ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. liv.

An Act for the Erection of a new Church in the Parish of *Lee* in the County of *Kent*.

[4th *July* 1838.]

WHEREAS the Parish Church of the Parish of *Lee* in the Diocese of *Rochester* and County of *Kent* was rebuilt at considerable Cost in or about the Year One thousand eight hundred and fourteen, but owing to the Badness of the Foundation and other Causes the same has become greatly dilapidated, and cannot be properly repaired without great and burthensome Expence to the Inhabitants of the said Parish: And whereas the said Church and the Church Yard thereof are not of Extent and Dimensions adequate to the increased and increasing Population of the said Parish, and it is desirable that a new Parish Church capable of accommodating a greater Number of Persons should be erected, and a larger Church Yard provided within the said Parish: And whereas Her Majesty the Queen in Right of Her Crown is Patroness of the Advowson of the Rectory of the said Parish Church of *Lee:* And whereas *Thomas Brandram* Esquire hath offered to the Inhabitants of the said Parish a convenient Site for a new Church and Church Yard in the said Parish of *Lee*, opposite to and divided from the present Church Yard of the said Parish by the High Road leading from *Blackheath* to *Lewisham*, containing Three hundred Feet in Length from East to West, and One hundred and fifty Feet in Depth from North to South, as the same is staked out and abuttalled, on the North by the said High Road, on the West by a Road or Lane called *Dacre Lane*, leading from the said High Road to the lower Part of the said Parish of *Lee*, and by other Ground belonging to the said

Thomas Brandram on the South and East Sides of the said Site, at or for the Price or Sum of Nine hundred and thirty-seven Pounds Ten Shillings: And whereas such Offer is advantageous to the said Parish, and the said Inhabitants are desirous to accept the same for the Purpose of erecting such new Church thereon, and providing an additional Church Yard, and from and after the Consecration of the said new Church and additional Church Yard to take down the present Church or the greater Part thereof, and to dispose of the Materials thereof in aid of the Fund for erecting the new Church and purchasing the said Site, and so that from and after such Consecration the said new Church should in every respect be the Parish Church: And whereas the better to carry such Objects into effect, and to provide Funds for that Purpose, the said Inhabitants are desirous to sell the Vaults and Catacombs intended to be provided under the said new Church, and also the Right to Vaults and Graves in the additional Church Yard, and also in the old Church Yard of the said Parish, and to let such Sittings and Pews in the said new Church as may not be reserved by this Act for the Rector or otherwise: And whereas the said Inhabitants are also desirous of charging the Pew Rents with the annual Payment of Fifty Pounds as an Endowment in favour of the Rector of the said Parish, he giving up all Rights or Claims in or to the Chancel of the said new Church, and being relieved from all Burthen as to the Repairs thereof, and of the Chancel of the present Church, from the passing of this Act: And whereas, with a view to the Accomplishment of such desirable Objects, many of the Inhabitants of the said Parish and others have subscribed various Sums of Money by way of Donation towards the building of the said new Church, and other Subscriptions and Donations may still be given for the like Purpose, and it is proposed to borrow Money on the Security of the said Pew Rents and Vaults, and the said *Thomas Brandram* hath also agreed to suffer the Purchase Money of the said Site to remain on the like Security: And whereas such Objects cannot be effected without the Aid 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 for the Purpose of effecting such Objects, and generally for carrying the Provisions of this Act into execution, the Rector and Churchwardens for the Time being of the said Parish, together with Six Inhabitants resident within the said Parish, and qualified by being Members of the Church of *England*, and rated or assessed respectively at not less than Thirty Pounds *per Annum* to the Poor's Rate of the said Parish for the Time being, shall be a Committee for the Time being for the Purposes of this Act, and shall be called "The Church Committee of the Parish of *Lee* in the County of *Kent*;" and all Powers and Things by this Act given to or to be done by the said Committee shall and may be exercised and done by the Majority present at any Meeeting, at which not less than Five of such Committee shall attend; and all Questions shall be decided in such Committee by a Majority of the Members thereof present at any Meeting; but in case the Votes of the Members present shall on any Question be equal, the Rector, if he shall be present, and if he shall be absent the Rector's Churchwarden, and if

Appointment of Committee to carry Act into execution.

if the Rector and the Rector's Churchwarden shall both be absent, the other Churchwarden, and if the Rector and both the Churchwardens shall be absent, the Chairman for the Time being of the Meeting, shall have a double or casting Vote; and such Committee shall frame Rules for their own Guidance, and the Regulation of their Meetings and Proceedings, but nevertheless so that the same shall not be repugnant to the Provisions of this Act, and shall annually appoint a Treasurer, Secretary, and Clerk from their own Body, or otherwise, as they shall see fit, and may pay to such Officers, or any of them, not being Members of such Committee, such Salaries as they may see fit, and every such Salary shall be allowed as Part of the Charges of carrying this Act into execution, and shall be paid accordingly out of the Funds to be received or raised under the Powers of this Act; and such Committee may sue and be sued by their Name of "The Church Committee of the Parish of *Lee* in the County of *Kent*," and may make Contracts and take and hold Land for the Purposes of this Act; and such Land and all Materials to be delivered or used for the Erection of the said Church, or which may be otherwise required for the Purposes of this Act, and also the Materials and Fittings of the present Church after the Consecration of the new Church, shall from and after the Execution of any such Contract, or Delivery of such Materials and Chattels, or the Conveyance or vesting, under the Provisions herein-after contained respectively, of such Land, or such Consecration of the new Church respectively, become the Property of such Committee in Trust for the Purposes of this Act, and may be laid or alleged to be their Property in any Indictment, Action, Suit, or other Proceeding at Law or in Equity, and may be sued for and recovered accordingly.

Names of First Committee.

II. And be it enacted, That the First Committee shall consist of the Reverend *George Lock* the present Rector, and his Successors, and *William Sidery* and *Thomas Postans* the present Churchwardens, and their Successors, and *Thomas Brandram*, *Joseph Sladen*, *John Frederick Courtenay*, *William Elisha Farrer*, *Charles Augustus Ferguson*, and *John Meadows White*, Esquires, being Six resident Inhabitants of the said Parish duly qualified as aforesaid; and such last-mentioned Six resident Inhabitants shall continue in Office until the Twenty-fifth Day of *March* One thousand eight hundred and forty, or until others are elected in their Room, unless they shall sooner respectively cease to be resident Inhabitants, or resign, or become disqualified, or incapable of acting as Members of such Committee; and on such Twenty-fifth Day of *March* One thousand eight hundred and forty, or within Fourteen Days after, all the Members of the said Committee, except the Rector and Churchwardens for the Time being, shall go out of Office, and Six other resident Inhabitants, duly qualified as aforesaid, or the same Members if it shall be thought fit to re-elect them, shall be chosen for the Year then next ensuing, and shall, with the Rector and Churchwardens for the Time being, form and be the Committee until the Twenty-fifth Day of *March* One thousand eight hundred and forty-one, or until others are elected in their Room, unless they shall sooner respectively cease to be resident Inhabitants, or resign, or become disqualified or incapable of acting as Members of such Committee, and so on from Year to Year; and such Six Members of the Committee shall be chosen on such Twenty-fifth Day of *March* One thousand

Fixing their Continuance in Office.

Annual Election of Committeemen.

thousand eight hundred and forty, or within Fourteen Days after, and on the Twenty-fifth Day of *March*, or within Fourteen Days after, in every subsequent Year, at a Vestry Meeting to be held of the Inhabitants of the said Parish, upon special Notice to be given for the Purpose in the usual Mode of calling Vestry Meetings; and every Member of the Committee of the Year preceding shall be re-eligible as a Member for the following Year; and any Vacancy occasioned in or among the Six Members of the said Committee, by Resignation, Death, ceasing to be a resident Inhabitant, Disqualification, or legal Incapacity to act, shall be filled up by a resident Inhabitant of the said Parish, duly qualified as aforesaid, to be chosen at a Vestry Meeting to be called for the Purpose within One Month from the Time of such Vacancy being declared by the remaining Members of such Committee; and the Person so chosen shall continue in Office until the next annual Election of the Church Committee, and shall be re-eligible in like Manner with the other Members of such Committee; and it shall be lawful for any One of such Six resident Inhabitants, Members for the Time being of the said Committee, to resign his Office by Writing under his Hand delivered to the Rector or One of the Churchwardens of the said Parish for the Time being.

The Land offered by Mr. Brandram vested in the Committee.

III. And be it enacted, That from and immediately after the passing of this Act the said Site so offered to the said Inhabitants by the said *Thomas Brandram* as aforesaid shall be absolutely vested in the said Committee for the Purposes of this Act, and shall remain vested in such Committee until the intended new Church and additional Church Yard shall have been consecrated as herein-after mentioned; and the said Committee shall, at their First Meeting after the passing of this Act, execute and deliver to the said *Thomas Brandram*, his Executors, Administrators, or Assigns, One or more Charge or Charges for the said Purchase Money or Sum of Nine hundred and thirty-seven Pounds Ten Shillings, and Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Day of the passing of this Act, in the Form herein-after mentioned: Provided always, that if the said Committee shall not cause such new Church to be erected and completed fit for Consecration within Three Years from the passing of this Act, the said Site so agreed to be purchased of the said *Thomas Brandram* shall revert to the said *Thomas Brandram* and his Heirs in as full and ample a Manner as if this Act had not been passed, and thereupon such Charge shall become wholly void as to the Principal Money thereby secured or remaining due thereon, but without Prejudice to the Right of the said *Thomas Brandram*, his Heirs, Executors, or Administrators, to receive or retain the Interest on the said Sum of Nine hundred and thirty-seven Pounds Ten Shillings, or so much thereof as shall have been previously due thereon.

Land to revert to Mr. Brandram if Church not erected in Three Years.

Power to take additional Land of Mr. Brandram.

IV. Provided always, and be it enacted, That in case, previous to the Foundation of the intended new Church being laid, the said Committee shall be desirous to accept or purchase from the said *Thomas Brandram* or his Heirs, for the Purposes of this Act, any additional Piece of Ground adjoining to the said intended Site, it shall be lawful for the said *Thomas Brandram* or his Heirs, either by way of Sale or Benefaction,

Benefaction, by Indenture of Bargain and Sale enrolled in the High Court of Chancery, to grant and convey to the said Committee for the Purposes of this Act any such additional Piece of Ground as aforesaid, not exceeding in the whole an Area equal to the Area of the Site vested in the said Committee by this Act; and the same shall in such Case be taken by and vested in the said Committee as if the same had from the first been Part of the said Site vested in the Committee by this Act; and all the Provisions herein-after contained respecting the said Site shall be taken to extend and apply to such additional Piece of Ground as aforesaid; and in case the said Site vested in the said Committee by this Act shall revert to the said *Thomas Brandram* and his Heirs, such additional Piece of Ground shall revert to the said *Thomas Brandram* and his Heirs in like Manner, such Conveyance as aforesaid notwithstanding: Provided nevertheless, that no further Sum shall be expended by the said Committee in the Purchase of such additional Ground or any Part thereof than the Sum of Five hundred Pounds, and such additional Purchase Money, not exceeding the said Sum of Five hundred Pounds, shall be paid out of the Money to be borrowed or Subscriptions raised under this Act.

Power to build new Church and Tower;

V. And be it enacted, That the said Committee shall, out of the Monies to be subscribed and received or raised by virtue of this Act, erect and build on such Site a new Church and Tower, with or without a Spire thereon, with proper and commodious Pews and Seats, and capable, with or without a Gallery, of containing in the whole not less than Nine hundred Persons; and it shall be lawful for the said Committee, either on a Portion of the said Site or on the Site of the present Church, or on any other Site or Ground to be purchased or acquired by them convenient for the Purpose, to erect a Vestry or other Room for Parish Business, and other Offices and Buildings required for the Purposes of this Act, and to erect and set up in such new Church such Pews, Seats, Sittings, Benches, Forms, Organ, Communion Table, Pulpit, Desk, Ornaments, and Conveniences, and such Clocks, Bells, Chimes, and other Requisites in the said Tower, as the said Committee shall think fit, and out of the said Monies to inclose and fence in the said Site, and to plant or lay out the same in such Way as the said Committee shall think fit, and for such Purpose to contract and agree with any Person for erecting such Church and other Buildings, and inclosing such Site, and to employ and pay such Architect, Surveyor, Clerk of the Works, and other Persons as may in their Judgment be necessary, and to take Security for the Execution of every Contract or Agreement, and generally to do all other Acts and Matters necessary for carrying this Act into execution, and to make all Payments under this Act, or becoming payable under the Provisions of the same, or incidental thereto, out of the Monies and Funds arising under this Act.

and to make Contracts for that Purpose.

Power to call for Payment of Subscriptions.

VI. And be it enacted, That the said Committee shall have full Power and Authority from Time to Time to receive from the respective Subscribers, their Executors or Administrators, the Sums of Money by them respectively subscribed, at such Time or Times, or

in such Parts or Proportions as the Committee shall think proper, to be employed in and about the Erection and Completion of the said Church and Tower, and carrying into effect the Purposes of this Act; and the Receipt of the Treasurer for the Time being of the Committee shall be a full and sufficient Discharge to such Subscribers for the Monies respectively subscribed and paid by them.

Power to borrow Money.

VII. And be it further enacted, That it shall be lawful for the said Committee and they are hereby authorized and empowered to borrow and take up at Interest, in One or several Sums, at One or several Times, a Sum of Money, not exceeding in the whole Six thousand Pounds, to be by them applied in and towards the Purposes of this Act, and to assign as Security for the Monies so borrowed, and for the Interest thereon, the Rents of the Pews and Sittings in the said intended Church, save and except such Pews and Sittings as are in this Act specially appropriated or reserved for Free Sittings, and likewise the Revenues accruing from the Sale or other Disposal of Catacombs, Vaults, and Graves in manner herein-after provided: Provided always, that nothing in this Act contained shall prevent the said Committee, with the Consent of the Inhabitants in Vestry for that Purpose first had and obtained, from again borrowing for any of the Purposes of this Act the Amount of any such Charges which shall have been paid off, or any other Amount, but so that the Amount due under the Authority of this Act shall not at any One Time exceed the said Amount of Six thousand Pounds.

Form of Charge.

VIII. And be it enacted, That all Charges of Principal and Interest to be made by virtue of this Act shall be made in the Form or to the Effect following:

'WE [*state the Names*], being Five of the Committee appointed
' by an Act passed in the Year of the Reign of Queen
'*Victoria*, intituled [*here set forth the Title of the Act,*] in consi-
'deration of the Sum of
'advanced and lent to us by of
' in the County of
'for the Purposes of the said Act, do hereby charge the Seats to be
'erected in the said Church (except such as shall be specially set
'out and appropriated by the said Committee or reserved for Free
'Sittings, pursuant to the Powers in the said Act contained), and
'also the Proceeds to arise under the Provisions of this Act from the
'Sale of the Right of Burial in the Catacombs, Vaults, and Graves
'of the said Church and the Church Yard thereof, with the Re-
'payment, according to the Provisions of the said Act, to the said
' his Executors, Administrators,
'and Assigns, of the said Principal Sum of
'and also with the Payment to the said
'his Executors, Administrators, and Assigns, by Half-yearly Pay-
'ments on the Day of and
'the Day of in every Year, of Interest
'on the said Principal Sum of
'or on so much thereof as for the Time being shall be unpaid,
'after the Rate of *per Cent. per*
' *Annum.*

'*Annum.* In witness whereof we have hereunto set our Hands and
'Seals the Day of in the Year of our
'Lord .'

No Charge to be for less than Fifty Pounds.

IX. And be it enacted, That no such Charge shall be given for a less Sum than Fifty Pounds, and that any such Charge may be given to any Member of the said Committee, notwithstanding his being such Member, and that the Charge or Charges to be given to the said *Thomas Brandram*, his Executors, Administrators, or Assigns, for the said Sum of Nine hundred and thirty-seven Pounds Ten Shillings, shall be in the like Form; and it shall be lawful for the said *Thomas Brandram*, and every other Person to or in whom any Charge shall be given or become vested under this Act, and their Executors, Administrators, and Assigns, to transfer their respective Charges by Assignment, and the Assignee thereof shall be entitled to the full Benefit of such Charge in as ample a Manner as if he had been originally named in such Charge; and every such Assignment shall be by Deed in Writing duly stamped, in which the Consideration shall be duly set forth; and the Form of such Assignment shall (with such Variation therein as Circumstances may require) be as follows; (that is to say,)

Charges to be assignable.

Form of Assignment.

'I the within [*or* above] named *A. B.* do assign the within Charge,
'and all Benefit remaining due thereon, for me and my Executors
'and Administrators, to *C. D.*, his Executors, Administrators, and
'Assigns, absolutely, in consideration of the Payment of
'by the said *C. D.* to me the said *A. B.*'

Charges to be numbered, and Assignments registered.

And every such Charge shall be numbered from Number One consecutively, and the same and every Assignment thereof shall be duly registered by the Number of such Charge in a Book to be kept by the said Committee for the Purpose, and such Book shall be duly indexed for Convenience of Reference, and shall be deposited in a secure Place, in Custody of the Rector and Churchwardens for the Time being of the said Parish; and a Duplicate of such Book shall also be kept by such Committee, or their Secretary or Clerk, and shall be open to the Inspection of every Inhabitant of the said Parish, at all reasonable Times, without paying any Fee for such Inspection; and every original Entry of such Charge and Duplicate shall be made, and a Certificate of such Entry indorsed on or written under such Charge, and signed by the Secretary or Clerk to the said Committee, without any Fee for the same; and on every Assignment thereof the Secretary or Clerk making an Entry thereof shall receive the Sum of One Pound, and no more, for drawing out or filling up the Form of such Assignment, and making the Entry thereof in such Register and Duplicate, and indorsing a Certificate of such Entry on the said Assignment; and which Certificate shall be in the following Form:

Certificate of Registry.

'I [*E. F.*] Secretary [*or* Clerk] to the Church Committee for the
'Parish of *Lee* in the County of *Kent*, do certify, That the above
'Charge [*or* Assignment, *as the Case may be*,] is duly made and
'registered by the Number in the Register Book of
'Charges

'Charges and Assignments kept by the Churchwardens, and in the 'Duplicate thereof kept by the Committee. Witness my Hand 'this Day of .'

And in any Suit, Action, or other Proceeding whatsoever on or respecting any such Charge or Assignment respectively the Entry of the same in the Book of Registry aforesaid or Duplicate, or Proof of the Handwriting of the Secretary or Clerk certifying the Registry of such Charge, shall be deemed sufficient Evidence of the Validity of such Charge, without any Proof of the Signature of the Members of the said Committee Parties thereto; and Proof of the Handwriting of the Assignor of such Charge, and of the Secretary or Clerk certifying the Registry of such Assignment, shall be sufficient Proof of the Validity of such Assignment.

Charges not to have Priority of each other.

X. And be it enacted, That no such Charge shall have Priority over another on account of Priority of Date or otherwise, but that the Repayment of the several Charges shall be determined every Year by Lot in the said Committee, and such Committee shall determine in each Year how many of the said Charges, or how great an Amount of Money due thereon or on any of them, shall be paid off in any One Year; but nothing herein contained shall make it obligatory on the Committee to pay off any such Charge or Part of a Charge during the first Year from the Date of the Consecration of the said Church; and the Numbers of the outstanding Charges shall be put into a Glass and drawn out by the Secretary or Clerk of the Committee at some Meeting to be held for such Purpose, and the Numbers first drawn shall be the Charges or Amounts to be paid off in such Year; and after Six Calendar Months Notice in Writing of the Intention of the Committee to pay off any Charge or Charges, or any Part thereof, specified in such Notice, shall have been given to the Persons for the Time being entitled thereto, or affixed to the Door of the Parish Church of *Lee*, all Interest thereon shall cease: Provided always, that it shall be lawful for the Person entitled to any Charge or Amount so drawn or determined to be paid off or reduced in any Year to agree, with the Consent of the Committee for that Purpose first had and obtained, with any other Person entitled to any Charge or Amount not so drawn or determined to be paid off or reduced, for the Substitution of such last-mentioned Charge or Amount in the Room of such first-mentioned Charge or Amount so drawn or determined on, and which shall in that Case remain a Charge under this Act until the same shall again be drawn or determined on for Repayment at any subsequent Period under this Act, with the like Power of Substitution, with such Consent as aforesaid, as often as any such Charge shall be drawn or determined on at any future Period.

Claimants not to recover Land, but Compensation, against Vendor and his Heirs.

XI. And be it enacted, That from and immediately after the Execution and Delivery to the said *Thomas Brandram*, his Executors or Administrators, of such Charge or Payment to him or them for any such Site as herein-before mentioned, no Claimant (if any there be) to or in respect of the said Site shall be entitled to recover the same, or to enforce any Charge or Lien thereupon, but any such Claimant may recover against the said *Thomas*

Thomas Brandram, and his Heirs, Executors, or Administrators, by way of Damages, such Compensation as he may be entitled to, if any, for any Loss which may have been sustained by such Claimant by reason of the said Site having been vested in the said Committee by the Provisions herein-before contained; and the Charge to be given to the said *Thomas Brandram*, his Executors or Administrators, or the Money remaining due thereon, until the same shall have been paid or discharged, shall be subject in Equity to such and the same Uses, Trusts, Liens, Charges, and Interests, if any there be, (other than such Estates and Interests as the said *Thomas Brandram*, or any Person or Persons seised in Trust for him, might lawfully appoint or convey,) as the Land would have been subject to if the same had not been vested in such Committee as aforesaid, such Charge nevertheless, as between the Real and Personal Representatives of the said *Thomas Brandram*, to be of the Nature of Personal Estate.

Church to be consecrated.

XII. And be it further enacted, That when and so soon as the said intended new Church and Tower shall be erected, and the said Church shall be fitted up and furnished with all Things necessary for the Purpose of the Celebration of Divine Service and the Administration of the Sacraments therein, it shall be lawful for the Lord Bishop of the Diocese for the Time being, and he is hereby authorized and empowered, to consecrate the said Church by the Name of the Church of *Saint Margaret*, and the same shall thereupon and for ever thereafter, to and for all Intents and Purposes whatsoever, be and be deemed the Parish Church of the said Parish of *Lee*; and it shall be also lawful for the said Lord Bishop to consecrate the Residue of the said Site vested in the said Committee, and purchased or acquired under this Act, and such Residue of the said Site shall after Consecration, and for ever thereafter, to and for all Intents and Purposes whatsoever, be and be deemed, together with the present Church Yard of the said Parish, the Church Yard of the said Parish; and accordingly the said new Church and Church Yard, with their Appurtenances, shall be divested out of the Committee, and every Person and Body in whom the same respectively shall have been previously vested, to the Intent and so that the same may become and be such Parish Church and Church Yard aforesaid; and the said new Parish Church and Church Yard shall for ever thereafter be subject to the Jurisdiction of the Lord Bishop of the Diocese for the Time being, and the Rector of the said Parish of *Lee* and his Successors shall have the like Rights and Estates, Interests and Powers, in and over the said new Parish Church and Church Yard, as by Law of Right belong to the Ecclesiastical Rector in and over the Parish Church and Church Yard of his Parish, except so far as such Rights or Powers are inconsistent with the Provisions of this Act, and except so far as may be provided otherwise in and by this Act; and the said new Parish Church and Church Yard shall be repaired and sustained as Parish Churches and Church Yards are by Law repaired and sustained.

Privileges of new Church.

XIII. And be it further enacted, That when and so soon as the said new Church shall be built, completed, and consecrated, and become the Parish Church of the Parish of *Lee* as aforesaid, thenceforth Divine

Divine Service, the Solemnization of Matrimony, Baptisms, and all other Rites and Ceremonies, and all Notices, Matters, and Things whatsoever which were or of right have been used to be celebrated, solemnized, administered, read, or published, had, done, or performed by the Rector of the said Parish or his Curate, or the officiating Minister for the Time being, or by the Parish Clerk of the said Parish respectively, shall and may be celebrated, solemnized, administered, read, and published, had, done, and performed in such and the like Manner by the said Rector or his Curate, or by such officiating Minister, or by the Parish Clerk of the said Parish for the Time being, in the said new Church to be built by virtue of this Act, any Law, Statute, Custom, or Usage to the contrary notwithstanding.

A Piece of Land adjoining the present Church Yard may be consecrated.

XIV. And whereas there is a certain Piece of Land now belonging to the said Parish, and adjoining and inclosed within the Fence of the present Church Yard, on the South Side of the same, containing One hundred and fifty-six Feet in Length from East to West, and Thirteen Feet, or thereabouts, in Depth from North to South, which is designed as an Addition to such old Church Yard; be it further enacted, That it shall be lawful for the said Bishop, if the Church Committee aforesaid shall request him in Writing, to consecrate such Piece of Ground, and after Consecration it shall be to all Intents and Purposes a Part of the Church Yard of the said Parish.

Reservation of Rights to Pews or Sittings in present Church to Sir T. Baring, and Joseph Sladen, Esquire.

XV. And whereas Sir *Thomas Baring* Baronet, the Lord of the Manor of *Lee*, claims to be entitled by Faculty or Prescription, in respect of his Mansion House in the said Parish now occupied by *Gabriel Shaw* Esquire, to Twelve Free Sittings in the present Church, and hath subscribed a Sum of Four hundred Pounds as a Donation to the Funds for building the new Church, on Condition that Eight Free Sittings shall be secured to him for his Family, and Four Free Sittings for his Servants, in lieu and satisfaction of his Sittings in the present Church, and to be for ever annexed to his said Mansion House: And whereas *Joseph Sladen* Esquire, a Parishioner and Inhabitant of *Lee*, also claims to be entitled in respect of the Dwelling House belonging to and now occupied by him in the said Parish to Twelve Free Sittings in the present Church, and hath subscribed to the said Funds a Sum of Five hundred Pounds, on condition that Eight Free Sittings shall be secured to him for his Family, and Four Free Sittings for his Servants, in the said new Church, in lieu and satisfaction of his said Sittings, and to be for ever annexed to his said House; be it therefore enacted, That before any other Distribution or Disposition of the Pews in the said Church the said Committee shall set out and appropriate, in such Part of the said Church as the said Sir *Thomas Baring* and *Joseph Sladen* shall respectively point out among the principal Sittings, Eight Free Sittings for the said Sir *Thomas Baring* and his Family, and Eight Free Sittings for the said *Joseph Sladen* and his Family respectively, and Four Free Sittings amongst the Sittings to be set apart for Servants for the Servants of the said Sir *Thomas Baring*, and Four of the like Sittings for the Servants of the said *Joseph Sladen*; and such Sittings respectively so set apart for the said Sir *Thomas Baring* and his Servants, and the said *Joseph Sladen* and his Servants, shall for ever thereafter be appropriated and annexed to and go along with and belong to the respective Houses

Houses of the said Sir *Thomas Baring* and *Joseph Sladen* in the said Parish.

Free Sittings to be allotted for the Use of the Poor.

XVI. And be it enacted, That in the said intended Church the said Committee shall set out and appropriate Twelve Sittings for the Use of the Rector of the said Parish, and his Family and Servants, in such Part of the said Church as the present Rector shall point out, without any Payment to the said Committee, or to the Funds to be raised under this Act; and shall also cause to be set out and appropriated in a convenient Manner, in such Part of the Body of the said Church or of the Galleries thereof as they shall see fit, a Number of Sittings, not being less than One Fourth of the whole Number provided in the said Church, or of any additional Sittings which may from Time to Time be erected therein, which shall for ever afterwards be free and open, to be used and occupied during the Time of Divine Service, and the Administration of the Holy Sacrament of the Lord's Supper, by any poor Person, being a Resident in the said Parish, who shall be willing to occupy the same, without any Payment, Appointment, or Permission whatsoever.

Other Seats to be let by Committee, giving Preference to Inhabitants.

XVII. And be it further enacted, That all other the Seats, Pews, and Sittings to be made and erected in the said intended Church, and the Gallery or Galleries thereof, save and except the Sittings allotted to the said Rector, and to Sir *Thomas Baring* and *Joseph Sladen*, and the Sittings provided as Free Sittings, shall and may be let by the said Committee for such Time or Times and at or for so much Rents, and subject to such Regulations as to the Use or Occupation of the same, and to such Reservations and Restrictions as the said Committee shall think proper and from Time to Time agree and direct in that Behalf, and that the Rents or Sums of Money to be paid for the Use and Occupation of any Seats, Pews, or Sittings shall be paid, applied, and disposed of for the Purposes of this Act: Provided always, that it shall be lawful for the several Inhabitants of the said Parish and Residents therein, on Demand in Writing made to the Committee, to hire or rent such Seats, Pews, or Sittings respectively as at the Time of their respective Application shall be unoccupied, at such Rent or Rents, Sum or Sums of Money, and under such Regulations, Reservations, and Restrictions as aforesaid, in preference to any other Person not being an Inhabitant: Provided also, that no Seat, Pew, or Sitting shall be let to any Person or Persons not resident within the said Parish for any Period exceeding One Year: Provided also, that the said Committee shall make a Scale of Rents at which such Pews, Seats, or Sittings shall from Time to Time be let by them; and a Table of the Scale so fixed shall be preserved by such Committee for Reference by the Parties applying for such Pews, Seats, or Sittings; and such Scale shall continue in force and shall not be variable for Six Months from the Date of such Scale being so in force, or from any subsequent Variation of the same.

Rents to be registered and paid in advance.

XVIII. And be it further enacted, That the several Rents at or for which Seats, Pews, or Sittings shall be set or let shall be entered in proper Books, which Books shall be preserved by the said Committee, and the Rents for the same shall be payable in Advance; and

and if any of such Rents shall remain in arrear or unpaid for the Space of Twenty-one Days after the same shall become due, and the Payment of the same shall have been duly demanded by Writing under the Hand of the Person or Persons appointed to collect and receive the same, or under the Hands of Three of the said Committee or their Clerk, and left at the Place of Abode of the Person renting, occupying, or contracting for the same, that then it shall be lawful for the said Committee for the Time being to re-enter into and upon such Seat, Pew, or Sitting, and take possession of the same, and thereby determine and put an End to the Holding of such Person so in arrear, and to let such Seat, Pew, or Sitting to any other Person or Persons whomsoever.

Renters of Pews to hold without Molestation, but not underlet.

XIX. And be it further enacted, That it shall be lawful for every Holder of such Seat, Pew, or Sitting, so long as he shall have respectively agreed for or taken such Seat, Pew, or Sitting, and shall respectively pay the Rent for the same, and shall conform to the Regulations of the Committee in respect thereof, to occupy such Seat, Pew, or Sitting so to be let or set to him, her, or them, without any Disturbance or Molestation whatsoever, at the respective Rent so to be paid to the said Committee, or the Person or Persons to be appointed to receive the same: Provided always, that if any Proprietor, Renter, or Occupier of any such Seat, Pew, or Sitting shall directly or indirectly let or demise the same, or any Kneeling Place or Sitting therein, or shall receive any Sum of Money or other Advantage for assigning or giving up his Right to the Use or Occupation of such Seat or Sitting, then and in every such Case the Use and Occupation of such Seat or Sitting shall become forfeited, and the Committee for the Time being shall have Power immediately after such Event shall happen to let such Seat or Sitting to such Person or Persons as they shall think proper.

No Alteration to be made in any Pew or Seat.

XX. And be it further enacted, That it shall not be lawful for any Occupier of any Seat, Pew, or Sitting in the said new Church to affix any Rail, Curtain, Lining, or Seat, or make any Alteration in or to such Seat, Pew, or Sitting, without the Consent of the Committee for the Time being; nor shall any such Occupier or any Parishioner of the said Parish, nor any other Person soever, have or claim any Right by Faculty, Prescription, or otherwise in the said Church, save and except so far as the same is given and conferred by this Act; but all Seats, Pews, and Sittings to be erected in the said Church, and the Fastening and Fittings thereof, shall for ever hereafter be under the Direction, Management, and Regulations of the said Committee for the Time being, and shall for all such Purposes, and for the better carrying into effect of such Regulations and of this Act, be deemed the Property of and be legally vested in the said Committee.

After Consecration of new Church Yard the same, together with the present Church Yard,

XXI. And be it enacted, That from and after the Consecration of the said new Church Yard, the same, together with the present Church Yard, or any Addition thereto the Consecration whereof is authorized by this Act, shall be deemed One Church Yard, and be the Church Yard of the said Parish accordingly; and the Word "Churchyard" shall in the Construction of the Provisions herein contained

contained be deemed to apply as well to the present Church Yard and any Addition thereto as aforesaid, and the Site of the present Church after the Consecration of the new Church, as to the said new Church Yard, but nevertheless not so as to give any Power to the said Committee over the present Church Yard, or the Site of the present Church, until after such Consecration of the new Church Yard as aforesaid. to be the Church Yard of the Parish

XXII. And be it further enacted, That it shall be lawful for the Committee for the Time being from Time to Time to sell and dispose of to any Person whatsoever the sole and exclusive Right of Burial in all or any of the Vaults and Catacombs to be constructed under the said Church, and also the Right of digging or using any Ground or Site for the Construction of Vaults or Brick or common Graves in the Church Yard for the Purposes of Burial; and all such Rights shall be conveyed or secured unto the Purchaser of the same respectively by Conveyance or Licence to be made and executed under the Hands of any Five of the said Committee, in such Form, and such Conveyances and Licences shall be registered in such Manner, as the said Committee shall from Time to Time direct; and the Rights so sold shall be subject to such Regulations as may be made by the Committee in relation to the Exercise thereof; and all the Monies to arise to the Committee from such Sale shall be applied and disposed of by the said Committee in aid of the Funds receivable under and be applicable for the Purposes of this Act: Provided always, that no Burial shall take place in the said new Church except in Vaults or Catacombs wholly arched or covered with Brick, Slate, or Stone, and to which the only Access shall be by Steps or otherwise on the Outside of the external Walls; and such Catacombs and Vaults shall be duly separated and secured by being bricked-up, or by Doors, or otherwise, as the Committee shall determine; and no Coffin shall be deposited therein except the same shall have a Case of Lead: Provided also, that nothing herein contained shall empower or authorize the said Committee to demand any Payment for the Ground of a common Grave in the said Church Yard if the same be required for a Parishioner of the said Parish, unless such Parishioner shall be buried in a Coffin of Lead, Iron, or Stone, or other Coffin of the like Kind, or made of more durable Material than Wood, in which Case it shall be lawful for the said Committee to demand Payment for the Ground, although the Grave shall not be bricked or vaulted. Committee empowered to sell the Right to Catacombs, Vaults, and Graves;

XXIII. And be it further enacted, That it shall be lawful for the said Committee at any of their Meetings from Time to Time to settle and alter the Rates and Fees for the setting up of or placing Head Stones, Slabs, and Monuments in the said new Church and in the Church Yard, and also from Time to Time to make, alter, and amend such Regulations relative to and concerning the said Vaults, Catacombs, Graves, and Church Yard, and concerning the setting up or placing of Head Stones, Slabs, or Monuments in the said Church and Church Yard, and with respect to the Pews, Seats, and Conveniences in the said new Church, as to the said Committee shall appear reasonable, necessary, and convenient; and that all Rates, Fees, or Sums which shall be paid for setting up or placing and to fix the Fees for Monuments.

placing Head Stones, Slabs, and Monuments as aforesaid shall be received by the said Committee, and applied to the Purposes of the Act: Provided always, that nothing herein contained shall extend to enable the said Committee or any Person to set up a Monument in the Interior of the said Church without the Leave of the Bishop by Faculty first had or obtained for that Purpose.

Rector discharged from Repair of the Chancel of the present Church and also of the new Church.

XXIV. And be it enacted, That from and after the passing of this Act the Rector of the said Parish for the Time being shall be discharged from all Liability to the Repairs or Charge for Dilapidations in respect of the Chancel of the present Church of the said Parish and of the said intended new Church; and that such Repairs shall in future be made and provided for by the Inhabitants of the said Parish as in the Case of Repairs to the Body of the Church; and the Order and Disposition of the Pews in the Chancel of the new Church, and all other the Rights and Powers connected therewith, not being incident to the Performance of the Services of the Church, shall be vested in the said Committee, and not in the Rector of the said Parish.

One Fourth of Monies paid for Ground for Vaults to be paid to the Rector.

XXV. And be it enacted, That the Rector for the Time being of the said Parish shall be entitled in every Case to demand and receive from the said Committee One Fourth Part of the Monies to arise from Sale of the Ground or Sites for Vaults and Brick or other Graves in the said Church Yard, and of the Rates or Fees to be paid to the said Committee for setting up or placing Head Stones, Slabs, or Monuments as aforesaid, and the Residue of such Monies shall remain applicable to the Purposes of this Act: Provided that nothing herein contained shall give to the said Committee any Power to demand Payment for the opening of the Catacombs or Vaults in the Church, or the Vaults or Brick or other Graves in the said Church Yard, but that the Payments and Fees in respect of such opening, and the Fees for Interment of Bodies therein and in the said Church Yard, shall belong to and be received by the Rector for the Time being of the said Church as heretofore.

Committee and Rector to settle List of Fees.

List to be approved by the Chancellor of the Diocese.

XXVI. And be it enacted, That the said Committee shall, as soon as conveniently may be after the passing of this Act, at some Meeting of such Committee at which the Rector of the said Parish shall be present, settle and fix a List or Schedule of the Fees to be demanded and received by the Rector, officiating Minister, Clerk, and other Officers of the said Church, for the several Services and Matters for which Fees, Payments, or Offerings have been usually paid or made in the said Parish; and after such Schedule or List shall have been approved and signed by the Chancellor of the Diocese for the Time being, no other Fees, Payments, or Offerings shall be demanded for the said Services and Matters than such as shall be specified in the said List or Schedule, subject however to such Variation of the same from Time to Time as the said Committee, with such Approbation of the Chancellor of the Diocese for the Time being, shall from Time to Time determine; but until such List or Schedule shall be so fixed and approved no Fees or Payments shall be demanded in the said Parish in respect of the Services or Matters

Matters aforesaid exceeding the Fees and Payments heretofore usually paid and made in respect of such Matters and Services.

Power to take down the present Church after Consecration of the new Church.

XXVII. And be it enacted, That when and so soon as the said intended new Church and additional Church Yard shall have been consecrated as herein-before is mentioned, the said Committee may take down all or any Part of the present Church of the said Parish, and dispose of all the Materials and Fittings thereof for the Purposes of this Act, and may erect a Vestry Room on such Part of the said Land so taken of or accepted from the said *Thomas Brandram*, or on any other Land convenient in the said Parish which they are hereby authorized to purchase for such Purpose.

Receipt of Collector or Treasurer to be a sufficient Discharge.

XXVIII. And be it enacted, That the Receipt of the Treasurer or Collector for the Time being of the said Committee shall be an effectual Discharge to all Subscribers, Purchasers, Renters, and all other Persons whomsoever paying Money to or on account of the said Committee for the Purposes of this Act, for the Money in such Receipt expressed to be received.

Application of Monies received.

XXIX. And be it further enacted, That the Monies which shall or may be received by the said Committee under this Act shall be applied in manner following; that is to say, in the first place, in Payment of the Costs, Charges, and Expences already incurred by the Churchwardens and a Committee of the said Parish, or otherwise, in or incident to the preparing, applying for, and passing of this Act, and in the Payment of all just and reasonable Costs, Charges, and Expences to be incurred from Time to Time in carrying the same into execution, and in erecting, completing, finishing, and fitting up the said new Church, and inclosing the said Church Yard, and consecrating the said new Church and Church Yard, and in the Purchase of the said Site, and of any additional Piece of Ground to be purchased under the Provisions of this Act, and in taking down the present Church or any Part thereof, and in building a Vestry Room, or any other Building taken or erected under the Provisions or required for the Purposes of this Act, and paying for the Site thereof, and all Charges incident thereto; and in the next place, in Payment of the annual Interest due from Time to Time in respect of the Charges made under this Act for the Purposes thereof, or any of them; and in the next place, in Payment of an annual Sum of Fifty Pounds to the Rector of the said Parish for the Time being; and in the next place, in Payment of any Expences to be incurred in providing and maintaining an Organ, and for such Salaries or Allowances to be paid to the Clerk, Organist, or other Officers or Persons employed in and about the said Church, as the Committee shall think fit, and for the Ornaments, Clocks, Bells, Chimes, warming and cleansing or Services of the Church, as the said Committee may see fit; and in the next place, in providing such further Accommodation or additional Service in the said new Parish Church, beyond double Duty in the said Church, as to the said Committee, with the Consent of the Bishop and Rector, and also of a Vestry Meeting to be duly summoned for the Purpose of giving such Consent, shall seem to be required; and the Residue or Surplus of the said Monies shall be applied by the Committee from Time to Time in the Discharge of any Loan or Loans to be raised under this Act, in such Manner and Proportions

and

and at such Times as they shall see fit, until the whole of the said Loan or Loans shall be paid off and satisfied; and from and after the Discharge of the same then such Surplus shall be retained and applied or invested by the said Committee, at their Discretion, for the other Purposes of this Act, or for such other Purposes connected with the Objects of this Act as the said Committee, with the Consent of the Inhabitants of the said Parish in Vestry assembled, shall think fit: Provided always, that after the Expiration of One Year, to be computed from the Day of the Consecration of the said new Church, the Residue of the said Monies received in each Year, after Payment of the said annual Sum of Fifty Pounds and all Payments hereinbefore directed to be made prior thereto, shall, before any other Payments, be applied in paying off and discharging any Principal Money remaining secured by Charges under this Act, not exceeding in any One Year the Amount of One Twentieth Part of the Principal Money originally borrowed, or in providing a Fund for such Payment and Discharge in the same or any subsequent Year.

Power to Committee to appoint, and remove Officers paid by them.

XXX. Provided always, and be it enacted, That when any Salary or Allowance shall be paid to any Officer of the said Church by the said Committee out of Monies which shall be received by the said Committee under this Act, the Amount of such Salary or Allowance shall be fixed, and the Officer receiving the same from Time to Time be appointed, retained, or dismissed by the said Committee, as they shall from Time to Time see fit and determine in that respect: Provided also, that nothing herein contained shall give Power to the said Committee to displace the present Parish Clerk from his Office; but in the Event of his being desirous to resign his Office it shall be lawful for the said Committee and they are hereby empowered, if they see fit, to pay any Allowance to the said Clerk not exceeding Two Thirds of his present Salary, out of the said Monies, and to secure the due Payment of such Allowance by declaring the same to be a Charge on the said Monies, or on such Parts thereof as they shall determine; and after the Death, Resignation, or Removal of the present Clerk it shall be lawful for the said Committee from Time to Time, with the Consent of the Rector for the Time being, to appoint to the Office of Clerk, and with such Consent to retain or dismiss the Person so appointed, as they shall see fit; provided that in case the said Committee shall not, with such Consent as aforesaid, appoint to such Office of Clerk within Three Weeks after any Vacancy shall have happened therein, the Chancellor of the Diocese for the Time being shall appoint to such Office for that Turn.

Accounts to be kept and verified, and to be open to Inspection of Inhabitants.

XXXI. And be it further enacted, That the Treasurer to the said Committee for the Time being shall and he is hereby required to keep a full and perfect Account of all and every Sums and Sum of Money to be received and paid by him under and by virtue of this Act, and to enter such Receipts and Payments in a proper Book or Books, which Account shall be examined, made up, and balanced by the said Committee once in every Year at the least, and shall also be verified by a solemn Declaration of the Treasurer for the Time being, before One of Her Majesty's Justices of the Peace for the said County of *Kent*, within Fourteen Days after the same shall have been so examined, made up, and balanced; and such Book of Account shall at the annual

annual Meeting for the Appointment of Overseers be produced and submitted to the Inhabitants of the said Parish at such Meeting assembled, and shall from Time to Time be open to the Inspection of the Inhabitants of the said Parish; and such Treasurer shall account for and pay the Balance which shall be due on any such Account, or any Monies which shall be in his Hands as such Treasurer, to such Person or Persons and in such Manner as the said Committee shall from Time to Time direct.

Church Rate may be levied as heretofore in the said Parish, and be applicable to new Church.

XXXII. And be it enacted, That notwithstanding any thing in this Act contained it shall be lawful for a Church Rate to be made in the said Parish in the usual Manner for the Purposes of Repairs and providing for the Expences incidental to the Office of Churchwarden in the said Parish; and that from and after the Consecration of the said new Church and additional Church Yard every such Rate, when made, shall be as applicable to the said new Church and to the Church Yard of the said Parish, and to the said Office of Churchwarden, as any Church Rate now is or might be to the present Church and Church Yard, and as if such new Church and Church Yard had been the original Parish Church and Church Yard of the said Parish.

Rate to be levied as Poor Rate, and Committee may excuse Persons unable to pay Rate.

XXXIII. And be it enacted, That every Church Rate to be levied in the said Parish from and after the passing of this Act shall be calculated on the Assessment to the Poor Rates of the said Parish for the Time being, omitting the Tithe or Tithe Commutation Rentcharge, and the Glebe and Parsonage House in the Occupation of the Rector; and in the event of any such Church Rate being required and determined on the Churchwardens shall have the same Powers, Remedies, and Privileges for levying and recovering the same respectively as Overseers of the Poor have by Law for the Recovery of any Rate made for the Relief of the Poor, subject to the same Right of Appeal as is by Law provided in the Case of Poor Rate; and it shall in every such Case be lawful for the said Churchwardens, with the Consent of the said Committee for the Time being, to excuse any Person who by Poverty or other sufficient Cause shall be unable to pay any such Rate, and also to compound with any Landlord or otherwise act in the Premises respecting such Rate as may now or hereafter be authorized by Law to be done in the Case of a Poor Rate: Provided always, that it shall be lawful for the said Committee to appoint a Collector of any such Church Rate as aforesaid, and to remove any such Collector, and appoint another in his Stead; and such Collector shall have the same Powers, Remedies, and Privileges for levying, receiving, and enforcing Payment of such Rates as are herein-before given to the Churchwardens of the said Parish.

Pew Rents to be reduced after Discharge of Loans and Liabilities.

XXXIV. And be it enacted, That so soon as all the Charges made under this Act for Money borrowed, and all Interest thereon, shall be fully discharged, the said Committee shall and they are hereby required so to reduce the whole of the Rents of the said Seats, Pews, or Sittings in the said Church as to leave them liable only to the Expence of carrying this Act into execution, and the said annual Payment of Fifty Pounds to the Rector of the said Parish, or of any Payment which may have been charged on the said Rents

for any additional Service or Church Accommodation in the said Parish, or of such other of the Matters and Things herein-before made Charges on the Funds to be raised under this Act, or any Increase of the Payment of Fifty Pounds to the Rector, as the Inhabitants of the said Parish in Vestry assembled shall from Time to Time see fit to charge on the said Pew Rents, and from Time to Time to vary such Pew Rents according to the Charges so to be imposed on them as aforesaid, but so nevertheless that from and after such final Discharge of the said Charges for Money borrowed One Third of the whole Number of Sittings in the said Church, as soon as the same shall be at the Disposal of the Committee by the Lapse of the Term for which such Sittings are held, shall thenceforth and for ever thereafter become Free Sittings for the Use of the Poor in the said Church: Provided that nothing herein contained shall disturb or put an end to the Term for which any such Sitting shall be held at the Time of such Charges being so finally paid off; and in every such Case the Seats, Pews, or Sittings held by Non-parishioners, if any, shall be the first to be vacated for the additional Accommodation of the Poor in virtue of this Provision.

Penalty on Trespassers.

XXXV. And be it enacted, That if any Person shall wilfully or maliciously injure, cut, pull down, or break any Tree, Shrub, Plant, or Bank within the said Church Yard, or pull down, injure, or break any Railing, Palisade, Fence, or Wall of the said Church Yard, or of the Church or any Building within the said Church Yard, or any Window, Pillar, Door, Gate, or other external Part thereof, or shall daub, paint, or disfigure the external Walls of the said Church or Church Yard, or any Part thereof, or shall paste or affix any Bill or Bills or other Papers thereto, or shall write with Chalk or any other Matter thereupon, or shall wilfully or maliciously break or disfigure, or maim, injure, or deface, any Monument, Tablet, monumental Inscription, Grave Stone, Head or Foot Stone which shall be therein erected or placed, or obliterate or deface any Inscription thereon, without the Consent of the said Committee first had and obtained, every such Person shall, on being convicted thereof in a summary Way before any Two Justices of the Peace, for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and shall also make Satisfaction for the Injury done by him or her as aforesaid.

Further Provision in respect of Trespassers.

XXXVI. And be it further enacted, That if any Person shall play at Foot-ball or any other Game or Sport, or discharge Fire-arms other than at a Military Funeral, in the said Church Yard, or shall blow any Horn or make any other Noise to the Disturbance of any Persons assembled in the Church or Church Yard for the Purpose of interring any Corpse therein, or commit any Nuisance within the said Church Yard or any Part thereof, or in any Colonnade, Vault, or Building therein, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in a summary Manner before any Two Justices of the Peace in manner aforesaid.

Provisions of 7 & 8 Geo. 4. c. 36. to apply to this Act.

XXXVII. And be it enacted, That all the Clauses and Provisions contained in an Act of the Seventh and Eighth Year of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and*

and amending the Laws in England *relative to malicious Injuries to Property*, concerning the Apprehension of Offenders against that Act, and the Prosecution for Offences on summary Convictions under the same, and the Application of Penalties, and for the Punishment of Offenders in case of Nonpayment of Penalties in Cases of summary Conviction under such Act, shall be deemed and taken to apply to the Apprehension of Offenders and the Prosecution for Offences against this Act, and to the Application of Penalties upon Conviction under this Act, and to the Punishment of Offenders in case of the Nonpayment of such Penalties respectively.

Justices may proceed by Summons for the Recovery of Penalties.

XXXVIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon the Party complained against before any Two Justices, and on such Summons it shall be lawful for such Justices to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justices; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Indemnity to Committee.

XXXIX. Provided always, and be it further enacted, That the said Committee, and the Members thereof respectively, and all Persons acting by or under the Orders or Direction of such Committee, shall from Time to Time and at all Times hereafter be duly indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them shall or may sustain or be put unto for or by reason of any Action, Suit, or Proceeding which may be had, sued, commenced, or prosecuted by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act or the Trusts hereby reposed in them.

Power to convey Lamp Mead, and invest Proceeds.

XL. And whereas it is expedient that a certain Piece or Parcel of Land called *Lamp Mead*, belonging to the said Parish, and whereof the Rents and Profits are applicable to the Repairs of the said Parish Church, should be sold, and that the Proceeds should be invested as herein-after mentioned; be it therefore enacted, That it shall and may be lawful to and for the Churchwardens for the Time being of the said Parish of *Lee*, by Indenture under their Hands and Seals, by the Direction or with the Approbation of the said Committee, testified by not less than Five Members of the said Committee being Parties to and signing, sealing, and delivering such Indenture, to grant and convey by way of absolute Sale the said Close or Piece of Pasture Land called *Lamp Mead*, with the Appurtenances, to any Purchaser, or as such Purchaser shall direct, for such Consideration in Money as to the said Committee shall appear adequate; and such Conveyance shall be valid and effectual to vest such Close or Piece of Pasture Land

Land in such Purchaser and his Heirs, or as he shall direct; and upon Payment of the Purchase Money it shall be lawful for the Treasurer for the Time being of the said Committee to sign and give a Receipt, which Receipt shall be a sufficient Discharge for the same Purchase Money, or so much thereof as in such Receipt shall be acknowledged to be received, and the Person paying such Money shall not be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or of any Part thereof; and the Money arising from such Sale shall be invested by the said Committee, in the Names of Two or more Trustees to be appointed by the said Committee for that Purpose, in the Public or Government Funds, or on Real Security in *England*, or, from Time to Time, on other Land; and the said Committee shall and may from Time to Time appoint new Trustees in the Room of any Trustees of such Funds or Securities or Lands who shall die, or desire to be discharged, or become incapable to act, and shall and may cause to be altered, varied, and transferred such Funds and Securities as they shall think expedient; and the Interest and Dividends arising from such Funds and Securities, and the Rents and Profits of such Land, if any shall be purchased, shall be applied to the Purposes to which the Rents and Profits of the said Close or Piece of Land hereby made saleable would have been applicable in case the same had not been sold.

Saving the Rights of the Bishop of the Diocese.

XLI. And be it further enacted, That nothing in this Act contained shall extend to prejudice, impeach, or defeat any Right, Title, Interest, Property, Privilege, or Jurisdiction of the Lord Bishop of the Diocese for the Time being, or to prejudice or affect the Exercise of ordinary Ecclesiastical Jurisdiction over the said new Church and Church Yard, and the said present Parish Church and Church Yard; but that the same Churches and Church Yards respectively shall be and remain subject to the Powers and Jurisdiction of the Ordinary, so far as may be consistent with the Powers and Provisions of this Act, in like Manner as if the said new Church and Church Yard had been the original Parish Church and Church Yard.

Interpretation Clause.

XLII. And be it enacted, That in the Construction of this Act the Word Inhabitant shall be taken to mean any Person assessed or liable to be assessed to the Poor Rate or Church Rate in the Parish of *Lee*; and that whenever in this Act any Word or Words is or are used or employed importing the Singular Number or Masculine Gender only, such Word or Words shall extend to and be construed to include several Persons as well as one Person, and Females as well as Males, unless it be otherwise specially directed or provided for, or there be something in the Context repugnant to such Construction.

Public Act.

XLIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.