Magdalen*, 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; any Law, Statute, or Usage to the contrary notwithstanding.

For Reco-
very of Pew
Rents.

XX. Provided always, and be it enacted, That the Rent or Rents, Rate or Rates, to become payable by virtue of this Act, shall and may, in case of Nonpayment thereof for the Space of Fourteen Days after Demand made thereof, by Notice in Writing under the Hands of the Chapelwardens, delivered to any Lessee or Lessees, Proprietor or Proprietors of any Pew or Pews, Seat or Seats in the said Chapel, or left at his or their usual or last Place of Abode, and on Proof thereof upon Oath before any Justice of the Peace acting in and for the

the Liberty of the Town and Port of *Hastings* in 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 Lessee or Lessees, Proprietor or Proprietors, 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, Rate or Rates, and all Costs and Charges attending the Recovery thereof, to the Owner of such Goods and Chattels, on Demand.

XXI. Provided always, and it is hereby further enacted, That if Appeal. any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, or by any Matter or Thing made or done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden in and for the Liberty of the Town and Port of *Hastings* in the County of *Sussex* next after the Expiration of Four Calendar Months from the Time wherein such Cause of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one Day's Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Chapelwardens of the said Chapel, and within Five Days after such Notice enter into a Recognizance before some Justice of the Peace of the said County, with sufficient Sureties, conditioned to try such Appeal, and abide by 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, or 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 Orders and Determinations of the said Justices shall be final and conclusive to all Intents and Purposes whatsoever.

XXII. And be it further enacted, That nothing in this Act contained shall 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
Rights of
the Bishop of
Chichester.

XXIII. 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, or 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 would have had and enjoyed in case this Act had not been made. General
Saving.

[*Local.*]

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XXIV. And

Public Act.

XXIV. 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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