

ANNO QUINQUAGESIMO NONO

GEORGII III. REGIS.

Cap. XXXVI.

An Act for repairing and enlarging the Church of the Pariſh of *Mitcham*, in the County of *Surrey*, and providing an additional Burial Ground thereto.

[19th *May* 1819.]

WHEREAS the Pariſh Church of *Mitcham*, in the County of *Surrey*, is in a very dilapidated and decayed State, and much too ſmall for the Accommodation of the Inhabitants of the ſaid Pariſh; and it is expedient and neceſſary that the ſaid Church ſhould be taken down and rebuilt, or otherwiſe repaired, improved, and enlarged: And whereas the Cemetery or Burial Ground belonging to the ſaid Pariſh is alſo too ſmall and inſufficient, and it is neceſſary that the ſame ſhould be enlarged, or an additional Burial Ground provided; but as ſuch Purpoſes cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Vicar and Churchwardens of the ſaid Pariſh for the Time being; the Reverend *Richard Cranmer*, the Reverend *Richard Roberts*, Lieutenant General *Henry Oakes*, *Henry Hoare*, *William Merle*, *William Simpſon*, *James Moore*, *Daniel Watney*, *John Adrian Eyma*, *James Dempſter*, *John Foakes*, *John Parrott*, *William Hood Hemmans*, *Benjamin Potter*, *John Shaw*, *John Rutter*, *William Bailey*, and *George Smith* of *Tamworth Lodge*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Truſtees for taking down and rebuilding, or otherwiſe enlarging, Truſtees.

enlarging, improving, and repairing the ſaid Church, and for enlarging the Cemetery or Burial Ground of the ſaid Pariſh, and putting this Act in Execution during ſuch Time only as they ſhall reſpectively continue Inhabitants within the ſaid Pariſh; and that when any One or more of the Truſtee or Truſtees herein-before named, or to be appointed as herein-after mentioned (except ſuch Perſons as are declared to be Truſtees by virtue of their Situation or Office as aforeſaid), ſhall die, refuſe to act, or ſhall remove out of the ſaid Pariſh of *Mitcham*, it ſhall and may be lawful for the ſurviving or continuing Truſtees, at any Meeting to be held in purſuance of this Act, to elect and appoint One or more of the Inhabitants of the ſaid Pariſh in the Room or Place of ſuch Truſtee or Truſtees ſo dying, refuſing to act, or removing as aforeſaid; and every ſuch Truſtee ſo to be appointed ſhall have full Power and Authority in all Things to carry this Act into Execution, the ſame as if he had been originally named and appointed a Truſtee in and by this Act: Provided always, that no Perſon ſhall act as a Truſtee who ſhall hold any Place of Profit or Emolument, or be concerned or intereſted in any Contract under this Act.

Qualification of Truſtees.

II. And be it further enacted, That no Perſon (except the Vicar or Churchwardens of the ſaid Pariſh for the Time being) ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall at the Time he ſo acts be, in his own Right or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, within the ſaid Pariſh, of the clear yearly Value of Three hundred Pounds, or be poſſeſſed of or entitled to a Perſonal Eſtate, or of a Real and Perſonal Eſtate together, of the clear Value of Three thouſand Pounds, or ſhall occupy and pay Rates for Lands, Tenements, or Hereditaments within the ſaid Pariſh, of the annual Value of One hundred Pounds at the leaſt; and that no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (except in adminiſtering the Oath herein-after mentioned), at the Firſt Meeting after the paſſing of this Act, until he ſhall have taken and ſubſcribed, in a Book or Roll to be kept for that Purpoſe, an Oath in the Words or to the Effect following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That I truly and *bonâ fide* am in my own Right, or in Right of my Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Meſſuages, Lands, Tenements, or Hereditaments within the Pariſh of *Mitcham*, in the County of *Surrey*, of the clear yearly Value of Three hundred Pounds, above all Mortgages, Debts, or other Incumbrances anywiſe affecting the ſame; or poſſeſſed of or entitled to a Perſonal Eſtate, or to a Real and Perſonal Eſtate together, of the Amount or Value of Three thouſand Pounds, clear of all Debts and Incumbrances; or am truly and *bonâ fide* the Occupier of Lands, Tenements, or Hereditaments within the ſaid Pariſh, of the annual Value of One hundred Pounds at the leaſt; and that I will faithfully, impartially, and honeſtly, according to the beſt of my Skill, Knowledge, and Judgment, execute the ſeveral Truſts repoſed in me as a Truſtee, by virtue of an Act paſſed in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled *An Act* (*here ſet forth the Title of this Act*). So help me GOD.'

Which Oath any One of the ſaid Truſtees at any ſuch Meeting is hereby empowered to adminiſter; and if any Perſon, except as aforeſaid, ſhall act

as a Truſtee in the Execution of this Act, not being qualified as aforeſaid, or without having taken and ſubſcribed ſuch Oath in Manner aforeſaid, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance, ſhall be allowed; in which Action it ſhall be ſufficient for the Plaintiff to prove that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; which Proof ſhall entitle the Plaintiff to a Verdict, unleſs the Defendant ſhall prove that he was at the Time of ſo acting duly qualified: Provided nevertheleſs, that all Acts and Proceedings which ſhall have been done and performed touching the Execution of this Act, by any ſuch Perſon previous to his being convicted of the Offence before mentioned, ſhall, notwithſtanding ſuch Conviction, be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Penalty for acting not being qualified.

III. And be it further enacted, That the ſaid Truſtees ſhall meet in the Veſtry Room of the ſaid Pariſh of *Mitcham*, or at any other convenient Place within the ſaid Pariſh, within Fourteen Days next after the paſſing of this Act, or as ſoon as conveniently may be, for the Purpoſe of carrying this Act into Execution, and ſhall and may, then and from Time to Time afterwards, adjourn their Meetings, to be holden there, or at any other Place within the ſaid Pariſh, as they ſhall think proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtees or Truſtee then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe may happen, adjourn ſuch Meeting to ſome other Day, within Six Days then next following, to be holden at the ſame Place; and the ſaid Clerk ſhall cauſe Four Days Notice at leaſt of the Time and Place of ſuch Meeting, to be affixed on the Door of the Pariſh Church of *Mitcham* aforeſaid, or otherwiſe given to or left at the uſual Place of Abode of each of the ſaid Truſtees; and no Act of the Truſtees ſhall be valid unleſs made or done at ſome public Meeting to be holden by virtue of this Act; and at all ſuch Meetings a Chairman ſhall or may be appointed; and the Acts, Orders, and Reſolutions of the major Part of the Truſtees preſent (the Number of Truſtees preſent at all ſuch Meetings not being leſs than Four), ſhall have the ſame Force and Effect as if done or made by all the ſaid Truſtees; and that where at any Meeting or Meetings the Number of Voices ſhall be equal, the Chairman of each ſuch Meeting ſhall have a Second and the caſting Vote.

First and ſubſequent Meetings of Truſtees.

IV. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary or expedient that a Meeting of the Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, then and in every ſuch Caſe the Clerk to the ſaid Truſtees (on receiving an Order in Writing, ſigned by any Two or more of the ſaid Truſtees, mentioning the Time, Place, and Purpoſes of ſuch earlier Meeting) ſhall forthwith give Notice of the Meeting to be holden on ſuch earlier Day, in Manner before directed, and of the Time and Place which ſhall be mentioned in ſuch Order, ſuch Time not being leſs than Six Days after ſuch Notice; and all Acts and Proceedings of the Truſtees preſent at ſuch earlier

Meetings on Emergencies.

earlier or Special Meeting, ſhall be as good and valid to all Intents and Purpoſes, as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment; and the ſaid Truſtees ſhall at their ſeveral Meetings defray their own Expences.

No Order to be revoked or altered at any ſubſequent Meeting, unleſs ſpecial Notice given.

V. And be it further enacted, That no Order, Appointment, or Proceeding whatſoever, made at any Meeting of the Truſtees holden in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe; nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, ſhall be given in Manner aforeſaid, at leaſt Nine Days before ſuch ſubſequent Meeting; nor unleſs a Majority of the Truſtees preſent at ſuch ſubſequent Meeting ſhall decide in favour of ſuch Revocation or Alteration, and a greater Number of Truſtees ſhall be preſent at ſuch ſubſequent Meeting than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding was had or made.

Truſtees to appoint a Treaſurer, Clerk, Collector, and other Officers, and to allow Salaries.

VI. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered and required, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, Collector or Collectors, and all ſuch other Officers and Perſons for the Execution of this Act, as the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Officers and Perſons reſpectively as the ſaid Truſtees ſhall ſee Occaſion or think proper, and out of the Monies to be received by virtue of this Act to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons, as the ſaid Truſtees ſhall think reaſonable; and it ſhall be lawful for the ſaid Truſtees to require and take ſufficient Security from every ſuch Treaſurer, Collector, and other Officer, for the due Execution of his Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and to whom and for what Purpoſe, together with proper Vouchers for ſuch Payments, and ſhall pay all ſuch Money as ſhall remain due from them reſpectively to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and every ſuch Treaſurer, Collector, and other Officer ſhall, when thereunto required by the ſaid Truſtees, lay his Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed by them, if approved of; and if any ſuch Officer ſhall refuſe or neglect to make and render any ſuch Account, or produce and deliver up the Vouchers relating thereto, or to make Payment as aforeſaid, or ſhall refuſe or wilfully neglect to deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, within Fifteen Days after being thereunto required by the ſaid Truſtees, by Notice in Writing given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, then and in every or any ſuch Caſe, upon Complaint made

made by the ſaid Truſtees, or by ſuch Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or wilful Neglect as aforeſaid, to any Juſtice of the Peace for the County, City, or Place, wherein ſuch Officer ſo refuſing or wilfully neglecting ſhall be or reſide, ſuch Juſtice may and he is hereby authorized and required to iſſue a Summons or Warrant, under his Hand and Seal, for the Officer ſo refuſing or wilfully neglecting to appear before him, and on his appearing, or having been ſummoned and not appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon Confeſſion of the Party, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected and raiſed under or by virtue of or for the Purpoſes of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if ſufficient Goods and Chattels of ſuch Officer cannot be found to anſwer and ſatisfy the ſaid Money ſo due, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer hath refuſed or wilfully neglected to render and give ſuch Account, or to produce and deliver over the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and that he hath refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then and in each and every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize, until he ſhall give and render a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up all Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer ſhall be detained or kept in ſuch Common Gaol or Houſe of Correction for want of ſufficient Diſtreſs, by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Same Perſon not to act as Clerk and Treaſurer.

VII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees to appoint the Perſon who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any ſuch Clerk, the Treaſurer for the Purpoſes of this Act, or to appoint the Perſon who may be appointed Treaſurer, or the Partner of any ſuch Treaſurer, the Clerk to the ſaid Truſtees for executing this Act; and if any Perſon ſhall act in both the Capacities of Clerk and Treaſurer for the Purpoſes of this Act, or if any Perſon being the Partner of any ſuch Clerk ſhall act as Treaſurer, or being the Partner of ſuch Treaſurer ſhall act as Clerk in the Execution of this Act, every Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, nor more than One Imparlance ſhall be allowed.

Truſtees to provide Books, and keep Entries of all Proceedings.

VIII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or Books, and fair and regular Minutes or Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all ſuch Truſtees as ſhall be preſent at their ſeveral Meetings; and all Minutes and Entries in ſuch Book or Books, being ſigned by the Chairman of ſuch Meeting, ſhall be deemed Originals, and ſhall be allowed to be read as Evidence in all Cauſes, Suits, and Actions touching or concerning any Thing done in purſuance of this Act.

Accounts to be kept of Receipts and Diſburſements.

IX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required, from Time to Time, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books ſuch Clerk ſhall enter or cauſe to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the ſaid Church and Cemetery, and of the ſeveral Articles, Matters, and Things for which ſuch Sums of Money ſhall have been diſburſed, laid out, and paid; which Book or Books ſhall at all ſeaſonable Times be open to the Inſpection of the ſaid Truſtees, or any of them, or any Creditor or Creditors on the Rates hereby granted, or any Perſon or Perſons paying the ſaid Rates, without Fee or Reward; and the ſaid Truſtees, and other Perſons, ſhall and may take Copies of or Extracts from the ſaid Book or Books, or any Part or Parts thereof, without paying any Thing for the ſame; and in caſe the ſaid Clerk ſhall refuſe to permit the ſaid Truſtees or ſuch Perſons, or any of them, to inſpect the ſame, or take ſuch Copies or Extracts as aforeſaid, ſuch Clerk ſhall forfeit and pay any Sum not exceeding Five Pounds, to be levied, recovered, and applied in Manner herein-after mentioned: Provided always, that a true and perfect Statement of ſuch Accounts ſhall be laid before a Veſtry of the ſaid Pariſh, yearly, in *Eaſter* Week, and ſhall be left with the Veſtry Clerk of the ſaid Pariſh, for the Space of Fourteen Days next after every ſuch Veſtry, for the free Inſpection of all Perſons contributing to and paying the Rates or Aſſeſſments made in purſuance of this Act, and at the Expiration of the ſaid Fourteen Days the ſaid Book ſhall be returned ſafe, whole, unobliterated to the Treaſurer or Clerk to the ſaid Truſtees.

Truſtees may ſue and be ſued.

X. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in the Name or Names of their Treaſurer or Clerk for the Time being to be appointed under this Act; and that no Action or Suit which may be brought by or againſt the ſaid Truſtees, or any of them, in relation to this Act, in the Name or Names of their Treaſurer or Clerk, ſhall be abated or diſcontinued by the Death or Removal of any ſuch Treaſurer or Clerk, without the Conſent of the ſaid Truſtees; but the Treaſurer or Clerk for the Time being ſhall always be deemed Plaintiff or Plaintiffs, or Defendant or Defendants in every ſuch Action or Suit, as the Caſe may be: Provided always, that every ſuch Treaſurer or Clerk ſhall be reimburſed, out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and reaſonable Expences as he or they ſhall be put unto, or become charged or chargeable with by reaſon of his or their being ſo made Plaintiff or Plaintiffs, or Defendant or Defendants as aforeſaid.

Truſtees to contract for repairing the Church, &c.

XI. And whereas it is expedient that the ſaid Pariſh Church of *Mitcham* ſhould be rebuilt or otherwiſe enlarged, improved, and repaired, and in doing thereof it may be neceſſary to pull down the Chancels of the ſaid Church; be it therefore enacted, That it ſhall and may be lawful for the ſaid Truſtees to contract and agree with any Perſon or Perſons for taking down the ſaid Church, and the Chancels thereof, or ſuch Part or Parts thereof as may be thought neceſſary, and for rebuilding, improving, enlarging, and repairing the ſaid Church and Chancels, according to ſuch Plan, both Inſide and Outſide, as ſhall have been previouſly approved of by the Lord Biſhop of the Dioceſe, and for providing proper Materials for all or any of the Purpoſes aforeſaid, or for doing any of the Works authorized by this Act, and for otherwiſe carrying this Act into Execution; and all Contracts and Agreements made and entered into by and between the ſaid Truſtees, at any of their Meetings to be held in purſuance of this Act, and any Perſon or Perſons whomſoever, relating to any Act, Matter, or Thing to be done and performed in Execution of any of the Powers hereby granted, ſhall be reduced and put into Writing, and ſigned by the Parties thereto; and in ſuch Contracts reſpectively there ſhall be ſpecified the Work to be done, and the Price or Prices to be paid for the ſame, and the Time within which the ſame ſhall be completed, the Quality of the Materials, and the Penalties for Nonperformance thereof; and the ſaid Truſtees ſhall and may take ſuch Security from all ſuch Contractors for the due Performance of ſuch Contracts, as to them the ſaid Truſtees ſhall ſeem neceſſary; and the ſaid Truſtees may cauſe the ſaid Works to be ſurveyed, and if the ſame ſhall appear not to be performed according to ſuch Contracts reſpectively, the Surveyor ſhall report the ſame to the Truſtees at any of their Meetings to be held in purſuance of this Act; and the ſaid Truſtees may cauſe an Action at Law, or Suit in Equity, to be brought and proſecuted againſt the Party or Parties refuſing or having neglected duly to perform his, her, or their Contract or Contracts, for the Recovery of the ſeveral Penalties contained in ſuch Contracts reſpectively, or for a ſpecific Performance thereof, as to the ſaid Truſtees ſhall ſeem adviſable, in the ſame Manner as in any other Caſe of Contracts or Agreements between any other Perſons whomſoever; and that it ſhall and may be lawful to and for the ſaid Truſtees to compound and agree with any Perſon or Perſons againſt whom they ſhall bring or cauſe to be brought any Action or Actions, Suit or Suits, for the Recovery of any Penalty or Penalties contained in any Contract or Contracts, or with his, her, or their Sureties, for ſuch Sum or Sums of Money as they ſhall think proper, ſo as the Sum compounded for and agreed upon be not leſs than the Amount of the Injury or Damage ſuſtained by the Breach or Nonperformance of ſuch Contract or Contracts, and the Coſts, Charges, and Expences which ſhall have been occaſioned thereby; and all and every the Sum and Sums which ſhall be received in conſequence of ſuch Compoſition ſhall be applied for and towards all or any or ſuch of the Purpoſes of this Act as the Whole of ſuch Penalty, if recovered, would have been applicable.

Materials veſted in the Truſtees, who may bring Actions for damaging or ſtealing the ſame.

XII. And be it further enacted, That all the Materials of the ſaid Old Church, Tower, and Chancels, and of the Walls and Fences of and belonging thereto, when pulled down, and while remaining unſold and undiſpoſed of, and all Bricks, Stones, Timber, Iron, Lead, and all other Materials bought and provided by Order of the ſaid Truſtees for rebuilding, repairing, and enlarging the ſaid Church and Church Yard, and other

other Conveniences thereto, or for fencing and incloſing the additional Burial Ground herein-after authorized to be provided, ſhall belong to and be the Property of, and the ſame are hereby veſted in the ſaid Truſtees and their Succeſſors; and it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Caſe may be), againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, ſpoil, injure, damage, or deſtroy the ſaid Church or other Conveniences, or the Wall or Walls, Fence or Fences of the ſaid Church Yard or Burial Ground, or of any Building or other Works erected, made, or built by virtue of this Act, or any Part or Parts thereof, or the Bricks, Stones, Timber, and other Materials thereof, hereby veſted in them the ſaid Truſtees as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment it ſhall be and be deemed and taken to be ſufficient to ſtate generally that the ſaid Walls, Fences, Buildings, Articles, Materials, and Things, for or on account of which ſuch Action or Actions ſhall be brought, or Bill or Bills of Indictment preferred, are the Property of the Truſtees for repairing the Pariſh Church of *Mitcham*, in the County of *Surrey*, without particularly ſtating or ſpecifying the Name or Names of all or any of the ſaid Truſtees.

Truſtees may purchaſe Land for Burial Ground.

XIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby empowered and required, as ſoon as conveniently may be after the paſſing of this Act, to contract and agree for the abſolute Purchaſe of any Lands, Tenements, or Hereditaments within the ſaid Pariſh (not exceeding Two Acres in the whole), and for the Enfranchiſement of any Copyhold Lands which may be ſo purchaſed, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms for Years, or by the Curteſy of *England*, or with any Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees for Lunatics and Idiots, or other Truſtees whomſoever, not only for and on behalf of themſelves, their Heirs and Succeſſors, but alſo for and on behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, or Femes Covert, who are or ſhall be ſeiſed, poſſeſſed, or intereſted in their own Right, or with any Perſon or Perſons whomſoever who ſhall be willing to ſell the ſame, for the Purpoſe of enlarging the preſent Church Yard or Burial Ground of the ſaid Pariſh, or for providing another and an additional Cemetery or Burial Ground for the ſaid Pariſh, as may be thought moſt convenient, and to pay for the ſame ſuch Sum or Sums of Money as ſhall be agreed upon by the ſaid Truſtees, and the Perſon or Perſons intereſted therein, out of the Monies to be raiſed by virtue of this Act as herein-after mentioned; and it ſhall and may be lawful to and for the ſaid Truſtees to hold ſuch Lands, Tenements, and Hereditaments ſo purchaſed, without incurring or being ſubject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or any other Law or Statute whatſoever.

Burial Ground to be incloſed and conſecrated.

XIV. And be it further enacted, That ſuch additional Burial Ground ſhall be incloſed with a Wall, or other proper and ſecure Fence to the ſame, by the ſaid Truſtees, and ſhall be conſecrated according to the Uſage of the Church of *England*; and after ſuch Ground ſhall have been ſo conſecrated, the ſame ſhall for ever thereafter be made uſe of according to

Law

Law as and for a Burying Ground for the Interment of the Dead; and after such Consecration the Vicar, Churchwardens, Clerk, and Sexton of the said Parish of *Mitcham* for the Time being, shall be entitled to, and shall have and receive, in respect to such new Burial Ground, all such Fees, Dues, and Emoluments as are by Law and of Right payable to the Office of Vicar, Churchwardens, Clerk, and Sexton respectively of the said Parish, for or on account of Burials in the present Church Yard or Burial Ground of the said Parish.

Bodies Politic and Corporate, and incapacitated Persons, empowered to contract and convey.

XV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life or in Fee Tail General or Special, or by the Curtesy of *England*, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees and Persons whomsoever, not only for and on behalf of themselves, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert who are or shall be seised, possessed, or interested in their own Right, and all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Trustees to be purchased for the said Burial Ground, and for other the Purposes of this Act, to treat, contract, and agree with the said Trustees for the absolute Sale thereof, or of any Part thereof, and for the Enfranchisement of any such Copyhold Lands, and to sell and convey the same, and all his, her, and their Estate, Right, Title, and Interest therein, to the said Trustees and their Successors, for the Purposes mentioned in this Act; and all Contracts, Sales, and Conveyances which shall be so made, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of the said several and respective Cestuique Trusts, and all Persons claiming or to claim by, from, or under them respectively, and of all Persons entitled in Remainder or Reversion, and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, or Usage, or any other Matter or Thing to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Tenants for Life or in Fee Tail General or Special, or by the Curtesy of *England*, or for Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Application of Purchase Monies if amounting to 200l.

XVI. And be it further enacted, That if any Monies shall be paid, or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf

behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Ceſtuique Truſt, or any Perſon whoſe Lands are limited in ſtrict or other Settlement, or to any Perſon under any other Diſability or Incapacity whatſoever, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Truſtees for executing this Act, to the Intent that ſuch Money ſhall be applied, under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments, in the Purchaſe or Redemption of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrances, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments ſtanding ſettled therewith, to the ſame or the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Tenements, and Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed, taken, or uſed as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the meantime, and until ſuch Purchaſes ſhall be ſo made, the ſaid Money ſhall, by Order of the ſaid Court, upon Application thereto, be inveſted by the ſaid Accountant General, in his Name, in the Purchaſe of Three Pounds *per Centum* Conſolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſe aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments, ſo hereby directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XVII. Provided alſo, and be it further enacted, That if any Money ſo agreed to be paid for any Lands, Tenements, or Hereditaments to be purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under any Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall amount to or exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Idiotcy, or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-

herein-before directed; or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money and the Dividends ariſing therefrom may be applied in Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20l.

XVIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Truſtees ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Money ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

Perſons in Poſſeſſion of Lands, &c. at the Time of Purchaſe, deemed entitled to Money, unleſs the contrary ſhall be ſhewn.

XIX. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in purſuance of this Act, for the Purchaſe of Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were ſo lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

Court of Chancery may order the reaſonable Expences of Purchaſes to be paid by Truſtees.

XX. Provided alſo, and be it further enacted, That when by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act, it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much thereof as the Court ſhall deem reaſonable, with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Truſtees out of the Monies to be received by virtue of this Act; and the ſaid Truſtees

ſhall

shall from Time to Time pay for such Purposes as the said Court shall direct.

On Payment of Purchase Money Land to be vested in Trustees.

XXI. And be it further enacted, That upon Payment of the Money so contracted and agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments by the said Trustees to the Party or Parties respectively entitled to such Monies, or his, her, or their Agent, or upon Payment thereof into the Bank of *England* in Manner by this Act directed, as the Case may be, the said Lands, Tenements, and Hereditaments, in respect whereof the same shall have been so paid as aforesaid, shall absolutely vest in the said Trustees for the Time being, in Manner and for the Purposes aforesaid; and the said Trustees shall be deemed in Law to be in the actual Possession thereof to all Intents and Purposes whatsoever, freed and discharged of and from all former and other Estates, Rights, Titles, Interests, Claims, and Demands whatsoever.

Trustees may borrow Money not exceeding 8000l., to be secured upon the Credit of the Rates.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to borrow of and from any Person or Persons any Sum or Sums of Money necessary for the Purposes of this Act, at legal or less Interest, not exceeding in the whole the Sum of Eight thousand Pounds; which Monies so to be borrowed, and the Interest thereof, are hereby charged upon, and shall be payable from Time to Time by and out of the Rates and Assessments to be made in pursuance or by virtue of this Act as herein-after mentioned; and for securing the Repayment of the Money so to be borrowed, and the Interest thereof, the said Trustees or any Five or more of them, shall and may, by Writing under their Hands and Seals, and attested by one or more credible Witness or Witnesses, assign over the said Rates and Assessments to the Person or Persons advancing and lending such Money; which Assignments shall be in the Form or to the Effect following; that is to say,

Form of Security.

'WE, the Undersigned, being Five of the Trustees appointed by or in pursuance of an Act of Parliament made in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act (here set forth the Title of this Act)*, in consideration of the Sum of advanced and lent by of in the County of to us, upon the Credit and for the Purposes of the said Act, do hereby assign unto the said Executors, Administrators, and Assigns, the Rates and Assessments made and to be made in pursuance or by virtue of the said Act, to hold unto the said Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, to be paid Half-yearly, shall be fully paid and satisfied. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord .'

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment of the Monies thereby intended to be secured, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Trustees may borrow Money upon Annuities.

XXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time,

Time, when they ſhall judge neceſſary, by Writing under their Hands and Seals, or under the Hands and Seals of any Five or more of them, to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the ſaid Truſtees, or into the Hands of their Treaſurer for the Time being, any Sum or Sums of Money for the abſolute Purchaſe of any Annuity or Annuities to be paid and payable during the natural Life of every Contributor reſpectively, or the natural Life of ſuch Perſon as ſhall be nominated by or on behalf of ſuch Contributor at the Time of Payment of his or her Contribution or Purchaſe Money, ſo that the Money to be raiſed by the granting Annuities as aforeſaid, together with the Money to be borrowed at Intereſt as herein-before mentioned, do not exceed the whole Sum authorized to be raiſed for the Purpoſes of this Act; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; that is to ſay,

Form of Annuity.

'WE, the Underſigned, being Five of the Truſtees appointed by or in purſuance of an Act of Parliament made in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act* [*here ſet forth the Title of this Act*], in conſideration of the Sum of paid by of in the County of to the Treaſurer appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid Executors, Adminiſtrators, and Aſſigns, an Annuity or yearly Sum of out of the Rates and Aſſeſſments made and to be made in purſuance or by virtue of the ſaid Act; which Annuity or yearly Sum of ſhall be paid to the ſaid Executors, Adminiſtrators, or Aſſigns, by Half-yearly Payments in every Year during the natural Life of (*as the Caſe may be*), the Firſt Payment thereof to be made upon the Day of next enſuing the Date of theſe Preſents. In Witneſs whereof we have hereunto ſet our Hands and Seals, the Day of in the Year of our Lord.'

And every ſuch Grant ſhall be good, valid, and effectual in the Law, without any Enrolment or Regiſtry of the Memorial thereof in the High Court of Chancery, or elſewhere (except as herein-after mentioned), any Law or Statute to the contrary thereof in anywiſe notwithſtanding; and every Annuity ſo to be granted as aforeſaid, ſhall be and the ſame is hereby charged upon the Rates and Aſſeſſments to be made under or by virtue of this Act; and the Purchaſer of every ſuch Annuity, his or her Executors, Adminiſtrators, and Aſſigns, ſhall have and be entitled to ſuch Annuity out of the ſaid Rates and Aſſeſſments during the Term of the natural Life of the Perſon for whoſe Life ſuch Annuity ſhall be granted; and every ſuch Annuity ſhall be payable and paid by the Treaſurer to the ſaid Truſtees at or in the ſaid Pariſh, by equal Half-yearly Payments, the Firſt Payment thereof reſpectively to be made at the Expiration of Six Calendar Months next after the Date of ſuch Annuities, or within Twenty-one Days afterwards; and a proportionable Part of the ſaid Annuity ſhall be payable to the Purchaſer or Purchaſers thereof, or his, her, or their Executors, Adminiſtrators, or Aſſigns, from the laſt Half-yearly Day of Payment, up to the Day of the Death of the Party during whoſe Life the ſaid Annuity ſhall be made payable, in caſe the Death of ſuch Party ſhall happen at any intermediate Time between any of the ſaid Half-yearly Days of Payment.

Expences of Securities to be paid by Truſtees.

XXIV. And be it further enacted, That the Charges and Expences of all ſuch Aſſignments, Grants, and Securities, made and given to any Perſon or Perſons for Monies lent, advanced, and paid to the ſaid Truſtees on the Credit of the ſaid Rates and Aſſeſſments, ſhall be defrayed and paid by the ſaid Truſtees out of the Monies ſo to be borrowed or raiſed by virtue of this Act.

Securities may be aſſigned.

XXV. And be it further enacted, That it ſhall and may be lawful to and for the ſeveral Perſons entitled to any of the Securities for the Money to be borrowed at Intereſt as aforeſaid, or to be raiſed by the granting of Annuities in Manner herein authorized and directed, and their reſpective Executors, Adminiſtrators, and Aſſigns, as the Caſe may be, at any Time or Times, by Writing under their reſpective Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons whomſoever; which Transfer may be in the Words or to the Effect following; (that is to ſay),

Form of Aſſignment.

'I being entitled to the Sum of (*or* 'an Annuity of) ſecured to and 'Executors, Adminiſtrators, and Aſſigns (*as the Caſe may be*), by virtue 'of an Aſſignment (*or* Grant of an Annuity), bearing Date the 'Day of under the Hands and Seals of of the 'Truſtees acting in the Execution of an Act of Parliament made in the 'Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, 'intituled *An Act* (*here ſet forth the Title of this Act*) charged upon the 'Rates or Aſſeſſments granted by the ſaid Act, do hereby aſſign and 'transfer all my Right and Intereſt in and to the ſame Sum (*or* Annuity), 'and all Intereſt and other Money now due and to become due thereon, 'unto of in the County of 'Executors, Adminiſtrators, and Aſſigns. As witneſs my Hand and Seal, 'this Day of .'

Securities and Aſſignments to be entered by the Clerk.

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

Rates of Annuities.

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

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

Truſtees may borrow Money at lower Intereſt, and pay off former Securities.

XXVII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Intereſt than the Aſſignments or Securities which ſhall be then in force ſhall bear, it ſhall and may be lawful to and for the ſaid Truſtees from Time to Time to charge the ſaid Rates and Aſſeſſments in Manner aforeſaid, with ſuch Sum or Sums of Money as they ſhall think proper, and the Intereſt thereof at ſuch lower Rate as aforeſaid, and to pay off and diſcharge all ſuch and ſo many of the Aſſignments or Securities bearing a higher Rate of Intereſt, as they ſhall think proper, on giving Notice in Writing, ſigned by the Clerk to the ſaid Truſtees, to the Perſon or Perſons who ſhall be entitled to the Money intended to be paid off as aforeſaid, or left at his, her, or their laſt or uſual Place of Abode, and which Notice ſhall expreſs the Sum to be paid off, and the Intereſt due thereon; and that the ſame will be paid on a Day and at a Place to be ſpecified in ſuch Notice, ſuch Day not being ſooner than Three Calendar Months after the Day of giving or leaving ſuch Notice as aforeſaid; and from and after the Day to be ſo ſpecified, the Intereſt of the principal Money ſo to be paid off ſhall ceaſe, and be no longer paid or payable, unleſs ſuch Money ſhall be demanded purſuant to ſuch Notice, and not paid; in which Caſe the Intereſt ſhall continue payable, but the principal Monies in reſpect whereof ſuch Notice ſhall be given, and all Intereſt thereon as aforeſaid, ſhall nevertheleſs be payable on Demand.

Truſtees to make Rates for raiſing Money to anſwer the Purpoſes of the Act.

XXVIII. And in order to raiſe Money ſufficient for carrying the ſeveral Purpoſes of this Act into Execution, be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, and they are hereby authorized and required from Time to Time, as they may think neceſſary, by Writing under their Hands, or under the Hands of any Three or more of them, to make a Rate or Aſſeſſment, Rates or Aſſeſſments, on the Occupiers

Occupiers of all Houſes, Buildings, Lands, Tenements, and Hereditaments within the ſaid Pariſh, not exceeding One Shilling and Sixpence in the Pound in any one Year on the annual Rent or Value of all ſuch Houſes, Buildings, Lands, Tenements, and Hereditaments within the ſaid Pariſh, as the ſame ſhall be then charged or aſſeſſed to the Poor Rates of the ſaid Pariſh, or as near thereto as Circumſtances will permit; and to authorize, order, and direct the Collector or Collectors to be appointed by the ſaid Truſtees in purſuance of this Act, to demand, collect, and receive of and from ſuch Occupiers as aforeſaid, all ſuch Rates and Sums of Money as ſhall be rated, aſſeſſed, and charged upon them reſpectively as aforeſaid; all which Rates and Aſſeſſments, and the Monies thereby to be raiſed and collected, are hereby veſted in the ſaid Truſtees for the Purpoſes of this Act; and the ſame ſhall take place from the Twenty-fourth Day of *June* One thouſand eight hundred and nineteen, and ſhall continue until the Coſts and Charges of rebuilding, repairing, improving, and enlarging the ſaid Pariſh Church, and of carrying this Act into Execution, ſhall be fully made, and during ſo long as any of the Monies to be borrowed or raiſed by Sale of Annuities or otherwiſe, upon the Credit of this Act, ſhall remain due, owing, or have Continuance, and no longer.

Churchwardens and Overſeers to furniſh Truſtees with the Poor Rates.

XXIX. And be it further enacted, That in order the better to enable the ſaid Truſtees to make ſuch Rates or Aſſeſſments, the Churchwardens and Overſeers of the Poor for the Time being of the ſaid Pariſh are hereby required, at the Requeſt in Writing of the ſaid Truſtees or any Three or more of them, or their Clerk, from Time to Time to furniſh the ſaid Truſtees, or their Clerk, with the Rates or Aſſeſſments made for the Relief of the Poor of the ſaid Pariſh, and ſhall permit and ſuffer the ſaid Truſtees, or their Clerk, to peruſe and inſpect the ſame, and take Copies thereof, *gratis;* and every Churchwarden or Overſeer refuſing to produce and furniſh any ſuch Rates or Aſſeſſments, or to permit a Copy thereof to be taken as aforeſaid, after Ten Days Notice in Writing ſhall have been given to him for that Purpoſe, or left at his uſual Place of Abode in Manner aforeſaid, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Twenty Pounds.

Recovery of Rates.

XXX. And for the better and more effectually raiſing and levying the Rates and Aſſeſſments to be made for the Purpoſes of this Act, be it further enacted, That in caſe any Perſon or Perſons charged with any ſuch Rate or Aſſeſſment ſhall refuſe or neglect, for the Space of Fourteen Days after Demand thereof made by the Collector or Collectors for the Time being, to pay the Money rated as aforeſaid upon him, her, or them, and all Arrears due thereon, or upon any former Rate or Rates, it ſhall and may be lawful to and for any One or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid County of *Surrey*, and he and they is and are hereby authorized and required, by Writing under his or their Hand or Hands, to ſummon all and every Perſon and Perſons who ſhall have refuſed or neglected as aforeſaid (upon Oath being made before him or them by the Collector or Collectors for the Time being of his or their having demanded ſuch Money of the Perſon or Perſons intended to be ſummoned, or having attended at his, her, or their uſual Place or Places of Abode for that Purpoſe, and having left a written Notice to and for ſuch Perſon or Perſons to pay the ſame to ſuch Collector or Collectors) to,

to appear before such Justice or Justices at a Time and Place to be mentioned in such Summons, or before such other of His Majesty's Justices of the Peace for the said County of *Surrey*, as shall be then and there sitting at the Return of such Summons or Summonses; and it shall and may be lawful to and for the said Collector or Collectors for the Time being, or for any of the Constables, Headboroughs, or Beadles of the said Parish, to serve all and every such Summons and Summonses upon all and every such Person or Persons refusing or neglecting to pay any such Rates as aforesaid, either by delivering such Summons or Summonses to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or usual Place or Places of Abode, or at the Premises for which the Rates mentioned in such Summons shall remain due or owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend and do not shew to such Justice or Justices who shall be then and there sitting good and sufficient Cause that he, she, or they is or are not chargeable with such Rate or Rates, then and in every such Case all and every such Person and Persons who shall have been so summoned shall pay the reasonable Costs and Charges of such Summons, and of the Service thereof, to be ascertained by such Justice or Justices; and in all Cases where the said Rate or Rates, or any of them, shall not be paid upon the Return of such Summons, it shall and may be lawful to and for such Justice or Justices who shall have issued such Summons or Summonses as aforesaid, or for such other Justice or Justices as shall be sitting at the Return of such Summons, and he and they is and are hereby authorized and required (upon Oath being made before him or them of the due Service of any such Summons or Summonses by the Person who shall have served the same), to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorizing and directing the said Collector or Collectors for the Time being, or any Constable, Headborough, or Beadle of the said Parish, to levy all and every such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the Expences of the Summons and Service thereof (if the same shall not have been before paid), and Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing to pay the same, as shall be found within the said County of *Surrey;* and if, within Five Days next after any such Distress shall have been made, the said Rate or Rates, Assessment or Assessments, with all Arrears due thereon, shall not be paid, together with the reasonable Charges of the said Summons and Service, and Warrant for making such Distress, and the Costs and Charges of keeping such Goods and Chattels, the said Collector or Collectors, Constable or Constables, Headborough or Headboroughs, Beadle or Beadles, shall cause the said Goods to be appraised by one or more Appraiser or Appraisers, and to be sold, or so much thereof as shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the reasonable Charges and Expences aforesaid, and the Costs and Charges of appraising and selling the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them for that Purpose; and if sufficient Distress cannot be found in the said County of *Surrey*, then, upon Oath thereof made before any Justice of the Peace of any other County, City, Liberty, or Place in which any of the Goods and Chattels of such Person or Persons shall be found, or suspected to be (which Oath

any ſuch Juſtice is hereby authorized and required to adminiſter and certify, by indorſing in his Hand-writing his Name on the Warrant granted for making ſuch Diſtreſs), the Goods and Chattels of the ſaid Perſon or Perſons ſo neglecting or refuſing to pay ſhall be ſubject and liable to ſuch Diſtreſs and Sale in ſuch other County, City, Liberty, or Place where the ſame ſhall be found, and may, by virtue of ſuch Warrant and Certificate, be diſtrained in the ſame Manner as if the ſaid Goods and Chattels had been found in the ſaid Pariſh of *Mitcham*, or elſewhere in the ſaid County of *Surrey*.

Recovery of Rates from Perſons removing.

XXXI. And whereas Perſons frequently remove without paying the Rates aſſeſſed on them, and other Perſons do enter and occupy their Lands, Houſes, Tenements, or Hereditaments Part of the Year, by reaſon of which large Sums of Money may be annually loſt; be it therefore enacted, That when any Perſon or Perſons ſhall come into or occupy any Houſe, Building, Land, Tenement, or Hereditaments in the ſaid Pariſh, which any other Perſon or Perſons aſſeſſed in reſpect of the ſame ſhall ceaſe to occupy, or out of or from which any Perſon or Perſons ſhall have removed, or which at the Time of making any ſuch Rate or Aſſeſſment was unoccupied or empty, that then and in every ſuch Caſe the Perſon or Perſons ſo ceaſing to occupy or removing from, and the Perſon or Perſons ſucceeding in Occupation or coming into the ſame, ſhall be liable to pay the ſaid Rates or Aſſeſſments in proportion to the Time that ſuch Perſon or Perſons occupied the ſame reſpectively, in the ſame Manner and under the ſame Penalties as if ſuch Perſon or Perſons ſo removing had not removed, or ſuch ſucceeding Occupier or Occupiers had been originally rated and aſſeſſed in and by ſuch Rate or Aſſeſſment, which Proportion, in caſe of any Diſpute, ſhall be aſcertained and determined by the ſaid Truſtees: Provided that nothing in this Act contained ſhall extend to tax, rate, or aſſeſs any Perſon or Perſons for any of the Purpoſes of this Act, or ſubject any Perſon to pay any of the Rates or Aſſeſſments to be made by virtue of this Act, for any Houſe, Shop, Warehouſe, Tenement, or Building, which ſhall be ſo unoccupied or empty, during the Time the ſame ſhall be and remain ſo unoccupied or empty, any Thing herein contained to the contrary notwithſtanding.

Landlords to be rated for Lodging Houſes.

XXXII. And be it further enacted, That every Perſon being a Landlord or Tenant who ſhall let his or her Houſe in ſeparate Apartments, or ready furniſhed, to a Lodger or Lodgers, by the Year or for any leſs Term than a Year, ſhall, for the ſeveral Purpoſes of this Act only, be deemed and taken to be the Occupier thereof, and may be rated and aſſeſſed accordingly.

Truſtees may compound for Rates, and diſcharge poor Perſons.

XXXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, if they think proper, to compound or agree to accept leſs than the full Amount of the Rates charged on any Dwelling Houſe, Cottage, or Tenement within the ſaid Pariſh, the annual rated Value whereof reſpectively ſhall not exceed Ten Pounds; and alſo from Time to Time, and at any Time or Times, to exonerate and diſcharge any poor Houſeholder or Houſeholders in the ſaid Pariſh from the Payment of all or any Part of the Rate or Rates to be made by virtue of this Act, for and during ſuch Time or Times, and in ſuch Proportion or Proportions, as the ſaid Truſtees, or a Majority of thoſe preſent at

any Meeting, ſhall think ſuch poor Perſon or Perſons incapable of paying.

Truſtees may rectify Omiſſions.

XXXIV. And be it further enacted, That if it ſhall appear to the ſaid Truſtees, at any Time after making any Rate or Aſſeſſment, that the Name or Names of any Perſon or Perſons, liable to be included in ſuch Rate or Aſſeſſment, hath or have been omitted therein, or that the Sum or Sums at which he, ſhe, or they ought to have been aſſeſſed, hath or have been omitted to be carried out, it ſhall be lawful for the ſaid Truſtees to add or cauſe to be added to ſuch Rate or Aſſeſſment, the Name or Names of the Perſon or Perſons ſo omitted, together with the Sum and Sums for which he, ſhe, or they ought to be rated, and the Amount of ſuch Rate or Aſſeſſment in reſpect thereof, and the Sum or Sums ſo omitted to be carried out; and every Addition made to any of the ſaid Rates ſhall be as valid and effectual in Law to all Intents and Purpoſes, as if the ſame had been inſerted in the Rate at the Time it was firſt made.

Tenants to pay Rates, and deduct Seven-twelfths from their Land-lords.

XXXV. And be it further enacted, That the ſeveral Tenants or Occupiers of all ſuch Houſes, Lands, Buildings, Tenements, and Hereditaments ſo to be rated or aſſeſſed for the Purpoſes of this Act as hereinbefore mentioned, ſhall and they are hereby required to pay the whole of ſuch Rates or Aſſeſſments charged on the Premiſes in his, her, or their Occupation or Poſſeſſion reſpectively; and ſuch Tenants or Occupiers ſhall and may deduct and retain, out of the Rents by them payable to the Landlords or Owners of ſuch Premiſes reſpectively, Seven-twelfth Parts of ſuch Sum or Sums of Money as ſhall be ſo rated or aſſeſſed when the ſame ſhall have been paid by them as aforeſaid; and the ſaid Landlords or Owners, mediate or immediate, according to their reſpective Intereſts, are hereby required to allow to their reſpective Tenants ſuch Deduction and Payment accordingly; and ſuch Tenants or Occupiers ſhall reſpectively be acquitted and diſcharged for ſo much Money as the ſaid Seven-twelfth Parts of every ſuch Rate or Aſſeſſment ſhall amount to, in ſuch Manner, and as fully and effectually, as if the Money had been actually paid to any ſuch Landlord or Owner to whom his or her Rent was or ſhould have been payable.

Landlord and Tenant not to pay beyond the Rent.

XXXVI. Provided always, and be it further enacted, That no ſuch Landlord or Owner ſhall be chargeable with or compellable to pay or allow the before-mentioned Proportion of any ſuch Rate or Aſſeſſment, beyond the Proportion thereof calculated as aforeſaid on the actual annual reſerved Rent payable to ſuch Landlord or Owner reſpectively, from his or her Tenant or Tenants, notwithſtanding the Premiſes may be charged or aſſeſſed in any ſuch Rate or Aſſeſſment at a higher Sum or Rent than is paid for the ſame: Provided alſo, that no ſuch Tenant or Occupier ſhall be ſubject or liable, or required to pay for or in reſpect of any ſuch Rates or Aſſeſſments, any Sum or Sums of Money beyond the Amount of the Rent which ſhall be then actually due, or accruing due, to ſuch Landlord or Owner, in reſpect of the ſaid Premiſes, from him, her, or them reſpectively.

Act not to alter the Mitcham Poor Act.

XXXVII. And be it further enacted, That nothing in this Act contained ſhall be deemed or taken to repeal, alter, or in anywiſe affect any of the Powers,

Powers, Provisions, Clauses, or Regulations contained in an Act passed in the Fifty-sixth Year of the Reign of His present Majesty, intituled *An Act for the better assessing and collecting the Poor and other Parochial Rates in the Parish of* Mitcham, *in the County of* Surrey.

Trustees may remove and replace Monuments, &c.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to take down and remove any Monuments, Monumental Inscriptions, Atchievements, Vaults, Graves, or Grave Stones, which may be requisite to be taken down or removed for the rebuilding, repairing, or enlarging the said Parish Church, or the Chancels thereof, and such Monuments, Monumental Inscriptions, Atchievements, and Grave Stones shall be carefully preserved and kept by, or by the Order of the said Trustees in such Place or Places as to them shall seem proper; and when and as soon as the Rebuilding, Repair, or Enlargement of the said Church shall be completed, or as soon as conveniently may be, all such Monuments, Monumental Inscriptions, Atchievements, and Grave Stones shall be carefully replaced and fixed in such Manner as the said Trustees shall think proper, on or as near as may be to the Place or Places from whence they shall have been respectively removed.

Rights of the Patron, Vicar, &c. not to be prejudiced as to Pews, nor the Right of the Owner of the North Chancel.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice the Rights of the Patron, Vicar, Lord of the Manor, or the Owner or Occupier of any Mansion or House within the said Parish, or of any other Person or Persons who now is or are lawfully entitled to any Seat or Pew in the said Church by virtue of any Faculty, Prescription, or otherwise, nor in anywise to prejudice, lessen, or injure the Right of the Proprietor or Owner of the North Chancel in the said Church; but that the said Chancel, Seats, and Pews shall, after the Repair, Rebuilding, and Enlargement of the said Church, remain and belong to the Person or Persons so entitled to the same, any Thing in this Act contained to the contrary thereof in anywise notwithstanding; save and except nevertheless, that it shall be lawful for the said Trustees to make such necessary Alterations therein and thereto as may be found necessary for the Purposes of this Act.

Removal of North Chancel.

XL. Provided also, and be it further enacted, That if it should be found expedient to throw open the said North Chancel into the Body of the said Church, for greater Convenience and Accommodation, and to carry forward a Building Northward, of the same Width, to the Extremity of the Body of the said Church, that then and in such Case the said intended Building shall be and be deemed to be the North Chancel of the said Church, and instead and in lieu of the present Chancel so hereby authorized to be taken and used as aforesaid; and the same shall be vested in the now Proprietor or Owner of the present North Chancel of the said Church, in such and in the same Manner to all Intents and Purposes as he is now seised and possessed of the said present Chancel.

Open Sittings to be provided for the Poor, &c.

XLI. And be it further enacted, That the said Trustees shall and they are hereby required to make, erect, and provide, or cause to be made, erected, and provided, in some Part of the Body of the said Church, or of the Galleries thereof, a sufficient Number of Benches or open Sittings for the free Use, Convenience, and Benefit of the Poor, and of all other Persons of

of what Degree ſoever, to the Amount of Five Hundred at the leaſt, who may be diſpoſed to reſort to the ſaid Church, and who may not be provided with other Accommodation; and all other the Pews and Seats in the ſaid Church ſhall be ſet out and appointed by the ſaid Truſtees for the Uſe and Convenience of the Inhabitant Houſeholders of the ſaid Pariſh, ſubject to ſuch Rules, Orders, and Regulations as the ſaid Truſtees ſhall think proper.

Divine Service, &c. may be performed at the Pariſh Church of Beddington during the Time the Church of Mitcham is repairing.

XLII. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptiſm, and all other Matters and Things which were and of Right uſed to be celebrated, ſolemnized, adminiſtered, had, done, and performed by the Vicar or Curate for the Time being in the ſaid Pariſh Church of *Mitcham*, ſhall and may be celebrated, ſolemnized, had, done, and performed in like Manner in the Pariſh Church of *Beddington*, in the ſaid County of *Surrey*, being the next adjoining Pariſh to the ſaid Pariſh of *Mitcham*, until ſuch Time as the ſaid Church of *Mitcham* ſhall be completed and finiſhed, and rendered fit for the Celebration of Divine Service therein; and that all Publications of Banns of Marriage, and the Publications of all Rates and Aſſeſſments made for the Relief of the Poor of the ſaid Pariſh of *Mitcham*, and all Notices of Veſtry, and of other public Parochial Meetings of the ſaid Pariſh, and all other Notices, which by Law are required to be made and publiſhed in the ſaid Pariſh of *Mitcham*, may be made and publiſhed in the ſaid Pariſh Church of *Beddington*, until ſuch Time as the ſaid Church of *Mitcham* ſhall be completed and finiſhed, and rendered fit for Divine Service; and that all Publications of ſuch Banns of Marriage, and of ſuch Rates and Aſſeſſments, and other Parochial Notices as aforeſaid, ſo made and publiſhed in the ſaid Pariſh Church of *Beddington* during the Time of performing Divine Service therein, and all Marriages ſolemnized therein, ſhall be as good, valid, and effectual in the Law to all Intents and Purpoſes whatſoever, as if ſuch Banns, Rates, and other Notices had been made and publiſhed, and ſuch Marriages had been ſolemnized in the ſaid Pariſh Church of *Mitcham*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding: Provided always, that all ſuch Notices of Veſtry and of other public Parochial Meetings, and all ſuch other Notices which by Law are required to be made and publiſhed in the ſaid Pariſh of *Mitcham*; and alſo Notice of the Allowance of every Rate or Aſſeſſment for the Relief of the Poor of the ſaid Pariſh ſhall at the ſame Time be poſted on the outer Door of the *Sunday* School Houſe at *Mitcham* aforeſaid, as well as publiſhed in the ſaid Pariſh Church of *Beddington*.

Penalty on Perſons damaging Monuments or Tombſtones.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully break, throw down, or otherwiſe damage any Tomb or Monument, or any Grave Stone, or Head or Foot Stone, erected, placed, or ſet up, or to be erected, placed, or ſet up in the preſent Church Yard of the ſaid Pariſh, or in the ſaid new intended Church Yard or Burial Ground, or any Rails thereto affixed, or to the Rails, Doors, Gates, Walls, or Fences of or belonging to the ſaid Church Yard or Burial Ground, it ſhall be lawful for any one or more Juſtice or Juſtices of the Peace for the ſaid County of *Surrey*, or for any one or more Magiſtrate or Magiſtrates of the County, City, or Place wherein ſuch Perſon or Perſons ſo offending ſhall reſide or be;

be; and such Justice or Justices, Magistrate or Magistrates, is and are hereby required, upon Oath being made by one or more credible Witness or Witnesses before him or them of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Person or Persons accused thereof; or it shall be lawful for any Person or Persons who shall see any such Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending any such Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before any Justice of the Peace for the said County of *Surrey*, or to deliver him, her, or them into the Custody of any Constable or other Peace Officer, in order to be secured and conveyed before such Justice of the Peace, to be dealt with as herein-after is directed; and the Person or Persons so accused being brought before any such Justice or Justices, Magistrate or Magistrates, or who being duly summoned to appear shall neglect so to do, the said Justice or Justices, Magistrate or Magistrates, shall and may, either on the Confession of the Person or Persons so offending, or on Proof of such Offence by the Oath of one or more credible Witness or Witnesses, convict such Offender or Offenders of the said Offence or Offences, and order and adjudge him, her, or them to forfeit and pay any Sum of Money not exceeding Five Pounds for each and every such Offence, together with the Expences and Charges of repairing and making good the Damage by him, her, or them occasioned or committed; which Expences and Charges shall be ascertained by the said Justice or Magistrate, Justices or Magistrates, in and by the said Conviction, one Moiety of the said Forfeitures to be paid to the Informer or Informers, and the other Moiety, together with the said Expences and Charges, to be paid to the said Trustees under this Act, or their Treasurer; which last Moiety is to be by them applied for the Purposes of this Act, and the said Expences and Charges to go to the repairing and making good such Damages as shall by such Offender or Offenders have been occasioned or committed; and in case such Offender or Offenders shall not upon such Conviction pay such Forfeitures, together with the Expences and Charges so adjudged, such Justice or Justices, Magistrate or Magistrates, is and are hereby required to commit such Offender or Offenders to the House of Correction, there to be kept to hard Labour for any Time not exceeding Three Calendar Months, unless such Forfeitures, Expences, and Charges shall be sooner paid.

Inhabitants may be Witnesses.

XLIV. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Parish of *Mitcham* shall be deemed an incompetent Witness on account of his or her being charged with or liable to pay, or having paid any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Recovery of Penalties.

XLV. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where

the Offence ſhall be committed (which Warrant ſuch Juſtice is hereby empowered to grant), upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and the Overplus (if any) of the Monies ariſing by ſuch Diſtreſs and Sale ſhall be returned, upon Demand, to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping, and ſelling the Diſtreſs; and ſuch Penalties and Forfeitures, when recovered (if not herein-before directed to be otherwiſe applied), ſhall be paid one Moiety to the Informer, and the other Moiety to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

XLVI. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, may cauſe the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the like Effect (as the Caſe may happen); that is to ſay,

Form of Conviction.

'*Surrey*, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me of His Majeſty's Juſtices of the Peace for the ſaid County, for [*here ſpecify the Offence, and when and where committed,*] contrary to an Act made in the Fifty-ninth Year of the Reign of His Majeſty King *George* the Third, intituled [*here ſet forth the Title of this Act*]. And I do hereby declare and adjudge, that the ſaid *A. B.* hath forfeited for the ſaid Offence the Sum of or ſhall be committed to for the Space of Given under my Hand and Seal, the Day and Year firſt above written.'

Diſtreſs not unlawful for Want of Form.

XLVII. And be it further enacted, That when any Diſtreſs ſhall be made for any Money to be raiſed, or for any Penalty incurred under or by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of any Defect or Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on account of any Irregularity which ſhall afterwards be done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by any Irregularity may recover full Satisfaction for the Special Damage in an Action on the Caſe, but ſubject to ſuch Regulations and Reſtrictions as are by this Act herein-after provided and directed, touching any Action to be brought for or in reſpect of

of any Matter, Cauſe, or Thing done under Colour or in Performance of this Act.

Proceedings not to be removed.

XLVIII. And be it further enacted, That no Order, Judgment, Conviction, or other Proceedings touching or concerning the Conviction of any Offender or Offenders againſt this Act, or any Order made, or any other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Truſtees to be indemnified for Expences incurred.

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

Perſons advancing Money for obtaining this Act to be repaid with Intereſt.

L. And be it further enacted, That if any Perſon or Perſons ſhall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the ſame into Execution, ſuch Perſon or Perſons ſhall be repaid ſuch Money, with lawful Intereſt for the ſame, from the reſpective Times of advancing and lending the ſame, out of the firſt Monies which ſhall be raiſed under and by virtue of this Act, any thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

Truſtees may receive voluntary Contributions.

LI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees to accept and receive voluntary Contributions from any Perſon or Perſons, and ſhall apply the ſame for and towards the Purpoſes of this Act, in ſuch Manner as they ſhall think proper.

Limitation of Actions.

LII. And be it further enacted, That no Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done under Colour of or in purſuance of this Act, but within Six Calendar Months after the Fact ſhall have been committed, out of which the Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be laid and brought in the County where the Cauſe of Action ſhall have ariſen, and not elſewhere: Provided alſo, that no Plaintiff or Plaintiffs ſhall recover in any Action for any Irregularity, Treſpaſs, or other Proceeding, unleſs Notice in Writing ſhall have been given to the Perſon or Perſons againſt whom the ſame is intended to be brought, or left at his, her, or their laſt or uſual Place of Abode, Twenty-one Days before ſuch Action ſhall be commenced, ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the Cauſe of ſuch Action; nor ſhall the Plaintiff or Plaintiffs recover in

any

any such Action, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or cause to be committed the said Fact, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be depending, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, or Order and Judgment, shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court: Provided also, that the Defendant or Defendants in all and every such Action or Actions may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to be so done, or that such Action or Suit shall have been brought before the Expiration of Twenty-one Days next after such Notice shall have been given as aforesaid, or after a sufficient Satisfaction made, tendered, or paid into Court as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought or laid in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action or Actions, or if a Verdict shall be found against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendant or Defendants hath or or have for Costs of Suit in other Cases of Law.

General Issue.

Treble Costs.

LIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, or any Judgment or Determination, or by any Matter or Thing made, given, or done in pursuance of this Act, such Person or Persons may appeal to the next General Quarter Sessions of the Peace, to be holden for the said County of *Surrey*, which shall happen next after the Expiration of Two Calendar Months after the Cause of Complaint shall have arisen, such Person or Persons first giving or causing to be given Ten Days Notice in Writing at least of his, her, or their Intention of appealing, and of the Matter and Grounds thereof, to the Clerk for the Time being to the said Trustees, and within Three Days next after such Notice, entering into a Recognizance before some Justice of the Peace for the same County, with sufficient Sureties conditioned for prosecuting and trying such Appeal at the then next Sessions, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Sessions; and the Justices assembled at such General Quarter Sessions, upon due Proof of such Notice and Recognizance having been given, and entered into as aforesaid, shall and they are hereby authorized to hear and determine the Matter of such Appeal in a summary Way, and award such Costs to either Party, or otherwise, as they the said Justices shall think proper; and their Determination and Order shall be binding and conclusive upon all Parties to all Intents and Purposes whatsoever.

Persons aggrieved may appeal to the Sessions.

Public Act.

LIV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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