ANNO SEXTO

GEORGII IV. REGIS.

****

Cap. clxxvi.

An Act for extinguishing Tithes, and Customary Payments in lieu of Tithes, within the Parish of *Saint Botolph-without-Bishopsgate* in the Liberties of the City of *London;* and for making Compensation to the Rector for the Time being in lieu thereof. [22d *June* 1825.]

WHEREAS the Lord Bishop of *London* for the Time being is Patron of the Rectory of the Parish Church of *Saint Botolph-without-Bishopsgate* within the Liberties of the City of *London*, and the Right Reverend *Charles James Blomfield* Doctor in Divinity, Lord Bishop of *Chester*, is the present Rector of the said Parish: And whereas it will be beneficial to the Inhabitants of the said Parish that a certain annual Stipend should from henceforth be paid to the Rector of the said Parish for the Time being, in lieu and in full Satisfaction of all Tithes, or Payments in lieu of Tithes, within the said Parish, in manner and under the Regulations herein-after mentioned; but such beneficial Purpose (notwithstanding that the said Patron and Ordinary and the said Rector are consenting thereto) 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

The annual Sum of 2,500*l.* to be paid to the Rector in lieu of Tithes.

Commons, in this present Parliament assembled, and by the Authority of the same, That the Churchwardens of the said Parish for the Time being shall from Time to Time for ever hereafter pay or cause to be paid to the Rector for the Time being of the said Parish, or to such Person as he shall appoint to receive the same, One annual Sum of Two thousand five hundred Pounds of lawful Money of *Great Britain*, in lieu, satisfaction, and discharge of all Tithes, or Payment in lieu of Tithes, to which such Rector is entitled or might by Law claim as such Rector as aforesaid within the same Parish; which said annual Sum of Two thousand five hundred Pounds shall be paid by Four quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year, the first of such Payments to be made on the Twenty-ninth Day of *September* next after the passing of this Act; and that the same annual Sum of Two thousand five hundred Pounds shall be exempt from all Taxes, Rates, and Assessments whatsoever, Parliamentary or Parochial.

In case of Death, &c. a Proportion of the yearly Sum to be paid.

II. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of the present and every future Rector of the said Parish, such Rector, his Executors, Administrators, or Assigns, shall be entitled to and shall or may receive so much of the quarterly Payment of the said yearly Sum of Two thousand five hundred Pounds, falling due next after such Death, Cession, Resignation, or Removal, as shall be in proportion to the Number of Days elapsed from the then last preceding quarterly Day of Payment to the Day of such Death, Cession, Resignation, or Removal, and the Rector who shall be appointed in his Place and Stead shall have and receive the Residue of the said current quarterly Payment.

If Sums payable to the Rector shall be in arrear, the same may be recovered by summary Process against the Churchwardens and Inhabitants.

III. And be it further enacted, That in case any quarterly Payment of the said annual Sum of Two thousand five hundred Pounds, or any Part thereof, shall be in arrear and unpaid for more than Twenty-eight Days after the same shall become due, then and so often as the same shall happen it shall be lawful for any One of His Majesty's Justices of the Peace for the City of *London*, and he is hereby authorized and required, by Writing under his Hand, on Complaint made by or on the Behalf of the said Rector for the Time being, to summon One or more of the Churchwardens for the Time being of the said Parish, and such other Inhabitants respectively of the said Parish as the said Rector for the Time being, or some Person on his Behalf, shall nominate to the said Justice of the Peace for that Purpose, not exceeding in the whole the Number of Thirty Persons, to appear at a Time and Place to be mentioned in the Summonses whereby the said Churchwardens and the said other Inhabitants shall be summoned respectively before such Justice, or before any other Justice or Justices of the Peace for the said City who shall be then and there present, and to pay to the said Rector for the Time being the Arrears of the said yearly Sum of Two thousand five hundred Pounds, claimed to be due to him as aforesaid; and it shall be lawful for any Person or Persons to be nominated by or on the Behalf of the said Rector for that Purpose to serve the said Summonses upon the said Churchwarden or Churchwardens, and upon Two or more of the said Inhabitants to be therein respectively mentioned, either by delivering the said

Summonses to the said Churchwarden or Churchwardens or Inhabitants respectively, or by leaving the same at their then or last respective usual Places of Abode; and if the said Churchwarden or Churchwardens and other Inhabitants summoned, or any or either of them, shall refuse or neglect to attend at the Time and Place mentioned in such Summonses respectively, or if they or any or either of them shall attend, and shall not prove that all Arrears of the said yearly Sum of Two thousand five hundred Pounds have been fully paid and satisfied, then and in every such Case it shall be lawful for any Justice of the Peace for the said City then present, and he is hereby authorized and required, upon Oath made before him of the due Service of the Summonses which shall be so served by the Person or Persons who shall have served the same, to grant a Warrant or Warrants under his Hand and Seal, authorizing any Person or Persons to be nominated by or on the Part of the said Rector for the Time being to levy all Arrears of the said yearly Sum of Two thousand five hundred Pounds so claimed to be due to the said Rector for the Time being, and of the Payment whereof no sufficient Evidence shall have been produced before the said Justice or Justices of the Peace, and the Costs and Charges of the said Summonses and Warrants, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the said Churchwarden or Churchwardens for the Time being, and Inhabitants summoned as aforesaid, or by Distress of the Goods and Chattels of any One or more of them; and if within Five Days next after any such Distress shall be made the Arrears of the said yearly Sum of Two thousand five hundred Pounds, together with all the Costs, Charges, and Expences of the said Summonses and Warrants, and of executing the same, and of making such Distress, and of keeping such Goods and Chattels, shall not be fully paid, then the said Person or Persons so authorized by the said Warrant or Warrants shall cause the Goods and Chattels distrained as aforesaid, or any Part or Parts thereof, to be appraised by One or more Appraiser or Appraisers, and cause the same, or such Part or Parts thereof as in his or their Judgment shall be sufficient to raise and pay the Sum mentioned and expressed in such Warrant or Warrants, and the Costs, Charges, and Expences of such Summonses and Warrants, and of executing the same, and of making such Distress, from Time to Time, as the Case may require, and of keeping such Goods and Chattels, and of such Appraisement and Sale, to be sold either on the Premises where the same shall have been distrained or elsewhere, and by and out of the Proceeds of such Sale shall pay or retain such Sum of Money, and Costs, Charges, and Expences, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him or them; and if the whole of such Sum of Money, and Costs, Charges, and Expences, shall not be raised by the Ways and Means aforesaid, then and in such Case, and so on in succession from Time to Time, as often as the Case may require, until the whole of such Sum of Money, and Costs, Charges, and Expences, and the Costs, Charges, and Expences of such further Proceedings or Remedies, shall be fully paid and satisfied, the like Proceedings and Remedies shall and may be had or resorted to on behalf of the said Rector for the Time being against any other Inhabitants of the said Parish, not exceeding in Number Thirty at One Time, for enforcing and procuring Payment of the Residue remaining unpaid for the Time being of the said Sum of Money, and Costs, Charges,

and

and Expences respectively, as are herein-before provided, against the said Churchwardens, and the other Inhabitants so to be first nominated as aforesaid.

For Recovery of Arrears due to Rector at the Time of his Death, &c.

IV. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of the present and every future Rector of the said Parish, such Rector, his Executors, Administrators, or Assigns, shall be entitled to the same Remedies for recovering and enforcing the Payment of any Arrears of the said yearly Sum of Two thousand five hundred Pounds which may be due to such Rector at the Time of such Death, Cession, Resignation, or Removal, and of such Part or Proportion of such Rector, his Executors, Administrators, or Assigns, shall be entitled to receive, of the quarterly Payment of the said annual Sum of Two thousand five hundred Pounds which shall fall due next after such Death, Cession, Resignation, or Removal, as are herein-before given to or provided for the Rector of the said Parish for the Time being, for enforcing Payment of any Arrears of the said annual Sum of Two thousand five hundred Pounds.

Form of Warrant of Distress.

V. And be it further enacted, That every Warrant of Distress for the Arrears of the said yearly Sum of Two thousand five hundred Pounds to be made under this Act shall be in the Words or to the Effect following:

'City of *London* } To [*here insert the Name or*
'to wit. } *Names of the Person or Persons nominated by the said*
'*Rector for the Time being to distrain as aforesaid*], and to
'all Constables and other Peace Officers acting for the said City.

'WHEREAS it doth appear to me, that there is due and owing to
'[*or* to the Representatives of, *as the Case may be*] the Reverend
'*A. B.* Clerk, Rector [*or* late Rector, *as the Case may be*] of the Parish
'and Parish Church of *Saint Botolph-without-Bishopsgate* in the Liberties
'of the said City, under and by virtue of an Act passed in the Sixth
'Year of the Reign of King *George* the Fourth, intituled [*here insert the*
'*Title of this Act*], the Sum of [*here insert the*
'*Sum due to the said Rector*]: And whereas
'[*here insert the Names of the said Churchwardens for the Time being and*
'*Inhabitants summoned as herein-before authorized and directed*], have, in
'pursuance of and by virtue and authority of the Directions of the said
'Act, been summoned before me, One of His Majesty's Justices of the
'Peace for the said City, as appeareth to me the said Justice upon Oath:
'And the said several Persons so summoned not having shown any sufficient Cause why the said Sum of [*here insert*
'*the Amount of the said Arrears*] should not be paid; these are therefore, in His Majesty's Name, to will and require you, or any of you,
'forthwith to levy the Sum of [*here insert the*
'*Amount of the said Arrears*], by Distress of the respective Goods and
'Chattels of the said [*here insert the Names of the*
'*said Churchwardens for the Time being and Inhabitants so summoned as*
'*aforesaid*], or of any or either of them, such Goods and Chattels
'being kept for the Space of Five Days before the same are sold, rendering to them respectively the Overplus (if any), the reasonable
'Charges of such Distress, Sale, and Keeping being first deducted: And

'I do

'I do hereby strictly charge and command all and singular the Constables and other His Majesty's Peace Officers acting in and for the said City to be aiding and assisting in all things relating to the Premises, Given under my Hand and Seal, this Day of in the Year of our Lord

'*A. B.*'

With such Alterations in the said Warrant as may be necessary in Cases where there shall have been any previous Summons for the same Arrears, or in any other Case.

The Parties so distrained to be reimbursed out of the first Assessment to be thereafter made pursuant to this Act.

VI. Provided always, and be it enacted, That the said Churchwardens for the Time being, and the said Inhabitants respectively, whose Goods and Chattels shall be so as aforesaid distrained and sold to raise and pay the Arrears of the said yearly Sum of Two thousand five hundred Pounds, or such of them as shall advance and pay the said Arrears, or any Part thereof, shall each and every of them be reimbursed all their Damages and Losses, Costs, Charges, and Expences therein, out of the next Assessment which shall be made under and by virtue of this present Act.

Tithes to cease on the 24th June 1825.

VII. And be it further enacted, That from and immediately after the Twenty-fourth Day of *June* One thousand eight hundred and twenty-five all Tithes and Payments in lieu of Tithes, which the said Rector for the Time being might otherwise have had by Law, or to which the Rector for the Time being is entitled or might claim within the said Parish, shall cease and be for ever extinguished: Provided always, that nothing in this Act shall extend or be construed to extend to deprive the said Rector for the Time being, his Executors or Administrators, of any Remedies which the said Rector now possesses for the Recovery of all Tithes, or Payments in lieu of Tithes, now due or payable, or which shall be due or payable on or before the said Twenty-fourth Day of *June* One thousand eight hundred and twenty-five.

Annual Stipend to be paid to Minister of new Church.

VIII. And whereas the said Patron and Rector of the said Parish are desirous that in case an additional Church shall at any Time hereafter be erected in the said Parish, the annual Sum of Three hundred Pounds, Part and Parcel of the said annual Sum of Two thousand five hundred Pounds, shall be appropriated as a Provision for the Minister to be appointed to such additional Church; be it therefore enacted, That if at any Time after the passing of this Act an additional Church shall be erected in and for the said Parish, then and in such Case the Rector for the Time being of the said Parish shall, by and out of the said annual Sum of Two thousand five hundred Pounds, when and as the same shall from Time to Time be received by him, pay or cause to be paid unto the Officiating Minister for the Time being of such additional Church, or to such Person as he shall appoint to receive the same, the annual Sum of Three hundred Pounds of lawful Money of *Great Britain*, Part and Parcel of the said annual Sum of Two thousand five hundred Pounds, by equal quarterly Payments, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December* in every Year, or within Twenty-one Days next after each quarterly Payment of the said annual

Sum of Two thousand five hundred Pounds shall have been paid to the Rector for the Time being of the said Parish, the first quarterly Payment of such annual Sum of Three hundred Pounds to be made on such of the said quarterly Days of Payment as shall happen next after the first Minister of such additional Church shall have been appointed.

For Recovery of Arrears of Stipend due to the Minister of the new Church at the Time of his Death.

IX. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of any such Officiating Minister, such Officiating Minister, his Executors, Administrators, or Assigns, shall be entitled to and receive so much of the quarterly Payment of the said yearly Sum of Three hundred Pounds falling due next after such Death, Cession, Resignation, or Removal, as shall be in proportion of the Number of Days elapsed from the then last preceding quarterly Day of Payment to the Day of such Death, Cession, Resignation, or Removal; and the Minister who shall be appointed in his Place and Stead shall have and receive the Residue of the said current quarterly Payment.

Executors of deceased Rector to contribute towards Stipend due to Minister of new Church.

X. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of the present and every future Rector of the said Parish, such Rector, his Executors, Administrators, or Assigns, shall contribute towards the quarterly Payment of the said yearly Sum of Three hundred Pounds falling due next after such Death, Cession, Resignation, or Removal, in proportion to the Share he or they shall be entitled to receive of the current quarterly Payment of the said annual Sum of Two thousand five hundred Pounds; and the Amount of such Contribution shall be paid to the Rector for the Time being of the said Parish, and shall be recoverable in like Manner as herein-before is expressed with respect to any Arrears of the said annual Sum of Two thousand five hundred Pounds which shall be due to such Rector; and such Rector shall pay or account for the same to the Officiating Minister of such additional Church, his Executors, Administrators, or Assigns.

For Recovery of Stipend due to Minister of new Church.

XI. Provided always, and be it further enacted, That if any quarterly Payment of the said annual Sum of Three hundred Pounds, or any Part thereof, shall be in arrear or unpaid for more than Twenty-one Days next after the corresponding quarterly Payment of the said annual Sum of Two thousand five hundred Pounds shall have been paid to the Rector for the Time being of the said Parish, then and in every such Case, and so often as the same shall happen, the Bishop of *London* for the Time being shall, on Complaint to him made, summarily hear and determine the same, and in case of wilful Neglect or Refusal to pay the Arrears of the said annual Sum of Three hundred Pounds, or any Part thereof, he shall be and is hereby empowered to proceed by Monition and Sequestration to sequester the said annual Sum of Two thousand five hundred Pounds, and other the Profits of the said Rector, for or until Payment of the same.

Officiating Minister of new Church not to act as Curate.

XII. Provided always, and be it further enacted, That the Officiating Minister for the Time being of the said additional Church shall not be the Curate of the Rector of the said Parish for the Time being.

Provision of 300*l.* to extend only to

XIII. Provided always, and be it further enacted, That if more than One additional Church shall be erected in and for the said Parish, the Provision

Provision of Three hundred Pounds *per Annum* hereby made for the Minister of an additional Church shall extend only to the Minister of the additional Church which shall be so first erected. the first Church erected.

Assessment may be made by Churchwardens in Vestry to raise a Fund for Payment of the said annual Stipend, &c.

XIV. And to the end that the said Churchwardens may be enabled to raise and pay the said yearly Sum of Two thousand five hundred Pounds in manner aforesaid, be it further enacted, That it shall be lawful for the said Churchwardens, or any Ten Inhabitant Householders of the said Parish, and they are hereby required, once or oftener in every Year, as they shall see Occasion, to convene a Meeting of the Inhabitants of the said Parish in the said Parish Church, of which Meeting Ten Days previous Notice at the least shall be publicly given, by Notice thereof to be affixed upon the Church Doors; and at which Vestry Meetings the said Churchwardens and Inhabitants, or any Ten of the said Inhabitants in case the said Churchwardens or either of them shall neglect or refuse, shall proceed to make and sign a sufficient Assessment, to be called "The Church "Rate," upon all Persons, Inhabitants and Occupiers of Lands, Tenements, Hereditaments, and Premises within the said Parish, except the said Rector for the Time being, for raising from Time to Time the said annual Sum of Two thousand five hundred Pounds, and such further Sum of Money as shall be necessary for repairing and keeping in repair the Church of the said Parish, and the Churchyard belonging to the same, and for the Payment of all necessary and proper Salaries and Disbursements relative to the said Parish Church and Churchyard, and also all Costs, Charges, and Expences incident to or attendant upon the collecting the same Rate, and the carrying the Purposes of this Act into execution, and the Costs, Charges, and Expences incident to or attendant upon the obtaining this Act, and any Costs, Charges, or Expences which may be incurred in or about any Proceedings on behalf of the said Rector for recovering the said yearly Sum of Two thousand five hundred Pounds, or any Part thereof; and in case at any Time or Times hereafter the Sum or Sums of Money which shall be so assessed and paid over to the said Churchwardens for the Time being shall not be sufficient for the Purposes for which such Assessment or Assessments were respectively made, it shall be lawful for the said Churchwardens, in a Public Vestry aforesaid, and they are hereby required, either to make and sign such additional Assessment or Assessments as shall be sufficient to make up the Deficiency of such original Assessment in manner aforesaid, or to add the Amount of such Deficiency to the Amount to be raised by the next succeeding Assessment; and in case at any Time or Times the Sums of Money so assessed and paid over to the said Churchwardens for the Time being shall be more than sufficient for the Purpose aforesaid, the said Churchwardens shall and they are hereby empowered to apply the same in aid of the next Assessment to be made for the Purposes aforesaid: Provided always, that all Person and Persons who shall become resident within the said Parish, and liable to be rated to the said Church Rate, after the making of any such Rate, and during the Period for which the same Rate was made, shall, in the Church Rate made next after he, she, or they shall become resident, be rated and assessed from the Day of her, his, or their becoming so resident.

For appointing a Clerk and Collectors.

XV. And be it further enacted, That the said Churchwardens for the Time being and Inhabitants in Vestry assembled may from Time to Time, at

at any Vestry Meeting to be held for the Purposes of this Act, appoint a Clerk and also a Collector or Collectors of the Assessment or Assessments to be made as herein-before mentioned, taking from him or them such Securities for the due Performance of his or their Duties as they the said Churchwardens shall think fit; and the said Churchwardens shall from Time to Time pay such Salaries and make such reasonable Allowances to such Officer or Officers as the Case may require; and the said Churchwardens may from Time to Time remove or displace such Clerk and Collector or Collectors, at any Vestry Meeting to be held for the Purposes of this Act, whenever they shall see Occasion, and appoint others in his or their Stead.

Assessments how to be collected.

XVI. And be it further enacted, That the said Churchwardens for the Time being shall from Time to Time, within Ten Days after such respective Assessments shall have been made as herein-before mentioned, deliver a Copy thereof to the Collector or Collectors to be appointed under or by virtue of this Act, who is and are hereby required to collect the Sums therein assessed accordingly, in the same Manner as the Rates made for the Relief of the Poor of the said Parish are or may be from Time to Time collected.

Directing how Assessments may be recovered when increased by Quarter Sessions.

XVII. And be it further enacted, That if upon the Hearing of any Appeal from or against any Assessment the Court of Quarter Sessions shall order the Name or Names of any Person or Persons to be inserted therein, and that he, she, or they shall be assessed at any Sum or Sums of Money, or shall order the Sum or Sums at which any Person or Persons is or are therein assessed to be raised or increased, then and in such Case all and every the Sum and Sums of Money at or to which such Person or Persons shall be so ordered to be assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and may be recovered in such and the same Manner, and by such and the same Means, as if he, she, or they had been originally named in such Assessment, and assessed therein at such Sum or Sums of Money.

Directing how Assessments shall be recovered.

XVIII. And be it further enacted, That in case at any Time or Times any Person or Persons shall refuse or neglect to pay any such Sum or Sums of Money at which they shall be severally assessed by virtue of this Act, and all Arrears, it shall be lawful for any One of His Majesty's Justices of the Peace for the said City of *London*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the said Churchwardens for the Time being, or either of them, or any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused and neglected as aforesaid to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any other Justice or Justices of the Peace for the said City who shall be then and there present, the Collector or Collectors of such Assessments having previously made Oath that he or they had applied at the Premises rated to the said Assessment for Payment of the same, and that the same were then in arrear and unpaid; and all and every such Summons and Summonses shall be served upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by

by leaving the same at his or their last or usual Place or Places of Abode, or upon the Premises in respect of which such Assessment is so due and unpaid; 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 or they shall attend and shall not show good or sufficient Cause to such Justice or Justices as may be then and there present that he or they is or are not chargeable with such Assessment or Assessments, then and in every such Case every such Person or Persons shall pay the Assessment or Assessments in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the said City, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Assessment or Assessments is or are actually due and owing, to grant a Warrant under his Hand and Seal authorizing or directing any such Person appointed to collect such Assessment or Assessments as aforesaid, or other Person or Persons, to levy such Assessment or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the Costs, Charges, and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if within Five Days next after any Distress shall be made the said Assessment or Assessments, with all Arrears due thereon, together with all the said Charges for the said Warrant, and the Charges and Expences of executing the same Warrant and making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforeaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold (either on the Premises where the same shall be distrained or elsewhere), or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expences of the said Summons, Werrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him, her, or them; and in case no such Goods and Chattels can be anywhere found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up and secured, or shall be removed, so that such Person appointed to collect the said Assessment as aforesaid, or such other Person authorized by the said Warrant, cannot distrain the same, or in case after such Distress and Appraisement or Sale, as herein-before are directed, the Proceeds thereof shall not be sufficient to pay such Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in every such Case, upon Information thereof given to any Justice of the Peace for the said City, it shall be lawful to and for any such Justice, and he is hereby authorized and required, to issue a Warrant under

his Hand and Seal for the Apprehension of any such Person or Persons making Default in the Payment of such Assessments, and the Arrears thereof, or of any Part thereof, and of such Costs, Charges, and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction of the said City, there to remain without Bail or Mainprize for any Time not exceeding the Space of Three Calendar Months, unless such Assessments and all Arrears thereof, and all Costs, Charges, and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses, or otherwise, shall be sooner paid.

Warrant of Distress.

XIX. And be it further enacted, That every Warrant of Distress for the Nonpayment of any such Assessments to be made under this Act shall be in the Words or to the Effect following:

'City of *London* } To the Collector or Collectors of the Church
'to wit. } Rate for the Parish of *Saint Botolph-without-*
'*Bishopsgate* in the Liberties of the City of *London*, and to
'all Constables and other Peace Officers acting for the same
'City.

'WHEREAS the under or hereafter mentioned Persons [*or* Person] were and are [*or* was and is] duly assessed or liable to an Assessment duly made for the Purposes of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*]: And whereas the said Persons [*or* Person] have [*or* has] refused or neglected to pay the several Sums [*or* the Sum] of Money at and against their [*or* his *or* her] Names [*or* Name] hereunder or hereafter respectively set down, for Money due from them [*or* him *or* her] for or towards the Purposes in the said Act mentioned, and the said several Sums [*or* the said Sum] are [*or* is] still remaining due, in arrear, and unpaid, as appeareth upon Oath to
'One of His Majesty's Justices of the Peace for the said City; and the said several Persons [*or* Person] having been summoned to appear before me to answer the Premises, as also appeareth to me the said Justice upon Oath, and the said several Persons [*or* Person] so summoned [*or* any of them] not having shown any sufficient Cause why such Sums [*or* Sum] of Money should not be paid: These are therefore, in His Majesty's Name, to will and require you or any of you forthwith to levy the said several Sums [*or* Sum] due from the said Persons [*or* Person], or hereafter set at and opposite to their [*or* his *or* her] Names [*or* Name] respectively, by Distress and Sale of their [*or* his *or* her] respective Goods and Chattels, such Goods and Chattels being kept for the Space of Five Days before the same are sold, rendering to them respectively [*or* him *or* her] the Overplus (if any), the reasonable Charges of such Distress, Sale, and Keeping being first deducted; and if no sufficient Distress can be had or taken, then that you certify the same, to the end that such Proceedings may be had therein as to the Law do appertain: And I do hereby strictly charge and command all and singular the Constables and other His Majesty's Peace Officers acting for the said City to be aiding and assisting in all Things relating to the Premises. Given under my Hand and Seal this
'Day of in the Year of our Lord

A. B.'

XX. And

For recovering Assessments in case of Removal of Goods.

XX. And for the better enforcing the Payment of the Assessments to be made by virtue of this Act, be it further enacted, That if any Person or Persons liable to pay any of the said Assessments shall at any Time begin to remove his, her, or their Goods or Furniture from his, her, or their House and Premises within the Parish aforesaid, or to sell or dispose of such Goods or Furniture by public Auction, or to sell or dispose of or carry away his, her, or their Goods or Furniture as aforesaid, without paying all Arrears then due or assessed in respect of or by virtue of this Act, in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the said Collector or Collectors for the Time being to the said Churchwardens to collect and levy such Assessments and all Arrears due thereon, (the Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due although previous to the Time of Payment of the Assessment for such Quarter,) by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Assessments and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector or Collectors shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

For the Recovery of Rates from Persons quitting their Premises.

XXI. And be it further enacted, That in case at any Time or Times hereafter any Person or Persons who hath or have been rated and assessed to, or who is or are liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his, her, or their Houses, Tenements, or Hereditaments within the said Parish, for or in respect whereof he, she, or they shall be rated or assessed, before he, she, or they shall have paid any such Rates or Assessments, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rates or Assessments, (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels,) by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said City of *London*, and which Warrant such Justice or Justices is and are hereby authorized and required to grant, to distrain and appraise and sell the Goods and Chattels of such Person or Persons who shall have so quitted the said Messuages or Hereditaments, before he or they have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rates or Assessments, or any of them, or any Part thereof, and for all Costs, Charges, and Expences occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued in the said Parish of *Saint Botolph-without-Bishopsgate*.

XXII. Pro-

Landlords to be rated for Houses let out in Lodgings or ready furnished, or of less annual Value than 20*l.*

XXII. Provided always, and be it further enacted, That every Person or Persons who shall let out his or her or their House or Houses in separate Apartments, or ready furnished, to a Lodger or Lodgers, or who shall be Owner or Landlord of a House which shall be let for a less Term than for One Year, or shall be let for a less yearly Rent than Twenty Pounds, shall, for all the Purposes of this Act, be deemed and taken to be the Occupier thereof, and shall and may be rated or assessed for the same accordingly, and shall be liable and subject to the Payment of the said Assessments directed to be raised and levied by virtue of this Act, in such and the same Manner as if he or she was really and truly the Occupier of the same Premises.

Landlords may compound.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the said Churchwardens for the Time being, at any public Vestry to be held for the Purposes of this Act, from Time to Time to compound with the Landlord or Landlords of every such House or Tenement so let as aforesaid for the Assessments to be made in pursuance of this Act, and to take such Sum or Sums of Money in lieu thereof as the said Inhabitants in Vestry assembled, or the greater Number of them, shall think proper.

Persons aggrieved may appeal to Quarter Sessions.

XXIV. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or they having first paid the said Rate or Assessment, or if any Person shall think himself or herself aggrieved by any other Matter or Thing done in pursuance of this Act, or anywise relating to any such Rate or Assessment, every such Person may appeal to the Justices of the Peace at any General or Quarter Sessions of the Peace to be holden for the City of *London* within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least, in Writing, of his or her Intention to make such Appeal, and of the Matter thereof, to the said Churchwardens of the said Parish, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said City, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of such Justices, and to pay such Costs as shall be awarded against him or her at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and if they see Cause may order any Money to be returned which shall have been paid and levied in pursuance of such Assessment, and shall and may also award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination therein shall be final, binding, and conclusive to all Parties to all Intents and Purposes; and it shall be lawful for such Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be awarded to be levied by Distress and Sale of the Goods of the Party or Parties liable to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Assessments may be amended by

XXV. And be it further enacted, That from and after the passing of this Act, upon all Appeals from any Assessment made for the Purposes

of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Assessment, either by inserting therein or by striking out of such Assessment the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing that the Assessment shall be wholly quashed, then the said Court may quash the same; but nevertheless all and every the Sum and Sums of Money in and by such Assessment charged on any Person or Persons shall and may be levied and recovered by such Ways and Means, and in such and the same Manner, as if no Appeal had been made against such Assessment; and all and every the Sum and Sums of Money which any Person or Persons charged in such Assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as Payments on account of the next effective Assessment or Assessments which shall be made for the Purposes of this Act.

Justices at Quarter Sessions.

XXVI. And be it further enacted, That no Assessment or other Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon, in pursuance of this Act, shall be quashed, vacated, or set aside for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record by Certiorari or any other Writ or Process whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

XXVII. And be it further enacted, That where any Distress shall be made for any Money to be levied 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 be afterwards done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Distress not unlawful for Want of Form only.

XXVIII. Provided always, and be it further enacted, That no Plaintiff shall recover any Damages in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in execution of this Act, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given

Plaintiff not to recover after sufficient Tender of Amends.

given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Action to be brought after Satisfaction or Tender of sufficient Amends, or after Three Months from Cause of Action.

XXIX. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act, or of the Powers hereby given, or in anywise relating to the Premises, after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or after the Expiration of Three Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought and tried in the County, City, or Place where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any 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 that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought after sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time herein-before limited for bringing the same, or shall be brought in any other County, City, or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover his and their Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

Persons not disqualified from giving Evidence by reason of their paying Rates.

XXX. And be it further enacted, That in all Actions, Prosecutions, Appeals, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Person shall be disqualified from giving Evidence by reason of such Person being charged with or being liable to pay or paying any Sum or Sums of Money charged by or by virtue of this Act.

For Review of Stipend, and ascertaining the Price of Wheat (upon an Average) during Ten Years.

XXXI. And whereas the said annual Sum of Two thousand five hundred Pounds is the average Price for Ten Years preceding the Fourteenth Day of *May* last of Five thousand seven hundred and forty-two *Winchester* Bushels of good marketable Wheat within the said City of *London* according to the Returns published in the *London Gazette;* and it is expedient that the annual Sum so to be paid to the Rector for the Time being of the said Parish should be subject to Revision or Variation every Tenth Year from and after the passing of this Act, and that the annual Stipend to the said Rector for the Time being should from Time to Time be the same Number of *Winchester* Bushels of good marketable Wheat, according to the average Price thereof within the said City of *London*, for the Period of Ten Years then preceding; be it therefore enacted, That at any Time or Times from and after the Twenty-fourth Day of *June* in the Year of our Lord One thousand eight hundred and thirty-five, and on or before the Twenty-fourth Day of *June* One thousand eight hundred and thirty-six, and so from Time to Time at the End of every Ten Years, or within Six Calendar Months after the Expiration of

each respective Period of Ten Years, to be computed from the said Twenty-fourth Day of *June* One thousand eight hundred and thirty-five, it shall and may be lawful, as well for the then Rector of the said Parish as for any Thirty or more Inhabitants thereof, by Writing under his or their respective Hand or Hands, to make Application to any One of His Majesty's Judges of the Court of King's Bench, or Court of Common Pleas, or Court of Exchequer (Notice in Writing of such intended Application having been affixed on the principal outer Door of the Parish Church of *Saint Botolph-without-Bishopsgate* aforesaid Two successive *Sundays*, and immediately before Divine Service, Fourteen Days at least before the Day on which such Application shall be intended to be made), for such Judge to nominate and appoint, by Writing under his Hand, such Person as he the said Judge shall think fit and proper to inquire into and ascertain, by or from or by means of the *London Gazette*, (so long as the Returns of the average Price of Grain shall be published therein, and in case of no such Publication then by such Ways and Means as the Party so to be appointed shall think equitable or proper,) the average Price of Five thousand seven hundred and forty-two *Winchester* Bushels of good marketable Wheat within the said City of *London* for the Term of Ten Years then last past; which Person so to be appointed as aforesaid shall, within Fourteen Days from the Date of such his Appointment by Writing under his Hand and Seal, report and certify such average Price, and forthwith deliver the same to the Party requiring the said Revision, or to One of them; and in case it shall by such Report appear that such average Price of Five thousand seven hundred and forty-two Bushels of Wheat is more or less than the average Price thereof set forth in this Act, the said annual Sum of Two thousand five hundred Pounds payable to the said Rector for the Time being shall be increased or diminished in proportion, and the exact Amount of the annual Sum to which the same shall be so increased or diminished shall be declared by Writing under the Hand of the said Judge within Fourteen Days next after the Person so to be appointed shall have made and delivered his Report, and the same shall from the quarterly Day of Payment next preceding such Order remain and continue payable as aforesaid until the same shall at the End of Ten Years next ensuing be again revised or varied by such Application and in such Manner as herein-before mentioned, and so from Time to Time at the End of every Ten Years for ever: Provided always, that the Expence of every such Application to be made by or on the Part of any Rector shall be paid and borne by him, and that the Expence of every such Application to be made by or on the Part of the said Inhabitants shall be paid by and out of the Money to be raised from Time to Time under or by virtue of this Act.

Rector to provide a Curate, in case of Neglect so to do Bishop of the Diocese may appoint.

XXXII. And be it further enacted, That the Rector of the said Parish for the Time being shall from Time to Time provide and keep a fit Person as a Curate to assist in performing the Ecclesiastical Duties of the said Rectory, with a sufficient Stipend, to be paid by such Rector for the Time being out of the said annual Sum of Two thousand five hundred Pounds, and other the Profits of the said Rectory; and if any Rector of the said Parish for the Time being shall at any Time neglect or omit for the Space of Three Months to provide and keep such Curate as aforesaid, then and in every such Case, upon Proof by Affidavit of such Neglect or Omission laid before

before the Bishop of *London* for the Time being, and thenceforth during the Incumbency of such Rector, it shall be lawful for the Bishop of *London* for the Time being to appoint from Time to Time a Curate to assist in performing the said Duties, with such Stipend as such Bishop shall think fit, not exceeding the annual Sum of One hundred and fifty Pounds, to be paid by the Rector of the said Parish for the Time being out of the said annual Sum of Two thousand five hundred Pounds, and other the Profits of the said Rectory.

Appointment of Curate by Bishop to be in Writing.

XXXIII. And be it further enacted, That every Appointment of a Curate by the Bishop of *London* for the Time being under this Act shall be in Writing, and shall specify the Amount of the Stipend to be paid by the said Rector for the Time being to the Curate, and a Copy of every such Appointment shall be filed in the Registry of the Diocese; and such Appointment, or any Copy of the Registry thereof, signed by the Registrar of the Diocese or his Deputy, shall be Evidence of the Stipend so appointed to any Curate in all Courts of Law or Equity; and in case any Difference shall arise between the Rector of the said Parish for the Time being and any Curate to be appointed by the Bishop of *London* as aforesaid touching the Payment of the Stipend to be allowed to such Curate, or the Arrears thereof, the Bishop, on Complaint to him made, may and shall summarily hear and determine the same; and in case of wilful Neglect or Refusal to pay such Stipend or the Arrears thereof, he shall be and is hereby empowered to proceed by Monition and Sequestration to sequester the Profits of the Benefice for and until Payment of such Stipend or the Arrears thereof.

Expences of Act how to be paid.

XXXIV. And be it further enacted, That the Costs, Charges, and Expences attending or incident to the obtaining and passing of this Act shall be paid by the said Churchwardens out of the first Money to be raised by virtue of this Act.

Public Act.

XXXV. 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 the same being specially pleaded.

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