ANNO DECIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xvi.

An Act for extinguishing the Vicarial Tithes in the Parishes of *Kew* and *Petersham* in the County of *Surrey;* for confirming and regulating the Pew Rents of the Churches of the said Parishes; for authorizing the Division of the Vicarage of *Kew* and *Petersham;* and for other Purposes relating to such Vicarage. [31st *May* 1850.]

WHEREAS by an Act of Parliament made and passed in the Session of Parliament held in the Ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for dividing the Vicarage of* Kingston-upon-Thames *in* 8 & 9 G. 3.
the County of Surrey, *with the several Chapelries or Curacies thereto* c. 65.
belonging or thereon dependent, into Two separate Vicarages and Two separate Perpetual Curacies, in such Manner as is therein mentioned, it was enacted, that from and after the next Avoidance of the said Vicarage of *Kingston-upon-Thames*, and from and after the Avoidance of the said Chapelries or Curacies of *Petersham* and *Kew*

next ensuing such Avoidance of the Vicarage as aforesaid, the said Chapelries or Curacies of *Petersham* and *Kew* should be, and be deemed and taken to be, and were thereby enacted, declared, and established, a separate and distinct Vicarage by the Name of "The Vicarage of *Kew* and *Petersham*," and should be and was thereby divided and exempt from the rest of the said then Vicarage of *Kingston-upon-Thames* and the other Chapelries or Curacies thereto belonging or thereon dependent, and should for ever be held and enjoyed by the Vicars thereof, to be nominated and appointed as therein is mentioned, and that all Messuages, Buildings, Lands, Tenements, and Hereditaments situate within the several Townships, Villages, or Hamlets of *Kew* and *Petersham* should from thenceforth constitute the said Vicarage of *Kew* and *Petersham*; and by the same Act it was enacted that the perpetual Advowson, Right of Presentation and Nomination of Vicars to hold the said Vicarage, should be and the same were thereby vested in *George Hardinge* Esquire, therein named, his Heirs and Assigns: And whereas by an Indenture bearing Date the Twenty-sixth Day of *April* One thousand seven hundred and eighty-one, and expressed to be made between the said *George Hardinge* and *Thomas Pickering*, therein described, (a Trustee for the said *George Hardinge*,) of the one Part, and the Reverend *William Cooke* Doctor of Divinity, the then Provost of *King's College* of Blessed *Mary* and *Saint Nicholas* of *Cambridge*, and the Scholars of the same College, of the other Part, the Advowson of the said Vicarage of *Kew* and *Petersham* was granted and assured unto and to the Use of the said Provost and Scholars, their Successors and Assigns, for ever: And whereas the Reverend *Richard Burgh Byam* Clerk is the Vicar of the said Vicarage of *Kew* and *Petersham*: And whereas Proceedings have been lately instituted for commuting the Tithes in the several Parishes of *Kew* and *Petersham*: And whereas Doubts have arisen whether or not any Vicarial Tithes are payable in respect of any Lands within the said several Parishes of *Kew* and *Petersham*, and it is desirable that such Doubts should be forthwith ended, and that all Vicarial Tithes, Small Tithes, *Easter* Dues, Oblations, and Offerings (other than Surplice Fees), and all Rent-charges or Payments in lieu of Small Tithes (if any) arising within such Parishes, should be forthwith extinguished: And whereas the Pew Rents of the several Parish Churches of *Kew* and *Petersham* aforesaid have been of long Usage paid to and received by the Vicar of *Kew* and *Petersham*, and it is expedient that in lieu of the said Vicarial Tithes, *Easter* Dues, Oblations, and Offerings so to be extinguished the present Rentals of the respective Pews in the said several Parish Churches of *Kew* and *Petersham* should be absolutely confirmed, and that the Vicar of *Kew* and *Petersham* aforesaid should be declared to be entitled to the same Pew Rents: And whereas the said Vicarage of *Kew* and *Petersham* comprises the whole of the said

Indenture, dated 26th April 1781.

Parishes

Kew and Petersham Vicarage.

Parishes of *Kew* and *Petersham*, and the Boundaries of the same Parishes are well known and defined, and the said Parishes are of large Extent, the said Parish of *Kew* being computed to contain a Population of upwards of Nine hundred and twenty Souls, and the said Parish of *Petersham* being computed to contain a Population of upwards of Six hundred and thirty Souls, and the same Parishes are intersected, and for the Purposes of clerical Superintendence inconveniently separated from each other, by the Parish and Vicarage of *Richmond*: And whereas it would tend to improve the ecclesiastical Superintendence of the said Parish of *Kew* and also of the said Parish of *Petersham*, and would in other respects be of great Utility, if the said Vicarage of *Kew* and *Petersham* were divided into Two separate and distinct Vicarages, and if so much of the said Vicarage as consists of the Parish of *Kew* should be and become one of such separate and distinct Vicarages, and so much of the said Vicarage as consists of the Parish of *Petersham* should be and become the other of such separate and distinct Vicarages, and it is expedient that Powers should be granted to make such Division, with such further Provisions in reference thereto as are herein-after contained: And whereas there is no Parsonage or Place of Residence in either of the Parishes of *Kew* or *Petersham*, or elsewhere, appropriated for the Vicar of *Kew* and *Petersham*, and it is desirable that Facilities should be granted for providing such Residence, and also for endowing the said Vicarage and the Two Vicarages into which the said Vicarage of *Kew* and *Petersham* is by this Act authorized to be divided: And whereas the beneficial Objects aforesaid cannot be carried into effect without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the passing of this Act all Vicarial Tithes, Small Tithes, Commutation for Small Tithes, *Easter* Dues, Oblations, and Offerings (if any), and all Rent-charges or Payments in lieu of Vicarial or Small Tithes (if any) arising within the said several Parishes of *Kew* and *Petersham*, shall cease and be extinguished for ever.

After passing of this Act all Vicarial Tithes, &c. to be extinguished.

II. Provided always, and be it enacted, That nothing herein contained shall affect, prejudice, or extinguish, or be construed to affect, prejudice, or extinguish, the Payment of such Fees as are usually known as or called Surplice Fees, which said Surplice Fees shall, notwithstanding this Act, remain payable to and be recoverable and receivable by the said *Richard Burgh Byam*, or other the Vicar for the Time being of the Vicarage of *Kew* and *Petersham*, so long as such Vicarage shall remain undivided; and further, that nothing herein

Nothing to affect the Payment of Surplice Fees, &c.

herein contained shall affect, prejudice, or extinguish the Payment of such Fees for Graves, Vaults, Monuments, Tablets, and Burials in the said respective Churches and Churchyards and Burial Grounds of the said Parishes of *Kew* and *Petersham* as have heretofore been accustomed to be paid, nor the Rents for Pews or Seats in Pews in the several Parish Churches of *Kew* and *Petersham* aforesaid, nor any Rent, Stipend, or Payment that now is or hereafter may be or become payable by virtue of any Will or Gift by Deed made or exccuted according to Law.

Churchwardens to cause a List and Plan of the Pews, and of the yearly Rents, to be prepared;

III. And be it enacted, That the Churchwardens for the Time being of the said several Parishes of *Kew* and *Petersham*, as soon as conveniently may be after the passing of this Act, shall cause a List or Schedule to be made of all the Pews and Seats in Pews in the said Churches respectively, and a Plan of such Pews respectively, and of the respective yearly Rents which on the Feast Day of the Annunciation of the Blessed Virgin *Mary* next before the passing of this Act were charged upon or payable by Occupiers of the said Pews and Seats respectively; and the said Pews and Seats shall from and after the passing of this Act be and continue for ever charged and chargeable with the said respective yearly Rents appearing in the said Lists or Schedules respectively, subject nevertheless to the Powers and Authorities herein contained for varying the respective Amounts of such Rents; and the said Lists or Schedules and Plans shall be signed by the Churchwardens of such respective Parishes for the Time being, and shall be submitted to the Bishop of the Diocese for his Approval; and on his approving such Lists the same respectively, and the said Plans or Copies thereof, shall be registered in the Registry of the Diocese for the Parts of *Surrey*; provided nevertheless, that notwithstanding such Lists shall not be approved of as aforesaid the Rents which on the said *Lady Day* last were charged and payable as aforesaid shall continue to be so charged and payable.

which Lists, &c., when approved by the Bishop, to be registered in Registry of the Diocese.

Persons to whom Pews shall be let.

IV. And be it enacted, That the said Pews and Seats in the Parish Church of *Kew* aforesaid shall and may be let by the Churchwardens of the said Parish of *Kew* to inhabitant Householders of the said Parish of *Kew*, and that the said Pews and Seats in Pews in the Parish Church of *Petersham* aforesaid shall and may be let by the Churchwardens of the said Parish of *Petersham* to inhabitant Householders of the said Parish of *Petersham*, and to any other Person or Persons, (subject to the Preference herein-after mentioned,) for such Time or Times, and at or for such annual or other Rents, and subject to such Rules, Orders, and Regulations as are herein-after mentioned; and the Rents to be paid for the Use and Occupation of any Pews or Seats in Pews shall be paid half-yearly and in advance, and shall be applied

and disposed of as herein-after mentioned: Provided always, that it shall and may be lawful to and for the several Parishioners of the said Parishes of *Kew* and *Petersham* respectively, and Residents therein, on Demand in Writing made to the Churchwardens or any or either of them, to have or rent such Pews or Seats respectively, at such Rent or Rents, Sum or Sums of Money as aforesaid, in preference to any other Person or Persons not being a Parishioner or Parishioners of or a Resident within the said Parishes respectively; provided also, that no Pew or Seat in Pew shall be let to any other Person or Persons, not an inhabitant Householder or inhabitant Householders of or resident in the said Parishes respectively, for any longer Term or Period than One Year; provided also, that if any such Householder or Householders shall take any Pew or Seat for any longer Term or Period than One Year, and shall cease to be an inhabitant Householder or inhabitant Householders of the said Parish of *Kew* or *Petersham*, as the Case may be, then and in every such Case his, her, or their Term, Estate, and Interest in such Pew or Seat respectively shall at the End or Expiration of the then current Year of the said Term or Period cease and determine to all Intents and Purposes whatsoever.

Power to Churchwardens to vary Pew Rents, with Consent of the Bishop and Vestry.

V. Provided always, and be it enacted, That it shall be lawful for the said Churchwardens of the said Parish of *Kew*, as to the Pews in the Church of that Parish, with the Consent of the Inhabitants of that Parish in Vestry assembled, and also with the Consent in Writing of the Bishop of the Diocese for the Time being, under his Hand, and of the Vicar of the said Parishes of *Kew* and *Petersham* aforesaid, or of the Vicar of the said Parish of *Kew* for the Time being, as the Case may be, from Time to Time or at any Time or Times to alter any such yearly Rent, either by adding thereto or diminishing therefrom, or otherwise howsoever; and it shall also be lawful for the Churchwardens of the said Parish of *Petersham*, as to the Pews in the Church of that Parish, with the Consent of the Inhabitants of such Parish in Vestry assembled, and also with the Consent in Writing of the Bishop of the Diocese for the Time being, under his Hand, and of the Vicar of the said Parishes of *Kew* and *Petersham*, or of the Vicar of the said Parish of *Petersham* for the Time being, as the Case may be, from Time to Time or at any Time or Times to alter any such yearly Rent, either by adding thereto or diminishing therefrom, or otherwise howsoever, and all such Alterations in the said yearly Rents shall be signified in Writing, and signed by the said respective Churchwardens, and shall be submitted to the Bishop of the Diocese for his Approval, and shall be registered in such Manner as herein-before is directed or required of and concerning the said Lists of Pew Rents confirmed by this Act as aforesaid.

Additional Pews, or altered Pews, to be charged with Rents.

VI. And be it enacted, That in case any additional or substituted Pew or Pews shall be made in the said several Parish Churches of *Kew* and *Petersham*, or either of them, or any of the existing Pews therein, shall at any Time or Times be enlarged, lessened, or altered, then such additional or substituted Pew or Pews, or the other Pews so enlarged, lessened, or altered, shall be charged with, and the respective Occupiers of such additional or substituted, or enlarged, lessened, or altered Pews, or of any Sitting or Sittings therein, shall be liable to pay such a Rent or Rents for the same as the Churchwardens of the said Parish of *Kew* and Inhabitants of *Kew* in Vestry assembled, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Kew*, as the Case may be, as to the Pews in the Church of that Parish, or the Churchwardens of the said Parish of *Petersham* and Inhabitants of *Petersham* in Vestry assembled, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Petersham*, as the Case may be, as to the Pews in the Church of that Parish, as the Case may be, and also with the Consent in Writing of the Bishop of the Diocese, under his Hand, shall think proper, and all the Clauses and Powers relating to the Pews now existing in the said Churches respectively, and to the Rents thereof respectively, and to the Application of such Rents, shall be applicable to such additional or substituted Pew or Pews, or other Pew and Pews that may be so enlarged or lessened or altered as aforesaid.

Power to convert Pews into free Sittings.

VII. And be it enacted, That it shall be lawful for the said Churchwardens of *Kew* aforesaid, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Kew*, as the Case may be, as to the Pews in the Church of that Parish, and for the Churchwardens of *Petersham* aforesaid, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Petersham*, as the Case may be, as to the Pews in the Church of that Parish, from Time to Time, with the Consent in Writing of the Bishop of the Diocese, to convert any One or more of the Pews in the Parish Churches of *Kew* and *Petersham* aforesaid respectively into free Seats, and also to convert any free Sittings into Pews, provided that as many other free Sittings be substituted and made for those free Sittings which may be so converted into Pews.

Pews in new or substituted Parish Church to be charged with Rents.

VIII. And be it enacted, That in case the said present or any future Parish Church of *Kew* aforesaid, or the present or any future Church of *Petersham* aforesaid, shall be burnt or destroyed by Fire or other Accident, or become decayed, or unfit for the Performance of Divine Worship therein, and another Church or other Churches shall be at any Time or Times built or substituted for such Church or Churches, or either of them, either on the same or any other Site, either wholly or partially, then the Pews and Sittings in Pews in

every such new Church or Churches or substituted Church or Churches shall be charged with, and the Owners and Occupiers thereof respectively, or of any Sitting or Sittings therein, shall be liable to pay, such a Rent or Rents for the same as the Churchwardens of the said Parish of *Kew* and Inhabitants of the said Parish of *Kew* in Vestry assembled, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Kew*, as the Case may be, as to the Pews in the Church of that Parish, or the Churchwardens of the said Parish of *Petersham*, and Inhabitants of the said Parish of *Petersham* in Vestry assembled, with the Consent of the Vicar of *Kew* and *Petersham*, or of the Vicar of *Petersham*, as the Case may be, as to the Pews in the Church of that Parish, and with the Consent in Writing of the Bishop of the Diocese, under his Hand, shall think fit; and a Copy of the Rental of such Pews and Sittings in Pews shall be entered in the Registry of the Diocese for the Parts of *Surrey* within Six Calendar Months after such Rental shall have been settled; and all the Clauses, Powers, and Remedies herein contained for receiving, recovering, and enforcing Payment of the Rents of the Pews and Sittings in the present Parish Churches respectively, and to the Application of such Rents, and otherwise relating to such Pews and Sittings in Pews, shall be in like Manner applicable to the Pews and Sittings in Pews and Rents thereof respectively in every such new or substituted Church or Churches.

Rents to be paid half-yearly.

IX. And be it enacted, That every Occupier of a Pew or Seat in a Pew in the Parish Church of *Kew* aforesaid, and every Occupier of a Pew or Seat in a Pew in the Parish Church of *Petersham* aforesaid, shall pay to the Churchwardens of the said respective Parishes the Rent charged on or in respect of such Pew or Seat as aforesaid by equal half-yearly Payments, namely, on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, and such half-yearly Payments shall be made in advance; and in case the Rent of any Pew or Seat, or any Part thereof, shall happen to be behind and unpaid by the Space of Three Calendar Months next after the same shall become due or payable, and One Week's personal or printed or written Notice demanding Payment thereof shall have been made, given to, or left at the last known Place of Residence of the Occupier of such Pew or Seat, then the Churchwardens of the said Parishes of *Kew* and *Petersham* respectively, as to their respective Parishes, shall and may enter upon and hold such Pew or Seat, or let the same to any other Inhabitant or Inhabitants of such Parishes respectively, or other Person or Persons subject to the Preference aforesaid, in such Manner as such Churchwardens respectively shall think proper; and the said Churchwardens shall sue for and recover the said Rent so in arrear by Action of Debt or upon the Case, for the Use and Occupation of such Pew or Seat, to be brought against the

Pew Rents, how recoverable.

the Occupier or Occupiers thereof in the Names or Name of the Churchwardens of the Parish in which such Pew or Pews shall be, or (upon the Application of such Churchwardens) the said Rent shall be recovered and recoverable in the same Manner as the Rates for the Relief of the Poor are or shall be by the general Law of the Land made recoverable; and no such Action or Suit as aforesaid shall abate by reason of the Death, Removal, or going out of Office of the said Churchwardens or either of them.

Vicar to be entitled to Pew Rents.

X. And be it enacted, That all and every the said Pew Rents and Rents for Sittings which shall be received by the said Churchwardens of each of the said Parishes of *Kew* and *Petersham* shall be paid over to the Vicar for the Time being of the said Vicarage of *Kew* and *Petersham*, and his Successors in the same Vicarage, so long as the same Vicarage shall remain undivided, for his and their own absolute Use and Benefit, without any Deduction whatsoever.

Pew to be set apart for the Vicar and his Family, free from Rent.

XI. And be it enacted, That the Pews which before the passing of this Act shall have been set apart for or occupied by the Vicar or officiating Minister of the said Parish Church of *Kew*, and by the Vicar, Curate, or officiating Minister of the said Parish Church of *Petersham* for the Time being respectively, and his and their Family and Families, Servant or Servants, shall remain set apart for and for the Occupation of such Vicar, Curate, or officiating Minister respectively, and his and their Family and Families, Servant or Servants; and any Pew or Pews in the said several Churches which at the Time of the passing of this Act shall have been appropriated to the Use of the Churchwardens or other Officers of the said Parishes respectively, exempt from Rent, and the Organist and Children of the parochial Schools respectively, shall henceforth and for ever hereafter, as well previously to as after the Division (if any, under the Powers of this Act,) of the said Vicarage of *Kew* and *Petersham*, remain so appropriated and exempt from Rent.

Power to divide the Vicarage of Kew and Petersham into Two distinct Vicarages, with Consent of the Bishop of the Diocese.

XII. And be it enacted, That it shall be lawful for the said Provost and Scholars of *King's College, Cambridge*, and they are hereby fully authorized and empowered, at any Time after the passing of this Act, by any Deed or Writing under their Common Seal referring to this Act, to declare that the said Vicarage of *Kew* and *Petersham* shall be divided pursuant to this Act into Two distinct Vicarages, and that the Division thereof shall be made and take effect at or from the Day or Time or upon the Event in such Deed or Writing to be mentioned or provided, and such Division shall be made and take effect at or from such Day or Time or upon such Event accordingly: Provided nevertheless, that such Division shall not take effect during such Time as the said Vicarage shall be full, without the Consent in Writing of

of the said *Richard Burgh Byam* or other the Vicar for the Time being of the same Vicarage; provided also, that in case such Division of the said Vicarage shall be declared to take effect from and after an Avoidance of the said Vicarage, the Vicarage being then full, or in case the Declaration for such Division shall be made during a Vacancy in the said Vicarage, then and in either of such Cases such Division shall be made to take effect at no greater Distance of Time than Three Calendar Months after such Avoidance, or the Execution of such Deed or Instrument in Writing, as the Case may be; provided also, that such Division of the said Vicarage shall not take effect without the Consent in Writing of the said Bishop of the Diocese for that Purpose first had and obtained, nor unless or until the said Bishop shall have signified by Writing under his Hand his Satisfaction of the Sufficiency of the Endowments or Provisions which upon such Division of the said Vicarage of *Kew* and *Petersham* will be or become annexed or belong to, or be vested in or in trust for, each of the said Vicarages of *Kew* and *Petersham*, or the Vicars thereof, in right of the same Vicarages respectively; and the said Deed or Writing (if any) for declaring the Division of the said Vicarage, and the said respective Writings under the Hands of the said Vicar for the Time being and the said Bishop, shall respectively be registered in the Registry of the Diocese of *Winchester* for the Parts of *Surrey*, or be enrolled in the High Court of Chancery.

Upon Division taking effect, the Parishes of Kew and Petersham shall become Two distinct Vicarages.

XIII. And be it enacted, That immediately upon such Division taking effect as aforesaid the said Parishes of *Kew* and *Petersham* shall be and become Two separate and distinct Vicarages, one of which shall be called "The Vicarage of *Kew*," and the other shall be called "The Vicarage of *Petersham*;" and the Vicarage of *Kew* shall comprise the whole of the said Parish of *Kew*, and the Vicar of the said Vicarage of *Kew* shall be incorporated and made a Body Politic and Corporate by the Name of "The Vicar of *Kew*," and shall have perpetual Succession; and the said Vicarage of *Petersham* shall comprise the whole of the said Parish of *Petersham*, and the Vicar of the said Vicarage of *Petersham* shall be incorporated and made a Body Politic and Corporate by the Name of "The Vicar of *Petersham*," and shall have perpetual Succession; and each of the said Vicars and his Successors shall receive and take all Surplice Fees and Emoluments for parochial Services becoming or accruing due or payable in respect of the Parish comprised in or otherwise in respect of his Vicarage, and all Stipends and Sums of Money under or by virtue of any Deed, Will, or other Instrument, or by Custom, payable to the Minister or officiating Ministers for the Time being of the Parish comprised in his Vicarage, and may also receive, take, and hold to himself and themselves respectively all such Lands, Hereditaments, and Rentcharges as may be granted unto or obtained for him or them respec-

tively, in the same Manner as any other Vicar is by Law entitled to do, and all the public and general Laws, Canons, and Statutes of this Realm which shall at the Time of such Division be in force concerning Vicarages, Vicars, Parish Churches, and parochial Clergy (except as is otherwise specially provided for by this Act,) shall be in full Force and have Effect and Operation in all respects in regard to the said Vicarage and Vicarage Church of *Kew*, and in regard to the said Vicarage and Vicarage Church of *Petersham*, in like Manner as if the same had been at all Times separate Vicarages and Vicarage Churches, and the same shall be subject to the like ecclesiastical Jurisdiction, Visitation, and Control as the said Vicarage of *Kew* and *Petersham* is now subject.

Upon a Division of the Vicarage the Incumbent may retain either of the Two Vicarages.

XIV. And be it enacted, That upon a Division of the said Vicarage of *Kew* and *Petersham* being made or taking effect under the Powers of this Act, during the Incumbency of the said *Richard Burgh Byam* or of any other Vicar of the same Vicarage, it shall be lawful for the said *Richard Burgh Byam*, or other (if any) the Incumbent for the Time being of the said Vicarage of *Kew* and *Petersham*, to retain and continue in the Possession or Incumbency of such One of the said Vicarages of *Kew* and *Petersham* into which the said present Vicarage may be so divided as he may think proper; and it shall be lawful for the said *Richard Burgh Byam* or other such Vicar of the said Vicarage of *Kew* and *Petersham* as aforesaid, and he is hereby required, by Deed in Writing under his Hand and Seal, previously to the Division of the said Vicarage of *Kew* and *Petersham*, and which Deed shall be registered in the Registry of the Diocese of *Winchester* for the Parts of *Surrey*, or be enrolled in the High Court of Chancery, to declare which (if either) of the said Two Vicarages of *Kew* or *Petersham* he will retain upon or after such Division, and as to such one of the said Vicarages as shall be so retained the same may be retained as such distinct Vicarage as aforesaid, but without the Necessity of any fresh Presentation, Institution, Induction, or Collation thereto, as if no Division of the said Vicarage had taken place, but nevertheless such Vicar shall, in respect of the Vicarage so to be retained, have and be entitled to all Benefits and Advantages hereby given, granted, or conferred, as if a fresh Presentation, Institution, Induction, and Collation thereto of such Vicar had been actually made and performed; and as to such one of the said Vicarages as shall not be retained, the same shall become a distinct Vicarage according to the Provisions of this Act; and upon such Division and for ever thereafter the Advowson and Right of Presentation and Collation of and to as well the Vicarage Church of *Kew* as the said Vicarage Church of *Petersham*, shall belong to and be exercised by the said Provost and Scholars of the said College, their Successors and Assigns, and examined Copies of the said Deed and of the said Entries respectively

by

by this Act directed or required to be registered or enrolled shall be Evidence of the several Matters contained in such Deed and Entries respectively.

As to Vicar's Pews upon a Division of the Vicarage.

XV. And be it enacted, That in case the said Vicarage of *Kew* and *Petersham* shall be divided into and become Two separate and distinct Vicarages, under or by virtue of the Powers or Provisions of this Act, then the Pew in the Parish Church of *Kew* aforesaid which has been set apart for or occupied by the said Vicar of *Kew* and *Petersham*, and his Family and Servants, or for the officiating Minister in the said Church, shall thenceforward be set apart for and for the Occupation of the Vicar of *Kew* aforesaid and his Family and Servants; and the Pew in the Parish Church of *Petersham* aforesaid which shall have been set apart for or occupied by the said Vicar of the Vicarage of *Kew* and *Petersham* aforesaid and his Family and Servants, or by the Curate or officiating Minister in the same Parish Church, shall thenceforward be set apart for and for the Occupation of the Vicar of *Petersham* aforesaid and his Family and Servants; and such Pews respectively shall be exempted from the Payment of Rent.

As to Pew Rents after the Division of the Vicarage.

XVI. And be it enacted, That after the Division (if any), under the Powers and Provisions of this Act, of the said Vicarage of *Kew* and *Petersham*, such of the Pew Rents and Rents for Sittings as shall accrue due and payable in respect of the said Parish Church of *Kew* shall be paid over, without any Deduction, by the Churchwardens of the said Parish of *Kew*, to the Vicar for the Time being of the said Vicarage of *Kew*, for his own Use and Benefit; and such of the Pew Rents and Rents for Sittings as shall accrue due and payable in respect of the Parish Church of *Petersham* aforesaid shall be paid over, without any Deduction, by the Churchwardens of the said Parish of *Petersham*, to the Vicar for the Time being of the said Vicarage of *Petersham*, for his own Use and Benefit.

As to Surplice Fees after the Division of the Vicarage.

XVII. And be it enacted, That after the Division (if any) of the said Vicarage of *Kew* and *Petersham* under the Powers and Provisions of this Act, such of the aforesaid Fees called Surplice Fees as shall accrue due and payable in respect of the said Parish or Vicarage of *Kew* shall remain payable to and be recovered and received by the Vicar of *Kew* for the Time being; and such of the said Surplice Fees as shall accrue due and payable in respect of the Parish or Vicarage of *Petersham* shall remain payable to and be recovered and received by the Vicar of *Petersham* for the Time being, in the same Manner, to all Intents and Purposes, as near as Circumstances will admit, as before the Division of the said Vicarage hereby authorized the same have or might have been received and recovered by the said *Richard Burgh Byam*

Byam and his Predecessors, Vicars of the said Vicarage of *Kew* and *Petersham*.

Sites of the Churchyards to vest in the respective Vicars.

XVIII. And be it enacted, That from and after such Division (if any) under the Powers of this Act the Site of the Parish Church of *Kew* aforesaid, and the said Church and Churchyard, shall immediately upon the Institution and Induction of the first Vicar of *Kew* vest in the said Vicar of *Kew* and his Successors for ever; and that the Site of the Parish Church of *Petersham* aforesaid, and the said Church and Churchyard, shall immediately upon the Institution and Induction of the first Vicar of *Petersham* vest in the said Vicar of *Petersham* and his Successors for ever, and the Expense of the Maintenance of the Fabric of the said respective Churches of *Kew* and *Petersham* shall be defrayed as the same were respectively defrayed before the Division of the said Vicarage, or by such Means as the Law may from Time to Time prescribe for the Maintenance of the Fabrics of Churches; nevertheless the Site of such One of the said Parish Churches of *Kew* and *Petersham*, and the Church and Churchyard, as shall belong to the Vicarage which upon such Division of the said Vicarage of *Kew* and *Petersham* as aforesaid shall be retained by the said *Richard Burgh Byam*, or other the Vicar for the Time being of the said Vicarage of *Kew* and *Petersham*, shall notwithstanding such Division remain vested in the said *Richard Burgh Byam*, or such other Vicar for the Time being as aforesaid, without any fresh Institution or Induction.

Upon the Division, all Rights, &c. of Vicar of Kew and Petersham to be transferred to the respective Vicars.

XIX. And be it enacted, That upon the Division (if any) of the said Vicarage of *Kew* and *Petersham* all and every the Emoluments, Rights, Powers, and Authorities which previously to such Division were or might have been held, used, occupied, exercised, or enjoyed by the Vicar of the Vicarage of *Kew* and *Petersham* shall, with respect and so far as relates to the Vicarage or Parish of *Kew*, be held, used, occupied, exercised, and enjoyed by the Vicar of *Kew* and his Successors; and all and every the Emoluments, Rights, Powers, and Authorities which previously to such Division were or might have been held, used, occupied, exercised, and enjoyed by the said Vicar of the Vicarage of *Kew* and *Petersham* shall, with respect and so far as relates to the Vicarage or Parish of *Petersham*, be held, used, occupied, exercised, and enjoyed by the said Vicar of *Petersham* and his Successors.

Money, &c. applicable for the Benefit of Vicar of Kew and Petersham, upon the

XX. And be it enacted, That immediately after the said Parish of *Kew* shall have become a distinct Vicarage any Sum or Sums of Money in the Hands of any Trustee or Trustees, or in the Public Stocks or Funds, which, or the Interest and Dividends whereof, are or may be or become applicable for the Use and Benefit of the Vicar of

Kew and Petersham Vicarage.

Kew and *Petersham*, shall be and become applicable for the Use and Benefit of the Vicar of *Kew* for the Time being and his Successors, as fully as the same were previously applicable for the Use and Benefit of the said Vicar of *Kew* and *Petersham* and his Successors, and that all Monies, Lands, Tenements, and Hereditaments, whatsoever and wheresoever, in relation to the said Parish Church of *Kew*, or Vicarage of *Kew* and *Petersham*, which are now under the Management of, or the Interest, Proceeds, or Rents whereof are received by, the Churchwardens of *Kew*, or by any Trustee or Trustees or other Person or Persons appointed by the Inhabitants or Vestry of the Parish of *Kew*, shall go and be applied towards the Purposes of the Parish Church or Vicarage of *Kew* alone; and in all Cases of charitable Bequests or Gifts, whether in Money, or Money in the Funds, or otherwise, which shall have been made or given to the Parish of *Kew* exclusively, or for the Use and Benefit of the Inhabitants or the Poor of such Parish exclusively, and in all Trust Deeds and Wills relating to the same in which the said Vicar of *Kew* and *Petersham*, or the Curate or officiating Minister of *Kew*, is, as such Vicar, Curate, or officiating Minister, a Visitor or Trustee, or One of the Trustees, of any such charitable Bequests or Gifts, the Vicar of *Kew* aforesaid shall be and he is hereby declared to be a Visitor and Trustee of the said charitable Bequests or Gifts in the Room and Stead of such Vicar of *Kew* and *Petersham*, or Curate or officiating Minister of *Kew*, as the Case may be, and it shall be lawful for the said Vicar of *Kew* aforesaid to do and execute all such Offices and Trusts as ought to be done and performed by those in whose Stead he is by this Act appointed; and the Person or Persons so ceasing to be Visitor, Trustee or Trustees as aforesaid, is and are hereby indemnified for and in respect of the Surrender of such Office or Trust as aforesaid, and is and are hereby exonerated from the future Performance of the Matters and Things as to such Trusts directed to be performed and done, any Law, Statute, or Usage, or anything in any Will or Wills, Deed or Deeds, to the contrary notwithstanding.

Division of Vicarage to belong to Vicar of Kew.

Trusts, &c. for the Benefit of the Parish of Kew, and vested in the Vicar of Kew and Petersham, to vest in Vicar of Kew.

XXI. And be it enacted, That immediately after the said Parish of *Petersham* shall have become a distinct Vicarage all Monies, Lands, Tenements, and Hereditaments, whatsoever and wheresoever, (if any,) in relation to the said Parish Church of *Petersham*, or Vicarage of *Kew* and *Petersham*, which are now under the Management of, or the Interest, Proceeds, or Rents whereof are received by, the Churchwardens of *Petersham*, or by any Trustee or Trustees or other Person or Persons appointed by the Inhabitants or Vestry of the Parish of *Petersham*, shall go and be applied towards the Purposes of the Parish Church or Vicarage of *Petersham* alone; and in all Cases of charitable Bequests or Gifts, whether in Money, or Money in the

Monies, &c. applicable for the Parish of Petersham.

Trusts, &c. for the Benefit of the

Parish of Petersham, which are vested in the Vicar of Kew and Petersham, to vest in the Vicar of Petersham.

the Funds, or otherwise, which shall have been made or given to the Parish of *Petersham* exclusively, or for the Use and Benefit of the Inhabitants or the Poor of such Parish exclusively, and in all Trust Deeds and Wills relating to the same in which the said Vicar of the *Kew* and *Petersham*, or the Curate or officiating Minister of *Petersham*, is, as such Vicar, Curate, or officiating Minister, a Visitor or Trustee, or One of the Trustees, of any such charitable Bequests or Gifts, the Vicar of *Petersham* aforesaid shall be and he is hereby declared to be a Visitor and Trustee of the said charitable Bequests or Gifts in the Room and Stead of such Vicar of *Kew* and *Petersham*, or Curate or officiating Minister of *Petersham*, as the Case may be, and it shall be lawful for the said Vicar of *Petersham* aforesaid to do and execute all such Offices and Trusts as ought to be done and performed by those in whose Stead he is by this Act appointed; and the Person or Persons so ceasing to be Visitor, Trustee or Trustees as aforesaid, is and are hereby indemnified for and in respect of the Surrender of such Office or Trust as aforesaid, and is and are hereby exonerated from the future Performance of the Matters and Things as to such Trusts directed to be performed and done, any Law, Statute, or Usage, or anything in any Will or Wills, Deed or Deeds, to the contrary notwithstanding.

Power to grant Messuages, Lands, &c. for Residences, &c. of the respective Vicars.

XXII. And be it enacted, That it shall and may be lawful to and for the Provost and Scholars of *King's College, Cambridge*, for the Time being, and their Assigns, to grant, alien, convey, and assure any Messuages or Tenements, Lands, Hereditaments, and Premises, or any Part thereof, to be used as and for a Residence, or Site of a Residence or Sites of Residences, for the said Vicar of *Kew* and *Petersham* or the said Vicars of *Kew* and *Petersham* respectively, as the Case may be, or either of them, or for a Garden or Gardens to such Residence or Residences; and all such Grants, Alienations, Conveyances, and Assurances may be made and executed, either to such Vicar or Vicars, or to any Person or Persons to the Use of or in trust for him or them, and the same shall be good, valid, and effectual, any Law, Statute, or Usage to the contrary notwithstanding; and as respects the said respective Vicarages such Grants or Conveyances may be made either before and in contemplation of a Division of the said Vicarage of *Kew* and *Petersham*, or after such Division, and every or any such Grant, Conveyance, or Assurance may be made either with or without any valuable or other Consideration for the same: Provided nevertheless, that the Messuages, Tenements, Lands, and Hereditaments which may be granted and conveyed pursuant to or acquired by the said Vicar or Vicars under the Powers contained in this present Provision shall not exceed the Quantity or Quantities herein-after mentioned, (that is to say,) as respects the said Vicarage of *Kew* and *Petersham*, Five Acres, andafter the Division thereof (if any,)

any), as respects the said Vicarages of *Kew* and *Petersham* respectively, Five Acres each.

Lords of Manors may enfranchise Copyholds granted for Residences.

XXIII. And be it enacted, That as to any Hereditaments which shall be granted, conveyed, or assured, or proposed to be granted, conveyed, and assured, as and for a Residence or Garden or the Site of a Residence or Garden, which shall be of the Nature of Copyhold or Customary Tenure, it shall be lawful for the Lord or Lords for the Time being of the Manor or Manors of which the same shall be holden (being seised of an Estate in Fee Simple in such Manor) to make any Enfranchisement of the same Hereditaments.

Power to grant limited Endowments to the respective Vicars.

XXIV. And be it enacted, That it shall be lawful for the Provost and Scholars of *King's College, Cambridge*, for the Time being, and their Assigns, at any Time or Times hereafter, either previously to or after the Division (if any) of the said Vicarage of *Kew* and *Petersham*, to grant, convey, and assure, give, transfer, or settle, any Houses, Lands, Rent-charges, Tenements, or other Hereditaments, or any Money in the Funds, or any Money to be laid out in Lands or other Hereditaments, by way of Endowment or additional Endowment for the Use and Benefit of the said Vicar of *Kew* and *Petersham*, or the said Vicars of *Kew* and *Petersham* respectively, or either of them, as the Case may be: Provided nevertheless, that nothing herein contained shall be construed to extend to the authorizing any such additional Endowment in respect either of the said Vicarage of *Kew* and *Petersham*, or of the Vicarage of *Kew*, or of the Vicarage of *Petersham*, which shall amount, together with the former Endowment or Endowments of the Vicarage or respective Vicarages in respect whereof the Endowment or respective Endowments shall be made, to more than the clear yearly Value of Four hundred Pounds at the Time of the making of such Endowment or Endowments, such Value nevertheless to be estimated exclusive of Residences or Sites of Residences and Gardens thereto.

Power to Vicars to accept Endowments.

XXV. And be it enacted, That it shall be lawful for the said Vicar or respective Vicars, as the Case may be, and his and their Successors, to accept and receive, take, hold, and enjoy, to him and them, and his and their Successors, any such Endowment or Endowments, Enfranchisement or Enfranchisements, Provision or Provisions, as are by this Act authorized to be made, given, granted, conveyed, or transferred, and also any other Gifts, Grants, or Conveyances of any other Messuages, Lands, Tenements, or Hereditaments that may be given, granted, or acquired, as or for a Residence or Residences, with the Appurtenances, for such Vicar or Vicars, without any Licence or Writ of Ad quod damnum, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

XXVI. And

Kew and Petersham Vicarage.

As to Endowments upon the Division of the Vicarage.

XXVI. And be it enacted, That, subject nevertheless and without Prejudice to the Powers of Sale and Exchange herein contained, as to, for, and concerning any Lands, Tenements, or Hereditaments which at the Time of the passing of this Act belong or are applicable to the Use of or in trust for the said Vicar of *Kew* and *Petersham* for his own Benefit, the same shall, upon the Division (if any) of the said Vicarage of *Kew* and *Petersham*, go, remain, and be and belong to or to the Use of or in trust for the said Vicar of *Kew* and his Successors for his and their Benefit, and as to, for, and concerning any Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be given, granted, aliened, or conveyed, pursuant to the Power herein-before contained, to or to the Use of or in trust for the Benefit of the said Vicar of *Kew* and *Petersham*, previously to the Division of the said Vicarage of *Kew* and *Petersham*, the same shall upon such Division go, remain, and be in the Manner following, (that is to say,) such of the aforesaid Messuages, Buildings, Lands, Tenements, and Hereditaments as shall be situate within or issuing or arising from or out of the said Parish of *Kew* shall belong to and vest in and be held in trust for the Vicar of *Kew* and such of the same Messuages, Buildings, Lands, Tenements, and Hereditaments as shall be situate within or issuing or arising from or out of the said Parish of *Petersham*, shall belong to and vest in or be held in trust for the said Vicar of *Petersham*, the same to be held by the said respective Vicars and their Successors as Endowments of the said respective Vicarages, and as to, for, and concerning any Messuages, Buildings, Lands, Tenements, and Hereditaments which may be so given, granted, or conveyed, other than and besides such Messuages, Buildings, Lands, Tenements, and Hereditaments as last herein-before are mentioned, the same shall go, remain, and be and belong to or in trust for the said Vicar of *Kew* and his Successors.

Power to sell the Vicarage of Kew, with Consent of the Bishop.

XXVII. And be it enacted, That it shall be lawful for the Provost and Scholars of *King's College, Cambridge*, aforesaid, for the Time being, or their Assigns, at any Time after a Division shall be made of the said Vicarage of *Kew* and *Petersham* pursuant to this Act, and with the Consent in Writing of the Bishop of the Diocese for the Time being, to dispose of and convey, either by way of absolute Sale or in exchange for or in lieu of other Hereditaments, to any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, the said Vicarage of *Kew*, for such a Sum of Money, or for such an Equivalent or Recompence in Lands, Tenements, and Hereditaments, either of Freehold or Copyhold Tenure, or both, as may be agreed upon, and to give or receive any Money by way of Equality of Exchange; and it shall be lawful for the Treasurer of the Provost and Scholars of *King's College, Cambridge*, or the Bursar of the said College,

College, to sign and give Receipts for the Money for which the same shall be sold, or to be received by them or him for Equality of Exchange, as aforesaid; and that such Receipts shall be sufficient Discharges to the Person or Persons paying the same respectively for the Money for which the same shall be given, or for so much thereof as in such Receipts shall be respectively acknowledged to be received; and that the Person or Persons or Corporation paying the same respectively, and taking such Receipt or Receipts for the same respectively, as aforesaid, shall not be answerable or accountable for the Loss, Misapplication, or Nonapplication, or to be in anywise bound to see to the Application thereof or of any Part thereof respectively.

Application of any Money or Lands received for the Sale or Exchange of Kew as an Endowment of the Vicarage of Petersham.

XXVIII. And be it enacted, That the Money which shall be received and paid for the Sale of the said Vicarage of *Kew*, or the Lands, Tenements, and Hereditaments which shall be granted for the Exchange thereof, shall thereupon be added to the said Vicarage of *Petersham*, and vest in or otherwise be conveyed to the Vicar of *Petersham* aforesaid by way of Endowment; and that it shall and may be lawful to and for the Provost and Scholars of *King's College, Cambridge*, aforesaid, or other the Patrons for the Time being and for the Vicar for the Time being of the said Vicarage of *Petersham*, to lay out and invest such Money so received as aforesaid in the Purchase of any Lands, Tenements, and Hereditaments, or in any of the Public Stocks or Funds of *Great Britain*, or upon Government or Real Securities in *England* or *Wales*, as the said Patrons and Vicar for the Time being of the said Vicarage of *Petersham* shall think fit; and such Lands, Tenements, or Hereditaments, and also the Lands, Tenements, and Hereditaments so received in exchange as aforesaid, and Stocks, Funds, and Securities, shall for ever thereafter be an Endowment for the said Vicarage of *Petersham*, and be held and enjoyed by the Vicar thereof and his Successors, with the like Powers of Sale and Exchange as contained in this Act, any Law, Statute, or Usage to the contrary notwithstanding; subject nevertheless to any Laws and Regulations for the Time being in force for the Management and Investment of Endowments of Benefices.

Powers of Sale and Exchange.

XXIX. And be it enacted, That as to, for, and concerning any Messuages, Lands, Tenements, and Hereditaments which at the Time of the passing of this Act are or hereafter shall or may be vested in the said Vicar of *Kew* and *Petersham* or his Successors, or in any Person or Persons in trust for him or them, in right of the said Vicarage of *Kew* and *Petersham*, and whether such Hereditaments may consist of a Residence or Site of a Residence, or other Endowment, it shall and may be lawful to and for the said Provost

and Scholars of *King's College, Cambridge*, or any such Trustee or Trustees by the Direction and with the Consent of the said Provost and Scholars, testified under the Seal of the same College, and also with the Consent in Writing of the said Vicar of *Kew* and *Petersham*, and as to, for, and concerning any Messuages, Lands, Tenements, or Hereditaments which, either upon the Division (if any) of the said Vicarage of *Kew* and *Petersham*, or subsequently thereto, may be or become vested in the said Vicars of the Vicarages of *Kew* and *Petersham* respectively, or their respective Successors, or in any Person or Persons in trust for them respectively, and whether the same may consist of Residences or Site of Residences, or other Endowments, it shall and may be lawful to and for the said Provost and Scholars, or any such Trustee or Trustees by the Direction or with the Consent of the said Provost and Scholars, or their Assigns, to be so testified as aforesaid, and also with the Consent in Writing of the said Vicars (if any) of the said Vicarages of *Kew* and *Petersham* respectively, to be signified by Writing, at any Time or Times, and from Time to Time, to dispose of and convey, either by way of absolute Sale or in exchange, all or any Part of such Messuages, Lands, Tenements, or Hereditaments for any other Messuages, Lands, Tenements, or Hereditaments, by way of Endowment, either for such Price or Prices in Money, or for such an Equivalent or Recompence in Lands or Hereditaments, as to the Vicar of *Kew* and *Petersham*, or, as the Case may be, the said respective Vicars of the said Vicarages of *Kew* and *Petersham* respectively, and the said Provost and Scholars, shall seem reasonable and fit; and that for the Purpose of effectuating any such Sale, Exchange, Disposition, or Conveyance it shall be lawful for the said Vicar of *Kew* and *Petersham*, or, as the Case may be, the said Vicars of the said Vicarages of *Kew* and *Petersham* respectively, with the Consent in Writing of the Bishop of the Diocese, and of the said Provost and Scholars, or their Assigns, to be testified as aforesaid, by any Deed or Deeds, Instrument or Instruments in Writing, absolutely to revoke and determine and make void all and every or any of the Uses, Trusts, Powers, and Provisoes that may be contained or referred to in any Deed or Conveyance of the Lands and Hereditaments proposed to be sold or conveyed in exchange, and by the same or any other Deed or Deeds, Instrument or Instruments in Writing, to limit, and declare, direct, or appoint, any Use or Uses, Estate or Estates, Trust or Trusts of the Hereditaments and Premises so proposed to be sold or conveyed in exchange which it shall be thought necessary or expedient to limit, declare, direct, or appoint, in order to effectuate such Sale, Exchange, Disposition, or Conveyance as aforesaid; and also that upon any such Exchange as aforesaid it shall be lawful for the said respective Vicars to give or receive any Sum or Sums of Money by way of Equality of Exchange;

and

and also that upon Payment of the Money arising by any Sale of the said Hereditaments and Premises or any Part thereof it shall be lawful for the Vicar of *Kew* and *Petersham*, or, as the Case may be, the Vicars of the said Vicarages of *Kew* and *Petersham* respectively, to sign and give Receipts for the same, and that such Receipts shall be sufficient Discharges to the Person or Persons to whom the same shall be given for the Money therein acknowledged or expressed to be received, and that such Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not afterwards be answerable for any Loss, Misapplication, or Nonapplication of such Money, or be obliged or concerned to see to the Application thereof.

As to Investment of Sale Monies.

XXX. And be it enacted, That as well as to, for, or concerning any Sum or Sums of Money to arise by such Sale or Sales of all or any Part of the said Messuages, Lands, Tenements, and Hereditaments, as any Money that shall be so received for Equality of Exchange as aforesaid, and as to, for, and concerning any Monies which shall for the Time being belong to or be held in trust for the said Vicar of *Kew* and *Petersham*, or the said Vicars of *Kew* and *Petersham* respectively, and each or either of them, as the Case may be, in right of the said Vicarage or Vicarages, all and every such Sum and Sums of Money shall with all convenient Speed be laid out and invested in the Purchase of any Lands, Tenements, or Hereditaments, or in any of the Public Stocks or Funds of *Great Britain*, or upon Government or Real Securities in *England*; and such Lands, Tenements, and Hereditaments, Stocks, Funds, and Securities, shall thereafter be an Endowment for the said Vicarage of *Kew* and *Petersham* aforesaid, or, as the Case may be, for the said Vicarages of *Kew* and *Petersham* respectively, and each or either of them, and the same shall be subject to the like Powers of Sale and Exchange and Application as contained in this Act respecting any Messuages, Lands, Tenements, and Hereditaments.

No new Vaults to be made in either of the Churches of Kew or Petersham, or any Grave within a certain Distance of the Walls.

XXXI. And be it enacted, That it shall not be lawful to break up the Pavement, or to open the Soil beneath the same, for any new Vault or Grave within either of the Churches of *Kew* or *Petersham*, for the Purposes of Burial, or to make any Grave in any Churchyard thereunto adjacent or belonging, at any less Distance than Ten Feet from the external Walls of such Churches respectively: Provided always, that nothing herein contained shall extend or be construed to extend to prevent the Burial of dead Bodies in any Vault wholly arched with Brick or Stone which may have been constructed for such Purposes under such Churches or either of them; and if any Burial shall take place, or any Grave be made, otherwise than is herein provided, the Person making or ordering or causing the same to be made shall for every such Offence, on Conviction thereof

thereof before any Two of Her Majesty's Justices of the Peace for the County of *Surrey*, forfeit and pay the Sum of Fifty Pounds, and in default of Payment thereof the same shall and may be levied and recovered by Warrant under the Hands and Seals of such Justices, by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus, if any, to the Owner thereof, of which Penalty one Moiety shall be given to the Informer, and the other Moiety for the Use of the Poor of the said Parishes of *Kew* and *Petersham* respectively, or one of them, as the Case may be.

Fees for Vaults, &c. in Kew.

XXXII. And be it enacted, That from and immediately after the passing of this Act all Fees for Vaults, Graves, Monuments, and Burials in the Church, Churchyard, and Burial Ground of the said Parish of *Kew*, and for all Tablets affixed to the Walls of the said Church or of the Churchyard or Burial Ground thereof, shall be paid to and be received by the Churchwardens of the said Parish of *Kew* for the Time being, who shall pay and apply the same in the same Manner and for the same Purposes as they have heretofore been accustomed, or in such other Manner and for such other Purposes as shall be mutually agreed upon by the Inhabitants of *Kew* in Vestry assembled and the Vicar of the Vicarage of *Kew* and *Petersham* for the Time being, or by such Inhabitants so in Vestry assembled and the Vicar of the Parish of *Kew*, as the Case may be, subject to the Approval of the Bishop of the Diocese or of the Archdeacon of *Surrey*.

Fees for Vaults, &c. in Petersham.

XXXIII. And be it enacted, That from and immediately after the passing of this Act all Fees for Vaults, Graves, Monuments, and Burials in the Church, Churchyard, and Burial Ground of the said Parish of *Petersham*, and for all Tablets affixed to the Walls of the said Church, or of the Churchyard or Burial Ground thereof, shall be paid to and be received by the Churchwardens of the said Parish of *Petersham* for the Time being; and the said Churchwardens shall from Time to Time, as and when the same shall be received, pay one Moiety or equal Half Part of the net Proceeds of such Fees to the Vicar of *Kew* and *Petersham* aforesaid, or to the Vicar of *Petersham* for the Time being, as the Case may be, for his own Use, and the remaining Moiety or equal Half Part thereof shall be retained, paid, and applied by the said Churchwardens for the same Purposes and in the same Manner as heretofore, or in such other Manner and for such other Purposes as shall be agreed upon by the Inhabitants of *Petersham* in Vestry assembled and the Vicar of the Vicarage of *Kew* and *Petersham*, or the Vicar of *Petersham* for the Time being, as the Case may be, subject to the Approval of the Bishop of the Diocese or of the Archdeacon of *Surrey*; and the said Churchwardens shall pay over to the said Vicar twice in every

Year his Portion of such Fees; and the said Churchwardens shall, if thereunto required by the said Vicar, make out at least once a Year an Account of all such Fees, signed by themselves, and deliver the same to the said Vicar.

Persons acting in the Execution of the Act not to be personally liable.

XXXIV. And be it enacted, That no Matter or Thing done or Contract entered into by the said Vicar or Vicars or Churchwardens, or by any other Officer or Person acting under the Direction of the said Vicar or Vicars or Churchwardens, shall, if the Matter or Thing were done or the Contract were entered into *bonâ fide* for the Purpose of executing this Act, subject them or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Expense that may be incurred by any such Churchwarden, Officer, or Person acting as last aforesaid shall be borne and repaid out of the Pew Rents of the Church of the Parish to which such Matter or Thing or Contract shall relate, unless any other Arrangement shall be made for that Purpose.

Expenses of Act.

XXXV. And whereas by a certain Contract or Agreement made and entered into on or about the Twenty-first Day of *November* in the Year One thousand eight hundred and forty-nine, between the Reverend *George Thackeray* D.D., the Provost, on behalf of himself and the Scholars of *King's College, Cambridge*, therein described as the Patrons of the said Living of *Kew* and *Petersham*, of the First Part, the Reverend *Richard Burgh Byam* M.A., the Vicar of *Kew* and *Petersham*, of the Second Part, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works and Buildings, of the Third Part, the Honourable *Frederick James Tollemache*, on behalf of the Right Honourable *Lionel* Earl of *Dysart*, of the Fourth Part, Lieutenant Colonel *Charles Andrew Girardot* and *James Costelow*, therein described, as the Churchwardens of and on behalf of the said Parish of *Kew*, of the Fifth Part, and *Joseph Ellis*, therein described as the Churchwarden of and on behalf of the Parish of *Petersham* aforesaid, of the Sixth Part, after reciting as therein appears, it is, amongst other things, agreed, that this present Act, for the Purposes herein provided, shall be applied for, and that the Costs, Charges, and Expenses of this Act and incident hereto shall be borne and paid by certain Parties to such Agreement in the Manner and Proportions therein mentioned and set forth: Be it therefore enacted, That the said Agreement, so far as the same relates to the Costs, Charges, and Expenses of applying for and obtaining this present Act, and in relation hereto, shall be and the same is hereby confirmed and established (save and except so far as relates to One Twelfth Part of such Costs, Charges, and Expenses being borne and paid by the said *Lionel* Earl of *Dysart*), and that the same Costs, Charges, and Expenses shall be borne and paid as in the said Agreement mentioned and

agreed, save and except that the One Twelfth Part or Proportion of such Costs, Charges, and Expenses therein agreed or mentioned to be agreed to be borne by the said *Lionel* Earl of *Dysart* shall be borne and paid by the Honourable *Frederick James Tollemache* of *Ham House* in the Parish of *Petersham* aforesaid, instead of by the said *Lionel* Earl of *Dysart*.

Proportion of the Expenses to be a Charge on the Vicarage, or equally on the Two Vicarages, as the Case may be.

XXXVI. Provided always, and be it enacted, That it shall and may be lawful to and for the Vicar for the Time being of *Kew* and *Petersham* aforesaid to borrow and take up at Interest the Two Twelfth Parts or Shares of the Costs, Charges, and Expenses by the said Contract or Agreement agreed to be borne and paid by him, for the Purpose of paying the same, and to charge, by way of Mortgage or otherwise, the Money so authorized to be borrowed, with Interest, upon the said Vicarage of *Kew* and *Petersham*, or on the Pew Rents, Income, and Emoluments, Rents, Issues, and Profits thereof; and in case he shall so charge the said Vicarage, or Pew Rents, Income, and Emoluments, Rents, Issues, and Profits, and the same Vicarage shall at any Time be divided under the Powers of this Act, then, in lieu of such Charge, the said Vicarage of *Kew*, and the Pew Rents, Income, and Emoluments, Rents, Issues, and Profits thereof, shall thenceforth be and become charged with One of such Twelfth Parts of such Costs, Charges, and Expenses, and the said Vicarage of *Petersham*, and the Pew Rents, Income, and Emoluments, Rents, Issues, and Profits thereof, shall thenceforth be and become charged with One other of such Twelfth Parts of such Costs, Charges, and Expenses, or each of the said Vicarages of *Kew* and *Petersham* respectively shall thereafter be and become charged with a Moiety of so much of such Two Twelfth Parts of the said Costs, Charges, and Expenses as at the Time of such Division shall remain unpaid or charged upon the said Vicarage of *Kew* and *Petersham*: Provided always, that the Vicar of *Kew* and *Petersham* for the Time being shall, during such Time as the several Parishes of *Kew* and *Petersham* shall be and remain One Vicarage, pay off yearly and every Year not less than One Twenty-fifth Part of the whole Amount of the Money by this Act authorized to be borrowed by him, and charged as aforesaid, and shall every Half Year pay and keep down the Interest thereon; and if and when the said Vicarage shall be divided under the Powers of this Act, then that the Vicar of *Kew* and the Vicar of *Petersham* for the Time being respectively shall each pay off yearly and every Year not less than One Fiftieth Part of the whole Amount of the Money so authorized to be borrowed and charged as aforesaid, until the whole thereof shall be fully repaid, and shall each, every Half Year, pay and keep down the Interest on the Amount of the Money that shall from Time to Time be and remain charged on his respective Vicarage,

or the Pew Rents, Income, and Emoluments, Rents, Issues, and Profits thereof respectively.

Interpretation of Terms.

XXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall include Females, and the Word "Person" shall include Corporation, whether aggregate or sole.

Public Act.

XXXVIII. And be it enacted, That this Act shall be deemed and taken as a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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