ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. lxxix.

An Act for defraying the Expence incurred in rebuilding the Parish Church of *Hanworth*, in the County of *Middlesex*. [14th *June* 1815.]

WHEREAS the Church of the Parish of *Hanworth*, in the County of *Middlesex*, hath been lately taken down and rebuilt, in consequence of the same having become so much out of Repair as to be unfit for the Performance of Divine Service: And whereas the Sum of Two hundred Pounds hath been raised by voluntary Contribution towards defraying the Expences of taking down and rebuilding the said Church, and the same hath been applied in Part Discharge of such Expences accordingly: And whereas the Reverend *James Burgess*, the present Rector of the said Parish, hath agreed to contribute the Sum of Six hundred Pounds for the same Purpose, in Satisfaction of any Claim which might be made on him as Rector of the said Parish, in respect of the taking down and rebuilding the Chancel of the said Church, and Part of the said Sum of Six hundred Pounds hath been paid by him, and hath been applied in further Payment of the Expences of taking down and rebuilding the said Church: And whereas in pursuance of a Resolution of the Parishioners assembled at a Vestry of the said Parish on the Twentieth Day of *April* One thousand eight hundred and nine, in Consideration of the Advance by *Mary Burgess* Spinster, of the Sum of Six hundred and thirteen Pounds Ten Shillings, towards the Payment of the Sums due for rebuilding the said Church, a certain Annuity of Fifty Pounds *per Annum* was granted to the said *Mary Burgess* for the Term of her natural Life, and certain of the Parishioners of the said Parish became Securities,

Securities, and were bound in a Writing obligatory to the ſaid *Mary Burgeſs* for the Payment of the ſaid Annuity out of the Church Rates of the ſaid Pariſh: And whereas the ſaid Sum of Six hundred and thirteen Pounds Ten Shillings hath been applied in further Payment of the Expences of taking down and rebuilding the ſaid Church: And whereas no Payment hath yet been made to the ſaid *Mary Burgeſs* in or towards diſcharging the ſaid Annuity of Fifty Pounds: And whereas a Church Rate was ſometime ſince made by the Churchwardens of the ſaid Pariſh in Order to raiſe Money towards further diſcharging the Expences of taking down and rebuilding the ſaid Church, and the ſame was in Part paid, and the Money thereby raiſed hath been applied in further Payment of ſuch Expences accordingly: And whereas a Suit was inſtituted in the proper Eccleſiaſtical Court by the Churchwardens of the ſaid Pariſh, for the Purpoſe of compelling the full Payment of the ſaid Church Rate, and the ſaid Suit hath lately been compromiſed, and the Sums remaining due in reſpect of the ſaid Rate are intended to be forthwith paid, and to be applied in further Payment of the Expences of taking down and rebuilding the ſaid Church: And whereas a conſiderable further Sum of Money is neceſſary to be raiſed for defraying the Remainder of the Expences which have been incurred in taking down and rebuilding the ſaid Church: And whereas one or more Action or Actions is or are depending againſt the ſaid *James Burgeſs* for Monies claimed to be due for Materials found or Work done, in and about the taking down and rebuilding the ſaid Church: And whereas it is juſt and reaſonable that Proviſion ſhould be made out of the Rates of the ſaid Pariſh for the Payment of the ſaid Annuity of Fifty Pounds; and that the Perſons liable to the Payment thereof, ſhould be indemnified, and that the ſaid *James Burgeſs* and the Churchwardens of the ſaid Pariſh, and any other Perſon or Perſons who is or are or may be liable to the Payment of any Part of the Money now due or claimed to be due in reſpect of the Expences of taking down and rebuilding the ſaid Church, ſhould be indemnified; but ſuch Proviſion and Indemnities, and the Payment of the Sums remaining due in reſpect of taking down and rebuilding the ſaid Church, cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be 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 Rector and Churchwardens of the ſaid Pariſh of *Hanworth* for the Time being, and *John Boodle* of *Lower Brook Street*, in the Pariſh of *Saint George Hanover Square*, in the ſaid County of *Middleſex*, Eſquire, and *William Groom* of *Lincoln's Inn Fields*, in the Pariſh of *Saint Giles in the Fields*, in the ſaid County of *Middleſex*, Eſquire, and the Succeſſors of the ſaid *John Boodle* and *William Groom*, to be appointed in Manner herein-after mentioned, ſhall be Truſtees for putting this Act in Execution.

Truſtees appointed.

For appointing new Truſtees.

II. And be it further enacted, That when the ſaid *John Boodle* and *William Groom*, or either of them, or any Truſtee or Truſtees to be appointed in the Stead or Place of them, or either of them, in purſuance of this Act, ſhall die or refuſe, or become incapable to act, then, and ſo often, if the Truſtee ſo dying, or refuſing, or becoming incapable to act, ſhall be the ſaid *John Boodle*, or any Truſtee to be appointed in his Stead as hereinafter is mentioned, it ſhall be lawful for the Moſt Noble *Aubrey*, Duke of *Saint Albans*, (one of the principal Proprietors of Lands within the

the ſaid Pariſh) his Executors or Adminiſtrators, by any Writing under his or their Hand or Hands, to appoint any other Perſon to be a Truſtee in the Room or Stead of the Truſtee ſo dying, or refuſing, or becoming incapable to act as aforeſaid; and if the Truſtee ſo dying, refuſing, or becoming incapable to act, ſhall be the ſaid *William Groom*, or any Truſtee to be appointed in his ſtead as hereinafter is mentioned, it ſhall be lawful for *James Ramſay Cuthbert* Eſquire, (another of the principal Proprietors of Lands within the ſaid Pariſh,) his Executors or Adminiſtrators, by any Writing under his or their Hand or Hands, to appoint any other Perſon to be a Truſtee in the Room or Stead of the Truſtee ſo dying, or refuſing, or becoming incapable to act as laſt aforeſaid.

Expences to be paid by Truſtees.

III. And be it further enacted, That the ſaid Truſtees ſhall, by and out of the Monies to be raiſed under or by virtue of this Act, or which are hereby veſted in them, pay the Arrears of the ſaid Annuity of Fifty Pounds, now due, and which ſhall hereafter accrue due to the ſaid *Mary Burgeſs*, up to the Time of entering the ſame in the Book hereinafter mentioned; and alſo pay and diſcharge all and every Sums and Sum of Money now due or claimed to be due in reſpect of the taking down and rebuilding the ſaid Church, or ſuch of them, or ſuch Part thereof reſpectively, as the ſaid Truſtees ſhall think it reaſonable or proper to pay and ſatisfy; and alſo pay and diſcharge the Coſts and Expences incurred on both Sides, in the ſaid Suit ſo inſtituted in the ſaid Eccleſiaſtical Court, and ſince compromiſed as aforeſaid; and alſo the Coſts and Expences already incurred, or hereafter to be incurred by the ſaid *James Burgeſs*, or the Churchwardens of the ſaid Pariſh, or any other Perſon or Perſons, in defending any Action or Actions already brought, or hereafter to be brought, for the Recovery of any Monies due or claimed to be due in reſpect of the taking down and rebuilding the ſaid Church, and indemnify and ſave harmleſs him and them reſpectively, and all and every other Perſons and Perſon from and againſt all Claims and Demands whatſoever, for or in reſpect of the Expences of taking down and rebuilding the ſaid Church, or in anywiſe relating thereto; and alſo pay and ſatisfy all the Coſts and Expences to be incurred in any Action or Suit which may be defended, or commenced, or proſecuted under the Powers of this Act, and all other the Coſts, Charges, and Expences of the ſaid Truſtees to be incurred in the Execution of this Act, or in anywiſe relating thereto.

Power to Truſtees to reſiſt Payment and to compound Claims, &c.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees (if they in their Diſcretion ſhall deem the ſame proper and expedient,) to reſiſt the Payment of any Bill or Bills, Debt or Debts claimed or to be claimed or demanded by any Tradeſman, Workman or other Perſon or Perſons, for or on account of any Materials or Work, or other Matter or Thing, found or provided, done or performed in or about the taking down and rebuilding the ſaid Church, or otherwiſe; and for that Purpoſe to continue to defend the Action or Actions, now depending, and any other Action or Suit, Actions or Suits, which may be brought, commenced or proſecuted againſt them, the ſaid Truſtees, or againſt the Rector and Churchwardens of the ſaid Pariſh or any of them, or againſt any other Perſon or Perſons for the Recovery of any ſuch Bill or Bills, Debt or Debts, or any Part thereof reſpectively or otherwiſe, (as the ſaid Truſtees ſhall think moſt proper) to compound and compromiſe the ſame Bill or Bills, Debt or Debts, by paying a leſs Sum than the whole Amount

thereof, in full Diſcharge of the ſame; and alſo that it ſhall and may be lawful for the ſaid Truſtees to commence and proſecute any Action or Suit againſt any Perſon or Perſons, who may have been employed in and about the taking down and rebuilding the ſaid Church, or who may have found and provided any of the Materials or other Things neceſſary for the ſame, for or on account of any Breach of any expreſs or implied Contract or Contracts, which he or they may have entered into previouſly to the paſſing of this Act, in and about the Premiſes, notwithſtanding ſuch Contract or Contracts were not entered into with the ſaid Truſtees, and the ſame Action or Suit to carry on and bring to an end, or to diſcontinue and commence freſh Actions or Suits, or to compromiſe and compound the ſame, by taking a certain Sum in full Satisfaction and Diſcharge of the Damages ſuſtained by the Breach of any ſuch Contract or Contracts as aforeſaid.

Truſtees may ſue and be ſued in the Name of the Rector.

V. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in any Action or Actions, Suit or Suits to be commenced or proſecuted in reſpect of any of the Expences of taking down and rebuilding the ſaid Church, or of any other Matter or Thing herein-before referred to, or to which this Act in anywiſe relates, in the Name of the Rector of the ſaid Pariſh for the Time being; and that no ſuch Action or Suit ſhall abate or be diſcontinued by reaſon of the total or partial Change of the ſaid Truſtees, or by reaſon of the Death, Reſignation or Removal of the Rector for the Time being, or other Avoidance of the Rector of the ſaid Church, or by the Act of any ſuch Rector without the Conſent of the ſaid Truſtees; but the Proceedings in every ſuch Action or Suit ſhall be carried on to Execution if neceſſary in the Name of the Rector, by or againſt whom ſuch Action or Suit ſhall have been commenced.

Truſtees may employ Surveyors.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to employ one or more Perſon or Perſons (if they ſhall judge the ſame neceſſary) to ſurvey, value and eſtimate the Buildings and Works which are to be paid for by the Monies to be raiſed by virtue of this Act; and that ſuch Truſtees ſhall and may out of the Monies ariſing by virtue of this Act, pay or cauſe to be paid to the Perſon or Perſons ſo to be employed ſuch Sum or Sums of Money as the ſaid Truſtees ſhall judge a reaſonable Compenſation for his or their reſpective Trouble and Services.

Truſtees to raiſe Money by Life Annuities.

VII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees to raiſe any Sum or Sums of Money which they ſhall find it neceſſary or expedient to raiſe for the Purpoſes of this Act, by granting Annuities on ſingle Lives, or on ſeveral Lives with Survivorſhips, to any Perſon or Perſons who ſhall be willing to purchaſe the ſame, or their reſpective Appointee or Appointees, upon the Security of the Church Rates of the ſaid Pariſh, and all which Annuities ſhall be granted by Deeds duly executed under the Hands and Seals of the Truſtees, and atteſted by Two or more credible Witneſſes, and the Conſideration for the ſame Annuities ſhall be paid into the Hands of the ſaid Truſtees, or of ſuch Perſon or Perſons as they ſhall in that Behalf appoint, and the Receipt or Receipts of the Truſtees ſhall be ſufficient Diſcharges for the ſame.

VIII. And

VIII. And be it further enacted, That every such Grant of any such Annuity shall be in the Words, or to the Effect following; (that is to say),

Form of Annuity.

'WE the Trustees under an Act of Parliament passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled '*An Act* [*here set forth the Title of this Act,*] in pursuance of the said 'Act, and in Consideration of the Sum of paid 'by to us; do hereby grant unto the said 'Executors, Administrators, or Assigns, for the Term 'of the natural Life of the said one Annuity or Yearly Sum 'of Pounds, which Annuity shall be payable and paid 'out of the Church Rates of the said Parish, by equal Half-yearly Payments at the Vestry Room of the Parish of *Hanworth* aforesaid, upon 'the Day of and the Day of 'in each Year, the First Half Yearly Payment to commence and be 'made upon the Day of next after the Day of 'the Date of these Presents; and in case the said shall 'die on any other Day than One of the said Half-yearly Days of Payment, a proportionate Part of the said Annuity of Pounds to 'be paid for the Time which the said shall have lived 'of the current Half-year. In Witness whereof, we have hereunto set our 'Hands and Seals, the Day of or as near thereto 'as the Circumstances of each Case will admit.'

Annuities charged on Church Rates;

IX. And be it further enacted, That every such Grant shall be good, valid and effectual in the Law, and every Annuity so to be granted as aforesaid shall be, and is hereby charged upon the Church Rates, which are hereinafter directed to be made for that Purpose.

and not to be subject to Act 53 G. 3. for registering Grants of Annuities.

X. And be it further enacted, That such Annuities respectively, or the Securities for the same, shall not be construed or considered to be within the Purview or Meaning of an Act of Parliament made and passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act to repeal an Act of the Seventeenth Year of the Reign of His present Majesty, intituled 'An Act for registering the Grants of Life Annuities, and for the better Protection of Infants against such Grants, and to substitute other Provisions in lieu thereof,'* so as to make it requisite or expedient to comply with or observe the Requisites or Forms, or any of them, prescribed by the said Act.

Annuity already granted to be secured under Provisions of this Act.

XI. And be it further enacted, That the said Annuity of Fifty Pounds so granted or expressed to be granted to the said *Mary Burgess*, as hereinbefore is mentioned, shall be entered in the Book directed to be kept for that Purpose under this Act, and shall be deemed and taken to be an Annuity granted under the Provisions thereof; and shall from thenceforth be paid out of the Rates directed to be raised for the Payment of the Annuities under this Act, in like Manner in every respect as is in this Act provided, in relation to Annuities granted in pursuance thereof; and all the Powers, Provisoes, Clauses and Regulations in this Act contained, in relation to Annuities granted in pursuance of the Provisions of this Act shall extend, and be construed to extend, to the said Annuity so granted to the said *Mary Burgess*, in like Manner in every respect as if the same had been granted after the passing of this Act, and in pursuance of the Provisions thereof.

Annuities may be transferred.

XII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Annuities granted as aforesaid, by Writing under their Hands and Seals indorsed thereon, or by any other Writing under their Hands and Seals, to transfer and assign the same to any Person or Persons in the Words or to the Effect following; (that is to say),

'I do hereby assign and transfer the within Grant of Annuity, and all my Right and Title to the same, and all Arrears due of the said Annuity, unto his or her Executors, Administrators and Assigns. Dated the Day of .'

And after such Assignment and Transfer made, the Person or Persons to whom the same shall be so assigned or transferred, and his, her or their Executors, Administrators and Assigns, shall from thenceforth be entitled to the Benefit thereof, and to Payment thereon; and such Assignee or Assignees, and the Person or Persons claiming under them respectively, may in like Manner assign and transfer again, and so *toties quoties*; and all and every Person or Persons to whom such Grants, Assignments and Transfers shall be made, shall be Creditors on the said Rates to be raised by virtue of this Act, without any Preference or Priority whatever.

Entries of Annuities, and Transfers to be made.

XIII. And be it further enacted, That there shall be provided by the Churchwardens of the said Parish a Book or Books, in which shall be made Entries of all Grants of Annuities made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Names, Additions, Places of Abode, and other proper Descriptions of the Persons entitled to the Annuities to be granted in pursuance of this Act; and which Book or Books all Persons interested shall at all seasonable Times have Access and Liberty to inspect upon Payment of One Shilling to the Clerk of the said Parish for the same; and which said Book or Books may be produced, and read in Evidence in all Courts of Law and Equity, and other Places whatsoever.

Monies raised vested in Trustees.

XIV. And be it further enacted, That all and every Sum and Sums of Money to be raised by the said Trustees by way of Annuity as aforesaid, and all and every Sums and Sum of Money which shall be recovered in any Action or Suit to be brought or prosecuted by the said Trustees as herein-before is mentioned, or which shall be received by them by way of Composition or Compromise as aforesaid, and the Sum of Money remaining due from the said *James Burgess* in respect of the said Contribution of Six hundred Pounds, and all and every the Sum and Sums of Money remaining due in respect of the said Church Rate some Time since made by the Churchwardens of the said Parish, and all and every the Sum and Sums of Money if any now remaining in the Hands of the Rector and Churchwardens of the said Parish, or any of them, and which have been received by them for the Purpose of defraying the Expences of taking down and rebuilding the said Church, and have not been already applied for that Purpose, shall be, and the same are hereby vested in the said Trustees, to be applied by them for the Purposes of this Act.

Four of the Trustees may act.

XV. Provided always, and be it further enacted, That all the Powers and Authorities by this Act granted to, or vested in, and all Acts, Matters and Things hereby directed or authorized to be done or executed by the said

ſaid Truſtees, ſhall or may be exerciſed and executed, done and performed by any Four of the Truſtees for the Time being, and all the Acts and Proceedings of any Four of the Truſtees for the Time being ſhall have the ſame Force and Effect as if done or executed by all the Truſtees.

Church-wardens to make Rates for Payment of Annuities.

XVI. And be it further enacted, That it ſhall be lawful for the Churchwardens of the ſaid Pariſh for the Time being, and they are hereby required to make ſuch Rates in the Nature of Church Rates in each Year, in addition to the Rates to be raiſed in the ſaid Pariſh, for the ſeveral Purpoſes to which ſuch Rates are uſually applied, as will be ſufficient to pay all ſuch Annuities at the ſeveral and reſpective Times appointed for the Payment thereof; and all ſuch Rates ſhall be raiſed, levied, and collected in the like Manner, and with the like Power and Authority for the enforcing Payment thereof as Church Rates are raiſed, levied, and collected, and together with the other Church Rates in the ſaid Pariſh, and ſhall be applied by the ſaid Churchwardens in the Payment of the ſaid Annuities, including the ſaid Annuity to the ſaid *Mary Burgeſs*, or of ſuch of them as ſhall remain in Exiſtence until the ſame ſhall wholly ceaſe and determine; and in caſe the Churchwardens of the ſaid Pariſh ſhall in any Year refuſe or neglect to make or raiſe, levy, and collect ſuch ſufficient Rates as aforeſaid, for the Payment of ſuch Annuities, then and in ſuch Caſe the Churchwardens ſo refuſing or neglecting to make, raiſe, levy, and collect ſuch Rates, ſhall be liable to pay the full Amount of any Deficiency, which ſhall ariſe by reaſon of ſuch Refuſal or Neglect, to the ſeveral Annuitants; and ſuch Deficiency ſhall and may be recoverable in an Action of Debt againſt the ſaid Churchwardens: Provided always, that in caſe any Deficiency ſhall ariſe from any Inability to pay by any Perſon or Perſons charged with ſuch Rates or other Loſs in the Collection thereof, it ſhall be lawful for ſuch Churchwardens or any ſucceeding Churchwardens, to raiſe ſufficient to make up ſuch Deficiency for the Payment of any ſuch Annuitants or preceding Churchwardens, by any Additional Rate, or by adding the ſame to the Amount to be raiſed by any ſucceeding Rate, as may be neceſſary for ſatisfying ſuch Annuitants, or repaying any Sums advanced by any ſuch Churchwardens in reſpect thereof as aforeſaid.

For auditing Accounts.

XVII. And be it further enacted, That the Churchwardens of the ſaid Pariſh ſhall keep true and faithful Accounts of all Money ſo raiſed, levied and paid, by them under the Proviſions of this Act, and ſhall duly account to the Perſons liable to pay ſuch Rates, aſſembled in Veſtry in the ſaid Pariſh, and for that Purpoſe Four Veſtry Meetings ſhall be held in each Year, in the Firſt Week in *January*, in the Firſt Week in *April*, in the Firſt Week in *July*, and in the Firſt Week in *October*, reſpectively, of which Notice ſhall be put up by the ſaid Churchwardens, upon the Door of the ſaid Church Ten Days at the leaſt, and alſo given in Church on the Two *Sundays* reſpectively, immediately preceding each of ſuch Meetings; and in caſe the Churchwardens of the ſaid Pariſh ſhall neglect to give ſuch Notice of ſuch Meetings as aforeſaid, it ſhall be lawful for any Perſon liable to the Payment of Church Rates in the ſaid Pariſh, to ſummon Veſtry Meetings for the auditing and examining ſuch Accounts upon like Notice as aforeſaid; and at each of ſuch Veſtry Meetings under this Act all ſuch Accounts ſhall be examined and audited by the Perſons aſſembled at ſuch Veſtry Meetings.

XVIII. And

For defraying Expences of this Act.

XVIII. And be it further enacted, That the Coſts, Charges, and Expences incident to or attending the obtaining this Act, ſhall be paid by the ſaid Truſtees out of the Monies veſted in them by this Act.

Public Act.

XIX. 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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