ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

****

Cap. xxiii.

An Act for providing a further Maintenance for the Rector of the Parish of *Saint John Horslydown*, within the Town and Borough of *Southwark*, in the County of *Surrey*.

[12th *April* 1827.]

WHEREAS an Act was passed in the Sixth Year of the Reign of King *George* the Second, intituled *An Act for providing a Maintenance for the Minister of the new Church of* Horslydown *in the Borough of* Southwark *in the County of* Surrey, *and for making the District assigned to the same a distinct Parish, and for other Purposes therein mentioned;* whereby it is enacted, that the Churchwarden or Churchwardens of the said Church or new intended Parish for the Time being shall, from and after the Consecration of the said Church, yearly and every Year for ever, well and truly pay or cause to be paid, out of any Parish Monies in his or their Hands, unto such Minister or Rector, the yearly Sum of Sixty Pounds of lawful Money of *Great Britain*, without any Deduction or Abatement for or on account of any Taxes or Impositions by Parliament or otherwise howsoever, at the Four most usual Feasts or Days of Payment in the Year; that is to say, the Feast of the Annunciation of the Blessed Virgin *Mary*, the Nativity of *Saint John* the Baptist, the Feast of *Saint Michael* the Archangel, and the Birth of our Lord *Christ*, by even and equal Portions, the first Payment thereof to be made

6 G. 2. c. 11.

made at such of the said Feasts or Days of Payment as shall happen after Two Calendar Months next after the Consecration of the said Church; and all the Payments of the said Annuity or yearly Sum of Sixty Pounds, so to be issued and paid to the said Minister and Rector and his Successors, shall be allowed to such Churchwarden or Churchwardens in his or their Accounts, out of the Monies to be by him or them received in pursuance of this Act; and in case the Money hereby directed to be issued and applied for Payment of the said Annuity or yearly Sum of Sixty Pounds, to the said Minister or Rector, shall not be sufficient for that Purpose, it shall and may be lawful to and for the Churchwarden or Churchwardens of the said new intended Parish for the Time being to supply such Deficiency out of such public Monies in his or their Hands, belonging to the said Parish, which shall not arise by any Poor Rate or any Pound Rate, as the major Part of the Vestrymen publicly assembled shall direct and appoint; and the same shall be replaced or made good out of the next Surplus or Surpluses of the Monies arising by Burials, as in the said recited Act is mentioned: And whereas the King's most Excellent Majesty, in right of His Crown, is Patron of the said Rectory, and the Reverend *John Channing Abdy* is the present Rector of the said Parish: And whereas it is expedient that the said Annuity or yearly Sum of Sixty Pounds, payable to the said Rector of the said Parish under or by virtue of the said recited Act, should cease and be extinguished, and that a larger and more suitable Provision should be made for the Maintenance and Support of the Rector of the said Parish for the Time being: And whereas it is expedient that the Powers and Provisions of the said recited Act, so far as relate to the said Annuity or yearly Sum of Sixty Pounds, should be repealed, and that other and more effectual Powers and Provisions should be granted and made in the Lieu and Stead thereof, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-fourth Day of *June* next after the passing of this Act, so much and such Parts of the said recited Act as relate to the Annuity or yearly Sum of Sixty Pounds, payable under or by virtue of such Act to the Rector for the Time being of the said Parish of *Horsly down*, shall be and the same are hereby repealed, save and except as to any Arrears of such Annuity or yearly Sum which may be due and owing to the Rector of the said Parish at the Time of the passing of this Act.

Repeal of so much of recited Act as relates to the Annuity of 60*l.* to the Rector.

Churchwardens to pay to the Rector 189*l.* per Annum.

II. And be it further enacted, That it shall be lawful for the Churchwardens of the said Parish for the Time being, and they are hereby required, yearly and every Year for ever, to pay or cause to be paid, out of the Monies which shall be raised and placed within their Power and Controul under the Authority of this Act, to the Rector for the Time being of the said Parish, or to such Person or Persons as he shall appoint to receive the same, the yearly Sum of

One hundred and eighty-nine Pounds of lawful Money of *Great Britain*, which said annual Sum of One hundred and eighty-nine Pounds shall be paid quarterly by Four equal Payments, that is to say, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March*, 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 the said annual Sum of One hundred and eighty-nine Pounds shall be exempt from all Taxes, Rates, and Assessments, Parliamentary, Parochial, or otherwise howsoever.

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

III. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the present and of every future Rector of the said Parish, such Rector, or 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 One hundred and eighty-nine Pounds falling due next after such Cession, Resignation, Removal, or Death, 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 Cession, Resignation, Removal, or Death; and the Rector who shall be appointed in his Place and Stead shall have and receive the Residue of the said current quarterly Payment.

For Recovery of Stipend due to Rector.

IV. And be it further enacted, That in case any quarterly Payment of the said annual Sum of One hundred and eighty-nine Pounds, or any future Portion thereof, shall be in arrear and unpaid for more than Twenty-eight Days after the same shall become due as aforesaid, then and so often as the same shall happen it shall be lawful for the Rector for the Time being of the said Parish, and he is hereby authorized and empowered to sue for and recover the same, with full Costs of Suit, against the said Churchwardens or their Successors, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; or it shall be lawful for any one or more of His Majesty's Justices of the Peace in and for the Town and Borough of *Southwark*, or for the County of *Surrey*, (within their respective Jurisdictions), and he and they is and are hereby required, by Writing under his or their Hand or Hands, on Complaint made by or on behalf of the said Rector, to summon One or more of the Churchwardens for the Time being of the said Parish, and such other of the Inhabitants of the said Parish as the said Rector or some Person on his Behalf shall nominate to the said Justice or Justices of the Peace for that Purpose, to appear at a Time and Place to be mentioned in the Summons whereby the said Churchwardens and the said other Inhabitants shall be summoned respectively before such Justices, or before any other Justice of the Peace who shall be then and there present, and to pay to the said Rector the Arrears of the said yearly Sum of One hundred and eighty-nine Pounds claimed to be due as aforesaid; and it shall be lawful for any Person, 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,

wardens, 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 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 Summons respectively, or if they or any or either of them shall attend and shall not prove that all Arrears of the said Sum of One hundred and eighty-nine 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 County 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, to be nominated by or on the Part of the said Rector, to levy all Arrears of the said Sum of One hundred and eighty-nine Pounds so claimed to be due to the said Rector, and of the Payments 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 Number 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 One hundred and eighty-nine 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 thereof, to be appraised by some Appraiser, 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; provided that no Distress be made or taken at any one Time for the said Arrears upon the Goods or Chattels of any one Inhabitant for more than the Sum of Fifty Pounds towards raising or levying the whole Arrears; 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 Cases, and so on in Succession from Time to Time as often as the Case may require, until the whole

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 Expences respectively, as are herein-before provided against the said Churchwarden or 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.

V. Provided always, and be it further enacted, That upon the Cession, Resignation, Removal, or Death of the present and of 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 One hundred and eighty-nine Pounds which may be due to such Rector at the Time of such Cession, Resignation, Removal, or Death, and of such Part or Proportion as such Rector, his Executors, Administrators, or Assigns, shall be entitled to receive, of the Half-yearly Payment of the annual Sum of One hundred and eighty-nine Pounds which shall fall due next after such Cession, Resignation, Removal, or Death, as are by this Act 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 One hundred and eighty-nine Pounds.

Form of Distress Warrant for Recovery of Rector's Stipend.

VI. And be it further enacted, That every Warrant of Distress for the Arrears of the said annual Sum of One hundred and eighty-nine Pounds, to be made under this Act, shall be in the Words or to the Effect following:

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

‘ 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 John Horslydown*, within the
‘ Town and Borough of *Southwark*, under and by virtue of an Act
‘ passed in the Seventh and Eighth Years of the Reign of His
‘ Majesty King *George* the Fourth, intituled [*here insert the Title of*
‘ *this Act*] the Sum of [*here insert the Sum due*]: And whereas
‘ [*here insert the Name or Names of the Churchwarden or Church-*
‘ *wardens for the Time being, and Inhabitants summoned, as by this*
‘ *Act 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
‘ Town and Borough [*or* County of *Surrey*, *as the Case may be*], as
‘ appeareth to me the said Justice upon Oath; and the several Per-

'sons 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 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 shall be sold, rendering to 'them respectively the Overplus (if any), the reasonable Charges of 'such Distress, Sale, and Keeping being first deducted; and I do 'hereby strictly charge and command all and singular the said Con-'stables, and other His Majesty's Peace Officers, 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 and Additions to the said Warrants 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 next Assessment made pursuant to this Act.

VII. Provided always, and be it further 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 said yearly Sum of One hundred and eighty-nine 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 Damages and Losses, Costs, Charges, and Expences therein, out of the next Assessment which shall be made under and by virtue of this Act.

Tithes to cease on the 24th Day of June next.

VIII. And be it further enacted, That from and immediately after the Twenty-fourth Day of *June* next after the passing of this Act, the said Stipend or annual Sum of Sixty Pounds, and also all Tithes, and Payments in lieu of Tithes, *Easter* Offerings, Oblations, Obventions, and all other Payments whatsoever, which the said Rector for the Time being might otherwise have had by Law, or to which he is entitled or might claim within the said Parish, shall (save and except as herein-after mentioned and provided) cease and be for ever extinguished; and from and after the said Twenty-fourth Day of *June* next, the said annual Sum of Sixty Pounds, now payable by the Churchwardens of the said Parish to the Rector for the Time being of the said Parish as aforesaid, shall be applied by the said Churchwardens towards the general Purposes of the Church Rate of the said Parish: Provided always, that nothing in this Act contained shall extend or be construed to extend to deprive the said Rector for the Time being of any Remedies which the said Rector for the Time being may now possess for the Recovery of all such Payments as aforesaid as are now due or payable, or which shall be due or payable on or before the said Twenty-fourth Day of *June* next after the passing of this Act.

IX. And

Such further Provision to the Rector to be in lieu of the Sum of 60*l.* and all Tithes, Easter Offerings, &c.

IX. And be it further enacted, That the further and additional Provision made for the now Rector of the said Parish of *Saint John Horslydown*, and his Successors, shall be received and accepted by the said Rector and his Successors in lieu of the said Stipend or annual Sum of Sixty Pounds heretofore paid to the Rector for the Time being of the said Parish, and of all Tithes, Composition for Tithes, or Payments for Tithes, and *Easter* Offerings, and for all Oblations, Obventions, and all other Demands of any Kind whatsoever due or payable to the said Rector for the Time being of the said Parish (save and except as herein-after mentioned and provided): Provided always, that the said yearly Sum of One hundred and eighty-nine Pounds, so to be paid to the said Rector, shall not extend or be construed to extend to deprive the present Rector or his Successors of his or their Right to the due and accustomed Fees, commonly called Surplice Fees, or of any Perquisites or Payments authorized and allowed to be received by him or them under the Authority of any Acts or Act of Parliament now in force, or of any voluntary Donations which may at any Time be given to him or them by the Parishioners of the said Parish, all which may be demanded and received, and shall and may be paid in the same Manner as if this Act had not been passed.

Except Surplice Fees, &c.

Churchwardens or Select Vestrymen may convene Meeting, and lay Assessment.

X. And be it further enacted, That it shall be lawful for the Churchwardens, or for any of the Select Vestrymen 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 said Churchwardens and Select Vestrymen of the said Parish in the Vestryroom of the said Parish, of which Meeting Ten Days previous Notice at the least shall be given by Affixion to the Church Doors of the said Parish; and the said Churchwardens and Select Vestrymen, or any of the said Select Vestrymen in case the said Churchwardens or either of them shall refuse or neglect, shall proceed to make and sign a sufficient Rate or Assessment upon all Persons, being Inhabitants and Occupiers of Houses, Lands, Tenements, Hereditaments, and Premises within the said Parish, (except the said Rector for the Time being,) for the Purpose of raising from Time to Time the said annual Sum of One hundred and eighty-nine Pounds, and also all Costs, Charges, and Expences incident to and attendant upon the collecting the same Rate, and the Costs, Charges, and Expences incident to or attendant upon the obtaining and executing this Act, and any Costs, Charges, and Expences which may be incurred in or about any Proceedings on behalf of the said Rector for the Recovery of the said annual Sum of One hundred and eighty-nine Pounds, or any Part thereof; and in case at any Time the Sum or Sums of Money which shall be so assessed as aforesaid, and which shall be so 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 and Select Vestrymen in Vestry assembled, 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

such Deficiency to the Amount to be raised by the next succeeding Assessment; and in case at any Time or Times the Sum or 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 Persons who shall become resident within the said Parish, and be liable to be rated to the said Rate made next after they shall become resident, be rated and assessed from the Day of their becoming so resident.

Select Vestry may appoint a Clerk and Collector.

XI. And be it further enacted, That it shall be lawful for the said Churchwardens for the Time being, and the Select Vestrymen in Vestry assembled, and they are hereby empowered, at any Vestry Meeting to be held for the Purposes of this Act, to appoint a Collector or Collectors of the Rate or Rates and Monies to be levied by the Authority of this Act, taking such Security from such Collector or Collectors as the said Churchwardens and Select Vestrymen shall think fit; and the said Churchwardens and Select Vestrymen shall from Time to Time pay such Salaries, and make such reasonable Allowances to such Collector or Collectors, and also to the Vestry Clerk for the Time being of the said Parish, for any additional Services which he may perform as Clerk in the Execution of this Act, as they may think fit; and also may, in Vestry assembled, from Time to Time remove or displace such Persons whenever they shall see occasion, and appoint others in their Stead.

Assessments to be received by Collector.

XII. And be it further enacted, That the said Churchwardens and Select Vestrymen 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 to be appointed under or by virtue of this Act, who is hereby required to collect the Sums therein assessed accordingly; and all Persons who by virtue of this Act are charged or chargeable with all or any of the said Rates or Assessments shall and are hereby required to pay the same accordingly to such Collector.

Collectors to account.

XIII. And be it further enacted, That all such Collectors so to be appointed shall, under their respective Hands (at such Time and Times and in such Manner as the said Churchwardens and Select Vestrymen shall direct), deliver to such Churchwardens and Select Vestrymen, or such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by virtue or for the Purposes of this Act, specifying how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Churchwardens and Select Vestrymen, or such Person or Persons as they shall appoint; and if any such Collector shall refuse or wilfully neglect to make and render such Account, or to produce and deliver up the Vouchers and Receipts

relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to such Person or Persons as the said Churchwardens and Select Vestrymen shall for that Purpose appoint, within Seven Days next after being thereunto required by the said Churchwardens and Select Vestrymen, or by their Clerk, or by their Order, to be given to or left at the last or usual Place of Abode of such Collector, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Churchwardens and Select Vestrymen respecting the same, it shall be lawful for the said Churchwardens and Select Vestrymen, and they are hereby authorized and empowered to bring or cause to be brought an Action in any of His Majesty's Courts of Record at *Westminster*, against the Collector making such Default as aforesaid, or against his or their Surety or Sureties, in order to recover the Money which shall be in the Hands of such Collector, with full Costs of Suit; or if Complaint shall be made by the said Churchwardens and Select Vestrymen, or any of them, or by any Person or Persons whom they may appoint for that Purpose, to any Justice of the Peace for the Town and Borough of *Southwark*, or to any Justice of the Peace for any County, City, or other Place, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Collector making Default as aforesaid to be brought before him, and upon his appearing, or having been summoned and not appearing (except from some reasonable Cause, to be judged of and allowed by such Justice), or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justice is hereby empowered and required to administer) it shall appear to such Justice that any of the Money which shall have been collected and received by virtue of this Act shall be in the Hands of any such Collector, or shall not have been duly accounted for, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Collector can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Collector shall have refused or wilfully neglected to render and give such Accounts as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Collector, and that he shall have refused or neglected to deliver up or give Satisfaction respecting the same as aforesaid, then such Justice shall commit such Collector to the Common Gaol or House of Correction, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account, and have paid such Money as aforesaid, or shall have compounded for such Money with the said Churchwardens and Select Vestrymen,

and have paid such Composition in such Manner as they shall appoint (and which Composition the said Churchwardens and Select Vestrymen are hereby empowered to make and receive), and until such Collector shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Churchwardens and Select Vestrymen: Provided always, that no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid only, shall be detained in Prison for any longer Term than Six Calendar Months by virtue of this Act.

Books of Assessment within the Parish may be inspected.

XIV. And be it further enacted, That it shall be lawful for the said Churchwardens and Select Vestrymen at all convenient Times to inspect the Books of Assessments of the Rates and Taxes for the said Parish, in order to ascertain the Rates and Assessments to be raised and levied by virtue of this Act, and to take Copies thereof at the Expence of the said Churchwardens and Select Vestrymen.

For recovering Assessments.

XV. And be it further enacted, That if any Person shall refuse or neglect to pay any Sum of Money at which he or she shall be assessed by virtue of this Act, and all Arrears, it shall be lawful for any of His Majesty's Justices of the Peace for the said Town and Borough of *Southwark*, or for the said County of *Surrey* (within their respective Jurisdictions), and he is hereby authorized and required by Writing under his Hand, on Complaint made by the said Churchwardens and Select Vestrymen, or any of them, or by any Officer or other Person appointed by them, to summon such Person as shall have refused or neglected as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any other Justice of the Peace who shall be then and there present, the Collector of such Assessment having previously made Oath that he had applied at the Premises rated to the said Assessments for Payment of the same, and that the same was then in arrear and unpaid; and all and every such Summons and Summonses shall be served upon all and every such Persons and Person 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 leaving the same at his, her, 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 so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he or she shall attend, and shall not show good or sufficient Cause to the Justice or Justices who may then and there be present, that he or she is not chargeable with such Assessment or Assessments, then and in every such Case such Person 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 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, or for

any other Justice of the Peace for the said Town and Borough, or for the said County (within their respective Jurisdictions), 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 upon 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 have been made, the said Assessment or Assessments, with all Arrears due thereon, together with all the Charges for the said Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by some Appraiser, 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 Costs, Charges, and Expences of the said Summons, Warrant, Distress, removing and keeping Possession as aforesaid 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.

Form of Warrant of Distress for Recovery of Rates.

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

‘ } To the Collector or Collectors of the Rectory Rate
‘ to wit. } of the Parish of *Saint John Horslydown*, within the
‘ Town and Borough of *Southwark*, and to all Constables and
‘ other Peace Officers acting for .

‘ WHEREAS the under or herein-after mentioned Persons [*or* Per-
‘ son] 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
‘ Seventh and Eighth Years 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 here-
‘ after respectively set down, for Money due from them [*or* him, *or*
‘ her] for or towards the Purposes in the said Act mentioned, and

‘ the

'the said several Sums [*or* the said Sum] are [*or* is] still remaining 'due, in arrear, and unpaid, as appeareth upon Oath to me, One of 'His Majesty's Justices of the Peace for the said Town and Borough '[*or* for the said County, *as the Case may be*]; 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], hereunder 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 said Constables, and other His Majesty's Peace Officers, '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.*'

For Recovery of Rates from Persons beginning to remove their Goods.

XVII. 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 said Parish, 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 such House or Premises 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 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 Assessment 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

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 Recovery of Rates from Persons quitting their Premises.

XVIII. And be it further enacted, That in case any Person who may have been rated or assessed to or who may be liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his or her House, Land, Tenement, or Hereditaments within the said Parish, for or in respect thereof he or she shall be rated or assessed, before he or she shall have paid such Rates or Assessments, then and in every such Case it shall be lawful for any Person appointed to collect or receive any such Rates or Assessments (Oath being made by him that he doth suspect that such Person hath removed his or her Goods and Chattels), by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said Town and Borough of *Southwark*, or for the said County of *Surrey*, (within their respective Jurisdictions), to distrain and appraise and sell the Goods and Chattels of the Person who shall have so quitted the said House, Land, Tenement, or Hereditaments, before he or she shall have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person 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 shall have removed, in such and the same Manner as if the same Person had continued in the said Parish of *Saint John Horslydown*.

Landlords to be assessed in certain Cases.

XIX. Provided always, and be it further enacted, That every Person who shall let out his or her House, Tenement, or Hereditaments in separate Apartments, or ready-furnished, to a Lodger or Lodgers, or who shall be Owner or Landlord or Receiver of the Rent of a House or Premises which shall be let for a less Term than for One Year, or shall be let for a less yearly Rent than Twelve Pounds, shall and may be rated or assessed for the same, and shall be liable and subject to the Payment of the said Rates or 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 House or Premises; and upon Nonpayment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Landlord, or Receiver, wheresoever they may be found, or of the Person or Persons inhabiting any such House or Premises, in such Manner as by this Act is provided for the Recovery of the Rates or Assessments in other Cases: Provided always, that the Goods and Chattels of all and every Person or Persons renting or inhabiting any such House or Premises, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments, whereof the Owner, Landlord, or Receiver is hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment only of such of the said Rates or Assessments, and of all Arrears thereof, as become due upon the said House and Premises during the Time of his, her, or their Occupancy; but no such Occupier shall at any

Time be required to pay or be subject or liable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier to the Owner or Landlord of the House and Premises so occupied by him or her; and every such Occupier who shall pay any such Rates or Assessments, or upon whom the same shall be levied, shall and may deduct the same from the Rent due and payable or to become due and payable from him or her to the Landlord of the same Premises, unless there shall be any Agreement to the contrary between any such Landlord and Tenant.

Landlords may be compounded with.

XX. Provided always, and be it further enacted, That it shall be lawful for the said Churchwardens and Select Vestrymen for the Time being, at any Vestry Meeting to be holden for the Purposes of this Act, from Time to Time to compound with the Landlord or Receiver of the Rents of every such House, Tenement, or Hereditaments so let as aforesaid, for the Rates or Assessments to be made in pursuance of this Act, at such reduced yearly Rental as the Churchwardens and Select Vestrymen shall think reasonable, so that no such House, Tenement, or Hereditaments be rated at less than Two Thirds of the annual Value of such Premises.

Defining who are Owners for the Purposes of the Act.

XXI. And in order to prevent Disputes touching the Definition of Owners or Landlords for the Purposes of this Act, be it enacted, That the Person or Persons legally authorized and empowered to receive and collect, or receiving or collecting, or claiming to be entitled to receive and collect, the Rents of any Houses, Land, Tenements, Hereditaments, or Premises, from the Tenants or actual Occupiers thereof, or of any of them, shall be deemed and taken, for the several Purposes of this Act, to be the Owner or Owners or Landlord or Landlords thereof; and in all Cases in which either Owners or Landlords are made liable by this Act, such Person or Persons respectively so authorized and empowered to receive and collect, or receiving or collecting, or claiming to be entitled to receive and collect, the Rents of any such Houses, Land, Tenements, Hereditaments, or Premises, from the Tenants or actual Occupiers thereof, shall be liable, as Owner or Owners, Landlord or Landlords thereof, unless the Owner or Owners, Landlord or Landlords, shall be distinctly and certainly known to be such to the Satisfaction of the said Churchwardens and Select Vestrymen; and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates and Assessments charged and payable for and on account of the respective Premises, and to deduct the same out of the Rents received or to be received by him.

Parties aggrieved may appeal to the Select Vestry or to the Quarter Sessions.

XXII. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment made in pursuance of this Act, he or she may apply to the Select Vestrymen assembled at any Select Vestry of the said Parish, and the Select Vestrymen assembled at such Vestry may grant such

Relief as to their Discretion shall seem fit; or if any Person shall think himself or herself aggrieved by any such Rate or Assessment, he or she having paid such 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 in anywise relating to any such Rate or Assessment, every such Person may appeal to the General or Quarter Sessions of the Peace to be holden in and for the County of *Surrey*, within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Seven Days Notice at the least in Writing of his or her Intention to make such Appeal, and the Matter thereof, to the said Churchwardens and Select Vestrymen, and within Two Days next after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded against him or her at such General or Quarter Sessions of the Peace; 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 or levied in pursuance of such Rate or 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 and conclusive upon all Parties, and 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 and Chattels 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.

Justices may amend the Rates, without quashing the same.

XXIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made under or by virtue of this Act, the Justices of the General Quarter Sessions where such Appeal shall be heard shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to the other Persons mentioned in the same.

Accounts to be kept by Churchwardens, and audited by the Auditors of the Parish Accounts.

XXIV. And be it further enacted, That an Account of the total Sums levied, collected, and received under and by virtue of this Act, and also an Account of all Payments and Disbursements made, allowed, or directed in pursuance of this Act, shall be fully and clearly entered in a Book or Books to be provided for that Purpose by the said Churchwardens and Select Vestrymen, and the same shall annually or oftener, if required by the said Select Vestry, be respectively examined, adjusted, allowed, and signed by the Auditors appointed to inspect and examine the Accounts of the said Parish, as other Accounts of the said Parish are audited, examined, and allowed.

XXV. And

First Audit to be held in Oct. 1828, and Expences allowed to Churchwardens.

XXV. And be it further enacted, That the First General Vestry for the settling and auditing the Accounts of the Churchwardens shall be held in the First Week in *October* One thousand eight hundred and twenty-eight, at which all reasonable Expences, either for collecting the said Pound Rate or Pound Rates, or keeping and entering the Accounts thereof, or for any other Expence *bonâ fide* incurred in carrying into effect the Provisions of this Act, shall be allowed to the said Churchwardens.

How Actions are to be brought by or against Churchwardens and Select Vestrymen.

XXVI. And be it further enacted, That the said Churchwardens and Select Vestrymen shall and may sue and be sued in the Name of the Clerk or Collector, or in the Name of any one or more of the said Churchwardens or Select Vestrymen: Provided always, that whenever any Action or Suit shall be brought, no such Action or Suit shall abate or be discontinued by the Death or Removal of such Clerk or Collector, or by any Act or Default of such Churchwardens or Select Vestrymen, Clerk or Collector, done or suffered without the Consent or Discretion of the Churchwardens and Select Vestrymen for the Time being; but the Churchwardens and Select Vestrymen, Clerk or Collector for the Time being, shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be: Provided also, that all the Costs and Expences to be incurred by or on behalf of the said Churchwardens and Select Vestrymen, or any other Person or Persons employed by them, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of such Clerk or Collector, or unless it shall have been brought, commenced, or defended without the Order or Direction of the Churchwardens and Select Vestrymen.

Plaintiff not to recover after Tender of Amends.

XXVII. Provided always, and be it further enacted, That no Plaintiff shall recover any Damage in any Action for any Irregularity, Trespass, or wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party or Parties who shall have committed or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding, 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, she, or they shall see fit, whereupon such Proceedings, or Order and Judgment, shall be had, made, or given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXVIII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person for any thing done in pursuance of this Act, or of the Powers hereby given, or in anywise relating to the Premises, until Twenty-one Days Notice thereof shall be given in Writing to the said Churchwardens and Select Vestrymen,

Vestrymen, nor after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, nor 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 before Twenty-one Days Notice thereof given as aforesaid, or 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, 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, her, or 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.

Justice, being rated or rateable, or being a Select Vestryman, allowed to act.

XXIX. And be it further enacted, That no Justice of the Peace for the said Borough shall be disqualified from acting as such in the Execution of this Act, in consequence of his being charged with or being liable to pay or having paid any Rate made under or by virtue of this Act, or of being a Select Vestryman of the said Parish, any Law, Statute, or Usage to the contrary notwithstanding.

Persons paying Rates not disqualified from giving Evidence.

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.

Notices, &c. to be served on Churchwardens.

XXXI. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person to serve any Notice, Writ, or other Proceeding at Law or in Equity, upon the said Churchwardens and Select Vestrymen, the Service thereof upon the Churchwardens or Churchwarden for the Time being of the said Parish shall be deemed good and sufficient Service of the same respectively on the said Churchwardens and Select Vestrymen.

Payment of the Expences of this Act.

XXXII. And be it further enacted, That all the Costs, Charges, and Expences relative and incidental to, and which shall be incurred in the passing and obtaining this Act, shall be paid by the said Churchwardens out of the first Monies which shall be raised under or by virtue of this Act.

Public Act.

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

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