ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 71.

An Act for providing an additional Burying Ground for the Pariſh of *Saint John, Hampſtead*, in the County of *Middleſex*. [18th *May* 1810.]

WHEREAS the Church Yard or Burying Ground of the Pariſh of *Saint John, Hampſtead*, in the County of *Middleſex*, is by reaſon of the great Number of Burials therein, and the Increaſe of Inhabitants within the ſaid Pariſh, found to be too ſmall for the decent Interment of the Dead; and it is therefore highly neceſſary that ſome convenient Piece of Ground ſhould be provided as and for an additional Burying Ground for the Uſe of the ſaid Pariſh: 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 Dame *Jane Wilſon* Widow, Lady of the Manor of *Hampſtead*, *John Stride*, Steward of the ſame Manor, the Reverend *Samuel White*, the preſent Incumbent or Miniſter of the Church of *Saint John, Hampſtead*, the Reverend *Charles Grant*, Curate of the ſame, and their reſpective Succeſſors, and ſuch of His Majeſty's Juſtices of the Peace for the County of *Middleſex*, as ſhall be reſident in the ſaid Pariſh, and the Churchwardens of the ſaid Pariſh for the Time being, and their Succeſſors, together with *James Abel*, *George Bogg*, *Charles Boſanquet*, *John Bockett*, *Richard Battye*, *George Collings*, *Charles Cartwright*, *Thomas Cockburn*, *Samuel Gambier*, *Charles Holford*, *Germain Lavie*, *Thomas Neave*, *George Paxon*, *Thomas Sheppard*, *Thomas Street*, *Thomas Wilſon*, *John Watts*, *William Witt*, *Henry White*, and *Richard Cumberlidge Ware*, and

Truſtees appointed.

and their Succeſſors (to be elected in Manner hereafter mentioned) ſhall be and are hereby appointed Truſtees for putting this Act into Execution, during ſuch Time only (as to the reſident Juſtices of the Peace and the laſt named Twenty Truſtees and their Succeſſors) as they ſhall reſpectively continue to be reſident within the ſaid Pariſh; and if at any Time hereafter the Number of Truſtees appointed by this Act ſhall by Death, refuſing to act, or Removal out of the Pariſh, be reduced to Twenty-one, including the Lord or Lady and Stewards of the ſaid Manor, Miniſter, Curate, and Churchwardens for the Time being, but excluſive of the reſident Juſtices, it ſhall and may be lawful for the ſurviving or continuing Truſtees for the Time being, to elect out of the Inhabitants of the ſaid Pariſh, who ſhall reſpectively be in the Occupation of Lands or Tenements within the ſaid Pariſh, and paying to the Relief of the Poor thereof for or at the Rate of Thirty Pounds *per Annum* or upwards, ſo many new Truſtees as together with the ſurviving or continuing Truſtees will make up the Number in the Whole Twenty-ſix excluſive of the reſident Juſtices; and that the Truſtees ſo elected, and every of them, ſhall and may act under the Authority and in the Execution of this Act as fully as if they had been appointed Truſtees in and by this Act; but no Truſtee appointed for putting this Act into Execution ſhall be capable of taking or holding or be concerned or intereſted in any Contract for doing or performing any of the Works by this Act directed to be done and performed.

Firſt Meeting of the Truſtees.

II. And be it further enacted, That the ſaid Truſtees ſhall and may meet together at ſuch Time and Place as ſhall be appointed by Order of any Five or more of them, upon Notice thereof to be given in the Pariſh Church of *Saint John, Hampſtead*, on Two *Sundays* previous to ſuch Meeting, and ſhall and may from Time to Time adjourn their Meetings as they ſhall think proper; and they may alſo meet at any Time (without Adjournment) on the like Notice being given in the ſaid Pariſh Church by Order of any Five or more of the ſaid Truſtees; and the ſaid Truſtees, at all their Meetings for the Purpoſes of this Act, ſhall defray their own Expences; and that all Orders and Determinations of the ſaid Truſtees in the Execution of this Act (except for the Appointment of Meetings as aforeſaid) ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and no ſuch Order or Determination ſhall be valid unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, nor unleſs the Number of Truſtees preſent at any ſuch Meeting be not leſs than Five) and every ſuch Order or Determination ſhall be as valid and effectual as if done or executed by all the ſaid Truſtees; and if at any Meeting of the Truſtees there ſhall happen to be an equal Number of Votes for and againſt the Queſtion under Diſcuſſion, the Chairman at each Meeting ſhall have the caſting Vote, which ſhall determine the Queſtion: Provided nevertheleſs, that Three Truſtees ſhall be ſufficient for the Purpoſe only of Adjournments.

Truſtees to defray their own Expences.

Majority at Public Meetings to act if Five of the Truſtees are preſent.

Actions to be brought in the Names of the Churchwardens.

III. And be it further enacted, That the ſaid Truſtees ſhall ſue and be ſued in the Name of the Churchwardens of the Pariſh of *Saint John, Hampſtead*, for the Time being, and that no Action ſo brought or commenced, ſhall abate or be diſcontinued by the Death or going out of Office of the ſaid Churchwardens without the Conſent of the ſaid Truſtees, but that ſuch Churchwardens for the Time being, ſhall always be deemed Plaintiffs or Defendants in every ſuch Action, as the Caſe ſhall happen;

and that such Churchwardens shall be reimbursed out of the Monies arising by virtue of this Act, all such Costs and Damages as by the Event of any such Action they respectively shall be put unto, or become charged or chargeable with on Account of any such Action or Suit. who shall be reimbursed their Expences.

IV. And be it further enacted, That the said Trustees may, and are hereby authorized and empowered from Time to Time to appoint a Treasurer, Surveyor, and such other Person or Persons, with such Gratuity or Gratuities, as they shall think necessary and proper, for carrying the Purposes of this Act into Execution, and shall and may take such Security from every such Treasurer for the due Execution of his Office, as they shall think fit; and that such Treasurer shall, from Time to Time, as often as thereunto required by the said Trustees, produce or give to the said Trustees, or to such Person as they shall appoint, a true and perfect Account in Writing, under his Hand, of all Monies by him received and paid, with proper Receipts and Vouchers for such Payments, and shall pay all such Monies as shall remain in his Hands to such Person or Persons as the said Trustees shall direct or appoint. Trustees to appoint Officers, and take Security.

V. And be it further enacted, That it shall and may be lawful for the said Trustees to treat, contract, and agree with the Owners of, and other Persons interested in any Lands or Hereditaments within the said Parish of *Saint John, Hampstead*, for the Purchase of any Quantity thereof, not exceeding Three Acres; and it shall be lawful to and for all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of Lunatics or Idiots, or other Trustees, not only for and on Behalf of themselves and their Successors, but also for and on Behalf of their *cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, and all and every other Person or Persons under any legal Disability or Incapacity whatsoever, who is, are, or shall be seized, or in anywise interested in any such Lands or Hereditaments, to contract and agree with the said Trustees for the Sale thereof, and to sell and convey to the Minister and Church Wardens of the said Parish, and their Successors for ever, all or any such Lands or Hereditaments, for the Purpose aforesaid, at or for such Price as shall be agreed upon between the said Trustees and the Person or Persons seized of or interested in any such Lands or Hereditaments as aforesaid; and every such Contract, Agreement, Sale, and Conveyance, shall be valid and effectual, to all Intents and Purposes whatsoever, any Law or other Matter to the contrary notwithstanding; and upon Payment of the Purchase Money agreed upon between the said Trustees and the Person or Persons seized of or interested in such Lands or Hereditaments as aforesaid, all and every Person and Persons claiming or to claim any Estate or Interest in such Lands or Hereditaments, shall thereupon be divested of all such Estate, Right, Title, and Interest therein; and the same shall from thenceforth become and be absolutely vested in the Minister and Church Wardens of the said Parish, and their Successors, for the Purpose of a Burying Ground, for the Use of the said Parish for ever, the Statutes of Mortmain, or any other Law or Statute to the contrary thereof notwithstanding; and such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, and other Persons, shall be and are hereby respectively Power to purchase Lands.

respectively indemnified for what they shall respectively do by virtue or in pursuance of this Act.

Direction for applying the Purchase Money if 200*l.* or upwards.

VI. And be it further enacted, That if any Money shall be paid or agreed, or awarded to be paid for the Purchase of any Land, Ground, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executors, Administrators, Husband, Guardian, Committee, or Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other *Cestuique* Trust, or to any Person whose Lands or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to Two hundred Pounds, with all convenient Speed, be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the Trustees for 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 and Hereditaments, in the Purchase or Redemption of the Land Tax, or discharging of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorise to be paid, affecting the same Lands or Hereditaments, or affecting other Lands, Tenements, 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, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, 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 or Hereditaments, which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, 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, or Three Pounds *per Centum* Reduced Bank Annuities, and in the mean Time, 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, Tenements, or Hereditaments, so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Where less than 200*l.* and exceeding 20*l.*

VII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed

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 or Hereditaments ſo purchaſed, taken, or uſed, 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 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 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 Five or more of the ſaid 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 be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20*l.*

VIII. Provided alſo, and be it further enacted, That where ſuch Money, ſo agreed or awarded 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 intitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid laſt-mentioned Truſtees, or any Five or more of them ſhall think fit, or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Monies 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.

Proviſion where Queſtions ſhall ariſe touching the Title to Money ſo to be paid into the Bank.

IX. 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, Tenements, or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends and Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court, that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, and Hereditaments, or to ſome Eſtate or Intereſt therein.

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

X. 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, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, 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, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases, from Time to Time to be made in pursuance of this Act, or so much 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.

To cause the additional or new Burying Ground to be inclosed.

XI. And be it further enacted, That the said Trustees shall, as soon as conveniently may be after such Purchase and Conveyance shall have been made as aforesaid, cause the said additional or new Burying Ground to be enclosed, in such Manner as they shall think proper, with a good and substantial Brick Wall, or a Fence; and also, (if necessary) cause a Chapel to be erected in such Burial Ground, which Chapel shall nevertheless be used for the Celebration or Performance of the Office of Burial only, and also a small Dwelling, or other Building to be erected for the Residence of such Person or Persons as the said Trustees may think proper from Time to Time to appoint, for the Care and Protection of the said Burying Ground; and from Time to Time to keep the same in Repair, and to allow such Person such Salary or other Recompence for his Trouble, out of the Monies to be raised by virtue of this Act, as such Trustees shall think reasonable: Provided always, that it shall be lawful for the said Trustees, whenever they shall think proper, from Time to Time to displace and remove every or any such Person or Persons so appointed by them as aforesaid, from and out of such his Employment, and such Dwelling or Place of Residence, any Thing herein contained to the contrary notwithstanding; and that if such Chapel shall be built, the same shall be consecrated according to the Usage of the Church of *England*.

Trustees may cause Vaults and other Conveniences for Interment.

Ground to be consecrated.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees to make and build such Vaults or other Conveniencies for the Interment of the Dead, as they shall think necessary and proper; and that when such additional Burying Ground shall have been walled or fenced in as aforesaid, the same shall be consecrated for a Burial Ground according to the Usage of the Church of *England*; and after the same shall have been so consecrated, the same shall for ever thereafter be made Use of according to Law, as a Burying Ground for the Interment of the Dead; subject nevertheless to such Orders and Regulations respecting the Management thereof, as shall from Time to Time be made by the said Trustees, so that such Orders and Regulations may not interfere with or lessen the Burial or other legal Fees or Dues, payable to the said Minister of the said Church of *Saint John, Hampstead*.

The Minister to be intitled to the same

XIII. And be it further enacted, That the Minister of the said Parish of *Saint John, Hampstead*, for the Time being, shall be entitled to and receive in respect

respect of such new Burying Ground, all such Fees, Dues, and Emoluments, as are now payable, and by Law appertain, or are incident to his Office of Minister or Incumbent of the said Parish, on Account of Burials within the present Church Yard or Burying Ground of the said Parish.

Fees as for Burials in the present Churchyard.

XIV. And in order to enable the said Trustees to defray the Expences of carrying this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered to borrow any Sum or Sums of Money, not exceeding the Sum of Four thousand Pounds, for the Purposes of this Act, at as low a Rate of Interest as the same can be conveniently procured; which Money so to be borrowed, and the Interest thereof, are hereby charged upon, and shall be payable from Time to Time out of the Rates which shall be received by the Churchwardens of the said Parish on Account of Burials, and likewise chargeable upon and payable out of the Rates from Time to Time to be made for the Relief of the Poor of the said Parish, so that the same do not in any one Year exceed the Sum of Three hundred Pounds, or a Rate of Fourpence in the Pound; and for securing the Repayment of the Money so to be borrowed, and the Interest thereof, the said Trustees, or any Five or more of them, shall and may, by Writing under their Hands and Seals, assign over the said Burial Rates and Poors Rates, or any Part thereof, to the Person or Persons advancing and lending such Money; which Assignment shall be in the Form, or to the Effect following; *videlicet*,

Power to borrow Money.

'WE, Five of the Trustees for putting into Execution an Act of Parliament, made in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of this Act*], in Consideration of the Sum of advanced and lent by *A.B.* to us upon the Credit and for the Purposes of the said Act, do hereby assign unto the said *A.B.* his Executors, Administrators, and Assigns, the Rates and other Sums of Money arising and payable to the Churchwardens of the said Parish, on Account of the Burials in the said Burial Ground; and also such Part or Proportion of the Poors Rates of the said Parish as are by the said Act authorized to be taken or charged for the Purposes thereof, to hold unto the said *A.B.* his Executors, Administrators, and Assigns, until the said Sum of together with the Interest for the same, after the Rate of *per Centum per Annum*, (to be paid Half-yearly) shall be fully paid and satisfied. In Witness whereof, we have hereunto set our Hands and Seals, the Day of

Form of the Assignment.

And every such Assignment shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

XV. Provided always, That in case the said Trustees shall think it advisable to raise all or any Part of the Money necessary for the Purposes of this Act, by granting of Annuities for Lives, then it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered by Writing under their Hands and Seals to grant Annuities not exceeding Three hundred Pounds *per Annum*, to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Trustees any Sum or Sums of Money for the absolute Purchase of any such Annuity to be paid and payable during the natural Life of the Person

Power to raise Money by Annuities.

Perſon advancing ſuch Money, or of ſuch Perſon as ſhall be nominated by him or her or on his or her Behalf, at the Time of the Payment of his or her Contribution or Purchaſe Money, and that either abſolutely or ſubject to Redemption or Re-purchaſe, as the ſaid Truſtees may think proper and expedient in that Behalf, ſo that no ſuch Annuity do exceed the Rate of Ten Pounds for One hundred Pounds by the Year, and the Grant of every ſuch Annuity ſhall be in the Form or to the Effect following, *videlicet*,

'WE, Five of the Truſtees appointed by or in purſuance of an Act of Parliament, made in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of this Act*], in Conſideration of the Sum of paid by *A. B.* to us upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the yearly Sum of out of the Burial Rates and Poors Rates authorized to be received and applied for the Purpoſes aforeſaid, which yearly Sum of ſhall be paid to the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, at by Half-yearly Payments upon the Day of and the Day of in every Year, during the Life of , and the firſt Payment thereof ſhall be made upon the Day of next enſuing the Date of theſe Preſents. In Witneſs whereof we have hereunto ſet our Hands and Seals the Day of in the Year of our Lord .'

And every ſuch Grant ſhall be good, valid, and effectual in the Law, and the ſeveral Annuities to be granted as aforeſaid ſhall be, and are hereby charged upon, and ſhall be payable and paid out of the ſaid Burial Rates and Poors Rates; and that before any ſuch Money ſhall be borrowed or Annuity granted, Fourteen Days Notice at the leaſt ſhall be given in ſome of the Public Newſpapers, ſignifying the Intention of borrowing ſuch Money, or granting ſuch Annuities; and it ſhall not be neceſſary to regiſter or inrol the Grant of or Security for ſuch Annuity in the Regiſter Office of the ſaid County of *Middleſex*, or in the High Court of Chancery, nor ſhall any ſuch Annuity or Annuities reſpectively be deemed or conſidered to be within or ſubject to any of the Proviſions contained in an Act of Parliament paſſed in the Seventeenth Year of His preſent Majeſty's Reign, intituled, *An Act for regiſtering the Grants of Life Annuities, and for the better Protection of Infants againſt ſuch Grants.*

Securities for Money lent may be transferred.

XVI. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money which ſhall be borrowed, or for which any ſuch Annuity or Annuities ſhall be granted as aforeſaid, by Writing under their Hands and Seals, to transfer the ſame to any Perſon or Perſons by Indorſement thereon, to be executed in the Preſence of ſome credible Witneſs, in the Form or to the Effect following:

Form of the Transfer.

'I Do hereby transfer the within Aſſignment (or Annuity), and all my Right, Title, and Intereſt in and to the ſame, and the Money or Annuity thereby ſecured unto of Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand this Day of .'

And Copies of all Aſſignments and Grants, which ſhall be made in purſuance of this Act, and of all Transfers thereof as aforeſaid, ſhall be entered

tered in a Book to be kept for that Purpoſe by the Veſtry Clerk of the ſaid Pariſh, or by ſuch other Perſon as the ſaid Truſtees ſhall appoint, which Book 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 Transfer there ſhall be paid to the ſame Clerk or Perſon Two Shillings and Sixpence and no more; and after ſuch Entry made of any ſuch Transfer, every ſuch Transfer ſo made and entered as aforeſaid ſhall entitle the Perſon 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 Aſſignment or Aſſignments, Annuity or Annuities reſpectively, ſhall be ſo made, ſhall be Creditors on the ſaid Burial Rates and Poors Rates, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Money, and that whenever the ſaid Truſtees ſhall be enabled to pay off any of the Money which ſhall be borrowed on Mortgage as aforeſaid, or to redeem or to repurchaſe any ſuch Annuity or Annuities, which ſhall have been granted, ſubject to ſuch Redemption or Repurchaſe (if any), they ſhall aſcertain the Securities to be firſt paid off by Ballot in ſuch Manner as they ſhall think proper.

No Preference to be given to Perſons lending Money.

XVII. And be it further enacted, That over and above the Burial Fees to which the Miniſter of the ſaid Pariſh for the Time being is to be entitled in reſpect of ſuch new Burial Ground, ſuch additional Rates ſhall be payable for or in reſpect of the ſame as ſhall be ſettled and fixed in any Veſtry or Veſtries to be held for the ſaid Pariſh, with the Conſent of the ſaid Truſtees, which Rates are to be collected and received by the Churchwardens for the Time being, and are to be applicable and be applied in diſcharge of ſuch principal Money and Intereſt, and the ſaid Annuities as hereinbefore mentioned in that Behalf, and the Surplus of ſuch Rates, if any, ſhall be applicable to the Repair of the ſaid Burial Ground, and other incidental Expences relating thereto; and if more than neceſſary for that Purpoſe, the ultimate Reſidue thereof to be paid to the Overſeers of the Poor in Aid of the Poors Rate.

Additional Burial Rates.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, with the Conſent of a Veſtry of the ſaid Pariſh, but not otherwiſe, to contract and agree for, ſell, and diſpoſe of and convey ſo much, if any, of the ſaid Ground ſo to be purchaſed and conveyed as ſhall not be deemed neceſſary for the ſaid additional Burial Ground, to any Perſon or Perſons whomſoever, for the beſt Price or Prices, and moſt Money that can reaſonably be had and obtained for the ſame, and to ſign and give Receipts for ſuch Purchaſe Money, and other Sums of Money to be agreed upon.

Truſtees, with Conſent of Veſtry, may ſell ſuch Part of Ground as ſhall not be deemed neceſſary.

XIX. And be it further enacted, That the Churchwardens of the ſaid Pariſh for the Time being ſhall, until the Whole of the Principal Money to be borrowed as aforeſaid, and the Intereſt thereof ſhall be diſcharged, and the Annuities to be granted as aforeſaid, ſhall ceaſe by the Death of the Perſon or reſpective Perſons, for whoſe Life or Lives the ſame ſhall be granted, or by Redemption or Repurchaſe as aforeſaid Yearly upon ſuch Day in the Month of *June* or *July*, as the Truſtees ſhall direct, render to the ſaid Truſtees an Account of the ſeveral Sums of Money which the ſaid Churchwardens ſhall have received for or on Account of the Burial of the

Churchwardens to account yearly, and pay their Balances to the Truſtees.

Dead by virtue hereof, and the Sums of Money paid thereout; and they are hereby required to pay unto the ſaid Truſtees, or their Treaſurer, at the Time of rendering ſuch Account, the Balance of the Monies remaining in their Hands, or ſo much thereof as ſhall be neceſſary for the Purpoſes of this Act; and that the Overſeers of the Poor of the ſaid Pariſh for the Time being ſhall, from Time to Time, alſo, and they are hereby ſeverally and reſpectively required to pay or cauſe to be paid unto the ſaid Truſtees, or their Treaſurer annually, out of the Poors Rates by them to be collected, ſuch a Sum of Money not exceeding the Amount of Three hundred Pounds, or Four-pence in the Pound of the annual Rent or Value of the Meſſuages, Lands, Tenements, and Hereditaments, within the ſaid Pariſh chargeable with the Poors Rates, as the ſaid Truſtees ſhall from Time to Time think neceſſary, to anſwer the Purpoſes of this Act, and ſhall, by Writing under their Hands, order and require, by Two even and equal Half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September* in every Year, until the Whole of the ſaid Principal Money to be borrowed as aforeſaid, together with the Intereſt thereof, ſhall be diſcharged; and alſo until the Annuities to be granted ſhall ceaſe and determine as aforeſaid, the Firſt Payment thereon to begin and be made on the Twenty-fifth Day of *March* next after the paſſing of this Act: And in caſe of Nonpayment of the Monies remaining in the Hands of the ſaid Churchwardens, upon the Balance of the Account to be Yearly made up and rendered by them to the ſaid Truſtees as aforeſaid, for the Space of Ten Days next after the Time of making up and rendering the ſame, then, and in every or any ſuch Caſe, it ſhall and may be lawful to and for the ſaid Truſtees to levy ſuch Monies by Diſtreſs and Sale of the Goods and Chattels of every ſuch Churchwarden making Default in Payment as aforeſaid, by Warrant under the Hand and Seal, or Hands and Seals of any One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Middleſex*, (which Warrant ſuch Juſtice or Juſtices is or are hereby authorized and required to grant), and the Overplus, after Payment and Satisfaction of all ſuch Balances, Sum and Sums of Money due to the ſaid Truſtees as aforeſaid, and the Charges of levying and recovering the ſame ſhall have been deducted, ſhall be returned on Demand to the Owner of ſuch Goods and Chattels: And in caſe of Nonpayment of any ſuch Sum or Sums of Money as ſhall from Time to Time be ordered and required by the ſaid Truſtees to be paid to them by the Overſeers of the Poor for the Time being, or any of them reſpectively, in Manner aforeſaid, for the Space of Fourteen Days next over or after either of the ſaid Days appointed by this Act for Payment thereof as aforeſaid, then and in every or any ſuch Caſe it ſhall and may be lawful to and for the ſaid Truſtees to levy ſuch Sum or Sums of Money by Diſtreſs and Sale of the Goods and Chattels of any One or more of the Overſeers making Default in Payment as aforeſaid, by Warrant under the Hand and Seal, or Hands and Seals of any Juſtice or Juſtices of the Peace for the ſaid County, (which Warrant ſuch Juſtice or Juſtices is and are hereby authorized and required to grant); and the Overplus, after Payment and Satisfaction of all ſuch Sum and Sums of Money to become due to the Truſtees in Manner next aforeſaid, and the Charges of levying and recovering the ſame ſhall have been deducted, ſhall be returned on Demand to the Owner or Owners of ſuch Goods and Chattels; and that all Sum and Sums of Money to be paid by the ſaid Churchwardens and Overſeers of the Poor for the Time being to the ſaid Truſtees in purſuance of this Act, or

The Overſeers alſo to pay Half-yearly the Sums required by the Truſtees, not exceeding a certain Proportion.

to

to be levied upon them by Authority and in Manner aforesaid, shall be allowed in their respective yearly Accounts.

Expences of this Act to be first paid.

XX. And be it further enacted, That out of the First Money which shall be received by virtue of this Act, or out of the First Money which shall be borrowed or raised upon the Credit thereof, the said Trustees shall pay and defray the Charges and Expences incident to and attending the obtaining and passing of this Act; and after Payment thereof, all the Money which shall arise or come into the Hands of the said Trustees or their Treasurer, by virtue of this Act, shall be applied in defraying the Costs and Expences attending the Execution of this Act, and to and for no other Use or Purpose whatsoever.

Allowing an Appeal.

XXI. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by Reason of any Order, Judgement, 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 or Quarter Session of the Peace to be holden for the County of *Middlesex*; 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 County, 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 General or Quarter Session; and the said Justices assembled at such General or Quarter Session, upon due Proof of such Notice being 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 reasonable.

This Act not to abridge the Jurisdiction of Lord Bishop of London.

XXII. Provided always, and be it enacted, That nothing in this Act, or in any Clause thereof contained, shall extend or be construed to extend in any Respect to abridge, oppose, or controul the Ordinary Jurisdiction of the Lord Bishop of *London* for the Time being, in and over the aforesaid Parish of *Saint John*, *Hampstead*, or over the Minister or Churchwardens, or in, over, or relative to any Matter or Thing respecting the said Parish Minister or Churchwardens.

Proceedings of Trustees to be entered.

XXIII. And be it further enacted, That the said Trustees, for carrying into Execution the Purposes of this Act, shall from Time to Time enter their Proceedings, and an Account of all Monies received and paid by them by virtue of this Act, in a Book or Books to be kept for that Purpose, and a Copy of such Account to be yearly laid before the Vestry some Time in the Month of *June* or *July*.

Limitation of Actions.

XXIV. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought within Three Calendar Months

Months next after the Fact committed, and the Venue ſhall be laid in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in every 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 be ſo done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, as aforeſaid, or ſhall be laid or brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action, after the Defendant or Defendants ſhall have appeared; or, if upon Demurrer, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for recovering Coſts of Suit in any other Caſe by Law.

Act not to extend to or affect the Advowſon of Hampſtead.

XXV. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued, deemed or taken to extend, to invalidate, prejudice, or affect, the Right or Title of the Lord or Lady of the ſaid Manor of *Hampſtead* for the Time being, his or her Heirs or Aſſigns, to the Advowſon of and Preſentation to the Pariſh Church of *Saint John, Hampſtead*, aforeſaid, or any Right, Privilege, or Advantage incident thereto, or enjoyed by him, her, or them therewith.

Public Act.

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

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