

CHURCHWARDENS

A modernised version of an extract from: "The Modern Parish Officer" dated 1774

A Churchwarden is a very ancient officer, and by the common law churchwardens are in the nature of a corporation, to take care of the goods of the church.

Churchwardens are elected by the minister and parishioners, in Easter week, yearly; and if they happen to disagree, the minister is to choose one and the parishioners another; unless there be a custom to the contrary, which must be complied with.

When the custom for choosing churchwardens cannot take, recourse is to be had to the canons. But if there is no custom to the contrary, the election of churchwardens is in the parson and the parishioners. And the curate represents or stands in the place of the parson for the purpose of nominating one churchwarden.

If the parishioners should neglect to elect churchwardens, the ordinary has no power to appoint them. The court of King's Bench will not grant a mandamus for holding a vestry to churchwardens.

When churchwardens are elected by virtue of any particular custom, the archdeacon is to swear them, though the election be against the canon; and if he refuses, a mandamus lies to compel him.

The office of a churchwarden continues 'till new ones are sworn; and if they refuse to take the oath, as by law directed, being duly elected, they may be excommunicated. Until the churchwardens are sworn, they can do no legal act as churchwardens, nor have they any authority, but whatever they do is of their wrong.

A counsellor or attorney ought not to be chosen churchwarden; and if he is chosen, he may have a prohibition, on account of his attendance on the courts at Westminster.

And apothecaries, who have served seven years, shall be exempted from the office of churchwarden. And freemen of the corporation of surgeons in London are exempted from being churchwardens.

All dissenting teachers or preachers, in holy orders, or pretended holy orders, being duly qualified, are exempted from the office of churchwarden.

All teachers of dissenting congregations, registered seamen, though not in actual service, are exempted from serving the office of churchwarden, by diverse statutes. If any dissenter be chosen churchwarden, he may execute the office by sufficient deputy.

Any person who has prosecuted a felon to conviction, is exempted from the office of churchwarden; in the parish where the offence was committed.

No private man, serving for himself in the militia, during the time of such service, shall be liable to serve as churchwarden. Any person elected churchwarden, refusing to take his office and oath, may be excommunicated; and no prohibition will lie.

Churchwardens being thus sworn, are so far incorporated by law, as to sue for the goods of the church, and to bring an action of trespass for them; and also to purchase goods for the use of the parish; but they are not a corporation in such sort as to purchase lands or take by grant, except in London by custom.

Churchwardens are to see that the parishioners come to church every Sunday, and to present the names of such as absent themselves to the ordinary; or levy 1s for every offence.

Churchwardens are not to permit any person to stand idle, walk or talk in the church or churchyard; they are to take care that no person sit in the church with their hats on, or in any other irreverent or indecent manner, but that they behave themselves orderly, soberly, and reverently, kneeling at the prayers, and standing at the belief, they are to see that none contend about places, and they may chastise disorderly boys.

They shall not suffer any man to preach within their churches or chapels, without producing their licence; and they are to take care that all persons excommunicated be kept out of the church. And to see that peace be duly kept in the church.

Any person quarrelling either in the church or churchyard, the ordinary may suspend him from entering the church. If anyone is assaulted and beaten in the church, it is not lawful to return blows in his own defence; for striking another there, the offender shall be excommunicated.

The churchwardens are to apprehend those who interrupt or disturb the minister and bring them before a justice. And any person disturbing the minister is liable to a penalty of £10 and 3 months imprisonment; and for the second offence he shall forfeit £20 or suffer six months imprisonment; and for the third offence, he shall forfeit all his goods and chattels and be imprisoned during life. And to disturb a congregation, misuse a teacher, incurs a forfeiture of £20.

They shall see that the Lord's Day be duly observed; they shall search alehouses on Sundays; and if any persons are found therein, during divine service, they shall make them pay 3s 4d and also 1/- for being absent from church; and the master of such alehouse shall forfeit 10/-.

The churchwardens shall execute warrants against those who profane the Lord's Day; and levy the forfeiture of 1/- on those who curse or swear, by warrant from a justice.

They are to keep the keys of the belfry and see that the bells be not rung without good cause, to be allowed of by the minister and themselves.

Churchwardens are to make presentment upon oath, (usually twice a year) but especially at the visitation of the bishop, of several articles following, whether there is a box for alms in the church; whether the bells and bell ropes are in repair; whether there be a bible, common prayer book, and book of canons; a desk for the reader, cushion for the pulpit, and a surplice; a communion table, table cloth, cups, and covers for bread, flagons and font; a carpet, a register book, and chest with three locks; whether the King's arms are set up, grave stones and monuments well kept; the Lord's prayer, creed and commandments in fair letters; whether the churchyard is well fenced, church and chancel and parsonage house in repair.

Also whether the minister reads the thirty-nine articles twice a year, and the canons once a year, preached good doctrine every Sunday, reads the common prayer, celebrates the sacrament, reads the homilies, whether he observes the 30th of January, the 29th of May, and the 5th of November; whether he preaches in his gown, wears a surplice, visits the sick, buries the dead, catechises children, baptizes, marries according to law, and lives a sober and godly life.

Whether any of the parishioners are adulterers, fornicators, drunkards, swearers, haunters of alehouses, in time of divine service, whether they work on Sundays, or do not repair to church, whether alms-houses or schools are abused, or legacies given to pious uses, if baptism be

neglected, of women not coming to be churched, of marrying in prohibited degrees (of which there is to be a table) of marrying without banns, licence, or at unlawful hours; if sacraments are received three times a year of all able sixteen; if parishioners are placed in seats without contention, and if they refuse to make presentment, the parson may present.

It is enacted that if any person shall, after the 25th March, 1754, solemnize matrimony in any other place than a church or public chapel, where banns have been usually published, unless by special licence from the Archbishop of Canterbury; or shall solemnize matrimony without publication of banns, unless licence of marriage be first obtained from some person having authority to grant such licence; every person wilfully offending, and being convicted thereof, shall be adjudged guilty of felony, and be transported for fourteen years. And all marriages solemnised after the 25th March, 1754, in any other place other than a church, public chapel as aforesaid, or that shall be solemnised without publication of banns, or licence of marriage from a person having authority to grant the same, shall be null and void.

The churchwardens and chapelwardens of every parish or chapelry shall provide proper books of vellum, or durable paper, wherein all marriages and banns of marriage there published or solemnised, shall be registered, and every page thereof shall be marked at the top, with the figure of the number of every such page, beginning at the second leaf with number one; and every leaf or page so numbered, shall be ruled with lines at proper and equal distances from each other; and all banns and marriages published or celebrated in any church or chapel, or within any such parish or chapelry, shall be respectively entered, registered, printed or written upon, or as near as conveniently may be to such ruled lines, and shall be signed by the minister or curate, or by some other person in his presence, and by his direction; and such entries shall be made as aforesaid, on or near such lines in successive order; where the paper is not damaged or decayed by accident or length of time, until a new book shall be thought proper or necessary to be provided for the same purposes, and the directions aforesaid shall be observed in such new book; and all new books provided aforesaid, shall be deemed to belong to every such parish or chapelry respectively, and shall be carefully preserved for public use.

The churchwardens of the parish, with the consent or approbation of the minister, have the placing of the parishioners in the seats of the body of the church, the appointing pew keepers, reserving to the ordinary, a power to correct the same: and in London the churchwardens have this authority in themselves by custom.

If it could be a custom in a parish, that the churchwardens there are to repair the old seats, and erect new ones, and appoint who are to sit in them; and they in consequence erect a new seat in the body of the church, and appoint a certain person to sit there; and afterwards the ordinary shall decree that another person shall have the seat: In this case a prohibition lies against him, for the custom hath fixed the power of disposing of the seats in the churchwardens.

The church and churchyard are by the common law the freehold of the parson, but the use of the body of the church, and the repairs thereof, common to all the parishioners.

A person may have a seat in a church, appendant to his house or estate, and prescribe that he and his ancestors, or those whose estate he now hath, usually sat there, and repaired the seat; but he cannot prescribe to a seat in the body of the church generally, without showing that he, and all those he claims from, have time out of mind repaired it. For the body of the church and the repair of it is common to all the parishioners; and to avoid confusion, the distribution and disposing of seats, and the charges of repairing, belongs to the ordinary.

If a person and his ancestors have time out of mind repaired the aisle, and sat and buried there, it makes it proper to him and his family; sitting there only, does not; but the ordinary may appoint who shall sit there.

If any person shall erect a pew in a church, or hang up a bell in a steeple, they become thereby church goods (though they are not expressly given to the church) and he shall not afterwards remove them.

Of common right, as before observed, the soil and freehold of the body of the church, and the repair of it, common to all the parishioners; and the disposing of the seats therein, the right of the ordinary.

The spiritual court hath power to compel the parishioners of a parish to repair the body of the church and may excommunicate them all till it be repaired; but those who are willing to contribute shall be absolved, till the greater part agree to a tax.

If the churchwarden of a parish erect or add anything new, either to the fabric of the church, the utensils, or the churchyard, it must be with the consent of the parishioners; and if such additions are to be made in the church, the bishop's licence is likewise necessary. But where necessary repairs are wanting, the majority of the parish will bind the less; and if the greater part will not consent, where repairs are absolutely necessary, the churchwardens may repair without their consent, if upon notice given them they refuse to meet, or when met, refuse to make a rate. But of a church fall down, the parishioners are not bound to rebuild it.

If a church is so greatly out of repair, that it ought to be pulled down, or so little, that it is necessary to enlarge it, the majority of the parishioners may make a rate for a new building, or enlarging, as there shall be occasion.

The rector, as also the lay impropriator, are bound by common right to repair the chancel, and is thereupon entitled to the chief seat therein, unless another person hath it by prescription; yet he hath not the disposal of the seats therein, but the bishop.

The churchwardens are to keep in repair the gates, stiles and doors leading into the churchyard, and the ways therein; and the church ways must not only be broad enough for the passage of single persons, but also for the carrying of a corpse to be buried, as often as there shall be occasion; and the stiles shall be so made or constructed, that persons of all ages may be able to go over them; but if any person hath a private door to the church, or a way through the churchyard (which can not be made without the consent of the minister, and a faculty from the bishop) they shall be repaired by him who hath the use of them. Inhabitants may prescribe to have a way through a churchyard; they and their ancestors having always had and repaired the same.

The church reparations extend to churchyard walls, the walls of the church and steeple, the floor, the pulpit, and the pews, windows, iron bars and glass; the roof of timber, with laths, nails, the covering of lead, tiles, the doors with locks and keys; stairs, bells, wheels and ropes in the steeple.

Parishioners are chargeable for the repairs of the ornaments of the church; and the following are accounted church ornaments, the communion table and coverings, the communion cups, bible and other books appointed to be kept in churches, the surplice, pulpit cloth and cushion.

The experience attending all these, as well as the sexton's wages, washing the communion clothes, candles and money disbursed by the churchwardens, are to be raised by a rate or tax.

Rates are to be made with the consent of the majority of the parishioners, housekeepers, or occupiers of land; therefore public notice to a vestry (a place so called from the vestments of the minister being kept there) ought to be given the Sunday before, either in the church after divine service, or at the church door as the parishioners come out; both of the calling such meetings and of the time and place of assembling; and it will be fair and candid then also to declare on what business such meeting is to be held, that all persons may have full time to consider what is to be proposed at the said meeting; and for half an hour before it begins, it is useful for one of the church bells to be tolled, to remind the parishioners when they are to meet.

Every parishioner who paid to the church rates, and no other, had at the common law a right to vote. And those who do not pay church rates, shall have no vote in matters relating to it, except the rector or vicar.

Every person who has, a vote on the vestry hath an equal right, and neither the minister nor churchwardens, without a special custom, can adjourn the vestry, but only a majority of the whole assembly.

The churchwardens and parishioners being met at the vestry, they are then to consider what sum it will be necessary to raise to make such repairs as shall then be needful; and after they have agreed what sum of money is proper, they are to make an equal levy or rate.

The majority of them that appear shall bind the parish, or if none shall appear, the churchwardens themselves may make the rates because they, and not the parishioners, are to be cited and punished in defect of repairs.

It is proper and convenient, that every parish act be entered in the parish book of accounts, and every man's hand consenting to it be set thereto, as it will then be a certain rule for the churchwardens to act by.

By custom select vestries may be allowed, of a certain number elected yearly, to make rates, and manage the affairs of the parish for that year; and such custom is good.

It is held, that a rate for the reparation of a fabric of a church is real, charging the land; but a rate for ornaments of a church personal, upon the goods, and not upon the land.

And in *Jeffrey's* case, it was adjudged, that the rates for the repair of the church shall be laid upon every occupier of lands in the parish, although he may live in another parish and such person may come to the vestries of the parishioners, and vote in the making a rate; but he shall not be charged towards the ornaments of the church as for bells, repair of seats, bread and wine, clerk's wages, visitation charges, and the like, by reason of such lands; the personal estates of the inhabitants being chargeable with everything not relating to the fabric of the church, or the repairs of the fences of the churchyard, or such other things as concern the freehold: therefore some have been of opinion that churchwardens should make two rates, one upon lands and houses, which may concern the freehold of the church, and another upon personal estates and stock, to defray other expenses; but as this method would create confusion, it is seldom practiced. And *Degge* says, he conceives the law to be clear otherwise, and that a foreigner who holds lands in the parish, is as much obliged to pay towards the bells, seats, and ornaments, as to the repair of the church; otherwise there would be very great confusion in making several levies, which he never observed to be practised within his knowledge; but he leaves it a query, among a variety of opinions.

It is agreed that a taxation by the pound rate is the most equitable way, and not according to the quantity of the land. Where lands are in farm, the tenant, not the lessor, shall be rated and pay.

An impropriator, though bound to repair the chancel, must also contribute to the reparations of the church, if he hath lands in the parish, which are not part of the parsonage.

Any person finding himself aggrieved at the inequality or partiality of the assessment, may appeal to the ecclesiastical judge.

In such case, in order to be relieved, he must show, that he is unequally taxed, as being rated for more land than he hath, or that his land is over-rated, or that the rate was unnecessary, or that some lands in the parish are omitted in the rate.

Any person refusing to pay the rates, being demanded by the churchwardens, they are to be sued for in the ecclesiastical courts, and not elsewhere.

Quakers refusing to pay church rates, may be sued in the same manner as other parishioners, in the ecclesiastical court; or they may be prosecuted before the justices, in the same manner as for their tithes.

Poor children being appointed to be bound apprentice, pursuant to the person to whom they are to be bound, shall receive and provide for them according to the indenture, signed and confirmed by two justices and also execute the other part of the indentures; and upon refusal, oath being thereof made by one of the churchwardens or overseers before any two justices of the peace for that county, he shall forfeit ten pounds, to be levied by distress and sale; by warrant of the said justices, to be applied to the use of the poor of the parish, saving to the person to whom any poor child shall be pointed to be bound, his appeal to the next quarter-sessions, whose order shall be final.

It shall and may be lawful for the churchwardens, or overseers, where any wife or children shall be left by their husbands, or parents, on the charge of such parish, by warrant from any two justices of the peace, to seize so much of the goods, and receive so much of the annual rents and profits the lands of such husband or parent, as such justices of the peace shall direct, for the discharges of the parish for the providing for such wife or children; which order being confirmed at the next quarter-sessions, the justices may make an order to dispose of such goods, and to receive the rents and profits, for the purposes aforesaid.

The churchwardens and overseers of the parish shall be accountable to the quarter-sessions for what monies they shall receive by virtue of this act.

Churchwardens and overseers, with the consent of the parishioners, or inhabitants in vestry, may purchase or hire houses in, and contract with the persons for the lodging, maintaining and employing such poor in their parishes, as shall desire relief; and if any poor person shall refuse to be lodged in such house, he shall be struck out of the books, and not be intitled to relief; and two or more such parishes with like consent, with the approbation of a justice of peace, dwelling in or near such parish, may unite in purchasing or hiring such house; and the churchwardens and overseers of any parish, with like consent, may contract with the churchwardens and overseers of any other parish, for the lodging, maintaining, or employing of, any poor person, provided that no person, or his apprentice or children, shall require a settlement in the parish to which they are removed by virtue of this act.

It is enacted, that whereas great inconveniencies frequently arise in cities, towns corporate, parishes, and places, on account of the unlimited power of the churchwardens and overseers of the poor, who often on frivolous pretences, and to answer private ends, make unjust rates, in a secret and clandestine manner, contrary to the true intent and meaning for preventing the like abuses for the future, be it enacted, that after the first day of May, 1744, the churchwardens and overseers, shall give, or cause to be given, public notice in the church, of every rate for the relief of the poor, allowed by the justice of peace, the next Sunday after it shall have been so allowed and, no rate shall be esteemed valid and sufficient, unless such notice shall have been given.

It is further enacted, that the churchwardens and overseers in every parish, township, or place, shall permit all the inhabitants of the said parish, township, or place, to inspect every such rate at all reasonable times, paying 1/- for the same; and shall, upon demand, forthwith give copies of the same, or any part thereof, to any inhabitant of the said parish, township, or place, paying at the rate of sixpence for every twenty-four names.

If any churchwarden, overseer of the poor, shall not permit and parishioner to inspect the said rates, or shall refuse or neglect to give copies thereof as aforesaid, such churchwarden, overseer, for every such offence, shall forfeit to the party aggrieved the sum of £20 to be sued for by action of debt, bill, plaint, or information, in any of his majesty's courts of record, wherein no essoin, protection, or wager of law, or more than one imparlance shall be allowed.

It is enacted that after the 24th day of June, 1744, the churchwardens and overseers of the poor shall yearly, within fourteen days after other overseers shall be nominated and appointed to succeed them, deliver in to such succeeding overseers a just, true and perfect account in writing, fairly entered in a book, or books, to be kept for that purpose, and signed by the said churchwardens and overseers, hereby directed to account as aforesaid, under their hands, of all sums of money by them received, or rated, and assessed, and not received, and also of all goods, chattels, stock and materials that shall be in their hands, or in the hands of any of the poor, in order to be wrought, and of all monies paid by the churchwardens and overseers so accounting, and of all other things concerning their said office; and shall also pay and deliver over all sums of money, goods, chattels, and other things as shall be in their hands, unto such succeeding overseers of the poor; which said account shall be verified by oath, or by the affirmation of persons called quakers, before one or more of his majesty's justices of the peace; such oath or affirmation such justices are hereby authorised and required to administer, and to sign and attest the caption of the same, at the foot of the said account, without fee or reward and such book or books shall be carefully reserved by the churchwardens and overseers, or one of them, in some public place in every parish, township or place; and they shall permit any person there assessed, or liable to be assessed, to inspect the same at all reasonable times, paying sixpence for such inspection, and shall upon demand forthwith give copies of the same, or any part thereof, to such person, paying at the rate of sixpence for every three hundred words, and so in proportion for any greater or less number.

And in case such churchwardens and overseers of the poor, or any of them, shall refuse or neglect to make and yield up such account verified as aforesaid, within the time herein before limited, or shall refuse and neglect to pay and deliver over such sum or sums of money, goods, chattels, and other things in their hands, as by this act is directed, it shall and may be lawful to and for any two or more justices of the peace, to commit him or them to the common gaol, until he or they have given such account, or shall have paid or yielded up such monies, goods, chattels, and other things in their hands.

To the churchwardens of the parish of

Whereas complaint hath been made unto us by churchwardens of the said parish, that those persons have refused to pay the sums of money by legal assessment rated on them, for and towards the reparation of the parish church of aforesaid. These are therefore in his majesty's name to command you, that you, or any of you, do levy the said several and respective sums of, by distress and sale of the goods of the said persons respectively, rendering to them the overplus, if any be, after the said several sums, and the charges of the distress deducted; and in case there be no goods, whereof a sufficient distress may be taken, that then you do certify the same to us, that such further proceedings may be had as to justice appertains.

When the churchwarden's year is expired, he cannot as churchwarden commence a suit, so as to compel payment of rates, for repairs of the church, or the like; it being *ex necessitate* to prevent people from delays, in order to wear out the year.

A person residing in one parish, and holding lands in another, may be taxed towards the new casting of the bells of the parish where his lands are; for they being necessary to the people, they are more than ornaments.

Persons of a chapelry, having always christened and buried within themselves, may prescribe to be exempt from repairing the mother church; but if there is a chapel of ease where they hear divine service, and they bury at another church, they must contribute to the repairs of that church, notwithstanding they repair the chapel.

A new built church cannot be esteemed as a church in law, till after consecration, which being done, the parishioners are to repair it: but neither the ordinary nor churchwardens have power to give leave to bury there, but the parson only, the freehold of the soil being in him.

If any question should arise whether it is a church or chapel belonging to the mother church, on proof being made that sacraments have been administered, and the dead buried there, it is by the law accounted a distinct church.

Notwithstanding the freehold of the church and churchyard lie in the parson, yet he cannot hinder a parishioner from having a place in the body of the church, nor from being buried in the churchyard; but for burying in the church, it is otherwise.

The fee on breaking the soil at burials, belongs to those upon whom the burden is of repairing the pavement; that is, to the parson for the chancel, and the churchwardens for the body of the church.

A person may be indicted at sessions for digging up the graves of persons buried, and taking their burial dresses, afterwards interring their bodies again. And it was resolved in this case, that the property of the winding sheets remained in the person who was the owner of them used; and an offender was found guilty of felony but had his clergy.

The churchwardens may maintain an action for defacing a tomb or monument in the church. And so may an heir by descent have an action against any person who beats down or defaces coats of arms, of his ancestors in the church or churchyard.

But it is otherwise, if anything belonging to the freehold be broken or cut down, as the walls, windows, doors, or trees in the churchyard, the parson or vicar, and not the churchwardens, shall then have an action.

The soil and seed of the churchyard are the ministers, and the trees growing therein; but he may not cut them down, unless for repairs of the chancel, though he may top them.

In London, by special custom, the churchwardens with the minister, make a corporation for lands as well as for goods; and may as such hold, purchase and take lands for the use of the church, and sue and be sued on account thereof. And there is another custom in the city of London, for the parishioners to choose both churchwardens, exclusive of the minister, who is also there excused from repairing the chancel of the church.

The churchwardens of every parish, within the bills of mortality, at the charge of their respective parishes, shall fix upon the pipes belonging to the water-works, stop blocks and fire-cocks; and make a mark on the front of any house over against them to find them, where an instrument is to be kept to open the plug when any fire happens.

And there shall be kept in each parish a large engine, and a hand engine, and a leather pipe and rocket of the same size as the plug or fire-cock, under the penalty of £10 to be levied by warrant of two justices, by distress and sale of the goods of the churchwardens; half to go to the informer, and the other half to the poor.

When any fire shall happen, the first person who brings in a parish engine, or any other large engine with a socket, shall be paid as an encouragement 30/- the person who brings in the second parish engine, shall be paid 20/- the third 10/- and the turn-cock, whose water shall first come into the main pipe, shall be paid 10/- by the churchwardens, or the same shall be levied by distress.

Churchwardens and overseers may make rates and assessments for money for the maintenance and repairs of engines, stop-blocks, as they do for maintenance of the poor. When the receipts of churchwardens fall short of their disbursements, the succeeding churchwardens ought to pay them the balance, and place it into their account, by the canon.

When the churchwardens pass their accounts of all money received and expended during their office, they must also give an account of the church goods committed to their charge, which be then brought forth, called over, examined, and delivered over to the successors, together with keys of the parish chest.

In case any dispute shall arise about the account, it shall be decided before the ordinary; and for disbursement of any sum not exceeding 40/- the churchwardens oath alone is a sufficient proof; but any sum above 40/- receipts must be produced, no allowance of account can discharge churchwardens of any fraudulent dealings, which they may have been guilty of in their office; but whenever such are detected, they are accountable.

And though all the parish have allowed accounts of the church goods, the ordinary may call them to account before him too and punish them if he finds cause; but in laying out money, they are punishable for fraud only, not indiscretion.

The ordinary is not to take the account of the churchwardens, but only to give judgment that they do account; and if the churchwardens being cited into the spiritual court to account, plead that they have accounted at the vestry according to law, and the ordinary rejects the plea, the court of King's bench will grant a prohibition.

During the vacancy of a benefice, churchwardens have the care of it, and as soon as there be any avoidance, they should apply to the chancellor of the diocese for a sequestration; and having taken out an instrument for it, they are to manage all the profit and expenses of the benefice for him that shall succeed. They are to plough and sow his glebes, take in the crop, gather in tithes, thrash out and fell corn, repair houses, fences, but not commit waste upon the living, in cutting timber. They are also to take care, that during the vacancy, the church be duly

served by a curate approved by the bishops, and they are to pay him out of the profits of the benefice.

If the churchwardens waste the church goods in their custody, or much damnify the parish, they may on proof thereof be removed at any time, by the authority of the ordinary.

Churchwardens are to join with the overseers and constables in making rates for the relief of poor prisoners, maimed soldiers and in choosing surveyors of the highways appointing days to work and are to join with the overseers of the poor in the execution of their whole office.

Every churchwarden is in fact an overseer of the poor, although every overseer of the poor is not a churchwarden.

A churchwarden was committed by the two next justices of the peace, as churchwardens, for refusing to account for money received and disbursed by him; but on an *habeas corpus* he was discharged: for by the warrant of commitment it ought to appear, he was overseer of the poor, for by the statute of the office of overseer is annexed to his office of churchwarden, and the justices of the peace have no jurisdiction over him as churchwarden, but as overseer.

The churchwardens (or the constable) shall levy the penalties for persons exercising their worldly calling on the Lord's Day.

Churchwardens shall suffer no plays, feasts, banquets, suppers, church ales drinkings, temporal courts; or leets, lay juries, musters, or any prophane usage, to be kept in the church or churchyard.

The Churchwardens shall take care that the parishioner's resort to church, and continue there orderly, during the time of divine service and present defaulters.

They shall not suffer idle persons to continue in the churchyard, or church porch, during divine service or preaching; them to come in, or to depart.

Churchwardens shall levy the forfeiture of 1/- a Sunday, on the goods of persons who do not come to church.

The churchwardens, constables or overseers, shall levy the penalty of 3s 4d, for using unlawful pastimes on the Lord's Day.

The churchwardens, constables, or overseers shall levy the penalties for attending at unlawful conventicles.

The churchwardens shall on pain of the forfeiture of £20 present at the sessions once a year, the monthly absence from church of all recusants, also the names and ages of their children who are above nine years old, and names of their servants. And if the party presented be convicted, the churchwardens shall be entitled to a reward of 40/- to be levied on the recusant's goods, by warrant of the justices in sessions.

They shall not suffer excommunicated persons to come to church.

It is the duty of churchwardens to take care, to have in the church, a large bible, a book of common prayer, a book of homilies, a font of stone, a decent communion table, with proper coverings, the ten commandments at the east end of the church, and other chosen sentences upon the walls, a reading desk, a pulpit and chest or box for alms; at the expense of the parish.

The churchwardens are to take care to have a box wherein to keep a register with three locks and three keys, two to be kept by them and the other by the minister; and every Sunday they

are to see that the minister enter therein all christenings, wedding, and burials that have happened the week before; and at the bottom of every page they shall subscribe their names with that of the minister. And they shall, within a month after March 25, yearly. transmit to the bishop a copy thereof for the year before by themselves and the minister.

They shall, with the advice and direction of the minister, and at the expense of the parish, provide bread and wine for the communion.

The churchwardens or overseers shall levy the penalty of £5 for an incumbent not reading the communion once a month.

Churchwardens shall collect money on briefs, on pain of £20.

On certificate from the minister, they shall apply to the magistrates for conviction of offenders in not burying in woollen.

Those persons who murder themselves, or die excommunicated, are not permitted Christian burial; and the churchwardens must not suffer them to be buried in the church or churchyard, without special licence from the bishop.

The churchwardens receive the penalties for drunkenness and tipling.

The churchwardens or overseers shall levy the penalty for felling corn by a wrong measure.

The churchwardens or overseers, levy the penalties concerning weights and measures.

The churchwardens are to provide chests wherein to lock up the arms, clothes and accoutrements of the militia.

The churchwardens and the minister, shall sign certificates for the out-pensioners of Greenwich hospital, residing within their parish, respecting the identity of their persons, that they may receive their pensions.

The churchwardens or overseers shall pay to the high constables the general county rate, out of the money collected for the poor.

The churchwardens shall receive the penalty for servants carelessly or negligently firing houses.

The churchwardens shall join with the constables and the surveyor of the highways in choosing and returning new surveyors of the highways.

By the statute it is enacted, that when briefs are delivered to the wardens of churches and chapels, they are immediately after receipt, to indorse the time of receiving, with their names thereon, and deliver them to the ministers and curates, who shall also indorse the time of their receipt, and their names in the same manner as churchwardens.

The ministers within two months after receipt of briefs, are immediately before preaching, openly to read such briefs in the respective places of meeting; and the churchwardens shall collect the money that shall be given there or go to collect from house to house.

The sums of money collected, and place and time, are to be indorsed in words at length, and signed by the minister and churchwardens, and by the teacher and two substantial persons of separate congregations. And the briefs indorsed, and money collected shall be delivered to the persons undertaking the briefs, under the penalty of £20. And the undertakers not demanding such briefs and money within such six months, are liable to the same penalty.

If all the briefs are not returned, the undertaker for every copy wanting shall forfeit £50 or give sufficient proof in the court of chancery, of the briefs being lost by inevitable accidents, and of the money collected thereupon. A register is likewise to be kept of all monies collected, inserting the occasion of the briefs, and the time when collected; to which all persons may freely resort.

The undertakers of briefs in two months after the receipts, of the money, and notice to sufferers, are to account before a master in chancery, to be appointed before the lord chancellor.

All farming such charity money is unlawful; and covenants and agreements concerning the same are void: and any person agreeing to purchase the benefit, or advantage of such brief, shall forfeit £500 for the use and benefit of the sufferers.