ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xix.

An Act to amend an Act of the Fifty-fifth Year of His preſent Majeſty, for building a new Church and Workhouſe in the Pariſh of *Bathwick*, in the County of *Somerſet*. [23d *May* 1817.]

WHEREAS an Act was made in the Fifty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act for building a new Church, and alſo a Workhouſe, in the Pariſh of* Bathwick, *in the County of* Somerſet: And whereas the Truſtees appointed by the ſaid Act have contracted for building the ſaid Church for the Sum of Eight thouſand Pounds, excluſive of the Foundation, which has coſt Five hundred and ſix Pounds; but the ſaid Act being found ineffectual to enable the Truſtees to proceed therein, and to anſwer the beneficial Purpoſes thereby intended, it is expedient that the ſame ſhould be altered and amended, and further Powers given for thoſe Purpoſes: 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 the Churchwardens of the ſaid Pariſh of *Bathwick* for the Time being ſhall always be Truſtees for carrying the ſaid Act and this Act into Execution: Provided always, that every ſuch Churchwarden ſhall be qualified in Manner directed by the ſaid recited Act. 55 G. 3. c. 96.

Churchwardens to be Truſtees.

II. And be it further enacted, That all Perſons who have received or who ſhall receive any Money to be borrowed or raiſed in purſuance of the ſaid Act or this Act, or any Subſcription or Donation for the Purpoſes thereof, Compelling Perſons receiving Money to account.

thereof, ſhall at ſuch Time or Times, and in ſuch Manner as the Truſtees appointed by or in purſuance of the ſaid Act or this Act, ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all the Monies which ſhall have been received by virtue or for the Purpoſes of the ſaid Act and this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Money as ſhall be due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Perſon ſhall, when thereunto required by the ſaid Truſtees, lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and if any ſuch Perſon ſhall refuſe or neglect to make and render, or to produce and deliver up the Vouchers relating to the ſame, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Ten Days after having been thereunto required by the ſaid Truſtees, by Notice in Writing, given to or left at the laſt or uſual Place of Abode of ſuch Perſon, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of the ſaid Act or this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in any ſuch Caſe, upon Complaint made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place wherein ſuch Perſon ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Warrant under his Hand and Seal, for the Perſon ſo refuſing or neglecting to appear before him; and upon his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been received by virtue of the ſaid Act or this Act, or from any Subſcriber or Donor, ſhall remain due from ſuch Perſon, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon; and if no Goods and Chattels of ſuch Perſon can be found, ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Perſon ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to produce the Vouchers relating thereto as aforeſaid, or that any Books, Papers, or Writings, relating to the Execution of the ſaid Act or this Act, ſhall be in the Cuſtody or Power of ſuch Perſon, and he ſhall have refuſed or wilfully neglected to deliver up the ſame, or give Satisfaction reſpecting the ſame as aforeſaid, then, and in each and every ſuch Caſe, ſuch Juſtice ſhall commit ſuch Offender to the common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in

such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Person shall be detained or kept in such common Gaol or House of Correction for want of sufficient Distress, by virtue of the said Act or this Act, for any longer Space of Time than Six Calendar Months.

Church to be completed as contracted for.

III. And be it further enacted, That the said Church shall be erected and completed for Divine Worship, in all Respects, according to the Plan that has been contracted for and commenced by the said Trustees, and as has been agreed on by the Inhabitants of the said Parish, and shall have the same Accommodations and Number of Free Sittings for the Poor, and shall be in every Respect erected and completed in the Manner directed by the said recited Act.

Present Tower, &c. to be taken down.

IV. And be it further enacted, That the Tower, Church, and Chancel, now standing in the said Parish of *Bathwick*, shall be taken down and removed, and the Chapel or Building now standing in the new Church Yard or Burial Ground in the said Parish, shall be enlarged and raised to a convenient and proper Height, and a Bell, sufficiently large for the Use of the Parish, placed therein, before the new Church shall be completed and opened for Divine Worship: Provided always, that such enlarging of the said Chapel shall be approved of by the Bishop of the Diocese.

Subscriptions for Pews to be paid to Churchwardens.

V. And whereas Doubts have been entertained to whom the several Persons who have already or may hereafter subscribe for Pews or Seats in the said Church shall pay the Sums by them respectively subscribed for the Purchase of such Seats or Pews; be it therefore enacted, That all and every Person who shall have so subscribed for a Pew or Seat in the List or Book for that Purpose provided, and now in the Possession of the Churchwardens of the said Parish, or shall hereafter subscribe the same (whether such Persons so subscribed their Names before or after passing the said Act), shall pay the Sum or Sums of Money by them respectively subscribed to the Churchwardens of the said Parish for the Time being, whenever the Payment thereof shall be demanded of him, her, or them by the said Churchwardens, whose Receipt alone shall be a full and complete Discharge to every Person so paying his or her Subscription Money for a Seat or Pew in the said Church, and shall entitle the Person who shall have so subscribed and paid the same to a Seat or Pew in the said Church, in the Order, Succession, and Class in which he or she shall have set and subscribed his or her Name; and the Money, when so received by the said Churchwardens, shall be immediately paid by them to the Treasurer appointed by the said Trustees by virtue of the said Act, and shall be applied towards erecting, building, and completing the said Church.

Subscribers quitting the Parish, to sell Pews to other Inhabitants, or retain them for their own Use.

VI. And be it further enacted, That if any Inhabitant of the said Parish, who has subscribed the said Book or List in the Possession of the Churchwardens of the said Parish, for a Seat or Pew in the said Church, or shall hereafter subscribe the same, shall choose to leave the said Parish, and quit his Residence therein before the said Church shall be completed, and the Seat

Seat or Pew allotted and transferred to him or her by the ſaid Truſtees, ſuch Perſon ſhall not in any Manner be releaſed and diſcharged from the Payment of the Sum or Sums of Money he or ſhe has ſubſcribed and undertaken to pay for the Seat or Pew to be given or allotted to him or her in the ſaid Church, but ſhall be and continue liable to pay the Sum ſubſcribed by him or her for the ſaid Pew or Seat, whenever it ſhall be demanded of him or her by the Rector and Churchwardens for the Time being of the ſaid Pariſh; but every Subſcriber who ſhall quit the ſaid Pariſh before his or her Seat or Pew ſhall be given, allotted, and tranſferred to him or her, may ſell and diſpoſe of all his or her Claim, Intereſt, Right, or Title to the ſaid Pew or Seat, in the Claſs and Order in which he or ſhe have ſubſcribed his or her Name, to any other Inhabitant in the ſaid Pariſh, in the Manner herein-after directed; or if ſuch Subſcriber ſhall be deſirous to retain the ſaid Seat or Pew for his or her own Uſe, he or ſhe may aſſign and transfer the ſaid Seat or Pew to any Inhabitants in the ſaid Pariſh, to hold the ſame in Truſt for the ſaid Subſcriber who ſhall have quitted the ſaid Pariſh, to enable him or her to attend Divine Worſhip therein: Provided always, that every ſuch Subſcriber who ſhall be deſirous of ſelling or diſpoſing of his or her Seat or Pew, ſhall firſt make an Offer of the ſame to the ſaid Truſtees, at the Price or Sum originally given for the ſame (which Offer ſhall be made in Writing to the Clerk to the ſaid Truſtees), and ſuch Truſtees are hereby authorized and empowered to purchaſe the ſame, if they think proper ſo to do, for the Uſe of the Pariſhioners of the ſaid Pariſh, at the ſame Price or Sum which ſuch Subſcriber had paid for the ſame Seat or Pew.

Power to raiſe Money by Annuities, or by Annuities with a Survivorſhip.

VII. And be it further enacted, That in caſe the ſaid Truſtees ſhall think it adviſable or more advantageous to raiſe all or any Part of the Money for the Purpoſes of the ſaid Act and this Act, by granting Annuities for a Life or Lives, or by granting Annuities with the Benefit of Survivorſhip, in Claſſes, it ſhall be lawful for the ſaid Truſtees, by Writing under their Hands and Seals or the Hands and Seals of any Seven or more of them, to grant ſuch Annuity or Annuities for Life or Lives to any Perſon or Perſons, or Claſſes of Perſons, with the Benefit of Survivorſhip, who ſhall pay into the Hands of the Treaſurer of the ſaid Truſtees any Sum or Sums of Money as the Conſideration for the Purchaſe of any Annuity or Annuities for Life or Lives, or of any Annuity or Annuities with the Benefit of Survivorſhip, in Claſſes, to be paid or payable during the natural Life of every ſuch Contributor, or his or her Nominee; and if the ſame be granted by Survivorſhip, in Claſſes, then to be paid with the Addition of the Increaſe that may ariſe from the Death of any Perſons named in the ſame Claſs with ſuch Contributor; and every ſuch Annuity ſhall be valid in Law, without Enrolment thereof in the High Court of Chancery; and every Annuity or Annuities ſo to be granted as aforeſaid, ſhall be charged and chargeable upon, and ſhall be payable and paid out of the ſaid Rates and Aſſeſſments to be raiſed, levied, and collected by virtue of the ſaid Act; all which Grants ſhall be in the Form or to the Effect following; *videlicet*,

Form of Grant of Annuities.

'WE, Seven of the Truſtees acting in the Execution of an Act made 'in the Fifty-fifth Year of the Reign of His Majeſty King *George* 'the Third, intituled *An Act* [*here ſet forth the Title*], and of another

'Act

'Act made in the Fifty-ſeventh Year of the Reign of His preſent 'Majeſty, intituled [*here ſet forth the Title of the Act*], in conſideration 'of the Sum of advanced to the ſaid Truſtees, and paid 'by to the Treaſurer of the ſaid Truſtees, do hereby 'grant unto the ſaid Executors, Adminiſtrators, or Aſſigns, 'an Annuity or yearly Sum of to be payable out of the 'Rates and Aſſeſſments made or to be made in purſuance or by virtue of 'the ſaid firſt-mentioned Act, which Annuity or yearly Sum of 'ſhall be paid to the ſaid Executors, Adminiſtrators, 'or Aſſigns, at Half-yearly, on the Day of 'and the Day of every Year, 'during the natural Life of and the firſt Payment thereof 'ſhall be made upon the Day of next. In 'Witneſs whereof we have hereunto ſubſcribed our Names the 'Day of in the Year of our Lord One thouſand eight 'hundred and .'

Form of Grant of Annuities, with Benefit of Survivorſhip, in Claſſes.

'WE, Seven of the Truſtees acting in the Execution of an Act made in the Fifty-fifth Year of the Reign of His Majeſty King *George* 'the Third, intituled *An Act* [*here ſet forth the Title*], and of another 'Act made in the Fifty-ſeventh Year of the Reign of His preſent 'Majeſty, intituled *An Act* [*here ſet forth the Title of the Act*], in conſidera- 'tion of the Sum of advanced to the ſaid Truſtees, and 'paid by to the Treaſurer of the ſaid Truſtees, do hereby 'grant unto the ſaid Executors, Adminiſtrators, or Aſſigns, 'an Annuity or yearly Sum of with the Benefit of Sur- 'vivorſhip, in a Claſs of Perſons from the Age of to the 'Age of to be payable out of the Rates and Aſſeſſments 'made or to be made in purſuance or by virtue of the ſaid Act, which 'Annuity or yearly Sum of with all Advantages and 'Increaſe that may ariſe by the Death or Deaths of any or all the No- 'minees in the ſame Claſs with the ſaid ſhall be paid to 'the ſaid Executors, Adminiſtrators, or Aſſigns, Half- 'yearly, on the Day of and 'Day of every Year, during the natural Life of the ſaid 'and the firſt Payment thereof ſhall be made upon the 'Day of next. In Witneſs whereof we have 'hereunto ſubſcribed our Names, the Day of 'in the Year of our Lord One thouſand eight hundred and .'

For granting Annuities under certain Reſtrictions.

VIII. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities ſhall be granted by virtue of this Act for any ſingle Life at any higher Rate than the following; (that is to ſay), where the Age of the Annuitant or Perſon for whoſe Life the Annuity ſhall be granted ſhall not exceed Thirty-five Years, the Annuity to be granted ſhall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Conſideration Money paid for the Purchaſe thereof; where the Age of ſuch Perſon ſhall not exceed Forty Years, the Annuity to be granted ſhall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of ſuch Conſideration Money; where the Age of ſuch Perſon ſhall not

exceed Forty-five Years, the Annuity ſhall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Fifty Years, the Annuity ſhall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Fifty-five Years, the Annuity ſhall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Sixty Years, the Annuity ſhall not exceed the Rate of Eight Pounds Eleven Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Sixty-five Years, the Annuity ſhall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Conſideration Money; where the Age of ſuch Perſon ſhall not exceed Seventy Years, the Annuity ſhall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Conſideration Money; and where the Age of ſuch Perſon ſhall not exceed Seventy-five Years, the Annuity ſhall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Conſideration Money.

Power to aſſign or transfer any of ſuch Securities.

IX. And be it further enacted, That it ſhall and may be lawful for the Perſons entitled to any of the Securities granted as aforeſaid, by Writing under his, her, or their Hand and Seal or Hands and Seals indorſed thereon, to transfer the ſame to any Perſon or Perſons, in the Words or to the Effect following; *videlicet*,

Form of Transfer and Aſſignment of Securities.

'I do hereby transfer and aſſign the within Mortgage [*or* Grant of Annuity, *or* Grant of Annuity with the Benefit of Survivorſhip, in the Claſs from Age to Age], and all my Right and Title in and to the principal Money and Intereſt [*or* to the ſaid Annuity, *or* Annuity with Benefit of Survivorſhip, in the Claſs from Age to Age], and all Arrears now due thereon, and all Intereſt and future Payments that may hereafter become due and payable in reſpect of the ſame, and which are thereby ſecured, unto Executors, Adminiſtrators, and Aſſigns. Dated this Day of in the Year of our Lord .'

Copies of Securities and Memorials of the Aſſignments thereof to be kept and entered in a Book.

And a Copy of every Security or Aſſignment, together with the Number or Numbers thereof, which ſhall be made in purſuance of the ſaid Act and this Act, and an Extract or Memorial of every Transfer or Aſſignment thereof reſpectively, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, which Extract or Memorial ſhall ſpecify or contain the Date, Names of the Parties, and Sums of Money thereby transferred, and to which Book or Books any Perſon intereſted ſhall at all reaſonable Times have Acceſs, and ſhall have free Liberty to inſpect the ſame, without Fee or Reward; and for the entering of every ſuch Transfer the ſaid Clerk ſhall be paid, by the Perſon or Perſons to whom ſuch Transfer ſhall be made, the Sum of Five Shillings and no more; and every ſuch Transfer, after ſuch Entry thereof as aforeſaid made, ſhall entitle the Perſon to whom the Transfer or Aſſignment ſhall be made, and his or her Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the Security thereby transferred or aſſigned.

Power to borrow more Money.

X. Provided always, and be it further enacted, That in caſe it ſhall clearly appear to the ſaid Truſtees, that the Money to be borrowed under the ſaid Act, together with the Amount of Subſcriptions and Donations, it will not be ſufficient to carry the ſeveral Purpoſes of the ſaid Act into Execution, then the ſaid Truſtees or any Seven or more of them ſhall and may, if they think proper, borrow any further Sum or Sums of Money, over and above the Sum of Five thouſand Pounds authorized to be raiſed by the ſaid recited Act, not exceeding in the whole the Sum of Five thouſand Pounds, together with ſuch further Sum as may be neceſſary to pay Intereſt upon the ſaid Sum, or ſuch Part thereof as may be borrowed, and alſo together with the Sums to be expended in obtaining this Act, and to demiſe and grant the Rates authorized to be levied by the ſaid Act and this Act as a Security for the ſame, in the Manner and Form hereby and thereby directed, as the ſaid Truſtees ſhall deem moſt expedient; Four thouſand Pounds of which laſt-mentioned Sum of Five thouſand Pounds ſhall be applied in building the ſaid Church, and One thouſand Pounds of ſuch Sum ſhall be applied in erecting the ſaid Workhouſe.

Perſons advancing Money to be repaid with Intereſt.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall at any Time or Times advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or for building the ſaid Church or Workhouſe, or in any Manner carrying the ſaid Act and this Act, or any Thing directed by the ſame, into Execution, ſuch Perſon or Perſons ſhall be repaid ſuch Money, with lawful Intereſt for the ſame from the reſpective Times of advancing and lending the ſame, out of the Money which ſhall be firſt raiſed by the ſaid Truſtees for that Purpoſe on the Rates of the ſaid Pariſh, whenever the ſame ſhall be deemed neceſſary; any Thing in the ſaid Act to the contrary thereof in anywiſe notwithſtanding.

Indemnity to Truſtees for Expences of Actions.

XII. Provided always, and be it further enacted, That all and every the Truſtees named in or appointed by virtue of the ſaid Act ſhall from Time to Time and at all Times hereafter be amply and fully indemnified, from and out of the Monies to be raiſed under the ſaid Act and this Act, of and from all Coſts, Charges, Damages, and Expences which they or any of them, or their Treaſurer or Clerk as aforeſaid, ſhall and may ſuſtain or be put unto for or by reaſon of any Action, Suit, or other Proceedings which may be had, ſued, commenced, or proſecuted againſt them, any or either of them, for any Matter or Thing which may be by them reſpectively legally done in or about the Execution of the ſaid Act and this Act, and the Truſts repoſed in them under the ſame.

Powers of former Act extended to this Act.

XIII. And be it further enacted, That the ſaid recited Act, and all and every the Clauſes, Powers, Proviſions, Articles, Matters, and Things therein contained (ſave and except as are hereby altered or varied) ſhall be and remain in full Force and Virtue, and ſhall extend to and be deemed and taken to be as good, valid, and effectual, for carrying this Act and the ſeveral Purpoſes thereof into Execution, as if all ſuch Clauſes, Powers, Proviſions, Articles, Matters, and Things were repeated and re-enacted in the Body of this Act.

XIV. And

Public Act. XIV. 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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