ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. xxi.

An Act for providing an additional Burial Ground for the Pariſh of *Sculcoates* in the Eaſt Riding of the County of *York*. [23d *May* 1817.]

WHEREAS the Pariſh of *Sculcoates* otherwiſe *Scowſcotts*, in the Eaſt Riding of the County of *York*, is a very large and extenſive Pariſh, and the Population thereof hath for many Years greatly increaſed, and become ſo numerous that the Church Yard belonging thereto is not ſufficiently large to contain the Bodies of thoſe who die in the ſaid Pariſh, and are required to be buried therein, without great Inconvenience and Annoyance to the Inhabitants of the ſaid Pariſh; and it is therefore expedient that additional Ground for Burial ſhould be provided for the Uſe of the ſaid Pariſh; but the ſame cannot be effected without the Aid and 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 Reverend *William Preſton*, Vicar of the ſaid Pariſh of *Sculcoates*, the Reverend *George Mackereth*, Curate of the ſaid Pariſh, *John Atkin*, and *Richard Thompſon*, Churchwardens of the ſaid Pariſh, and every ſucceeding Vicar, Curate, and Churchwardens of the ſaid Pariſh, during ſuch Times as they ſhall reſpectively continue or be the Vicar, Curate, and Churchwardens of the ſaid Pariſh for the Time being, together with *Anthony Atkinſon*, *John Atkin*, *John Alderſon* Doctor of Phyſic, *Michael Andrew*, *Henry Broadley*, *Jonas Brown*, *Richard Boyle*, *John Blackſhaw Briggs*, *Henry Coates*, *John Carrick*, *Francis Clifford*, *William Collinſon* the younger, Truſtees.

Thomas Dikes Clerk, *William Dikes*, *Stephen Dickinſon*, *William Dunning*, *Joſeph Egginton*, *Gardiner Egginton*, *John Froſt*, *John Fox*, *Joſeph Green*, *William Hall*, *William Hanſell*, *James Hewitſon*, *Charles Lutwidge*, *Robert Lundy*, *William Monday*, *John Marſhall*, *James Norman*, *Joſeph Robinſon Peaſe*, *Thomas Stainland*, *Robert Smithſon*, *Richard Thompſon*, *John Todd* of Wright-ſtreet, *John Todd* of Saville-ſtreet, *Matthew Thomas Trigg*, *John Thornton*, *John Whitaker*, *Charles Whitaker*, and *John Youle*, and their Succeſſors to be elected or appointed in Manner herein after-mentioned, ſhall, during ſuch Time as they ſhall continue to act according to the Proviſions of this Act, and are Houſeholders within the ſaid Pariſh, be and are hereby appointed Truſtees for carrying this Act into Execution; and that when any of the ſaid Truſtees (except the Vicar, Curate, and Churchwardens of the ſaid Pariſh for the Time being) ſhall die or refuſe to act, or ceaſe to be reſident Houſeholders within the ſaid Pariſh, then the Inhabitants of the ſaid Pariſh ſhall at their next or any other ſubſequent public Meeting in Veſtry aſſembled, after ſuch Death, Refuſal, or diſcontinuing to act, or ceaſing to be a reſident Houſeholder within the ſaid Pariſh as aforeſaid of any of the ſaid Truſtees, appoint any other fit and proper Perſon, being a reſident Houſeholder within the ſaid Pariſh, to be a Truſtee in the room or ſtead of him who ſhall have ſo died, refuſed, or diſcontinued to act, or ſhall have ceaſed to be a reſident Houſeholder as aforeſaid.

For keeping up a certain Number of Truſtees.

II. Provided always, and be it further enacted, That from Time to Time and at all Times hereafter, if the Number of Truſtees appointed by this Act, or hereafter elected in purſuance thereof, ſhall, by reaſon of Vacancies not being filled up, be reduced to Ten, it ſhall be lawful for the ſurviving or remaining Truſtees or any Five or more of them, by any Writing or Writings under their Hands and Seals, as often as Occaſion ſhall require, to nominate, elect, and appoint other fit and proper Perſons, being ſubſtantial Inhabitants and Houſeholders in the ſaid Pariſh, to be Truſtees with them, ſo as the Truſtees to be elected, together with the remaining Truſtees, do not exceed the Number of Forty; and ſuch Perſon or Perſons as ſhall be ſo nominated, elected, and appointed a Truſtee or Truſtees as laſt mentioned, ſhall and may and is and are hereby empowered to act in the Execution of this Act, to all Intents and Purpoſes as fully and effectually as any of the laſt-mentioned Truſtees is and are by this Act empowered to act.

No Truſtee to act where intereſted.

III. Provided alſo, and be it further enacted, That if any Perſon or Perſons hereby appointed, or hereafter to be elected, choſen, or appointed, a Truſtee or Truſtees for thePurpoſes of this Act, ſhall have any Intereſt in the ſaid intended additional Burial Ground, or in any Part thereof, or ſhall have any Share or Intereſt in any Contract for incloſing and fencing the ſame, or for erecting any Building therein, or otherwiſe relating thereto, otherwiſe than as a Truſtee or Truſtees under this Act, every ſuch Perſon and Perſons ſhall from thenceforth be utterly diſabled and diſqualified from acting in the Execution of this Act.

Proceedings of Truſtees to be entered in Books.

IV. And be it further enacted, That the ſaid Truſtees ſhall enter or cauſe to be fairly entered and written and kept in One or more Book or Books, to be provided and kept for that Purpoſe, all Receipts, Payments, Debts, Credits relating to the carrying into Execution the Purpoſes of

this Act, and all Contracts made with or by the Artificers and Workmen to be employed in or about the incloſing or fencing the ſaid intended additional Burial Ground, or erecting any Building therein, and making the ſame fit and convenient for the Burial of the Dead therein, or in or about the pulling down, clearing, and carrying away the Materials of any Building or Buildings ſtanding on additional Ground ſo to be purchaſed for the Purpoſes aforeſaid, or with or by any Perſon or Perſons to whom ſuch Materials ſhall be ſold, or any way relating thereto; and alſo all other Proceedings of the ſaid Truſtees in the carrying the Purpoſes of this Act into Execution; and ſhall alſo, by or out of the Monies ariſing out of all or any of the Aſſeſſment or Aſſeſſments to be made under or by virtue of this Act, or by or out of any other Sum or Sums of Money which ſhall come to their or any of their Hands, as Truſtees as aforeſaid, for the Purpoſes of this Act, or to the Hands of any Treaſurer or Receiver to be by them appointed, ſhall pay for the Purchaſe of ſuch additional Ground for Burial, and for the incloſing and building upon the ſame, or removing any Building or Buildings erected thereon, or making the ſame fit for the Burial of the Dead, and all ſuch other Charges and Expenſes as ſhall and may ariſe and be incident to the ſaid Truſt, or carrying the Purpoſes of this Act into Execution; and ſhall alſo pay all ſuch Charges and Expenſes as ſhall have been paid or incurred in relation to obtaining and paſſing this Act, or carrying into Execution any of the Purpoſes thereof.

First Meeting of Truſtees.

V. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby authorized and required to meet at the *Sculcoates* Public Hall, or any other convenient Place in the ſaid Pariſh of *Sculcoates*, within Fourteen Days next after the paſſing of this Act, and to proceed to put this Act in Execution; and ſhall and may then and from Time to Time adjourn their Meetings as they or any Five or more of them ſhall think proper; and may alſo meet at any Time or Times, without Adjournment, upon Notice given to them by their Clerk, to be appointed as herein-after is mentioned, by the Direction of the Vicar, Curate, or Churchwardens of the Pariſh for the Time being, or any Five or more of the ſaid Truſtees, Five Days at the leaſt before every ſuch Meeting; and that all Acts and Proceedings of the Majority of any Five or more of the ſaid Truſtees aſſembled at any of their Meetings ſhall be as valid and binding to all Intents and Purpoſes as if all the ſaid Truſtees had been preſent and concurred therein.

Power to adjourn, or to meet without Adjournment.

Five competent to act.

Truſtees to appoint a Treaſurer, Clerk, Collectors, &c. with Salaries, &c.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees from Time to Time to appoint a Treaſurer and Clerk, and alſo a Collector or Collectors, Receiver or Receivers of the Rates or Aſſeſſments to be made by virtue of this Act, and ſuch other Officers and Perſons, with ſuch Salaries, Allowances, or Gratuities as the ſaid Truſtees ſhall think neceſſary or expedient for effectuating the Purpoſes of this Act; and ſhall and may take Security from the Treaſurer, Collector or Collectors, or Receiver or Receivers, for the due Execution of their reſpective Offices, and for duly accounting for the Monies to be received by them reſpectively; and that it ſhall be lawful for the ſaid Truſtees from Time to Time to remove or diſcharge any ſuch Treaſurer, Clerk, Collector, and other Officers and Perſons as aforeſaid, when and as they ſhall think proper, and to appoint others in their ſtead.

VII. Pro-

Clerk not to act as Treasurer, and vice versâ.

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; 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 any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending 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.

Officers to account.

VIII. And be it further enacted, That 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 the Monies which shall have been by such Officers respectively received by virtue and for the Purpose of this Act, and how much thereof hath been expended and disbursed, and for what Purposes, 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 shall, when thereunto required by the said Trustees or any Five or more of them, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers so accounting as aforesaid shall, whenever thereunto required by the said Trustees, verify their said Accounts; and if any such Officer shall refuse or neglect to make and render or to verify any such Account as aforesaid, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Twenty-one Days after having been thereunto required by the said Trustees or any Five or more of them 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 any such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, Riding, 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 Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such

ſuch Juſtice is hereby empowered to adminiſter), it ſhall appear to ſuch Juſtice that any of the Monies that ſhall have been collected or received by virtue of this Act ſhall remain due from ſuch Officer, ſuch Juſtice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer; and if no Goods and Chattels of ſuch Officer can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſaid Goods and Chattels, or if it ſhall appear to ſuch Juſtice that ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce 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 he ſhall have refuſed and wilfully neglected to deliver up or give Satisfaction reſpecting the ſame as aforeſaid, then and in every ſuch Caſe ſuch Juſtice ſhall commit ſuch Offender to the Common Gaol or Houſe of Correction for the County, Riding, City, or Place where ſuch Offender ſhall be or reſide, there to remain without Bail or Mainprize until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or until he ſhall compound with the ſaid Truſtees for ſuch Money, and ſhall have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby empowered to make and receive), and until he ſhall deliver up ſuch Books, Papers, and Writings, or give Satisfaction in reſpect thereof to the ſaid Truſtees; but no ſuch Officer ſhall be detained or kept in ſuch Common Gaol or Houſe of Correction for want of ſuch ſufficient Diſtreſs, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Accounts to be kept of Receipts and Diſburſements, which ſhall be open to the Inſpection of the Truſtees and Creditors.

IX. And be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to order or 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 under or by virtue of this Act, 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 Creditor or Creditors on, or any Perſon who ſhall pay to, any Rate or Aſſeſſment, Rates or Aſſeſſments, to be made under or by virtue of this Act, without Fee or Reward; and the ſaid Truſtees, Creditors, and all ſuch Perſons aforeſaid, 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 Creditors, or any ſuch Perſon or Perſons as aforeſaid, 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 and recovered in Manner herein-after mentioned.

Truſtees to ſue and be ſued in the Name of their Clerk.

X. And be it further enacted, That the ſaid Truſtees ſhall from Time to Time ſue and be ſued in the Name of the Clerk to the Truſtees for the Time being, and that no Action or Suit ſo brought or commenced ſhall abate or be diſcontinued by the Death of the ſaid Clerk, or by any Act of the ſaid Clerk, without the Conſent of the ſaid Truſtees; but that

Clerks to be indemnified.

such Clerk shall be always deemed Plaintiff or Defendant in any Action or Suit, as the Case shall happen; Provided always, that such Clerk shall be reimbursed out of the Monies arising or to arise by virtue of this Act, and indemnified against all such Costs, Charges, Damages, and Expences, as by the Event or in consequence of any such Action or Suit he shall be put unto or become charged or chargeable with by reason or on account of any such Action or Suit.

Power to purchase Lands, &c.

XI. And be it further enacted, That it shall be lawful to and for the said Trustees or any Five or more of them (whereof the Vicar or Curate for the Time being of the said Parish shall be one), and they are hereby authorized and empowered from Time to Time, when and so often as it shall be judged necessary and expedient by them to obtain additional Ground for Burial, to treat, contract, and agree with the Owners of and all other Persons anywise interested in any Lands, Grounds, Buildings, Tenements, or Hereditaments within the said Parish, for the Purchase thereof, or of any Part or Quantity thereof, for the making additional Ground for Burial for the Use of the said Parish; provided that the Quantity of Land so to be purchased, whether the same shall be purchased at the same Time or at different Periods, as additional Ground for Burial may be wanted, shall not in the whole exceed Three Acres.

How the Ground so to be purchased shall be applied.

XII. And be it further enacted, That all such Land as shall be so purchased by the said Trustees under the Provisions of this Act, for the making additional Ground for Burial, shall, when consecrated, for ever thereafter be appropriated, used, and employed for the Purpose of burying the Bodies of such Persons as shall die in the said Parish, or shall be thought proper and required to be buried therein, and for no other Use or Purpose whatsoever.

Incapacitated Persons empowered to sell.

XIII. And be it further enacted and declared, That it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Committees, Executors, Administrators, Guardians, and other Trustees whatsoever, and for all Husbands, Femes Covert, and other Persons whatsoever, seized, possessed of, or interested in any Houses, Edifices, Lands, Grounds, Tenements, or Hereditaments, from Time to Time to contract for, sell, and convey the same for the Purposes aforesaid, not only for and on behalf of themselves, but also for and on the behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whatsoever; and all such Contracts or Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever of their several and respective Cestuique Trusts, and all claiming or to claim by, from, through, or under them.

Directions for applying Purchase Money if 200l. and upwards.

XIV. And be it further enacted, That all Money which shall be paid for the Purchase of any Lands, Grounds, Tenements, Buildings, or Hereditaments purchased 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 Feoffee in Trust, Executors, Administrators, Husband, Guar-

dian, Committee, or other Truſtee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Ceſtuique Truſt, or to any Perſon whoſe Lands, Tenements, or Hereditaments are limited in ſtrict or other Settlement, or to any Perſons under any other Diſability or Incapacity whatſoever, ſhall, in caſe the ſame ſhall amount to 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 *ex parte* the Truſtees for carrying this Act into Execution, 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, Grounds, Tenements, Buildings, and Hereditaments, in the Purchaſe or Redemption of the Land Tax, or diſcharging any Debt or Debts, or ſuch other Encumbrance, or Part thereof, as the ſaid Court ſhall authorize to be paid affecting the ſame Lands, Grounds, Tenements, Buildings, or Hereditaments, or affecting other Lands, Grounds, Tenements, Buildings, or Hereditaments ſtanding ſettled therewith to the ſame or the like Uſes, Truſts, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, the ſame ſhall be laid out and inveſted, under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands, Grounds, Tenements, Buildings, or 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, Grounds, Tenements, Buildings, or Hereditaments which ſhall be ſo purchaſed 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 Purchaſe ſhall be 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 Bank Annuities, 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 Purpoſes 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, Grounds, Tenements, Buildings or Hereditaments ſo directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

XV. Provided always, and be it further enacted, That if any Money ſo agreed to be paid for any Lands, Grounds, Tenements, Buildings, or Hereditaments purchaſed 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 exceed or be equal to 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, Grounds, Tenements, Buildings, or Hereditaments ſo purchaſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy, Lunacy, or Idiotcy, to be ſignified in Writing under their reſpective Hands, be

be paid into the Bank of *England* in the Name and with the Privity of the ſaid Accountant General of the ſaid High Court of Chancery, and to be placed to his Account as aforeſaid, in order to be applied in Manner 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 by Three or more of the Truſtees for carrying this Act into Execution; 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 thereon may be applied in any Manner herein-before directed, ſo far as the Caſe ſhall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20l.

XVI. 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 or Hereditaments ſo purchaſed for the Purpoſes of this Act, in ſuch Manner as the Truſtees for the carrying this Act into Execution, or any Three or more of them 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.

The Truſtees under this Act indemnified in paying Purchaſe Money into Court.

XVII. And be it further enacted, That the Certificate and Certificates to be given by the ſaid Accountant General, together with the Receipt and Receipts of one of the Caſhiers of the Bank of *England* to be thereunto annexed, and therewith filed in the Regiſter Office of the ſaid Court of Chancery, of the Payment into the Bank of *England*, by the Truſtees for carrying this Act into Execution, of their Purchaſe Money, or an Office Copy or Office Copies of the ſame Certificates and Receipts, ſhall from Time to Time and at all Times be and be deemed and taken to be a good and ſufficient Diſcharge to ſuch Truſtees, their Succeſſors, Heirs, Executors, Adminiſtrators, and Aſſigns, for ſo much of the ſaid Purchaſe Monies for which ſuch Certificate or Certificates and Receipt or Receipts as aforeſaid ſhall reſpectively be given; and that after the filing of ſuch Certificate or Certificates and Receipt or Receipts as aforeſaid, the ſaid Truſtees, their Succeſſors, Heirs, Executors, and Adminiſtrators, ſhall be and is and are hereby abſolutely acquitted and diſcharged of and from the ſame Monies, and ſhall not be anſwerable or accountable for any Loſs, Miſapplication, or Non-application thereof, or of any Part thereof.

Proviſion where Queſtion ſhall ariſe touching the Titles to Money paid into the Bank.

XVIII. 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 any Lands, Grounds, Tenements, Buildings, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Grounds, Tenements, Buildings, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money,

Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Grounds, Tenements, Buildings, or Hereditaments at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Grounds, Tenements, Buildings, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhown 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 all the Capital of ſuch Bank Annuities, ſhall be 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 entitled to ſuch Lands, Grounds, Tenements, Buildings, and Hereditaments, or ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes made out of Money in Court to be paid by the Truſtees.

XIX. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons or Corporation entitled to any Lands, Grounds, Tenements, Buildings, 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, or into the Bank of *England*, in the Name and with the Privity of the Accountant General of that Court, and to be applied in the Purchaſe of other Lands, Grounds, Tenements, Buildings, 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 of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Truſtees or their Treaſurer out of the Monies to be received by virtue or in purſuance of this Act, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Truſtees to incloſe Ground, &c.

XX. And be it further enacted, That the ſaid Truſtees ſhall, when and ſo ſoon as any ſuch Purchaſe or Purchaſes ſhall be made and completed, by virtue of this Act, of any additional Ground for Burial, cauſe the ſame, or ſuch Part or Parts thereof as they or any Five or more of them ſhall judge neceſſary, to be cleared of all Erections and Buildings which ſhall or may be ſtanding thereon or therein, and to be incloſed and fenced-in with good and ſubſtantial Brick Walls or other Fences, and do all other Things neceſſary and proper for making ſuch Ground fit and convenient for the Burial of the Dead; and may, if they think neceſſary, cauſe a convenient Room or Building to be erected on ſome Part of the ſaid Ground for the Accommodation of the officiating Miniſter in performing the Burial Service.

Walls, &c. to be kept in Repair, &c.

XXI. And be it further enacted, That all ſuch Brick Walls, or other Fences and Buildings ſo to be erected, ſhall for ever thereafter be kept and maintained in good and proper Repair and Condition, and the Expences thereof ſhall be paid and defrayed by and out of the annual Church Rates and Aſſeſſments raiſed and levied or to be raiſed and levied in the ſaid Pariſh.

Old Materials to be sold.

XXII. And be it further enacted, That all old Materials which shall belong to the Trustees upon taking down any Buildings, Walls, and Erections under the Provisions of this Act, shall be sold and disposed of to the best Advantage, and the Money arising thereby be applied towards the Expences of putting this Act into Execution, or be employed in making the new Walls, Fences, or Improvements hereby directed to be made, as the said Trustees or any Five or more of them shall think advisable.

Ground to be consecrated.

XXIII. And be it further enacted, That the Ground so purchased as aforesaid shall, when inclosed and fenced-in as aforesaid, be consecrated according to the Usage of the Church of *England*, and shall for ever thereafter be used as and for additional Burial Ground for the said Parish of *Sculcoates*.

Lands, &c. Materials, and other Things vested in the Trustees.

XXIV. And be it further enacted, That the Property of and in the Lands, Grounds, Buildings, Tenements, and Hereditaments so to be purchased as aforesaid, and of and in all Tools, Materials, Implements, and other Matters and Things which shall be purchased, provided, or made use of for the Purposes of this Act, shall belong to and be the Property of and the same are hereby vested in the said Trustees; and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer, or cause, direct or order to be preferred, any Bill or Bills of Indictment (as the Case shall require) against any Person or Persons who shall disturb them or any of them in the Possession thereof, or who shall steal, take, carry away, or detain all or any of the Tools, Materials, Implements, and other Matters and Things which shall be so purchased, provided, or made use of for the Purposes of this Act; and in every such Action or Bill of Indictment it shall be sufficient to state generally that the Lands, Grounds, Buildings, Tenements or Hereditaments, or the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees for providing an additional Burial Ground for the Parish of *Sculcoates* in the East Riding of the County of *York*, without particularly stating or specifying the Names of all or any of the said Trustees.

Power to raise Money by a Rate on the Inhabitants.

XXV. And for the raising competent Sums of Money to pay for the Purchase of such Ground, and for making the same fit and convenient for the Purposes aforesaid, and for all other Purposes attending the same, and for defraying the necessary Charges and Expences thereof, and also the Expences of obtaining, passing, and executing this Act; be it further enacted, That from and after the passing of this Act it shall be lawful for the said Trustees or any Five or more of them (of whom some one of the Churchwardens of the said Parish shall be one) from Time to Time to make one or more Rate or Assessment, Rates or Assessments, on all the Occupiers of Houses, Lands, Tenements, and Hereditaments within the said Parish of *Sculcoates*, liable to the Rates for the Relief of the Poor; such Rate or Assessment, Rates or Assessments, to be settled, regulated, ascertained, and proportioned by the Assessment made for the Relief and Support of the Poor of the said Parish next preceding every Rate or Assessment to be made by virtue of this Act for the Purposes last mentioned; and which Rate or Assessment, Rates or Assessments, shall not

in any one Year exceed Nine-pence in the Pound, and ſhall be allowed and ſigned by any Two or more Juſtices of the Peace for the ſaid Eaſt Riding of the County of *York*; and after ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, ſhall have been ſo made and confirmed, the ſaid Truſtees or any Five or more of them ſhall have full Power and Authority, and are hereby authorized and required, to order or cauſe the ſame to be collected by and paid to the Perſon or Perſons who ſhall be appointed by the ſaid Truſtees to collect the ſame.

Recovery of Rates in caſe of Non-payment.

XXVI. And be it further enacted, That in caſe any Perſon or Perſons ſhall for the Space of Ten Days next after ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, ſhall have become due, neglect or refuſe to pay the ſame, then it ſhall be lawful for any One or more Juſtice or Juſtices of the Peace for the Eaſt Riding of the ſaid County, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy or cauſe to be levied the ſame Rate or Aſſeſſment, Rates or Aſſeſſments, upon every or any of the Perſon or Perſons liable to pay the ſame according to the true Intent and Meaning of this Act, by Diſtreſs or Diſtreſſes of the Goods and Chattels belonging to the Perſon or Perſons neglecting or refuſing to pay the ſame, and the Goods and Chattels ſo diſtrained to detain and keep, or cauſe to be detained and kept, until ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, together with the reaſonable Charges of ſuch Diſtreſs or Diſtreſſes, ſhall be paid; and that it ſhall be lawful for ſuch Perſon or Perſons ſo diſtraining, after the Space of Four Days next after ſuch Diſtreſs or Diſtreſſes made and taken, to ſell or cauſe to be ſold the Goods and Chattels ſo diſtrained, returning the Overplus (if any) upon Demand to the Owner or Owners thereof after ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, and all reaſonable Charges for or by reaſon of diſtraining, keeping, and ſelling the ſame, ſhall be deducted and paid.

Collector to pay Aſſeſſments to the Treaſurer of the ſaid Truſtees.

XXVII. And be it further enacted, That the ſaid Collector to be appointed as aforeſaid ſhall from Time to Time pay over all and every the Sum and Sums of Money by him collected and received to the Treaſurer to the ſaid Truſtees, or to ſuch Perſon or Perſons as the ſaid Truſtees or any Five or more of them ſhall by any Writing or Writings under their Hands authorize and empower to receive the ſame, to be applied according to the true Intent and Meaning of this Act, and not otherwiſe; and every ſuch Collector ſhall enter in a Book or Books to be kept by him for that Purpoſe all and every Sum and Sums of Money which he ſhall have received or collected under or by virtue of this Act, or by reaſon or means of ſuch his Office, with the Times of his receiving the ſame, and ſhall make ſuch Entries, and keep the Account of Money ſo received and collected, in ſuch Manner and Form, in ſuch Book or Books, as ſhall be directed by ſuch Truſtees or any Five or more of them from Time to Time; and every ſuch Collector ſhall upon Oath, as often as required by the ſaid Truſtees or any Five or more of them, before One or more Juſtice or Juſtices of the Peace for the ſaid Eaſt Riding of the County of *York* (which Oath ſuch Juſtice or Juſtices is and are hereby empowered and required to adminiſter without Fee or Reward), give a true, exact, and perfect Account in Writing under his Hand of all Monies which he ſhall have collected, levied, or received by virtue of his ſaid Office.

XXVIII. Pro-

No Perſon of the Age of Sixty Years, &c. to be appointed Collector.

XXVIII. Provided always, and be it further enacted, That no Perſon or Perſons who ſhall be of the Age of Sixty Years or upwards, or any Woman or Women ſhall be appointed Collector or Collectors of the Rates under this Act; nor ſhall any Perſon or Perſons who ſhall have been Collector or Collectors as aforeſaid be again compelled to take upon himſelf or themſelves the ſaid Office or Offices for the Space of Ten Years next after ſuch Service; nor ſhall any Perſon or Perſons who ſhall have paid the ſaid Penalty be compelled to ſerve as Collector or Collectors under this Act, without his or their Conſent reſpectively.

Power to borrow Money on the Credit of the Rates.

XXIX. And for the more effectually enabling the ſaid Truſtees to execute the Purpoſes of this Act in the moſt expeditious Manner, be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Five or more of them, and they are hereby authorized and empowered, from Time to Time and at all Times when they ſhall judge it neceſſary, to borrow and take up at Intereſt, of or from any Perſon or Perſons who ſhall be willing to lend and advance the ſame, any Sum or Sums of Money not exceeding in the whole at any one Time the Sum of Two thouſand Pounds, upon the Credit of the Rates or Aſſeſſments to be made by virtue of this Act, for the Purpoſes aforeſaid, and by any Writing or Writings under their Hands to aſſign the ſaid Rates or Aſſeſſments, or a competent Part thereof, to the Perſon or Perſons who ſhall advance and lend ſuch Money thereupon, as a Security or Securities for the ſeveral Sums ſo borrowed, with lawful Intereſt for the ſame, which Intereſt ſhall be payable and paid Half-yearly by the Treaſurer for the Time being to the ſaid Truſtees out of the Monies to ariſe or be received by or from the ſaid Rates and Aſſeſſments; and all and every Sum and Sums of Money ſo to be advanced and lent, and the Intereſt thereof, ſhall be and are hereby charged upon and ſhall be paid and payable from Time to Time, free from all Charges, Taxes, and Deductions, out of the Money ariſing from the ſaid Rates or Aſſeſſments hereby authorized or directed to be made and levied as aforeſaid, and of all Charges, Taxes, and Deductions whatſoever of the ſame Principal Money, or the Intereſt thereof; and all Perſons who ſhall be poſſeſſed of the ſaid Securities ſhall be Creditors on the ſaid Rates or Aſſeſſments in equal Degree one with another, and without Preference in reſpect to the Time of his, her, or their advancing Money thereon, or otherwiſe howſoever; and every ſuch Grant, Aſſignment, or Security ſhall be in the Form or to the Effect following; (that is to ſay),

Form of the Grant of Security.

'BY virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign
'of King *George* the Third, intituled *An Act* [*here inſert the Title of*
'*this Act*] We [Five of the Truſtees] appointed by virtue of the ſaid
'Act, in conſideration of the Sum of Pounds advanced
'and paid by to the Treaſurer appointed
'in purſuance of the ſaid Act, upon the Credit and for the Purpoſes of
'the ſaid Act, do grant and aſſign unto the ſaid
'his Executors, Adminiſtrators, and Aſſigns, ſuch Proportions of the
'Rates or Aſſeſſments ariſing by virtue of the ſaid Act, as the ſaid Sum
'of Pounds doth or ſhall bear to the whole Sum
'which is or ſhall be borrowed upon the Credit of the ſame Act, to be
'had and holden from this Day of
'until the ſaid Sum of Pounds, together with
'Intereſt at and after the Rate of *per Centum per Annum*
'for

'for the ſame, to be paid Half-yearly, ſhall be repaid and ſatisfied.
'In Witneſs whereof we have hereunto ſet our Hands and Seals, this
' Day of in the Year of our Lord One
'thouſand eight hundred and .'

And every ſuch Grant or Mortgage ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes.

Securities may be transferred.

XXX. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Securities aforeſaid, and his, her, or their Executors, Adminiſtrators, and Aſſigns, at any Time or Times, by Writing under his, her or their Hand or Hands reſpectively, to aſſign over or transfer ſuch Securities by Endorſement, to any Perſon or Perſons whomſoever, and the Perſon or Perſons to whom ſuch Aſſignment or Transfer ſhall be made, or the Perſon or Perſons for the Time being entitled to ſuch Securities, may in like Manner aſſign or transfer the ſame again, and ſo *toties quoties*; and every ſuch Aſſignment or Transfer, after the ſame ſhall reſpectively be entered by the Clerk for the Time being to the ſaid Truſtees in the Manner herein-after directed, ſhall entitle the Perſon or Perſons to whom they ſhall be reſpectively made, or who ſhall be for the Time being entitled thereto, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security or Securities ſo aſſigned or transferred; and the Form of ſuch Aſſignment or Transfer ſhall be in the Words or to the Effect following; (that is to ſay),

Form of Transfer.

'I [*or* We] being entitled to the Sum of
'payable with Intereſt, after the Rate of
'payable to me [*or* us] my [*or* our] Executors,
'Adminiſtrators, or Aſſigns, by virtue of a Mortgage or Aſſignment,
'bearing Date the Day of under
'the Hands and Seals of of the
'Truſtees acting in Execution of an Act paſſed in the Fifty-ſeventh
'Year of the Reign of King *George* the Third, intituled *An Act* [*here*
'*ſet forth the Title of this Act*] upon the Credit or ariſing out of the Rates
'or Aſſeſſments ariſing by the ſaid Act, do hereby transfer all my [*or*
'our] Right and Title in and to the ſame, and the Money now due and
'to grow due thereon, unto his Executors, Ad-
'miniſtrators, and Aſſigns, ſubject to ſuch Right of Redemption of
'the ſame Sum and Intereſt, as by the ſaid Act the ſame is liable or
'made ſubject to. Dated this Day of in the Year
'One thouſand eight hundred and .'

Copies of Grants, &c. to be entered in a Book.

XXXI. And be it further enacted, That Copies of all ſuch Grants, Aſſignments, or Securities, which ſhall be made in purſuance of this Act, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, or by ſuch other Perſon as the ſaid Truſtees ſhall appoint, which Book or Books any Perſon intereſted ſhall at all ſeaſonable Times have Acceſs to, and free Liberty to inſpect, without Fee or Reward; and for the Entry of every ſuch Grant, Aſſignment, or Security, there ſhall be paid to the ſaid Clerk or Perſon the Sum of Five Shillings and no more; and, after ſuch Entry made, every ſuch Transfer ſhall entitle the Perſon or Perſons to whom the ſame ſhall be made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to

the Benefit of the Security thereby transferred; and the Perſon or Perſons to whom ſuch Grant, Aſſignment, or Transfer ſhall be made, ſhall be Creditors on the ſaid Rates in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Money.

Mortgages may be redeemed by the Truſtees.

XXXII. Provided always, and be it further enacted, That every Grant, Aſſignment, or Mortgage which ſhall be made by virtue of this Act for any Sum of Money which ſhall be borrowed by the ſaid Truſtees on the Credit of the ſaid Rates or Aſſeſſments as herein-before is mentioned, ſhall be made liable or ſubject to and may be redeemed by the ſaid Truſtees at ſuch Times and in ſuch Manner as the ſaid Truſtees ſhall think fit, Six Calendar Months previous Notice having been given to the Perſon or Perſons entitled to ſuch Sum lent on the Credit of ſuch Rates or Aſſeſſments by the ſaid Truſtees of their Intention of redeeming the ſame, and full Payment of the Principal Sum ſo borrowed, and Intereſt after the Rate at which the ſame ſhall be ſo borrowed, being made to ſuch Perſon or Perſons; and he, ſhe, or they may and are authorized to call for the Payment thereof as he, ſhe, or they ſhall think fit, giving the like Notice to the ſaid Truſtees or their Clerk.

Intereſt of Mortgages how to be recovered.

XXXIII. And be it further enacted, That in caſe the Intereſt for the ſaid Mortgages, or any Part thereof, ſhall be behind and unpaid by the Space of Thirty Days next after the ſame ſhall become due and be payable as aforeſaid, and have been demanded, then it ſhall be lawful for the ſaid Truſtees, and they are hereby required, on Application to them made by any Creditor or Creditors whoſe Intereſt ſhall be ſo in Arrear, by an Order under their Hands and Seals, to appoint One or more Perſon or Perſons to receive the Whole or any Part or Parts of the ſaid Rates or Aſſeſſments, and that the Money ſo to be received by ſuch Perſon or Perſons, ſhall be ſo received to and for the Uſe and Benefit of the Perſon or Perſons to whom ſuch Intereſt in Arrear ſhall be due, and ſhall be paid to him, her, or them accordingly; and when the Intereſt ſo in Arrear, as well as the Intereſt which ſhall accrue and grow due whilſt the Perſon or Perſons ſo to be appointed as aforeſaid ſhall be in the Receipt of ſuch Rates and Aſſeſſments, together with the Coſts and Charges of recovering, receiving, and paying over the ſame in Manner aforeſaid, ſhall be fully ſatisfied and paid, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid ſhall ceaſe and be at an End; or otherwiſe, if ſuch Creditor ſhall think proper, ſuch Intereſt ſo due and in Arrear as aforeſaid ſhall and may be ſued for and recovered from the ſaid Truſtees by him, her, or them, with Coſts of Suit, by an Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Power to appoint a Sexton.

XXXIV. And be it further enacted, That from and after the paſſing of this Act, it ſhall be lawful for the Pariſhioners at large of the ſaid Pariſh, at a Veſtry Meeting to be called for that Purpoſe by the Churchwardens for the Time being of the ſaid Pariſh, to nominate and appoint ſome fit and proper Perſon to be Sexton of the ſaid Pariſh, and who ſhall be willing to accept the ſaid Office; and that ſuch Perſon ſo to be elected Sexton as aforeſaid ſhall and he is hereby required to perform the ſaid

Office of Sexton, and ſhall receive as a Remuneration for his Trouble the Sum of Ten Pounds yearly (over and above the Sum of Two Shillings for the Funeral of a Perſon above Twelve Years of Age, and One Shilling for the Funeral of a Perſon under that Age, to be paid to him on each Funeral by ſuch Perſon or Perſons as ſhall pay or be liable to pay the uſual Funeral Fees), ſuch annual Sum to be paid to him on the Firſt Day of *April* and the Firſt Day of *November* in every Year by equal Portions, by the Churchwardens and Overſeers of the ſaid Pariſh for the Time being, out of the Monies ariſing from the uſual annual Church Rates and Aſſeſſments laid upon the Inhabitants of the ſaid Pariſh: Provided always, that it ſhall be lawful for the ſaid Vicar, Curate, and Churchwardens for the Time being of the ſaid Pariſh, and they are hereby required and empowered, to diſmiſs the ſaid Perſon ſo to be appointed Sexton as aforeſaid, whenever they ſhall deem ſuch Perſon ſhall, on account of Incapacity, Neglect, Refuſal to act, or other improper Conduct, be no longer fit to hold the ſaid Office of Sexton; and upon ſuch Diſmiſſal, or upon the Death, Neglect, or Refuſal to act of any Sexton, to call a Veſtry Meeting for the Purpoſe of electing another fit and proper Perſon to act as Sexton in the room or ſtead of the Perſon ſo diſmiſſed, dead, or who ſhall have neglected or refuſed to act as aforeſaid.

Fees for Vaults and Graves of Non-Pariſhioners.

XXXV. And be it further enacted, That there ſhall be paid to the Churchwardens for the Time being of the ſaid Pariſh, for the Ground occupied by the Grave of each Perſon dying out of the Pariſh, if a Non-pariſhioner of the ſame, (but not otherwiſe) the Sum of Seven Shillings and Sixpence; and for every Vault made by a Non-pariſhioner in ſuch old or new Burial Ground of the ſaid Pariſh, after the Rate of Five Shillings for every ſquare Foot of the Ground covered by ſuch Vault, and One-half of the total Sum to be paid for ſuch Purpoſe is hereby directed and required to be paid by the ſaid Churchwardens to the Vicar for the Time being of the ſaid Pariſh; and for every Vault made by an Inhabitant of the ſaid Pariſh in the ſaid old or new Burial Ground, after the Rate of Two Shillings and Sixpence for every ſquare Foot of the Ground covered by ſuch Vault, and One-half of the total Sum to be paid for ſuch Purpoſe is hereby directed and required to be paid by the ſaid Churchwardens to the Vicar for the Time being.

The ſame Fees to be paid for Burials in the new Ground as are now paid in the preſent Churchyard.

XXXVI. And be it further enacted, That the Vicar or Curate for the Time being of the ſaid Pariſh of *Sculcoates* ſhall be entitled to and receive, in reſpect of ſuch new Burying Ground, all ſuch Fees, Dues, and Emoluments as are or hereafter ſhall be payable and by Law appertain or are incident to the Office of Vicar or Curate of the ſaid Pariſh for Burials in the preſent Church-yard of the ſaid Pariſh, except as herein-before mentioned with reſpect to the making of new Vaults.

Expence of making Vaults how and by whom to be defrayed.

XXXVII. And be it further enacted, That in every Caſe where a Perſon ſhall obtain Conſent to erect and build a Vault either in the preſent Burial Ground of the ſaid Pariſh, or in the Ground to be purchaſed in purſuance of this Act, ſuch Perſon or Perſons ſhall make and dig ſuch Vault at his, her, or their own Expence, and at the like Expence ſhall take, lead, and carry away the Mould, Soil, Earth, or Rubbiſh which may be thrown up from the Excavation to be made, ſo that the ſame ſhall not nor do remain in either the preſent Burial Ground of the ſaid Pariſh, or in ſuch

ſuch Ground to be purchaſed as aforeſaid, for any longer Time than may be neceſſary for carrying or leading away the ſame; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to take, lead, and carry away the ſame for the Space of Ten Days after Notice in Writing for that Purpoſe given to him, her, or them by either of the Churchwardens of the ſaid Pariſh for the Time being, ſuch Perſon or Perſons ſhall forfeit and pay any ſuch Sum not exceeding Forty Shillings for every Day the ſame ſhall continue after ſuch Notice.

Time fixed for Burials, &c.

XXXVIII. And whereas the Church of the ſaid Pariſh is at a conſiderable Diſtance from the moſt populous Part of the ſaid Pariſh, and it is deſirable that ſome regular Hour ſhould be fixed and appointed for Funerals; be it therefore further enacted, That from and after the paſſing of this Act, when any Perſon or Perſons is or are to be buried in the preſent Burial Ground of the ſaid Pariſh, or that to be purchaſed as aforeſaid, after Conſecration of the ſame, the Funeral or Funerals of ſuch Perſon or Perſons ſhall take place between the Hours of Two and Three of the Clock in the Afternoon; and if it ſhall happen that any Funeral ſhall, by the Deſire or Neglect of the Perſon or Perſons conducting the ſame, not take place between the Hours aforeſaid, then and in every ſuch Caſe there ſhall be paid to the Vicar or Curate, Clerk and Sexton of the ſaid Pariſh reſpectively, the following further Sum or Sums of Money over and above the uſual Fees due on every Burial; (that is to ſay), to the Vicar for the Time being there ſhall be paid the further Sum of Five Shillings; to the Clerk for the Time being the further Sum of Two Shillings and Sixpence; and to the Sexton for the Time being the further Sum of One Shilling.

Limiting the Depth of Graves hereafter to be made.

XXXIX. And be it further enacted, That from and after the Conſecration of the Ground ſo to be purchaſed in purſuance of this Act, no Grave hereafter to be made in the ſaid intended new Burial Ground, or in the preſent Burial Ground of the ſaid Pariſh, ſhall be leſs than Six Feet Deep for the firſt Time of burying in ſuch Grave.

Diſtreſs not to be deemed unlawful for want of Form.

XL. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied in purſuance of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity committed or ſuffered after ſuch Diſtreſs, but the Party or Parties aggrieved thereby ſhall and may recover only a Satisfaction for the Special Damage he, ſhe, or they ſhall have ſuſtained thereby, with full Coſts of Suit; provided nevertheleſs, that no Plaintiff or Plaintiffs ſhall recover in any Action for any ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made by the Party or Parties diſtraining before ſuch Action brought.

For paying the Expences of the Act.

XLI. And be it further enacted, That out of the Firſt Monies which ſhall be received by virtue of this Act, or out of the Firſt Monies which ſhall be borrowed or raiſed upon the Credit of the Rates herein-before granted, the ſaid Truſtees ſhall pay and defray all the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, in preference to all other Payments whatſoever; and after Payment thereof,

thereof, all the Money which ſhall ariſe or come into the Hands of the ſaid Truſtees or their Treaſurer, ſhall from Time to Time be applied in carrying into Execution the Purpoſes of this Act, and in defraying all Charges and Expences attending the ſame, and to and for no other Uſe or Purpoſe whatſoever.

Recovery and Application of Penalties.

XLII. And be it further enacted, That all Penalties and Forfeitures by this Act impoſed, the Manner of recovering which is not hereby otherwiſe directed, ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant of any Juſtice or Juſtices of the Peace for the County or Place wherein the Offender or Offenders ſhall be or reſide, which Warrant ſuch Juſtice or Juſtices is and are hereby authoriſed to grant, upon Confeſſion of the Party, or upon the Information of any credible Witneſs upon Oath, and the Penalties or Forfeitures ſhall (if not otherwiſe directed to be applied by this Act) be paid to the Treaſurer to the ſaid Truſtees, and applied for ſuch of the Purpoſes of this Act as the ſaid Truſtees ſhall think proper; and in caſe ſuch Penalties or Forfeitures ſhall not be forthwith paid upon Demand made before ſuch Juſtice or Juſtices, or ſufficient Diſtreſs cannot be found, the ſaid Juſtice or Juſtices is and are hereby authorized and required, by Warrant under his and their Hand and Seal or Hands and Seals, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction within ſuch County or Place, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Form of Conviction.

XLIII. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſions, or any Matter or Thing done in the Execution of this Act, the Form of Conviction ſhall be in the Words or to the Effect following; (that is to ſay),

to wit. } 'BE it remembered, That on this Day of in the Year of our Lord *A. B.* is convicted before of His Majeſty's Juſtices of the Peace for the of having [*as the Caſe may be*] and I [*or* We,] the ſaid Juſtice [*or* Juſtices] do adjudge him [her *or* them] to forfeit and pay for the ſame the Sum of Given under my Hand and Seal [*or* our Hands and Seals] the Day and Year aforeſaid.'

Allowing an Appeal.

XLIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or by reaſon of any Order, Judgment, or Determination of any Juſtice or Juſtices of the Peace, acting in the Execution of this Act, or by any Matter or Thing done under or in purſuance thereof, then and in every ſuch Caſe he, ſhe, or they may appeal to the next General Quarter Seſſion of the Peace which ſhall be holden for the ſaid Eaſt Riding, which ſhall happen next after the Expiration of Thirty Days after the Cauſe of Complaint ſhall have ariſen, ſuch Appellant or Appellants firſt giving or cauſing to be given Ten Days Notice at the leaſt of ſuch Appeal, and of the Matter thereof, to the Party or Parties appealed againſt, and within Two Days next after ſuch Notice entering

into a Recognizance in the Sum of Twenty Pounds before ſome Juſtice of the Peace for the ſaid Riding, conditioned for proſecuting ſuch Appeal, and to abide the Order thereon, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Seſſions; and the Juſtices aſſembled at ſuch Seſſions, upon due Proof of ſuch Notice having been given, and of entering into ſuch Recognizance, ſhall hear and determine the Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt as they the ſaid Juſtices ſhall think proper, and alſo to order and award ſuch Satisfaction to be made to the Party injured as they ſhall think juſt and reaſonable.

Notice to be given before any Action commenced.

XLV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons whomſoever, for any Matter or Thing by him, her, or them done in purſuance of this Act, until Notice in Writing of ſuch intended Action or Suit ſhall have been delivered to him, her, or them, or left at his, her, or their laſt or uſual Place of Abode, by the Party intending to commence ſuch Action or Suit, or his or her Attorney or Agent, One Calendar Month at leaſt before ſuch Action or Suit ſhall be commenced in which Notice ſhall be clearly and explicitly contained the Cauſe of Action which the Plaintiff hath or claimeth to have againſt ſuch Perſon or Perſons and on the Back of ſuch Notice ſhall be endorſed the Name of ſuch Plaintiff, his Attorney, or Agent; and that no ſuch Plaintiff ſhall recover any Verdict in any ſuch Caſe where the Action ſhall be grounded on any Act or Acts done in purſuance or under Colour of this Act, unleſs it be proved, upon the Trial to be had thereupon, that ſuch Notice was given as aforeſaid, that in default thereof ſuch Defendant or Defendants ſhall recover a Verdict, together with his, her, or their full Coſts of Suit.

Amends may be tendered before Action brought.

XLVI. And be it further enacted, That it ſhall be lawful for any ſuch Defendant or Defendants, within One Calendar Month next after ſuch Notice given as aforeſaid, to tender Amends to the Party complaining, or to his or her Agent or Attorney, and in caſe the ſame be not accepted, to plead ſuch Tender in Bar to any Action to be brought againſt him or her, together with the Plea of Not Guilty, or any other Plea, with Leave of the Court where ſuch Action ſhall depend; and if upon Iſſue joined thereon the Jury ſhall find the Amends ſo tendered to have been ſufficient, then they ſhall give a Verdict for the Defendant or Defendants; and in ſuch Caſe, or in caſe the Plaintiff ſhall become nonſuited, or ſhall diſcontinue his or her Action, or in caſe Judgment ſhall be given for ſuch Defendant or Defendants upon Demurrer, ſuch Defendant or Defendants ſhall be entitled to the like Coſts as he or they would have been entitled to in caſe he or they had pleaded the General Iſſue only; and if, upon Iſſue joined the Jury ſhall find that no Amends were tendered, or that the ſame were not ſufficient, and alſo againſt the Defendant or Defendants on ſuch other Plea or Pleas, then they ſhall give a Verdict for the Plaintiff, and ſuch Damages as they ſhall think proper, which he ſhall recover, together with his or their Coſts of Suit.

No Evidence on Trial of other Cauſe of Action than mentioned in ſuch Notice.

XLVII. And be it further enacted, That no Evidence ſhall be permitted to be given by the Plaintiff, on the Trial of any ſuch Action as aforeſaid, of any Cauſe of Action, except ſuch as is contained in the Notice hereby directed to be given.

Trustees and Inhabitants not to be incompetent Witnesses.

XLVIII. And be it further enacted, That neither the said Trustees, or any of them, or any Inhabitant of the said Parish, shall in any Action, Prosecution, Information, Cause, Hearing, Examination, or other Proceeding whatsoever, relating to or concerning the Execution of this Act, or concerning the said Parish, be deemed an incompetent Witness or Witnesses by reason of his, her, or their being such Trustee or Trustees, or his, her, or their being such Inhabitant or Inhabitants as aforesaid, or his, her, or their being charged with or liable to pay any Rate or Assessment, to be raised, levied and collected under or by virtue of this Act.

Limitation of Actions.

General Issue.

Treble Costs.

XLIX. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, such Action or Suit shall be brought and commenced within Three Calendar Months next after the Fact committed, and not afterwards, and be laid and brought in the County or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act, and the special Matter, in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue such Action or Suit, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have such Remedy for such Costs as any other Defendant or Defendants hath or have for Costs in any Case by Law.

Public Act.

L. 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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