

ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 85.

An Act for providing additional Burying Ground for the Pariſh of *Saint Mary Abbotts Kenſington*, in the County of *Middleſex*. [21ſt *May* 1813.]

WHEREAS the Church Yard or Burying Ground of the Pariſh of *Saint Mary Abbotts*, *Kenſington*, in the County of *Middleſex*, is, by reaſon of the great Number of Burials therein, and the Increaſe of Inhabitants within the ſaid Pariſh, found to be too ſmall for the decent Interment of the Dead; and it is therefore highly neceſſary that ſome convenient Piece of Ground ſhould be provided as and for additional Burying Ground for the Uſe of the ſaid Pariſh: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the Vicar and Churchwardens for the Time being of the Pariſh of *Saint Mary Abbotts Kenſington*, aforeſaid, together with the Right Honourable *George Canning*, *John Alexander*, *Richard Arnold*, *George Auſt*, *Richard Chaſe*, *Joſeph Delafield* Senior, *Samuel Drewe*, *John Drinkwater*, *Stephen Goddard*, *William Hales*, *John Hall*, *Jonathan Hamſton*, *Robert Hamilton* Doctor in Divinity, *Samuel Harriſon*, *Samuel Hutchins*, *John Lomas*, *Edward Goldſtone Lutwyche*, *William Malcolm*, *William Mair*, Reverend *Hans Sanders Mortimer*, *Philip Egerton Ottey*, *William Phillimore*, *Alexander Ramſay Robinſon*, *Samuel Everingham Sketchley*, *William Smith*, the Reverend *Henry*

Truſtees appointed.

Henry Taylor, *John Samuel Torriano*, *Charles Weſton*, *Alexander Wilſon*, and *George Wightman*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and are hereby appointed Truſtees for putting this Act into Execution, during ſuch Time only as to the laſt named Thirty Truſtees and their Succeſſors, as they ſhall reſpectively continue to be reſident Houſeholders within the ſaid Pariſh; and if at any Time hereafter the Number of Truſtees ſhall, by Death, refuſing to act, or Removal out of the ſaid Pariſh, be reduced to Twenty-one, including the Vicar and Churchwardens for the Time being, it ſhall and may be lawful for the ſurviving or continuing Truſtees for the Time being, to elect out of the Inhabitants of the ſaid Pariſh, who ſhall reſpectively be in the Occupation of Lands or Tenements within the ſaid Pariſh, and paying to the Relief of the Poor thereof for or at the Rate of Fifty Pounds *per Annum*, or upwards, ſo many new Truſtees as, together with the ſurviving or continuing Truſtees, will make up the Number in the Whole Thirty-three, including the Vicar and Churchwardens for the Time being; and that the Truſtees ſo elected, and every of them, ſhall and may act under the Authority and in the Execution of this Act, as fully as if they had been appointed Truſtees in and by this Act; but no Truſtee appointed for putting this Act into Execution ſhall be capable of taking or holding, or be concerned or intereſted in any Contract for doing or performing any of the Works by this Act directed to be done and performed.

Power to appoint additional Truſtees.

II. And be it further enacted, That it ſhall be lawful for the Truſtees hereby nominated, or any Five or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in purſuance of this Act, to elect any Number of Perſons not exceeding Ten in the Whole, to be Truſtees for the Purpoſes of this Act, in addition to the Truſtees hereby appointed; and ſuch Truſtees ſo elected and being duly qualified, ſhall be and are hereby inveſted with the ſame Powers and Authorities for executing this Act, as if they had been herein named and appointed.

First Meeting of the Truſtees.

III. And be it further enacted, That the ſaid Truſtees ſhall and may meet together in the Veſtry Room of the ſaid Pariſh on the Third *Tueſday* next after the paſſing of this Act, and may from Time to Time adjourn their Meetings as they ſhall think proper; and may alſo meet at any Time without or notwithſtanding any Adjournment, upon Notice in Writing being given to all the Truſtees for that Purpoſe by their Clerk, by Direction in Writing of any Five or more of the ſaid Truſtees, Three full Days at the leaſt before every ſuch laſt-mentioned Meeting reſpectively; and the ſaid Truſtees at all their Meetings for the Purpoſes of this Act ſhall defray their own Expences; and that all Orders and Determinations of the ſaid Truſtees in the Execution of this Act (except for the Appointment of Meetings as aforeſaid), ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and no ſuch Order or Determination ſhall be valid, unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, nor unleſs the Number of Truſtees preſent at any ſuch Meeting be not leſs than Five, and every ſuch Order or Determination ſhall be as valid and effectual as if done or executed by all the ſaid Truſtees; and if at any Meeting of the Truſtees there ſhall happen to be an equal Number of Votes for and againſt the

Truſtees to defray their own Expences.

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

Queſtion under Diſcuſſion, the Chairman at each Meeting ſhall have the Caſting Vote, which ſhall determine the Queſtion: Provided nevertheleſs that Three Truſtees ſhall be ſufficient for the Purpoſe only of Adjournments.

Actions to be brought in the Names of the Churchwardens;

IV. And be it further enacted, That the ſaid Truſtees ſhall ſue and be ſued in the Name of the Churchwardens of the Pariſh of *Saint Mary Abbotts Kenſington* for the Time being, and that no Action ſo brought or commenced ſhall abate or be diſcontinued by the Death or going out of Office of ſuch Churchwardens, but that the Churchwardens for the Time being ſhall always be deemed Plaintiffs or Defendants in every ſuch Action, as the Caſe ſhall happen; and that ſuch Churchwardens ſhall be reimburſed out of the Monies ariſing by virtue of this Act, all ſuch Coſts and Damages as by the Event of any ſuch Action they ſhall be reſpectively put unto or become charged or chargeable with, on account of any ſuch Action or Suit.

who ſhall be reimburſed their Expences.

Truſtees to appoint Officers.

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

Truſtees to take Security.

Power to purchaſe Lands.

VI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees to treat, contract, and agree with the Owners of and other Perſons intereſted in any Lands or Hereditaments within the ſaid Pariſh of *Saint Mary Abbotts Kenſington*, for the Purchaſe of any Quantity thereof, not exceeding Three Acres in the Whole; and it ſhall be lawful to and for all and every Perſon and Perſons, Bodies Politic and Corporate or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt or other Truſtees, Executors, Adminiſtrators, Huſbands, Guardians, Committees of Lunatics or Idiots, or other Truſtees, not only for and on Behalf of themſelves and their Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſt, whether Infants or Iſſue unborn, Lunatics, Idiots, Femmes Covert, and all and every other Perſon or Perſons under any legal Diſability or Incapacity whatſoever, who is, are, or ſhall be ſeiſed of or in anywiſe intereſted in any ſuch Lands or Hereditaments, to contract and agree with the ſaid Truſtees for putting this Act into Execution, for the Sale thereof, and to ſell and convey to the Churchwardens of the ſaid Pariſh, and their Succeſſors for ever, all or any ſuch Lands or Hereditaments for the Purpoſe aforeſaid, at or for ſuch Price as ſhall be agreed upon between the ſaid Truſtees and the Perſon or Perſons ſeiſed of or intereſted in any ſuch Lands or Hereditaments as aforeſaid, and every ſuch Contract, Agreement, Sale, and Conveyance ſhall be valid and effectual to all Intents and Purpoſes whatſoever, any Law or other Matter to the contrary notwithſtanding;

withſtanding; and upon Payment of the Purchaſe Money agreed upon between the ſaid Truſtees for carrying into Execution this Act, and the Perſon or Perſons ſeiſed or intereſted in ſuch Lands or Hereditaments as aforeſaid, all and every Perſon and Perſons claiming or to claim any Eſtate or Intereſt in ſuch Lands or Hereditaments ſhall thereupon be diveſted of all ſuch Eſtate, Right, Title, and Intereſt therein, and the ſame ſhall from thenceforth become and be abſolutely veſted in the Churchwardens of the ſaid Pariſh, and their Succeſſors, for the Purpoſe of a Burying Ground for the Uſe of the ſaid Pariſh for ever, the Statutes of Mortmain, or any other Law or Statute to the contrary thereof notwithſtanding; and ſuch Bodies Politic, Corporate, Collegiate, Corporations Aggregate or Sole, and all Feoffees in Truſt, or other Truſtees, Executors, Adminiſtrators, Huſbands, Guardians, Committees, and other Perſons ſhall be and are hereby reſpectively indemnified for what they ſhall reſpectively do by virtue or in purſuance of this Act.

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

VII. 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 or Feoffees in Truſt, or other Truſtee or Truſtees, Executors, Adminiſtrators, Huſband, Guardian, Committee, or Truſtee or Truſtees for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or any *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 or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account 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 to 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 and 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 *per Cent.* Reduced Bank Annuities, or Three *per Cent.* Conſolidated Bank Annuities, and in the mean Time and until the ſaid Bank Annuities ſhall be

be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and Annual Produce of the ſaid Conſols or Reduced Bank Annuities ſhall from Time to Time be paid by the Order of the ſaid Court to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, or Hereditaments ſo directed to be purchaſed by virtue of this Act, in caſe ſuch Purchaſe or Settlement were made.

Where leſs than 200l. and exceeding 20l.

VIII. 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 Five or more of the ſaid Truſtees for carrying this Act into Execution, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where leſs than 20l.

IX. 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 Truſtees for putting this Act into Execution, or any Five or more of them, ſhall think fit; or in caſe of Infancy, Idiotcy, or Lunacy, then ſuch Monies ſhall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon and Perſons ſo entitled reſpectively.

Proviſion where Queſtion ſhall ariſe touching the Title to Monies ſo to be paid into the Bank.

X. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch

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

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

XI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, or into the Bank of *England*, in the Name and with the Privity of the Accountant General of that Court, and to be applied in the Purchase of other Lands, Tenements, and 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 for putting this Act into Execution, or their Treasurer, out of the Monies to be received by virtue or in pursuance of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XII. And be it further enacted, That the said Trustees shall, as soon as conveniently may be after such Purchase and Conveyance shall have been made as aforesaid, cause the said additional or new Burying Ground to be inclosed in such Manner as they shall think proper, with a suitable Brick Wall or other Fence; and also, if necessary, cause a Building to be erected in such Burying-Ground, which Building shall nevertheless be used for the Celebration or Performance of the Office of Burial only; and also cause to be erected thereon such other Buildings (if any) as the said Trustees shall think expedient, and do all other Things necessary for making such Ground fit and convenient for the Burial of the Dead.

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

XIII. And be it further enacted, That it shall be lawful for the said Trustees, with the Consent of a Vestry of the said Parish, to contract and agree for the Sale of so much (if any) of the Grounds so to be purchased and conveyed as shall not be by them deemed necessary for the said Additional Burying Ground, to any Person or Persons, for the best Price or Prices that can be reasonably obtained for the same; and it shall be lawful for the Churchwardens of the said Parish for the Time being, and they are hereby required to release and convey the same accordingly, and the Consideration or Purchase Money on every such Sale respectively, shall be paid to the said Trustees, or their Treasurer, who shall sign and give the suitable Receipts for the same; and every such Sale, Release, and Conveyance shall be valid and effectual to all Intents and Purposes, and the Money to

arise by every such Sale shall be applied by the said Trustees to the general Purposes of this Act.

Ground to be consecrated.

XIV. And be it further enacted, That when such additional Burying Ground shall have been walled or fenced in as aforesaid, the same shall be consecrated for a Burial Ground, according to the Usage of the Church of *England*; and after the same shall have been so consecrated, the same shall for ever thereafter be made use of according to Law as a Burying Ground for the Interment of the Dead.

The Vicar to be entitled to the same Fees, as for Burials in the present Church-yard.

XV. And be it further enacted, That the Vicar, Churchwardens, Clerk, and Sexton of the said Parish of *Saint Mary Abbotts Kensington*, for the Time being, shall be entitled to, and receive in respect to such new Burying Ground all such Fees, Dues, and Emoluments as are payable, and by Law appertain or are incident to the Office of Vicar, Churchwardens, Clerk, and Sexton, respectively of the said Parish, on account of Burials within the present Church-yard or Burial-ground of the said Parish.

Power to borrow Money not exceeding 5000*l.*

XVI. And in order to enable the said Trustees to defray the Expences of carrying this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered to borrow any Sum or Sums of Money not exceeding the Sum of Five thousand Pounds, for the Purposes of this Act, at as low a Rate of Interest as the same can be conveniently procured, which Money so to be borrowed, and the Interest thereof, are hereby charged upon, and shall be payable from Time to Time out of the Rates or other Sums of Money which shall be received by the Churchwardens of the said Parish on account of Burials, either in the said additional Burying-ground, or in the present Church-yard or Burying-ground of the said Parish, or in the Vaults of the Church, and likewise chargeable upon and payable out of the Church Rates of the said Parish, so that the same do not in any one Year exceed the Rate of Threepence in the Pound; and for securing the Repayment of the Money so to be borrowed, and the Interest thereof, the said Trustees, or any Five or more of them, shall and may, by Writing under their Hands and Seals, assign over the said Rates or other Sums of Money payable to the Churchwardens in respect of Burials and the said Church Rates, or any Part thereof respectively, to the Person or Persons advancing and lending such Money, which Assignment shall be in the Form or to the Effect following; *videlicet*,

Form of the Assignment.

‘ WE, Five of the Trustees for putting into Execution an Act of Parliament, made in the Fifty-third Year of the Reign of King *George* the Third, intituled [*set forth the Title of this Act*], in Consideration of the Sum of advanced and lent by *A. B.* to us, upon the Credit and for the Purposes of the said Act, do hereby assign unto the said *A. B.* his Executors, Administrators, and Assigns, the Rates and other Sums of Money arising and payable to the Churchwardens of the said Parish on account of Burials, and also such Part or Proportion of the Church Rates of the said Parish, as are by the said Act authorized to be taken or charged for the Purposes thereof, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of together with the Interest for the same, after the Rate of *per Centum per Annum* (to be paid Half-yearly)

'yearly) shall be fully paid and satisfied. In Witness whereof we have 'hereunto set our Hands and Seals the Day of

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

Power to raise Money by Annuities.

XVII. Provided always, That in case the said Trustees shall think it advisable to raise all or any Part of the Money necessary for the Purposes of this Act, by granting of Annuities for Lives, then it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Trustees any Sum or Sums of Money for the absolute Purchase of any such Annuity, to be paid and payable during the natural Life of the Person advancing such Money, or of such Person as shall be nominated by him or her, or on his or her Behalf, at the Time of the Payment of his or her Contribution or Purchase Money, and that either absolutely, or subject to Redemption or Repurchase, as the said Trustees may think proper and expedient in that Behalf, so that no such Annuity do exceed the Rate of Ten Pounds for One hundred Pounds by the Year, and the Grant of every such Annuity shall be in the Form or to the Effect following; *videlicet*,

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

And every such Grant shall be good, valid, and effectual in the Law; and the several Annuities to be granted as aforesaid, shall be and are hereby charged upon, and shall be payable and paid out of the said Burial Rates and Church Rates, or other Sums of Money herein authorized to be received and applied for the Purposes aforesaid; and that before any such Money shall be borrowed, or Annuity granted, Fourteen Days Notice at the least shall be given in some of the Public Newspapers, signifying the Intention of borrowing such Money, or granting such Annuities; and it shall not be necessary to register or inrol the Grant of or Security for such Annuity in the Register Office of the said County of *Middlesex*, or in the High Court of Chancery, nor shall any such Annuity or Annuities respectively be deemed, or considered to be within, or subject to any of the Provisions contained in an Act of Parliament passed in the Seventeenth

Year

Year of His preſent Majeſty's Reign, intituled *An Act for regiſtering the Grants of Life Annuities, and for the better Protection of Infants againſt ſuch Grants.*

Securities for Money lent, may be transferred.

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

Form of the Transfer.

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

And Copies of all Aſſignments and Grants which ſhall be made in purſuance of this Act, and of all Transfers thereof as aforeſaid, ſhall be entered in a Book to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, which Book any Perſon intereſted ſhall at all ſeaſonable Times have acceſs to; and free Liberty to inſpect, without Fee or Reward; and for the Entry of every ſuch Transfer there ſhall be paid to the ſaid Clerk Five Shillings, and no more; and after ſuch Entry made of any ſuch Transfer, every ſuch Transfer to be made and entered as aforeſaid, ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, and their reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred; and the Perſon or Perſons to whom ſuch Aſſignment or Aſſignments, Annuity or Annuities reſpectively ſhall be ſo made, ſhall be Creditors on the ſaid Burial Rates and Church Rates, or other Sums of Money hereby authorized to be aſſigned and charged as aforeſaid, in equal Degree one with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Money; and that whenever the ſaid Truſtees ſhall be enabled to pay off any of the Money which ſhall be borrowed on Mortgage as aforeſaid, or to redeem or to repurchaſe any ſuch Annuity or Annuities, which ſhall have been granted ſubject to ſuch Redemption or Re-purchaſe, (if any) they ſhall aſcertain the Securities to be firſt paid off by Ballot, in ſuch Manner as they ſhall think proper.

No Preference to be given to Perſons lending Money.

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

XIX. And be it further enacted, That the Churchwardens of the ſaid Pariſh for the Time being ſhall, until the Whole of the Principal Money to be borrowed as aforeſaid and the Intereſt thereof ſhall be diſcharged, and the Annuities to be granted as aforeſaid ſhall ceaſe, by the Death of the Perſon or Perſons for whoſe Life or reſpective Lives the ſame ſhall be granted, or by Redemption or Repurchaſe as aforeſaid, yearly, upon ſuch Day of the Month of *June* or *July* as the Truſtees ſhall direct, render to the ſaid Truſtees an Account of the ſeveral Sums of Money which the ſaid Churchwardens ſhall have received for or on Account of the Burial of the Dead, and the Sums of Money paid thereout; and they are hereby required to pay unto the ſaid Truſtees, or their Treaſurer, (if any) at the Time of rendering ſuch Account, the Balance of the Monies remaining in their Hands, or ſo much thereof as ſhall be neceſſary for the Purpoſes of this Act; and that the Churchwardens of the ſaid Pariſh for the Time being ſhall alſo from Time to Time, and they are hereby required to pay;

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

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

Expences of this Act to be firſt paid.

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

Allowing an Appeal.

XXI. Provided always, and be it enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by reaſon of any Order, Judgment, or Determination of any Juſtice or Juſtices of the Peace, acting in the Execution of this Act, or by any Matter or Thing done under or in purſuance thereof, then and in every ſuch Caſe he, ſhe, or they may appeal to the next General 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 Seſſions; and the ſaid Juſtices aſſembled at ſuch General or Quarter Seſſions, upon due Proof of ſuch Notice being given, and of entering into ſuch Recognizance, ſhall hear and determine the Matter in a ſummary Way, and award ſuch Coſts to the Party appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper, and alſo to order and award ſuch Satisfaction to be made to the Party injured as they ſhall think reaſonable.

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

XXII. Provided always, and be it enacted, That nothing in this Act or in any Clauſe thereof contained, ſhall extend or be conſtrued to extend in any reſpect to abridge, oppoſe, or control the ordinary Juriſdiction of the Lord Biſhop of *London* for the Time being, in and over the aforeſaid Pariſh of *Saint Mary Abbotts*, *Kenſington*, or over the Vicar or Churchwardens, or in, over, or relative to any Matter or Thing reſpecting the ſaid Pariſh, Vicar, or Churchwardens.

Proceedings of Truſtees to be entered.

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

Limitation of Actions.

XXIV. And be it further enacted, That if any Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, the ſame ſhall be brought within Three Calendar Months next after the Fact committed, and the Venue ſhall be laid in the County of *Middleſex*, and not elſewhere, and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to be ſo done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame as aforeſaid, or ſhall be laid or brought in any other County or Place than as aforeſaid, then the Jury ſhall find for the Defendant or Defendants therein, and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or diſcontinue his, her, or their Action after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for recovering Coſts of Suit in any other Caſe by Law.

XXV. And

Public Act. XXV. And be it further enacted, That this Act shall be deemed, adjudged, 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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