ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 43.

An Act for providing an Additional Burial Ground for the Pariſh of *Saint Luke*, *Chelſea*, in the County of *Middleſex*. [18th *April* 1810.]

WHEREAS the Population of the Pariſh of *Saint Luke*, *Chelſea*, in the County of *Middleſex*, hath lately much increaſed, and is ſtill further increaſing, and the Church Yard and Burial Grounds thereof are not ſufficient for the decent Interment of Perſons dying within the ſaid Pariſh; it is therefore neceſſary that an Additional Burial Ground ſhould be provided within and 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 the Honourable and Reverend *Gerald Valerian Welleſley*, Batchelor of Arts, Rector of the ſaid Pariſh, the Reverend *John Ruſh*, Curate of the ſame, and *Humphrey Fifield* and *Thomas Symons*, Churchwardens of the ſaid Pariſh, during ſuch Time as they ſhall reſpectively continue or be the Rector, Curate, and Churchwardens of the ſaid Pariſh, and their Succeſſors the Rector, Curate, and Churchwardens of the ſaid Pariſh for the Time being, together with *Edward Read*, Sir *Henry Wilſon* Knight, *Lancelot Holland*, *Henry Rowles*, *James Neild*, *John Gregory*, *William Forſteen*, *Alexander Stephens*, *Peter Denys*, *Thomas Richardſon*, the Reverend *Henry Bate Dudley*, *Robert Moate*, *John Hamilton*, *Joſeph Munday*, *William Gibbs*, *Thomas Long*, *William Cooper*, *Iſaac Hutchinſon*, *John Rolls*, *Thomas Turner*, and *William Barton*, and their Succeſſors to be elected in Manner herein-after mentioned, ſhall be, and they are hereby

Appointment of Truſtees.

appointed Truſtees for carrying this Act into Execution during ſuch Time only as they ſhall continue to act and be Houſeholders within the ſaid Pariſh; and that when any of the ſaid Truſtees (except the ſaid Rector, Curate, and Churchwardens for the Time being) ſhall die, refuſe, or diſcontinue to act for the Space of Two whole Years, or ceaſe to be a reſident Houſeholder within the ſaid Pariſh, then the Inhabitants of the ſaid Pariſh, ſhall at their next or any future public Meeting in Veſtry, after ſuch Death, Refuſal, or diſcontinuing to act, or ceaſing to be a reſident Houſeholder within the ſaid Pariſh as aforeſaid, of any of the ſaid Truſtees, appoint another Perſon, being a reſident Houſeholder within the ſaid Pariſh, to be a Truſtee in the Stead of him ſo dying, refuſing, or diſcontinuing to act, or ceaſing to be a reſident Houſeholder as aforeſaid.

New Truſtees to be appointed by the Inhabitants aſſembled in Veſtry.

First Meeting of Truſtees;

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

may adjourn or meet without Adjournment.

Seven competent to act, and the Proceedings of a Majority at any Meeting to be valid.

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

III. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees for the Time being, and from Time to Time to appoint a Clerk and Treaſurer, and alſo a Collector or Collectors of the Rates or Aſſeſſments to be made by virtue of this Act, and ſuch other Officers and Perſons, with ſuch Salaries, Allowances, or Gratuities as they the ſaid Truſtees ſhall think neceſſary or expedient for effecting the Purpoſes of this Act, and ſhall or may take Security from their Treaſurer and Collector or Collectors for the due Execution of the reſpective Offices of Treaſurer and Collector; and that it ſhall and may be lawful to and for the ſaid Truſtees from Time to Time to diſcharge any ſuch Clerk, Treaſurer, Collector or Collectors, and other Officers and Perſons as aforeſaid, when and as they ſhall think proper.

To take Securities from the Treaſurer and Collectors.

To ſue and be ſued in the Name of the Veſtry Clerk.

IV. And be it further enacted, That the ſaid Truſtees ſhall from Time to Time ſue and be ſued in the Name of the Veſtry Clerk of the ſaid Pariſh of *Saint Luke, Chelſea*, for the Time being; and that no Action or Suit ſo brought or commenced ſhall abate or be diſcontinued by the Death of the ſaid Veſtry Clerk, or by any Act of the ſaid Veſtry Clerk, without the Conſent of the ſaid Truſtees; but that ſuch Veſtry Clerk for the Time being ſhall be always deemed Plaintiff or Defendant in every ſuch Action or Suit, as the Caſe ſhall happen.

V. Provided

V. Provided always, and be it further enacted, That ſuch Veſtry Clerk ſhall be reimburſed out of the Monies ariſing or to ariſe by virtue of this Act, and indemnified againſt all ſuch Coſts, Charges, Damages, and Expences, as by the Event of any ſuch Action or Suit he ſhall be put unto, or become charged or chargeable with, on account of any ſuch Action or Suit. Veſtry Clerk to be reimburſed his Expences.

VI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to contract and agree with any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, Corporation or Corporations Aggregate or Sole, or with any Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees of or for Lunatics or Idiots, who ſhall be or be deemed to be the Owner or Owners, Proprietor or Proprietors, or otherwiſe intereſted in any Lands, Grounds, or Hereditaments within the ſaid Pariſh, which the ſaid Truſtees ſhall judge neceſſary and proper to be purchaſed for the Purpoſes mentioned in this Act, for the abſolute Purchaſe of any Quantity of ſuch Land or Ground, not exceeding Five Acres in the Whole; and that the Monies to be paid for the Purchaſe thereof ſhall be certified for Payment by the ſaid Truſtees, or any Seven or more of them, to their Treaſurer in Manner herein-after mentioned, and ſhall be by him paid out of any Monies which may come to his Hands by virtue of this Act, to the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intitled thereto; or ſhall be laid out and diſpoſed of by him in the Bank of *England*, in the Manner by this Act directed, as the Caſe may be. Truſtees empowered to contract for the Purchaſe of Land.

VII. And be it further enacted, That it ſhall and may be lawful to and for all Bodies Politic, Corporate and Collegiate, and for all Corporations, whether Aggregate or Sole, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees of or for Lunatics and Idiots, and all other Truſtees whomſoever, not only for and on Behalf of themſelves, but alſo for and on Behalf of their *Ceſtuique* Truſts reſpectively, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons under any Diſability of acting for himſelf, herſelf, or themſelves, and alſo to and for all Femes Covert who are or ſhall be ſeized in their own Right, and to and for all Perſons, whether Tenants for Life in Tail General or Special, or for Years determinable on any Life or Lives, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeized, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments within the ſaid Pariſh, to treat and agree with the ſaid Truſtees for carrying this Act into Execution, or any Seven or more of them, for the abſolute Sale of any Piece or Pieces of ſuch Land or Ground, not exceeding Five Acres in the Whole, and to convey the ſame to the ſaid laſt mentioned Truſtees, or any Seven or more of them, and their Succeſſors, for the Purpoſes mentioned in this Act; and that all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made by virtue and in purſuance of this Act, ſhall, without any Fine or Fines, Recovery or Recoveries, be good, valid, and effectual, to all Intents and Purpoſes, not only to convey the Eſtate and Intereſt of the Perſon or Perſons conveying or intending to convey the ſame, but alſo to convey all Right, Title, Eſtate, and Intereſt, Uſe, Property, Claim, and Demand whatſoever of the ſaid ſeveral and reſpective Corporations, &c. empowered to ſell and convey.

Ceſtuique Truſts, and all other Perſons claiming or to claim by, from, or under them; any Law, Statute, Uſage, or any other Matter or Thing whatſoever to the contrary thereof notwithſtanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, Truſtees, and all other Perſons whomſoever, are and ſhall be hereby indemnified for what they ſhall do by virtue of or in purſuance of this Act.

Directions for applying the Purchaſe Money if 200l. or upwards.

VIII. And be it further enacted, That if any Money ſhall be paid or agreed 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 other 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 authorize 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.

IX. Provided

IX. Provided always, and be it further enacted, That if any Money so agreed 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 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 Seven 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 200l. and exceeding 20l.

X. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said last mentioned Trustees, or any Seven 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.

Where less than 20l.

XI. 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 intitled 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

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

was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully intitled to ſuch Lands, Tenements, and Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XII. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, intitled 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.

Upon Payment of the Purchaſe Money and Execution of a Conveyance.

XIII. And be it further enacted, That upon Payment of the Money ſo contracted or agreed to be paid for the Purchaſe of ſuch Lands, Tenements, or Hereditaments, by the ſaid Truſtees for carrying this Act into Execution, or any Seven or more of them, to the Perſon or Perſons reſpectively intitled to ſuch Monies, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpoſes of being diſpoſed of in Manner hereinbefore directed, and upon a Conveyance or Conveyances of ſuch Lands, Tenements, or Hereditaments, being duly executed by the Perſon or Perſons intitled thereto or intereſted therein, or by his, her, or their Guardian or Guardians, Truſtee or Truſtees, or Committee or Committees, in caſe of Infancy, Coverture, Lunacy, or Idiotcy, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, both at Law and in Equity, of the Perſon or Perſons for whoſe Uſe the ſame ſhall be paid, and of the Perſon or Perſons who ſhall have executed ſuch Conveyance or Conveyances in, to, or out of ſuch Lands, Tenements, or Hereditaments,

Lands to veſt in the Truſtees and their Succeſſors.

ſhall veſt in the ſaid Truſtees for carrying this Act into Execution and their Succeſſors for ever, for the Uſe and Purpoſes of this Act, but ſubject nevertheleſs to ſuch Leaſe or Leaſes for ſuch Term or Terms of Years as ſhall or may be exiſting and unexpired, of and concerning the ſaid Land, Ground, and Hereditaments, or any Part thereof, in ſuch and the like Manner, and with ſuch and the like Powers and Authority, to all Intents and Purpoſes whatſoever, for determining and making void ſuch Leaſe or Leaſes and otherwiſe, as if the ſaid Truſtees for carrying this Act into Execution, or any Seven or more of them, had been minded and deſirous to take the ſaid Land, Ground, and Premiſes into their Hands and Poſſeſſion, for the Purpoſe of building upon the ſame, or for any other Purpoſe whatſoever.

Truſtees to incloſe the Ground.

XIV. And be it further enacted, That the ſaid Truſtees for carrying this Act into Execution, ſhall when and ſo ſoon as any ſuch Purchaſe ſhall be made and completed by virtue of this Act, cauſe the Land or Ground ſo to be purchaſed as aforeſaid, or ſuch Part or Parts thereof, as they or any Seven or more of them ſhall judge neceſſary, to be incloſed and fenced in

in with a good and ſubſtantial Brick Wall or other Fence, not leſs than Nine Feet high above the Surface of ſuch Ground, and do all other Things neceſſary and proper for making ſuch Ground fit and convenient for the Burial of the Dead, and ſhall or may cauſe a Building to be erected on ſome Part of the ſaid Ground for the Accommodation of the officiating Miniſter in performing the Burial Service; and the ſaid Truſtees ſhall, and they are hereby required from Time to Time (and during all ſuch Time as the Churchwardens of the ſaid Pariſh for the Time being, are by this Act directed to account with and pay to them the Fees ariſing for Burials within the ſaid Ground) to keep the ſaid intended Fence and Building ſo to be erected, in good and proper Repair and Condition, and to pay the Expence thereof out of the Monies to ariſe by virtue of this Act.

Empowered to contract for erecting a Fence, &c.

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees for carrying this Act into Execution, or any Seven or more of them, to receive Propoſals from and contract with any Perſon or Perſons for the building or erecting the ſaid intended Fence, Wall, or Incloſure, and Building, and for the finding or providing proper Materials for the Purpoſe or Purpoſes aforeſaid, or any of them, and that the Contract or Contracts to be made on the Occaſion aforeſaid, ſhall be ſigned by the ſaid Truſtees, or any Seven or more of them, and alſo by the Perſon or Perſons with whom the ſame ſhall be reſpectively made or entered into, and ſhall ſpecify or contain the ſeveral Works and Things to be done in purſuance of or in conſequence thereof, and the Price or Prices to be paid for the ſame, and the Time or Times when ſuch Work ſhall be completed, and the Penalty to be ſuffered in the caſe of Non-performance of ſuch Contract or Contracts, and that due Notice ſhall be given by the ſaid Truſtees of their Intention to meet at a certain Time and Place in ſuch Notice to be mentioned, for the Purpoſe of receiving ſuch Propoſals and contracting as aforeſaid, and that it ſhall be lawful to and for the ſaid Truſtees, or any Seven or more of them, to take ſuch Security from any Perſon or Perſons entering into ſuch Contract or Contracts for enforcing the due Performance thereof, as to the ſaid Truſtees ſhall ſeem neceſſary.

To inforce Contract.

XVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, to cauſe all and every the Works to be done in purſuance of this Act to be viewed by ſuch Surveyor or Surveyors, as they ſhall from Time to Time appoint, and in caſe the ſame ſhall not be well and ſufficiently performed, according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed within the Time or Times as the ſame ſhall be agreed to be completed, ſuch Surveyor or Surveyors ſhall report the ſame to the ſaid Truſtees, who, in the Name of the Veſtry Clerk of the ſaid Pariſh for the Time being, may bring an Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any Perſon or Perſons making Default in the Premiſes, for the Recovery of any Penalty or Penalties which ſhall be contained in any ſuch Contract, or for the Breach of any of the Covenants or Agreements therein contained, and receive and apply the Money to be recovered in any ſuch Action, (after deducting thereout in the firſt Place the Expences or Charges neceſſarily attending the ſame, and not allowed therein,) for the Purpoſes of this Act.

XVII. And

To compound Actions.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, from Time to Time to compound or agree with the Defendant or Defendants in any Action or Actions to be commenced for the Recovery of any ſuch Penalty or Penalties as aforeſaid, for ſuch Sum or Sums of Money as they ſhall think reaſonable, but not leſs than the real Injury or Damage ſuſtained by the Breach of the Contract or Contracts in which ſuch Penalty or Penalties ſhall be contained, and all Coſts, Charges, and Expences which ſhall be occaſioned thereby.

Ground to be conſecrated.

XVIII. And be it further enacted, That the ſaid Ground, or a ſufficient Part thereof, when incloſed, and alſo the Building ſo to be erected, ſhall be conſecrated according to the Uſage of the Church of *England*, and ſhall for ever thereafter be uſed as and for an additional Burial Ground for the ſaid Pariſh of *Saint Luke, Chelſea*.

The Rector to be intitled to the ſame Fees as for the other Burial Grounds.

XIX. And be it further enacted, That the Rector, Churchwardens, Clerk and Sexton of the ſaid Pariſh for the Time being, ſhall reſpectively, from Time to Time, have, receive, take, and enjoy, the like Burial Fees, Dues and Profits, from or in reſpect of the Burials, Monuments, Tombs, or other Stones to be erected or placed within the ſaid intended Burial Ground, as are now payable to the ſaid Rector, Churchwardens, Clerk, and Sexton, for or in reſpect of Burials or Monuments, Tombs, and other Stones, within the preſent Burial Grounds of the ſaid Pariſh, or ſuch other Rates, Fees, and Dues, with reſpect to the Burials and the erecting of Monuments, Tombs, and other Stones, within the ſaid intended Burial Ground, as may hereafter from Time to Time be ordered, ſettled, and eſtabliſhed by the Rector, Curate, Churchwardens, and the reſt of the Truſtees, or any Seven or more of them, with the Approbation of the Ordinary of the Dioceſe for the Time being.

Truſtees to borrow any Sum not exceeding 6000l.

XX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and empowered, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding in the whole the Sum of Six thouſand Pounds, at as low a Rate of Intereſt as the ſame can be procured, ſo as ſuch Intereſt do not exceed the Rate of Five Pounds *per Centum per Annum*;

The Principal and Intereſt charged on the Fees and Aſſeſſments.

which Money ſo to be borrowed, and the Intereſt thereof, is and are hereby charged upon the Fees which ſhall be received by the Churchwardens of the ſaid Pariſh for the Time being, on account of the Burials, Monuments, Tombs, and other Stones, to be placed in the ſaid intended Burial Ground, and alſo upon the Rates and Aſſeſſments to be made from Time to Time upon the Inhabitants of the ſaid Pariſh, by virtue of this Act, and for ſecuring the Repayment of the Money ſo to be borrowed, and the Intereſt thereof, the ſaid Truſtees, or any Seven or more of them, ſhall or may,

Truſtees to aſſign the Fees and Aſſeſſments by Way of Security.

by Writing under their Hands and Seals, aſſign over the ſaid Fees ſo to be received, and alſo the ſaid Rates and Aſſeſſments to be from Time to Time made by virtue of this Act, to any Perſon or Perſons who ſhall advance and lend the ſame, their reſpective Executors, Adminiſtrators, and Aſſigns, which Aſſignment ſhall be in the Words or to the Effect following; that is to ſay,

WE

'WE of the Truſtees for putting in Execution an Act of Parliament paſſed in the Fiftieth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act,*] in Conſideration of the Sum of advanced and lent by of upon the Credit and for the Purpoſes of the ſaid Act, do hereby aſſign unto the ſaid Executors, Adminiſtrators, and Aſſigns, the Fees ariſing and payable to the Churchwardens of the ſaid Pariſh on Account of Burials, Monuments, Tombs, and other Stones in the ſaid Burial Ground, and alſo all Rates and Aſſeſſments to be from Time to Time made on the Inhabitants of the ſaid Pariſh by virtue of the ſaid Act for the Purpoſes thereof, to hold the ſame unto the ſaid Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame after the Rate of *per Centum per Annum*, to be paid Half-yearly, ſhall be fully paid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals the Day of One thouſand eight hundred and' Form of Aſſignment.

And all Perſons to whom ſuch Aſſignments ſhall be made, or who ſhall be intitled to the Money thereby ſecured, ſhall be in Proportion to the Sums therein reſpectively mentioned, Creditors on the ſaid Fees, Rates, and Aſſeſſments ſo to be aſſeſſed as aforeſaid, equally one with another, without any Preference in reſpect of the Priority of advancing any ſuch Monies, or the Dates of ſuch Aſſignments. Creditors to be entitled without Preference.

XXI. Provided always, and be it further enacted, That in caſe the ſaid Truſtees, or any Seven or more of them, ſhall think it adviſable to raiſe all or any Part of the ſaid Money, not exceeding in the whole the Sum of Six thouſand Pounds, for the Purpoſes of this Act, by the granting of Annuities for Lives, then it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant an Annuity or Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay into the Hands of the ſaid Truſtees, or any Seven or more of them, or their Treaſurer for the Time being, any Sum or Sums of Money for the abſolute Purchaſe of any ſuch Annuity or Annuities, to be paid and payable during the natural Life of ſuch One Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor or Contributors reſpectively, at the Time of the Payment of his, her, or their Purchaſe Money or Monies, ſo that no ſuch Annuities 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; that is to ſay, Truſtees may raiſe the whole or any Part of the ſaid Sum by Way of Annuity. Power to grant Annuities.

'WE of the Truſtees appointed by or in purſuance of an Act of Parliament made and paſſed in the Fiftieth Year of the Reign of His Majeſty King *George* the Third, intituled, [*here ſet forth the Title of this Act,*] in Conſideration of the Sum of paid by of to us upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant unto the ſaid Executors, Adminiſtrators, and Aſſigns, One Annuity or clear Yearly Sum of out of the Fees, Rates, and Aſſeſſments authorized to be received, made and applied for the Pur-' Form of Grant.

‘ poſes aforeſaid, which ſaid Annuity or Yearly Sum of
‘ ſhall be paid to the ſaid
‘ Executors, Adminiſtrators, or Aſſigns, by Half-yearly Payments, upon
‘ the and the
‘ or within after each of the ſaid Days in every Year during
‘ the Life of and the Sum of being
‘ a fractional Part of the Firſt Payment thereof, ſhall be paid on the
‘ Day of next enſuing the Date of theſe Preſents,
‘ and the ſaid Executors, Adminiſtrators, or Aſſigns, ſhall
‘ be entitled to and receive a proportionate Part of the ſaid Annuity
‘ from the laſt of the ſaid Days appointed for Payment thereof, up to the
‘ Day of the Death of the ſaid In Witneſs
‘ whereof we have hereunto ſet our Hands and Seals the Day
‘ of .’

Annuitants and Mortgagees to be intitled without Preference.

And every ſuch Grant ſhall be good and valid in the Law, and ſhall not be ſubject to the Proviſions of any Act or Acts of Parliament now in force relative to the regiſtering of Annuities; and the ſeveral Annuities ſo to be granted ſhall be, and they are hereby charged upon and made payable out of the ſaid Fees, Rates, and Aſſeſſments herein-before mentioned, with the Monies to be borrowed as aforeſaid, equally one with another, and without any Preference in reſpect of Priority of advancing or contributing to the ſaid Loan or Loans, or Purchaſe Money, or the Date of any ſuch Aſſignment or Aſſignments, Grant or Grants.

Aſſignments and Grants may be transferred.

XXII. And be it further enacted, That it ſhall and may be lawful for the Perſon and Perſons who ſhall be entitled to any Monies which ſhall be borrowed or Annuities to be granted as aforeſaid, by Writing under his, her, or their Hand or Hands, and Seal or Seals, to transfer the ſame to any Perſon or Perſons by Indorſement thereon or otherwiſe, to be executed in the Preſence of Two or more credible Witneſſes in the Form or to the Effect following; (that is to ſay)

Form of Transfer.

‘ I do hereby aſſign and transfer the within Aſſignment (or Annuity),
‘ and all my Right, Title, and Intereſt in and to the ſame, and the
‘ Money thereby ſecured, unto *A. B.* Executors, Ad-
‘ miniſtrators and Aſſigns. Witneſs my Hand and Seal this
‘ Day of .’

Copies, &c. of Aſſignments, Grants, and Transfers, to be entered in a Book, to which any Perſon intereſted may have acceſs.

And Copies of all Aſſignments and Grants which ſhall be made in purſuance of this Act, and all Transfers thereof as aforeſaid, or ſuch Extracts from the ſaid Aſſignments, Grants, and Transfers, as the ſaid Truſtees ſhall deem ſufficient and neceſſary, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, to which Book any Perſon intereſted ſhall at all ſeaſonable Times have acceſs, and ſhall have free Liberty to inſpect the ſame; and for the Entry of every ſuch Transfer there ſhall be paid to the ſaid Clerk Two Shillings and Sixpence and no more; and after ſuch Entry ſhall be made of any ſuch Aſſignment, Grant, or Transfer, every ſuch Aſſignment, Grant, and Transfer ſo entered ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, or their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Securities ſo to be aſſigned, granted, or transferred; and that whenever the ſaid Truſtees ſhall be enabled to pay off any of the Money which ſhall be borrowed as aforeſaid, they ſhall aſcertain the Securities ſo to be paid off from Time to Time by Ballot in ſuch Manner as they ſhall think proper; and after ſuch Ballot, the ſaid Truſtees ſhall

Debt to be paid off by Ballot.

cauſe

cauſe Notice, ſigned by their Clerk, to be given to or left at the uſual Place of Abode of the Perſon or Perſons who ſhall be entitled to the Money to be paid off, purſuant to ſuch Ballot; and ſuch Notice ſhall expreſs the Sum to be paid off, together with the Intereſt due thereon, and that the ſame ſhall be paid at a Place to be mentioned in ſuch Notice, at the Expiration of Three Calendar Months from the Day of giving or leaving ſuch Notice as aforeſaid; and the Intereſt of the ſaid Principal Money ſo to be paid off, ſhall from and after the End of the ſaid Three Calendar Months ceaſe, and be no longer paid or payable, unleſs ſuch Money ſhall have been demanded purſuant to ſuch Notice, and not have been paid.

Upon Notice to be given to Perſons to be paid off, Intereſt to ceaſe.

XXIII. And be it further enacted, That all and every Sum and Sums of Money which ſhall be borrowed or raiſed by way of Annuity as aforeſaid, or otherwiſe received by any of the ſaid Truſtees or Treaſurer for the Time being, by virtue or in purſuance of this Act ſhall, when ſo received by them, be paid into the Hands of their Treaſurer, to be applied by him in carrying the Purpoſes of this Act into Execution.

All Monies to be borrowed or raiſed, or otherwiſe received by the Truſtees, to be paid to the Treaſurer.

XXIV. And be it further enacted, That all and every the Payments of Intereſt of Money to be borrowed, and of Annuities to be granted by virtue of this Act, together with all other Payments, Salaries, Allowances, Charges, and Expences whatſoever, incurred or to be incurred by the ſaid Truſtees for any Matter or Thing purchaſed, or to be purchaſed, done, executed, contracted, or paid for, in purſuance of this Act, and for the Purpoſe of carrying the ſame into Execution, ſhall be firſt certified to the Treaſurer by Writing, under the Hands of Seven or more of the ſaid Truſtees; and the ſaid Treaſurer ſhall, and he is hereby directed and required within Seven Days after the Receipt of every ſuch Certificate, (in caſe he ſhall then have ſo much Money in his Hands as Treaſurer to the ſaid Truſtees), to pay the Sum or Sums of Money to be ſpecified therein to the Perſon or Perſons entitled to receive the ſame.

All Payments by the Treaſurer to be made under a Certificate.

XXV. And be it further enacted, That for the better ſecuring the Repayment of the Money ſo to be borrowed with Intereſt, and alſo for ſecuring the due Payment of the ſaid Annuities ſo to be granted upon the Credit of the Fees, Rates, and Aſſeſſments herein-before mentioned, and alſo for defraying the other contingent and incidental Expences of carrying the Purpoſes of this Act fully into Execution, it ſhall and may be lawful to and for the ſaid Truſtees, or any Seven or more of them, and they are hereby directed and required to meet within Six Months next after the paſſing of this Act, and alſo once or oftener in every Year afterwards, and by any Writing under their Hands to make one or more Rate or Rates, Aſſeſſment or Aſſeſſments, upon all and every Perſon and Perſons who do or ſhall inhabit, hold, uſe, occupy, poſſeſs, and enjoy any Land, Houſe, Shop, Warehouſe, Coachhouſe, Stable, Cellar, Vault, Building, or other Tenement whatſoever, within the ſaid Pariſh (except for or in reſpect of the Glebe Lands of or belonging to the Rectory of the ſaid Pariſh, or any Houſe, Tenement, or Building now erected or hereafter to be erected upon the ſaid Lands or any Part thereof) in ſuch Manner and at ſuch Pound Rate as the ſaid Truſtees ſhall adjudge competent and neceſſary to and for all the Purpoſes of this Act, ſo as no ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, ſhall exceed the Sum of Sixpence in the Pound in any one Year of the full or according to ſuch Proportion

Truſtees to make Rates.

according to the like Proportions as the Rental of the Poors' Rates.

portion of the Yearly Rent or Value as the ſame Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, and other Tenements and Premiſes, ſhall from Time to Time be aſſeſſed to the Rates for the Relief of the Poor within the ſaid Pariſh; and for the Purpoſe of preparing ſuch Rates or Aſſeſſments, the Clerk to the ſaid Truſtees ſhall, from Time to Time, have free Acceſs to the ſaid Rates for the Relief of the Poor of the ſaid Pariſh.

Houſes, &c. hereafter to be built liable to Rates.

XXVI. And be it further enacted, That all Houſes and other Buildings which ſhall hereafter be erected or built in the ſaid Pariſh, (except on the Glebe Lands as aforeſaid), ſhall be rated and aſſeſſed for the Purpoſes of this Act, in the ſame Manner and Proportion as other Houſes or Buildings within the ſaid Pariſh ſhall be then rated or aſſeſſed.

Landlords of Houſes let in ſeparate Apartments or ready furniſhed deemed the Occupiers.

XXVII. And be it further enacted, That the ſeveral Leſſors, Landlords, Owners, or Proprietors of all ſuch Houſes, Buildings, Tenements, or Hereditaments within the ſaid Pariſh, let or which hereafter ſhall be let out in Parts, or ſeparate Apartments, or ready furniſhed, ſhall reſpectively be deemed and taken to be the Occupiers thereof, and ſhall be liable and ſubject to the Payment of the Rates or Aſſeſſments directed by this Act to be made, raiſed, levied, and received; and that each and every Perſon renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid, ſhall in the firſt Inſtance be liable to the Payment of the ſaid Rates or Aſſeſſments, and all Arrears thereof, to be recovered in Manner hereinafter directed; and the reſpective Perſons ſo renting and occupying any ſuch Part or ſeparate Apartment, or ready furniſhed Houſe, or other Building or Tenement, who ſhall pay ſuch Rates or Aſſeſſments, or any Arrears thereof, or from whom the ſame ſhall be recovered in purſuance of this Act, ſhall and may deduct the ſame from and out of the next Rent or any other Rent due and payable by him, her, or them to ſuch reſpective Leſſor or Landlord, Owner or Proprietor, and the Receipt for ſuch Payment ſhall be a ſufficient Diſcharge for all and every ſuch Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord for ſo much Money as he, ſhe, or they ſhall pay, or ſhall be levied and recovered on the Goods and Chattels of him, her, or them reſpectively, by virtue of this Act: Provided always, that no ſuch Perſon ſo renting or occupying any ſuch Part or ſeparate Apartment as aforeſaid of any ſuch Houſe, Building, Tenement, or Hereditament, ſhall be ſubject or liable or required to pay for or in reſpect of any ſuch Rates or Aſſeſſments, or for or in reſpect of any ſuch Coſts, Charges, and Expences, any Sum or Sums of Money beyond the Amount of the Rent which ſhall be then actually due in reſpect of the ſaid Premiſes from him, her, or them reſpectively.

Tenants of Houſes let in ſeparate Apartments to pay Rates and deduct ſame out of their Rent.

This Act not to affect Agreements between Landlords and Tenants.

XXVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to affect or make void any Contract, Covenant, or Agreement made between any Landlord or Tenant touching or concerning the Payment of the Rates or Aſſeſſments to be made, raiſed, and collected by virtue of this Act.

Rates to be paid to the Collectors at ſuch Times as the Truſtees ſhall appoint.

XXIX. And be it further enacted, That all and every the Rate and Rates, Aſſeſſment and Aſſeſſments to be made by virtue of this Act, ſhall be paid by the Perſons inhabiting or occupying, or who by this Act ſhall be deemed to inhabit or occupy the ſaid Lands, Houſes, Shops, Warehouſes, Coach-houſes, Stables, Cellars, Vaults, Buildings, and other Tenements and Premiſes reſpectively, at ſuch Time or Times, and in ſuch Manner and Proportions as the ſaid Truſtees at the Time of making ſuch

Rates

Rates or Aſſeſſments reſpectively ſhall direct or appoint, to the Collector or Collectors to be appointed by the ſaid Truſtees as aforeſaid to gather and collect the ſame.

Perſons liable to the Payment of Rates in Proportion to the Time they occupy.

XXX. Provided always, and be it further enacted, That whenever any Perſon or Perſons ſhall come into or occupy any Houſe, Land, Tenement, or Hereditament, out of or from which any other Perſon or Perſons aſſeſſed ſhall be removed, or which at the Time of making any ſuch Rate or Aſſeſſment, was empty or unoccupied, that then every Perſon ſo removing from and every Perſon ſo coming into or occupying the ſame, ſhall be liable to pay ſuch Rate or Aſſeſſment, in Proportion to the Time that ſuch Perſon or Perſons occupied the ſame reſpectively, and the Proportion of the ſaid Rate or Aſſeſſment ſhall be levied and recovered in the ſame Manner as if ſuch Perſon ſo removing had not removed, or ſuch Perſon ſo coming in or occupying had been originally rated or aſſeſſed in ſuch Rate or Aſſeſſment, which ſaid Proportion, in caſe of Diſpute, ſhall be aſcertained by any one or more of His Majeſty's Juſtices of the Peace for the ſaid County.

For Recovery of Rates.

XXXI. And be it further enacted, That if any Perſon or Perſons, liable to the Payment of any ſuch Rates or Aſſeſſments, ſhall refuſe and neglect to pay the ſame, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Collector or Collectors, and he and they is and are hereby authorized and required by Warrant, under the Hands and Seals of any Two or more of His Majeſty's Juſtices of the Peace acting in and for the ſaid County, which Warrant ſuch Juſtices are hereby authorized and required to grant, (upon Proof being made upon Oath of the Demand and Non-payment thereof, which Oath and Oaths the ſaid Juſtices are hereby authorized and required to adminiſter), to levy all and every ſuch Rates and Aſſeſſments by Diſtreſs and Sale of the Goods and Chattels of ſuch Perſon or Perſons ſo refuſing or neglecting to pay the ſame, which ſhall be found either in the ſaid Pariſh, or in any other Pariſh, Liberty, or Place, in the ſaid County of *Middleſex*; but if ſufficient Diſtreſs cannot be found within the ſaid County, then in any other County, City, Liberty, or Place, upon ſuch Warrant being counterſigned by ſome one Juſtice of the Peace of ſuch other County, City, Liberty, or Place, which Warrant ſuch Juſtice is hereby authorized and required to counterſign; and if within Five Days after ſuch Diſtreſs or Diſtreſſes ſhall be made, the ſaid reſpective Rates or Aſſeſſments, and all Arrears thereof ſhall not be paid, together with the Coſts and Charges of taking and keeping the ſame, the ſaid Collector or Collectors ſhall cauſe the ſaid Goods and Chattels, or a ſufficient Part thereof, to be appraiſed and ſold, rendering to the ſaid Perſon or Perſons the Overplus (if any there be), after deducting the ſaid Rates or Aſſeſſments and all Arrears thereof, and the reaſonable Coſts and Charges attending ſuch Diſtreſs and Sale, which Coſts and Charges, in caſe of Diſpute, ſhall be ſettled and aſcertained by any one or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Middleſex*.

Juſtices may act in the Execution of this Act, although they may be Truſtees or chargeable with the Rates.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for any of His Majeſty's Juſtices of the Peace for the County of *Middleſex*, to make, do, and execute all and every Act or Acts, Matters and Things, appertaining to their Office, as a Juſtice or Juſtices of the Peace, ſo far as the ſame relates to the Execution of this Act, or the enforcing Payment of or levying the Rates or Aſſeſſments to be made in purſuance thereof, notwithſtanding any ſuch Juſtice or Juſtices of the Peace

Peace shall or may be a Trustee for carrying this Act into Execution, or rated to or chargeable with the said Rates or Assessments to be made in pursuance of this Act.

Collectors to pay the Monies collected to the Treasurer.

XXXIII. And be it further enacted, That the Collector and Collectors of the Rates and Assessments to be made by virtue of this Act shall, and he and they is and are hereby required from Time to Time, when and as he and they shall respectively collect, recover, and levy the Monies to arise thereby, to pay the same into the Hands of the Treasurer of the said Trustees for the Time being, to be applied and paid by the said Treasurer for the Purposes of this Act, pursuant to and under the Authority herein-before mentioned; and upon the Payment of every such Sum of Money to such Treasurer, every such Collector shall take a Receipt for the same, and produce such Receipt within Seven Days next after every such Payment shall be made unto the Clerk to the said Trustees, to be by him entered in a Book to be kept for that Purpose.

The Treasurer and Collectors to account upon Oath, &c.

XXXIV. And be it further enacted, That the Treasurer to the said Trustees, and every Collector of the Rates and Assessments to be made by virtue of this Act, shall, when thereunto required by the said Trustees or any Seven or more of them, make up and render true and perfect Accounts, verified on their Oaths respectively (which Oaths the said Trustees or any Seven or more of them are hereby authorized and empowered to administer) of all Monies by them received and paid in pursuance of this Act, and shall produce Receipts and Vouchers for all such Payments, and shall pay over all Money which upon any such Account shall appear to be remaining in his or their Hand or Hands, to such Person or Persons as the said Trustees, or any Seven or more of them shall, at any Meeting to be held in pursuance of this Act, by Writing under their Hands, direct and appoint to receive the same; and every such Collector shall at the Time appointed for rendering every such Account, produce a true and perfect List or Schedule in Writing, to be verified as aforesaid, containing the Names of all Persons assessed, and who shall not have paid the Sums assessed, on them, and given him in charge to collect, together with the Amount of the Arrear due from every such Person respectively; and in case any such Treasurer or Collector shall refuse or neglect so to do, it shall and may be lawful in any or either of the said Cases, to and for any one or more of His Majesty's Justices of the Peace for the said County, on sufficient Proof thereof, to commit such Defaulter or Defaulters to the Common Gaol of the same County, there to remain without Bail or Mainprize until he or they shall have made a true Account, and verified the same on Oath as aforesaid, and satisfied and paid such Sum or Sums of Money, as upon such Account shall appear to be remaining due in his or their Hands; but no such Defaulter shall be detained or kept in Prison under the Authority of this Act, for any longer Space of Time than Six Calendar Months.

The Churchwardens, until Debt paid off and Annuities cease, to account with and pay the Trustees for all Fees received by them in respect of said Ground.

XXXV. 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 all Interest thereon shall be discharged, and the Annuities to be granted as aforesaid shall cease, Yearly, upon such Day of the Month of *June* as the said Trustees shall direct, render to them the said Trustees, an Account of the several Sums of Money which the said Churchwardens shall have received for or in respect of all Burials, Monuments, Tombs, and other Stones in the said intended Burial Ground, and shall also pay unto the said Trustees or their Treasurer, at the Time of rendering every such Account, all such Monies as shall have so come into their Hands respectively.

XXXVI. And

XXXVI. And be it further enacted, That the Clerk to the ſaid Truſtees ſhall, and he is hereby required to make, in a Book or Books to be kept for that Purpoſe, regular and fair Entries of all Receipts of, and Payments to be made by the Treaſurer to the ſaid Truſtees as aforeſaid, and in the ſame or ſome other Book or Books, to enter and keep an Account of all the Proceedings of the ſaid Truſtees, and to produce ſuch ſeveral Books and Accounts at all and every of the Meetings of the ſaid Truſtees, and at ſuch other Times and Places when, where and as often as he ſhall be thereunto required by them, or any Seven or more of them.

The Clerk to enter Accounts and Proceedings of Truſtees in a Book or Books, and produce the ſame when required.

XXXVII. And be it further enacted, That all Charges and Expences incident to and attending the obtaining and paſſing this Act, together with all Monies, if any, to be advanced by the ſaid Truſtees or either of them, for or towards the Purchaſe of the ſaid Ground, Hereditaments and Premiſes, or otherwiſe, ſhall be paid to or retained by them out of the firſt Monies which may come to their Hands, or to the Hands of their Treaſurer by virtue of this Act.

Expences of the Act, how to be paid.

XXXVIII. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, or by reaſon of any Order, Judgement, or Determination of any Juſtice or Juſtices of the Peace acting in 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 Seſſions 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.

Perſons diſſatisfied may appeal to the Quarter Seſſions.

XXXIX. 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 Luke*, *Chelſea*, or over the Miniſter or Churchwardens, or in, over, or relative to any Matter or Thing reſpecting the ſaid Pariſh, Miniſter or Churchwardens.

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

XL. And be it further enacted, That no Rate, Aſſeſſment or any other Proceeding had, made, or done under or by virtue of this Act, or touching any of the Matters aforeſaid, ſhall be quaſhed or vacated for Want of Form only, or be removed or removeable by Writ of *Certiorari*, or any other

Neither Rates or Proceedings to be quaſhed for Want of Form.

other Writ or Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law, Statute, or Uſage to the contrary thereof in anywiſe notwithſtanding, and that where any Diſtreſs ſhall be made for any Sum or Sums of Money, Rates or Aſſeſſments, to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on account of Want of Form in any Proceedings relating thereto; nor ſhall the Party or Parties be deemed a Treſpaſſer or Treſpaſſers *ab initio* on account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity may recover Satisfaction for the ſpecial Damages in an Action on the Caſe: Provided always,

Plaintiffs not to recover, unleſs Notice of Action or Tender of ſufficient Amends have been made.

that no Plaintiff or Plaintiffs ſhall recover in any Action to be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, unleſs Notice in Writing ſhall have been given to the Defendant or Defendants Twenty-eight Days before ſuch Action ſhall be commenced, and ſigned by the Attorney for the Plaintiff or Plaintiffs, ſpecifying the cauſe of ſuch Action, nor ſhall the Plaintiff or Plaintiffs recover in any ſuch Action, if Tender of ſufficient Amends ſhall have been made to him, her, them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful to and for the Defendant or Defendants in any ſuch Action, by Leave of the Court where ſuch Action ſhall be brought, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he, ſhe, or they ſhall ſee fit; whereupon ſuch Proceeding, Order, and Judgement ſhall be had, made, and given in and by ſuch Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLI. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, ſuch Action or Suit ſhall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid in the County of *Middleſex*, and not elſewhere, and the

General Iſſue.

Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon; and if the Jury ſhall find for the Defendant or Defendants in any ſuch Action or Suit, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or

Treble Coſts.

Defendants ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant hath in any other Caſes to recover Coſts by Law.

Public Act.

XLII. And be it further enacted, That this Act ſhall be deemed 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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