

CHAP. XLIV.

man for offending may, in all cases, allege, before said magistrate, such excuse or excuses as he may think sufficient to relieve him from the payment of the fine as aforesaid.

Rector to call special meetings, &c.

XXIV. AND BE IT ENACTED, That whenever special meetings of the vestry shall be necessary, the rector shall call them, but if there be no rector, or if he shall be absent, or refuse or neglect to call a meeting, then any two of the vestry agreeing so to do may summon a special vestry.

Penalty for not attending, &c.

XXV. AND, the better to secure the attendance of members of the vestry, BE IT ENACTED, That no vestryman shall absent himself from any stated meeting, or from special or adjourned meeting, of which he was duly notified, without such excuse as the rest of the vestry will allow, under a penalty not less than two or exceeding eight dollars.

And for refusing to serve, &c.

XXVI. AND BE IT ENACTED, That if any person elected a vestryman agreeably to this act shall, after convenient notice given him by the register of the parish, who is hereby required to give him such notice under the penalty of twenty dollars, refuse to serve as a vestryman according to the provisions herein made, without alleging such an excuse as the residue of the vestry will allow, unless he shall have heretofore served two years, or been voted out at a former vestry election, or if any person elected a churchwarden, who has not before served in that office within the last three years, shall, after the same notice, refuse to serve as such, or having been qualified shall retire from his office without the consent of the vestry, before the time for which he was elected shall have expired, unless he shall have been disqualified for remaining a churchwarden, the former shall forfeit twenty dollars, and the latter ten dollars.

How fines are to be recovered, &c.

XXVII. AND BE IT ENACTED, That all fines and penalties by this act imposed shall be recoverable before any justice of the peace, and applied to the use of the parish, in such manner as the vestry may direct.

Vestrymen incorporated, &c.

XXVIII. AND BE IT ENACTED, That the vestrymen of every parish in this state for the time being shall be, and they are hereby declared to be, one community, corporation and body politic for ever, by the name of The Vestry of the parish to which they severally belong, and by the same name they, and their successors, shall and may have perpetual succession, and shall and may at all times hereafter, be persons, able and capable in law to purchase, take and hold, to them and their successors, in fee, or for any less estate or estates, any lands, tenements, hereditaments, rents or annuities, within this state, by the gift, bargain, sale or devise of any person or persons, bodies politic and corporate, capable of making the same, and such lands, tenements, or hereditaments, to rent or lease, in such a manner as they may judge most conducive to the interests of their respective parishes, and also to take and receive any sum or sums of money, and any kind of goods and chattels, which may or shall be given, sold or bequeathed unto them, by any person or persons, bodies politic or corporate, capable to make a gift, sale or bequest thereof, and to apply the same for the use of their respective parishes as herein before directed; provided that the clear yearly value of the estate of any vestry, (exclusive of the rents of pews, collections in churches, funeral charges, and the like,) shall not exceed two thousand dollars.

No vestry to sell their estates, &c.

XXIX. AND BE IT ENACTED, That no vestry shall sell, alien, or transfer, any of their estate or property belonging to their church or churches, without the consent of five at least of their body, (of which number the rector shall always be one,) together with the consent of both the churchwardens, and in case there be no rector in the parish, then it shall be necessary to obtain the consent of the bishop of the protestant episcopal church in this state for the time being, previous to any sale, alienation or transfer, of any of the estates or property aforesaid.

Or apply the principal, &c.

XXX. AND BE IT ENACTED, That no vestry shall apply any of the principal of the money arising from the sales of any of the estates or property aforesaid towards any debt or debts contracted with their minister on account of his official duties.

Not to prevent the vestry from buying, &c.

XXXI. AND BE IT ENACTED, That nothing herein before contained shall be construed to prevent the vestry of any parish from buying at any time a lot of land, not exceeding two acres for a burial-ground, or a site for a church or parsonage-house, or from selling or renting the pews of their churches or chapels, provided in so doing the said vestry shall not interfere with any existing right or title in any person to any pew or pews.

Vestry may sue, &c.

XXXII. AND BE IT ENACTED, That the vestry of every parish, and their successors, (by the name aforesaid,) shall be for ever hereafter able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts of justice; and before all or any judges, officers or other persons whatsoever, in all and singular actions, matters and demands whatsoever; and that it shall and may be lawful for them, and their successors, for ever hereafter, to have a common seal for their use, and the same, at their will and pleasure of them, and their successors, to change, alter, break and make anew, from time to time, as they shall think best.

Provision may divide parishes, &c.

XXXIII. AND BE IT ENACTED, That it shall be lawful for the convention of the protestant episcopal church in this state to divide or unite parishes, as occasion may require, and to alter their bounds, and to constitute new parishes; and vestrymen and churchwardens of the new parishes shall be chosen as herein before provided, and shall have perpetual succession, and be incorporated, by the name of The Vestry of such new parish, and such vestry churchwardens shall have all the powers hereby granted in this act to other vestry churchwardens; provided always, that a majority of the members of the protestant episcopal church, qualified to vote for vestrymen, residing in any parish, or part or parts of a parish, or parishes, proposed to be added to any new parish or parishes, or to be constituted into a new parish, shall consent thereto.

XXXIV. AND