ANNO SEPTIMO

GEORGII IV. REGIS.

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Nottidge Esquire and *Thomas Gaitskell* Esquire of the Third Part, and *George Drew* of the Fourth Part, was conveyed to the said *William Nottidge* and *Thomas Gaitskell*, who hold the same in trust on behalf of the Inhabitants of the said Parish: And whereas an additional Church for the Use of the Inhabitants of the said Parish is now erecting on the said Piece or Parcel of Ground, by Direction of the said Commissioners: And whereas the said Inhabitants, in the Expectation of being empowered to sell the Vaults proposed to be formed in a Crypt to the said additional Church, consented to bear the Expense of building such Crypt, and of erecting a Tower to the said Church: And whereas it will be necessary to enclose the Piece or Parcel of Ground so purchased as aforesaid before the same can be used as a Cemetery: And whereas it is expedient that Part of the Monies necessary for the Purposes aforesaid should be raised by a Sale of the Vaults so to be formed in the said intended Crypt, subject as after mentioned, and that the said additional Church, and the Burial Ground thereof, should be vested in Trustees, on behalf of the said Inhabitants, and that other Powers should be granted for the Purposes after mentioned, to the said Trustees, as after mentioned: But inasmuch as the same cannot be effected without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Rector, Churchwarden, Rector's Warden, Sidesmen, and Overseers of the Poor of the said Parish of *Saint Mary Magdalen Bermondsey* for the Time being, and also the Churchwardens of the said additional Church for the Time being, together with the Patron of the Rectory of the said Parish for the Time being, or some One Person to be nominated by the said Patron, by Writing under his or her Hand, (and which Nomination the said Patron is hereby authorized from Time to Time to make,) and *Joshua Butterworth* the younger, *George Bayly*, *William Butterworth*, *William Brewer*, *Jesse Curling*, *William Martin Carter*, *John Cox*, *William Ewbank*, *Thomas Gaitskell*, the Reverend *William Harrison* Doctor in Divinity, *John Harcourt*, *Thomas Hays*, *Joseph Jackson*, *Thomas Keeton*, *Thomas Larkin*, *Charles Miles*, *Edward Morgan*, *Richard Middleton*, *William Nottidge*, *Robert Rich*, *John Roberts*, *William Bennet Rich*, *James Riley*, *Alexander Smith*, *Joseph Sheppard*, *Thomas Smith*, *Richard King Watts*, *William George Watts*, *John Whayman*, and their Successors, and others to be nominated and elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act into execution, during such Time only as they shall respectively continue to act, and be Occupiers of any Land, Tenement, or Hereditament within the said Parish.

Trustees.

Patron to appoint Trustees.

II. And be it further enacted, That it shall and may be lawful to and for the Patron of the Rectory and Advowson of the Parish Church of the said Parish of *Saint Mary Magdalen Bermondsey* for the Time being, and also to and for his, her, or their Guardian or Guardians, Committee or Committees respectively, to nominate and appoint One Male Person, being an Occupier of any Land, Tenement, or Hereditament within the said Parish, to act as a Trustee in the Execution of this Act; and in case such Person, or any Person to be nominated and appointed in his Stead, shall die, or refuse or be incapable to act as a Trustee in the Execution of this Act,

Act, or shall cease to occupy any Land, Tenement, or Hereditament within the said Parish, then and in every such Case it shall and may be lawful to and for the said Patron for the Time being of the Rectory and Advowson aforesaid, and also to and for his, her, or their Guardian or Guardians, Committee or Committees respectively, to nominate and appoint some other Person, being an Occupier of any Land, Tenement, or Hereditament within the said Parish, to be a Trustee in the Room and Stead of the Person so dying, or refusing or being incapable to act as a Trustee in the Execution of this Act, and so in like Manner from Time to Time to nominate and appoint any other Person, being an Occupier of any Land, Tenement, or Hereditament within the said Parish, upon the Decease of such last-mentioned Trustee, or of any succeeding or future Trustee, or his refusing or being incapable to act as aforesaid, as often as Occasion shall require; and every such Nomination and Appointment shall be certified under the Hand and Seal or Hands and Seals of the said Patron who for the Time being is, are, or shall be seised of the said Rectory and Advowson as aforesaid, or of his, her, or their respective Guardian or Guardians, Committee or Committees, as the Case may be, to the other Trustees for the Time being acting in the Execution of this Act, at some One of their Meetings to be held under this Act; and from Time to Time upon every such Nomination and Appointment being so certified the Person so nominated and appointed shall have full Power and Authority to act in the Execution of this Act, in like Manner as if he had been originally named a Trustee for the Purposes aforesaid.

Vacancies occasioned by Death of Trustees to be filled up.

III. And be it further enacted, That when any of the Trustees named in or appointed by or by virtue of this Act (except the Rector and Churchwarden, Rector's Warden, Sidesmen, and Overseers of the Poor of the said Parish of *Saint Mary Magdalen Bermondsey* for the Time being, and also except the Wardens of the said additional Church for the Time being, and also except the Patron of the said Rectory of the said Parish, or his or her Nominee, and such Person as shall be nominated by or on the Part of the said Patron, or of the Person or Persons who for the Time being is, are, or shall be seised of the Rectory and Advowson aforesaid, to whom a Right of Nomination is given by this Act, as herein-before mentioned), shall die, or refuse or be disabled to act as such Trustees or Trustee, or shall cease to occupy any Land, Tenement, or Hereditament within the said Parish, then and in every such Case it shall be lawful to and for the Inhabitants of the said Parish, at the Vestry of the said Parish to be holden on the *Tuesday* in *Easter* Week in every Year to elect, nominate, and appoint some other Male Person or Persons occupying any Land, Tenement, or Hereditament within the said Parish to be a Trustee or Trustees for the Purposes of this Act, in the Room of every or any Trustee or Trustees so dying, or refusing or being disabled to act, or ceasing to occupy any Land, Tenement, or Hereditament as aforesaid, and so in like Manner from Time to Time upon the Death, Refusal, Disability, or ceasing to occupy as aforesaid of any such last-mentioned Trustee or Trustees, or any succeeding or future Trustee or Trustees, to elect, nominate, and appoint some other Male Person or Persons occupying any Land, Tenement, or Hereditament within the said Parish to be a Trustee or Trustees for the Purposes of this Act, in the Room of every or any such last-mentioned Trustee or succeeding Trustees, as often as Occasion shall require; and the Person and Persons so chosen

and

and appointed shall and may and they and he is and are hereby authorized and empowered to act in the Execution of this Act, from Time to Time, in as full, large, and ample Manner to all Intents and Purposes as the Trustees herein-before named and appointed are by this Act authorized and empowered.

Qualification of Trustees.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act except the Rector, Churchwarden, Rector's Warden, Sidesmen, Overseers of the Poor, and Wardens of the said additional Church of the said Parish for the Time being, and the said Patron of the Rectory of the said Parish for the Time being, or his or her Nominee unless he shall be separately assessed to the Poor's Rate of the said Parish on a Rental of Thirty Pounds or upwards, or jointly with any other Person or Persons on a Rental of Sixty Pounds or upwards, and shall be seised or possessed of a Real or Personal Estate, or Real and Personal Estate, to the Amount or Value of Two thousand Pounds, over and above what shall be sufficient to satisfy and discharge all his just Debts; neither shall any Person (except the said Rector, Churchwarden, Rector's Warden, Sidesmen, Overseers of the Poor, and Wardens of the said additional Church for the Time being, and Patron, or his or her Nominee) be capable of acting as a Trustee in the Execution of this Act (except in giving Notice of the First Meeting, and in administering the following Oath, which any of the said Trustees are empowered to administer,) until he shall have taken an Oath to the following Effect:

Oath.

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me as a Trustee by virtue of an Act passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act*]; and that I am separately assessed for a Messuage or Tenement, Land or Hereditament, in the said Parish, to the Poor's Rate thereof, on a Rental of Thirty Pounds or upwards, or assessed to the said Poor's Rate for a Messuage, Tenement, Land, or Hereditament in the said Parish jointly with some other Person or Persons, on a Rental of Sixty Pounds or upwards; and that I am seised or possessed of a Real or Personal Estate, or Real and Personal Estate, of the Amount in Value of Two thousand Pounds, over and above what is sufficient to satisfy and discharge all my just Debts.
'So help me GOD.'

Trustees neglecting to act for One Year, shall cease to be Trustees.

V. And be it further enacted, That if any Trustee or Trustees under this Act (except the Rector of the said Parish and Patron of the said Rectory, or his or her Nominee for the Time being,) shall neglect to act in the Execution of this Act for and during the Space of One Year, then and in every such Case he and they shall be deemed to have refused to act, and shall thenceforth cease to be a Trustee and Trustees under and by virtue of this Act: Provided always, that nothing herein contained shall prevent or disqualify any Person so neglecting to act from being re-elected a Trustee under this Act.

Trustees not to be concerned in Contracts, or to be Clerks.

VI. And be it further enacted, That if any Person disabled or declared to be incapable to act as a Trustee in the Execution of this Act, contrary to the Intent and Meaning hereof, or if any Person appointed a Trustee for and acting in the Execution of this Act shall have any Share in, or be in

in any way beneficially concerned or interested, directly or indirectly, in any Contract or Work to be done in or about the Execution of any of the Powers of this Act, or shall have and enjoy, either directly or indirectly, or partake in the Emoluments of any beneficial Employment under or by virtue of this Act, or as Clerk or other Officer under or by virtue of this Act, then and in every such Case every such Person shall forfeit and pay, for each and every such Offence, the Sum of One hundred Pounds, together with full Costs of Suit, to any Person or Persons occupying any Land, Tenement, or Hereditament within the said Parish, duly assessed under this Act, who shall, within Six Calendar Months next after the Offence committed, sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign or Protection of Law, nor more than One Imparlance, shall be allowed; and every such Trustee against whom such a Verdict shall be obtained upon any Suit or Prosecution, in any or either of the Cases aforesaid, shall for ever thereafter be disabled and deemed incapable of acting as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of all and every Person or Persons acting as a Trustee or Trustees in the Execution of this Act, previous to such Verdict or Verdicts being obtained against him or them, shall, notwithstanding such Verdict or Verdicts, be as valid and effectual as if no such Verdict or Verdicts had been obtained, or as if such Person or Persons had not by such Verdict or Verdicts been disqualified from acting in the Execution of this Act.

First and subsequent Meetings of the Trustees.

VII. And be it further enacted, That the said Trustees shall and may meet together at any convenient Place within the said Parish on some *Wednesday* within One Calendar Month next after the passing of this Act, between the Hours of Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon; and they, or any Five or more of them so assembled, shall and may proceed to put this Act into execution, and then and there adjourn themselves, if they shall think proper so to do, to meet at such Times, and at such Place and Places within the said Parish, as they shall from Time to Time appoint; and Notice of every such Adjournment shall be given by the Clerk or Clerks to the said Trustees for the Time being, to or left for each of the said Trustees at the House, Counting-house, Warehouse, or Manufactory of every Trustee in the said Parish, Three Days at the least previous to such intended Meeting; and if there shall not appear at any Meeting to be appointed by virtue of this Act Five or more of such Trustees present, then and in such Case the said Clerk or Clerks shall, and he or they is and are hereby required to summon the Trustees to meet at the Place where the last Meeting shall have been appointed to have been held, within Ten Days next after the Day on which such last Meeting was to have been held as aforesaid; and in case the said Clerk or Clerks shall happen to die before the Summons for any such Meeting shall issue, or shall neglect to issue a Summons in manner aforesaid, then any Five or more of the said Trustees shall and may, by Writing under their Hands, summon the said Trustees to meet at any Time and Place which they shall think proper.

Quarterly Meetings of Trustees.

VIII. Provided always, and be it further enacted, That a General Quarterly Meeting of the said Trustees shall be from Time to Time holden, at such Place as shall be appointed as aforesaid, on the Second *Wednesday* in

in *January*, the Second *Wednesday* in *April*, the Second *Wednesday* in *July*, and the Second *Wednesday* in *October*, in every Year, or within Fourteen Days afterwards, and such Quarterly Meetings shall be held between the Hours of Ten of the Clock in the Forenoon and Three of the Clock in the Afternoon; but such Quarterly Meetings are not to prevent or interfere with the adjourned and other Meetings to be holden in pursuance of this Act; and the same Meeting and Meetings respectively shall be subject to be adjourned in case Five Trustees at the least shall not be present, in the like Manner as herein-before provided and directed with respect to the other Meetings to be holden by virtue of this Act.

Special Meetings of the Trustees.

IX. Provided also, and be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, or in case the said Trustees shall at any of their Meetings separate without adjourning themselves to meet on any specific Day, then and in every such Case the Clerk or Clerks to the said Trustees (an Order in Writing signed by Five or more of the said Trustees, although not assembled at a Meeting, mentioning the Time, Place, and Purpose of a Meeting, being given to him or them, or left at his or their last or usual Place of Abode,) shall forthwith give Notice of the Meeting to be held on such Day in manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Seven Days after such Notice; and all Proceedings of such Trustees at such Meeting shall be as good and valid to all Intents and Purposes as they would have been in case such Trustees had met in pursuance of an Adjournment; and such Meeting or Meetings so to be ordered may be adjourned, and such Adjournment and Adjournments shall be considered as an Adjournment of an ordinary Meeting under this Act: Provided always, that at all Meetings of the said Trustees to be holden in pursuance of this Act, whether by Adjournment or otherwise, the said Trustees shall bear, pay, and defray their own Expenses.

Notice of Special Meetings.

X. Provided always, and be it further enacted, That every Notice for convening any Special Meeting of the said Trustees shall specify the Day and Hour and the particular Object and Purpose of such Meeting.

Election of Chairman.

XI. And be it further enacted, That it shall not be required of the said Trustees to elect a Chairman at and for each and every Meeting of the said Trustees, but that the said Trustees may and shall, and they are hereby authorized, at their First General or any subsequent Meeting which shall take place under or by virtue of this Act, to elect a Trustee for executing this Act to take the Chair at all Meetings of the said Trustees at which he shall be present, until a Vacancy shall happen in the said Office by the Death or Resignation of such Chairman, or by his ceasing to be a Trustee, or until he shall be removed from the said Situation, upon Notice being given by a Trustee, at some Meeting of the said Trustees, of his Intention to move for the Election of another Trustee as Chairman at some subsequent Meeting of the said Trustees; Provided always, that whenever the Rector of the said Parish for the Time being shall be

be present at any Meeting of the said Trustees, then and in that Case the said Rector shall (if he thinks fit) be Chairman of such Meeting.

All Acts of the Trustees to be done by a Majority at their Meeting, when Five or more are present.

XII. And be it further enacted, That all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to and vested in the said Trustees, shall be exercised, executed, and done by them or any Five or more of them at any such Meeting or Meetings assembled, and not elsewhere or otherwise (except as may be herein-after expressed and directed); and every Question shall be determined by the Majority of Votes of the Trustees present at every Meeting, and such Determination shall be as valid and of as full Force and Effect to all Intents and Purposes as if done or executed by or before all the Trustees; and the Trustees present at every Meeting shall, in the Absence of the Chairman by this Act authorized to be appointed, before they proceed to Business elect One of them the Trustees then present to be Chairman of such Meeting; and if at any Meeting of the Trustees any Question shall be put to the Vote, and there shall happen to be an equal Number of Votes for and against the same, then the Chairman of such Meeting shall have a Second or Casting Vote, which shall determine the Question.

A Chairman to be appointed.

Entries of Proceedings to be made, and when signed by the Chairman may be read in Evidence.

XIII. And be it further enacted, That fair and regular Entries shall be made, in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Regulations, and Proceedings of the said Trustees relative to the Execution of this Act, and of the Names of the Trustees who shall be present at the respective Meetings, and such Entries shall be signed by the Chairman of each respective Meeting, and when so signed shall be deemed Originals, and be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions touching anything done or omitted in pursuance of this Act, or in anywise relating thereto.

Trustees being Justices may act.

XIV. And be it further enacted, That all such Trustees as are or shall be Justices of the Peace may act as Justices in the Execution of this Act, notwithstanding their being Trustees, except in Cases where they may be personally interested.

Trustees to appoint a Treasurer and other Officers, and to give Salaries, &c.

XV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at their First or any subsequent Meeting, by Writing under their Hands, to appoint a Treasurer or Treasurers, an Architect or Architects, a Surveyor or Surveyors, a Clerk or Clerks, a Collector or Collectors, an Organist, a Beadle or Beadles, and such other Officers and Persons, for the Purposes of this Act, as the said Trustees shall think proper, and from Time to Time to remove such Officers and Persons respectively, as the said Trustees shall think proper or see occasion, and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, Gratuities, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take Security from every such Treasurer and Collector for the due Execution of his and their Office and Offices, as the said Trustees shall think proper; and all such Officers so to be appointed shall, under their Hands, and at such Time or Times and in such Manner as the Trustees shall direct, deliver to the said Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts

Trustees to take Security from Treasurer and Collector.

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in Writing of all Matters and Things committed to their Charge respectively by virtue of this Act, and also of all Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof shall have been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer and Collector shall at each and every General Quarterly Meeting of the said Trustees, upon receiving Notice of the Time and Place of holding such Meeting respectively, and at any other Time when thereunto required by the said Trustees, lay his and their Account and Accounts before the said Trustees, in order that the same may be inspected; and if any such Officer shall refuse or neglect to make and render any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Fourteen Days after being thereunto required by the said Trustees, by Notice in Writing under the Hands of any Five or more of the said Trustees, given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or to give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons, under his Hand and Seal, for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, without some sufficient or reasonable Excuse, or not being found, to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any Monies remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer has refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and he has refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall and he is hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account as aforesaid, or until he shall have paid such Monies as

as aforesaid, or compounded with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Offender shall be detained or kept in such Common Gaol or House of Correction for Want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Twelve Calendar Months.

The Treasurer and Clerk not to be the same Person.

XVI. And be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act, or to appoint the Person or Persons who hath or have been or who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Trustees; and if any Person shall hold or accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person, being the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall hold or accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers shall hold or accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under this Act other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* or elsewhere, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Accounts to be kept.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees and every Creditor of the Rates hereby authorized to be made, and of every Person paying any Rate or Assessment hereby authorized to be made, without Fee or Reward; and the said Trustees, Creditors, and other Persons aforesaid, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying anything for the same; and in case the said Clerk or Clerks shall refuse to permit or shall not permit the said Trustees, Creditors, or Persons aforesaid to inspect the same, and to take Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay any Sum of Money not exceeding Five Pounds for each Default, to be levied, recovered, and applied in manner herein-after provided.

Treasurer to pay Money to the Order of Five Trustees, countersigned by their Clerk.

XVIII. And be it further enacted, That the said Trustees shall and they are hereby empowered, by an Order or Orders in Writing under the Hands of any Five or more of them the said Trustees, and countersigned by their Clerk or Clerks, at any Meeting duly held, to direct their Treasurer or Treasurers from Time to Time to pay such Sum or Sums of Money out of the several Monies borrowed, raised, levied, collected, and received by virtue of this Act, and paid to or received by such Treasurer or Treasurers, to such Person or Persons and in such Manner as they the said Trustees shall think necessary and expedient for the Purposes of this Act; and upon the Receipt of such Order or Orders such Treasurer and Treasurers is and are hereby authorized and required to pay from Time to Time the Sum or Sums of Money expressed in such Order or Orders, which Sum or Sums so paid shall be allowed to the said Treasurer and Treasurers in his or their Accounts.

Trustees to sue and be sued in the Name of their Clerk, &c.; who is to be reimbursed.

XIX. And be it further enacted, That the said Trustees shall and may sue and be sued, and prefer or defend any Indictment or Indictments, in the Name of their Clerk or Clerks for the Time being; and that no Action, Suit, or Indictment that may be brought by or against the said Trustees in the Name of their Clerk or Clerks shall abate or be discontinued by the Death or Removal of such Clerk or Clerks, or by his or their Act or Acts without the Consent of the said Trustees; but the Clerk or Clerks for the Time being, though not specifically named, shall always be deemed Plaintiff or Plaintiffs, or Defendant or Defendants, in every such Action, Suit, or Indictment, as the Case may be: Provided always, that in case any such Action, Suit, or Indictment shall happen to be between the said Trustees and the Clerk or Clerks for the Time being, then the same shall be brought or defended in the Name of any one of the said Trustees: Provided also, that such Trustee or Clerk or Clerks shall be reimbursed out of the Monies to be raised by virtue of this Act all such Costs, Damages, and Expenses as he or they may be put unto or become charged or chargeable with by reason of his or their being so made Plaintiff or Plaintiffs, Prosecutor or Prosecutors, or Defendant or Defendants.

If Clerk a Party, then in the Name of a Trustee.

Powers of Commissioners for building new Churches.

XX. And be it further enacted, That His Majesty's Commissioners for building new Churches shall have in all respects all such Powers, Discretion, and Authority whatsoever, for the Purpose of carrying this Act into effect, as are now or hereafter shall be given to the said Commissioners by any Act of Parliament, except so far as the same Powers and Authorities are altered by this Act, or are inconsistent with the Directions herein contained.

Not to affect those Powers, except as herein specified.

XXI. And be it further enacted, That nothing herein contained shall be construed to extend to alter or abridge any of the Powers or Authorities which His Majesty's Commissioners for building new Churches had before the passing this Act, in respect of the said additional new Church so now building, except so far as relates to the Authorities hereby specifically given to the Trustees for the carrying this Act into execution, but that the said additional Church, and the Cemetery to be attached thereto, and all Matters relating to the same, shall in all respects (except as aforesaid) be considered as a Church built under the Authority and Direction of His Majesty's Commissioners for building new Churches, in pursuance

pursuance of the several Powers for that Purpose vested in them, and as if the same had been wholly built under the Authorities of the said Acts so now in force, and partly by Monies advanced by the said Commissioners, and partly by Rates assessed on the Parish, and voluntary Subscriptions, and as if the same had been conveyed to the said Commissioners and their Successors for ever, as is usual in similar Cases; and nothing herein contained shall prevent the said Commissioners from considering the said Church as a Chapel of Ease, or assigning a District thereto, as they in the Execution of their Powers may think fit.

Extending the Powers of the Acts for building additional Churches in populous Parishes to this Act.

XXII. And be it further enacted, That all and every the Clauses, Directions, Enactments, Powers, and Provisions whatsoever, contained in the several Acts for building additional Churches in populous Parishes as aforesaid, any or either of them, or such Parts thereof as are in force and unrepealed, shall in all respects apply to the said Parish of *Saint Mary Magdalen Bermondsey*, and to the said Church now building; and that the same Acts, or so much and such Parts thereof respectively as are now in force and unrepealed, and all and every the Powers, Authorities, Provisions, Directions, Matters, and Things therein contained, shall be in full Force and Effect, and shall be used and applied for the Purpose of carrying this Act into execution, as fully and effectually, to all Intents and Purposes, as if the same and the several Provisions therein respectively contained had been repeated and re-enacted in and by this Act, except only and so far as the same are altered or varied by this Act, or are inconsistent with the Powers, Provisions, Authorities, and Directions herein contained.

Appointment of Churchwardens.

XXIII. And be it further enacted, That Two fit and proper Persons shall on *Easter Tuesday* yearly be appointed to act as Churchwardens for the additional Church, and shall be chosen, One by the present Rector of the said Parish, so long as he shall continue the Incumbent of the said Rectory, and after his Death, Resignation, or other Avoidance, by the Minister of the additional Church for the Time being, and the other by the Inhabitants of the said Parish in Vestry assembled; and the Two Persons, when so elected, shall appear and be admitted and sworn according to Law, and shall do, perform, and execute all lawful Acts, Matters, and Things necessary and requisite for and concerning the Management, good Order, and Decency of Behaviour to be kept and observed in the Church by the Congregation thereof, and do and perform all other Duties belonging to the Office of Churchwarden, except so far as the Powers of such Churchwardens are abridged or altered by this Act; and the Persons so to be appointed or chosen Churchwardens shall continue in their said Office until others shall be chosen in like Manner in their Stead: Provided always, that any Churchwardens appointed under the Provisions of this Act shall not, in virtue of such Office, be deemed Overseers of the Poor, or have any Power or Authority to act in the Execution of any Act or Acts for the Relief and Maintenance of the Poor.

Ground vested in Trustees.

XXIV. And be it further enacted, That the said Piece or Parcel of Ground so purchased with the Approbation of His Majesty's Commissioners, and the said Church now erecting thereon, and everything therein to be contained, shall from and after the passing this Act be vested in

in the Trustees hereby appointed for carrying this Act into execution, and shall thenceforth be vested in the Trustees for the Time being of this Act for ever, to the Intents and Purposes that such Church, with the Cemetery to the same, shall, when consecrated, for ever thereafter be set apart and dedicated to the Service of the Almighty God, as a Place of Divine Worship according to the Liturgy and Usages of the United Church of *England* and *Ireland* as by Law established, and be subject to the Bishop of the Diocese, in such and the same Manner as other Churches or Chapels built under the Authority of His said Majesty's Commissioners for building new Churches are subject.

Additional Church, when erected, to vest in the Trustees.

XXV. And be it further enacted, That so soon as the said additional Church now erecting by His Majesty's said Commissioners for building and promoting the building of Churches in populous Parishes shall be completed, the same shall be and is hereby vested in the Trustees for putting this Act into execution, subject to the Regulations and Provisions in this Act contained, and for the several Purposes thereof.

Trustees empowered to erect a Tower, &c.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized, as soon as conveniently may be after the passing of this Act, to cause to be erected, so as to form Part of the said additional Church so erecting by His said Majesty's Commissioners, a Tower or Steeple, and such Offices and Conveniences to the said Church, and a Crypt, of such Size, Dimensions, and Materials, and according to such Plans and Specifications, and in such Manner, as by the said Trustees shall be agreed upon, with the Approbation of His Majesty's Commissioners appointed under or by virtue of the said Act, intituled *An Act for building and promoting the building additional Churches in populous Parishes*, and also to cause proper and convenient Roads, Avenues, and Approaches to be made into and through the said Burial Ground to the said Church, and to fence and enclose the said Burial Ground, and to erect an Engine House and Residence for an Engine Keeper, and to erect and set up in the said Church and Tower such Organ, Clocks, Bells, Ornaments, and other Conveniences necessary and proper for the Celebration of Divine Service according to the Rites of the United Church of *England* and *Ireland* as by Law established, and also to cause such Vaults, Catacombs, and Arches to be made, formed, and constructed in the Crypt so to be formed as aforesaid, of such Dimensions and in such Manner as may appear to them, with the Approbation aforesaid, most eligible and proper: Provided always, that the Costs and Expenses of erecting and finishing such Tower or Steeple, Crypt, Vaults, and Catacombs do not exceed the Sum of Three thousand Pounds.

Trustees may contract for providing Materials and building the Tower, &c.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any of their Meetings, to contract or agree with any Person or Persons for providing Materials for and for the erecting, building, finishing, and completing the said intended Tower or Steeple, Crypt, Vaults, Catacombs, Enclosures, Ornaments, Conveniences, Matters and Things aforesaid, or any Part or Parts thereof respectively, or otherwise, for carrying this Act into execution; and all such Contracts or Agreements, when made and entered into by or between the said Trustees and any other Person or Persons, with Sureties to be approved of

of by the said Trustees for the due Performance thereof, shall be reduced into Writing, and shall be good, valid, and binding, as well upon the said Trustees and their Successors, as upon all other Parties thereto, his, her, and their Heirs, Executors, Administrators, and Assigns; and the said Trustees shall and may pay, or order Payment to be made, of the Monies due upon any such Contract or Contracts, Agreement or Agreements, out of the Monies to arise by virtue of this Act, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in Two or more of the daily Newspapers, expressing the Object of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees at a certain Time and Place in such Notice to be mentioned; and Copies or full Abstracts of all Contracts made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose: Provided nevertheless, that nothing herein contained shall be compulsory on the said Trustees to accept the lowest Tender or Tenders for all or any such Works.

Upon giving Fourteen Days Notice of their Intention so to do.

XXVIII. And be it further enacted, That nothing in this Act or in any Instrument hereby authorized to be entered into or made by the said Trustees for executing this Act, or any of them, shall extend to charge the Persons of all or any of the Trustees executing any such Instrument, or the Heirs, Executors, or Administrators of the same Trustees or any of them, or their or any of their own proper Lands and Tenements, Goods and Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Instrument contained on the Part of the same Trustees or any of them; but the Amount of all Costs, Charges, Damages, and Expenses which shall or may be recovered in any Suit or Suits at Law or Equity against them the said Trustees or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of such Instrument, or the Covenants, Agreements, or Conditions therein contained, and also all the Costs, Charges, Damages, and Expenses which the said Trustees or any of them shall pay, bear, expend, or be put unto, or which shall be occasioned to them, for or by reason or means of any such Instrument therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them or any of them thereupon, shall respectively be paid and discharged by and out of the Monies to be raised or to arise or be received by virtue of this Act.

Trustees exempt from Personal Responsibility in Contracts.

XXIX. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times at which the said Works shall be completed, and the Penalties to be incurred for Non-performance thereof, and shall be signed by any Five or more of the said Trustees present at any Meeting to be called for the Purpose of entering into the same, and also by the Person or Persons contracting to perform such Works respectively.

Particulars to be contained in Contracts.

XXX. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time as they shall think fit, to compound and agree

Trustees may compound for Breach of Contract.

agree with any Person or Persons, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper.

Trustees not to contract until the Commissioners under 58 G.3. c.45. have approved of the Plans, &c.

XXXI. Provided always, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees to begin to build, or contract for building, such Tower and Crypt, or either of them, until a Plan, Elevation, and Section thereof, and the Scantlings of the proposed Timbers to be used, and the whole Specification thereof, together with an Estimate of the Expense of erecting the same, shall have been first formed, nor until such Plan, Elevation, Section, Specification, and Estimate shall not only have been agreed to by a Majority of the said Trustees present at some Meeting or Meetings to be specially called for that Purpose, but shall also have been approved of by His Majesty's said Commissioners for building and promoting the building of Churches and Chapels in populous Parishes, or by their Architect or Surveyor for the Time being.

Materials vested in the Trustees.

XXXII. And be it further enacted, That until the said Tower and Crypt, together with the Vaults, Catacombs, and Appurtenances to the same, shall be built and completed, all the Stones, Bricks, Tiles, Timber, Iron, Lead, and other Materials to be purchased or procured for building or erecting the same, or for any Works to be erected or executed by virtue of this Act, or for any of the Purposes of this Act, shall belong to and be the Property of, and the same is and are hereby vested in the said Trustees for executing this Act; and it shall be lawful for the said Trustees, in the Name or Names of their Clerk or Clerks, to bring or cause to be brought any Action or Actions, or to direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take, or carry away any such Stones, Bricks, Tiles, Timber, Iron, Lead, or other Materials, or shall spoil, injure, deface, or destroy the said additional Church, or any of the Works, Erections, or Buildings to be made, erected, or executed by virtue of this Act; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, or that the Church, Works, Erections, or Buildings, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Trustees of the additional Church of the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*, without particularly specifying or stating the Name or Names of all or any of the said Trustees.

Stipend to the Sexton.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to assign, out of the Pew Rents of the said additional Church, a proper Stipend to the Sexton of such additional Church.

Trustees to pay certain Expenses.

XXXIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, by and out of the Monies to be collected, raised, or received under or by virtue of this Act, to pay and discharge all Expenses of putting this Act into execution, and also thereout to provide a proper and convenient Iron Safe or Repository for the keeping and

and preserving all and every the Books, Registers, Papers, Muniments, and Writings of or belonging or relating to the said additional Church; and also to bear, pay, and discharge the Expenses of lighting and insuring the said additional Church, and of warming and airing the same; and also the Expenses of lighting, watching, cleansing, and keeping the Churchyard of the said additional Church, and also the Expenses of and attending the Consecration of the said additional Church, and the Churchyard thereof, and all and every other Expense for any Purpose relating to or on account of the said additional Church and Churchyard, or either of them, which may be sanctioned, authorized, or requested by the Inhabitants of the said Parish in Vestry duly assembled to be defrayed and paid by the Trustees for executing this Act.

Payments may be made by Authority of Vestry to the Rector of the said Parish and to the Minister of the additional Church.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees from Time to Time to pay to the Rector of the said Parish of *Saint Mary Magdalen Bermondsey* for the Time being, and also to the Minister of the said additional Church for the Time being, such Sum or Sums of Money as shall or may be directed to be respectively paid to them the said Rector and Minister, by the Inhabitants of the said Parish who shall be duly assembled in Vestry on the *Tuesday* in *Easter* Week in each and every Year, so that the Sum or Sums to be paid in any one Year to the said Rector shall not exceed the Sum of Two hundred Pounds, and shall be taken and accepted by him in lieu of *Easter* Offerings, and so that the Sum or Sums to be paid in any one Year to the said Minister of the said additional Church shall not exceed the Sum of One hundred and fifty Pounds.

Trustees empowered to sell the Catacombs and Vaults.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, if they shall think proper, to sell and dispose of all or any of the Vaults and Catacombs to be constructed by virtue of this Act (except such Vaults or Catacombs as shall be constructed under the Chancel of the said additional Church) for the Purposes of Burial; and all such Catacombs, Vaults, and Arches to be sold by virtue of this Act, shall be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or Purchasers of the same respectively; and a Conveyance of the same, made and executed by the said Trustees, or any of them, at a General Meeting convened pursuant to Notice for that Purpose, shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns, absolutely for ever, but subject nevertheless to the Payment of such or the like Burial Fees as would have been payable if such Purchase had not been made; and all the Monies to arise from the Sale of the said Catacombs, Vaults, and Arches shall be applied and disposed of by the said Trustees for the Purposes of this Act, subject as after mentioned.

Enabling Five Trustees to convey Vaults and Catacombs.

XXXVII. And be it further enacted, That from and after the passing of this Act, upon the Sale and Disposal of any of the Vaults or Catacombs under the said Church, the Conveyance may be made by any Five or more of the said Trustees; and all Conveyances of such Vaults or Catacombs, or any Part or Parts thereof, shall be made in the Form or to the Effect following; (that is to say,)

'WE,

Form of Conveyance.

'WE, Five of the Trustees appointed and acting under and by virtue of an Act of Parliament made and passed in the Seventh Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of paid to the Treasurer of the said Trustees by of do hereby grant and convey unto the said his [*or* her, *or* their] Heirs and Assigns, all [*here describe the Catacomb or Vault, or Catacombs or Vaults, or Part or Parts thereof, intended to be conveyed*]; to hold to the said his [*or* her, *or* their] Heirs and Assigns for ever, for the Purpose of Burial, and to and for no other Use, Intent, or Purpose whatsoever; subject nevertheless to such Rules, Orders, and Regulations as shall from Time to Time be made by the Trustees acting in the Execution of the said recited Act, for the Management and Regulation of the Catacombs or Vaults under the said Church or any of them. In witness whereof we have hereunto set our Hands and Seals this Day of in the Year of our Lord .'

And every such Conveyance so made shall be good, valid, and effectual, both at Law and in Equity, for vesting the Catacomb or Vault, or Catacombs or Vaults, or any Part or Parts thereof, thereby expressed to be conveyed, with all Appurtenances thereunto, in the Person or Persons purchasing the same, his, her, or their Heirs and Assigns for ever, subject nevertheless to such Rules, Orders, and Regulations as shall from Time to Time be made by the said Trustees relative to the Catacombs and Vaults.

Application of a Moiety of the Proceeds of Vaults.

XXXVIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Trustees to sell or dispose of the said Vaults or Catacombs, under the aforesaid Powers or Authorities authorized to be sold, unless and until the said Trustees shall, to the Satisfaction of His Majesty's Commissioners for building new Churches, have made some Provision for the Minister for the Time being of the said Church, in lieu of One Half of the Produce of the Monies to arise from the Sale of the said Vaults, or unless One Half of such Produce shall be applied or agreed to be applied for the Benefit of the said Minister in such Manner as the said Commissioners shall direct, such Satisfaction and Direction to be certified by some Writing signed by any Three of the said Commissioners; and that until the said Provision shall be so made, the said Vaults and Catacombs shall be considered and taken in all respects as if the same had been built by the said Commissioners as Part of the said Church, and out of the Monies applicable to the Purpose of building new Churches, anything in this Act contained to the contrary thereof in anywise notwithstanding: Provided nevertheless, that it shall be lawful for the said Commissioners to dispense with such Provision for the said Minister, or the Application of such Produce as aforesaid, if they in their Discretion shall think fit, and shall so direct by an Order in Writing signed by any Three of the said Commissioners, in which Case the said Vaults and Catacombs shall be at the Order and Disposal of the said Trustees in manner herein-before provided, and as if such Provision or Appropriation had not been hereby directed.

XXXIX. And

Burials in the Church to be in Leaden Coffins.

XXXIX. And be it further enacted, That no Burials shall at any Time be made or allowed under the Site of the present Church of the said Parish of *Saint Mary Magdalen Bermondsey*, or under the Site of such additional Church, or in any Catacomb, Vault, or Arch belonging to the same respectively, except in Leaden Coffins.

The Church &c. to be kept in proper Repair.

XL. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to keep the said additional Church and other Buildings, Works, Conveniences, and Things, to be erected and provided by virtue of this Act, with the Pews, Galleries, and Appurtenances thereunto belonging, in good, sufficient, and proper Repair, and to defray the Expenses of all such Repairs out of any Monies that may come to the Hands of the said Trustees or of their Treasurer by virtue of this Act.

Trustees may compound for keeping Vaults, &c. in repair.

XLI. And be it further enacted, That it shall and may be lawful for the said Trustees to compound, either by the Year or otherwise, with any Person or Persons interested in the several Catacombs, Vaults, Graves, Grave Stones, Body Stones, Head and Foot Stones, or claiming so to be, for the amending and keeping the same respectively in repair; and from and after any such Composition so paid, the said Vaults, Graves, and Grave Stones as aforesaid, shall be supported, amended, and kept in repair by the said Trustees.

Penalty on Persons damaging Monuments, &c.

XLII. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any Tomb, Monument, Grave, Grave Stone, Body, Head, or Foot Stone, erected, placed, or set up, or to be erected, placed, or set up in the said additional Church, or the Burial Ground thereof, or any Rails affixed to any such Tomb, Monument, or Grave, or the Doors, Windows, or Ornaments of the said additional Church, or the Rails, Gates, Walls, or Fences of or belonging to the said Burial Ground, or shall do any other wilful Damage to the said Church or Burial Ground, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Surrey*, or for any One or more Magistrate or Magistrates of the County, City, or Place wherein such Person or Persons so offending shall reside or be, and such Justice or Justices, Magistrate or Magistrates, is and are hereby required, upon Oath being made by One or more credible Witness or Witnesses before him or them, of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Person or Persons accused thereof; or it shall be lawful for any Person or Persons who shall see any such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending such Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before any such Justice of the Peace for the said County of *Surrey*, or to deliver him, her, or them into the Custody of any Constable or other Peace Officer, in order to be secured and conveyed before such Justice of the Peace, to be dealt with as herein-after is directed; and the Person or Persons so accused being brought before any such Justice or Justices, Magistrate or Magistrates, or being duly summoned to appear shall neglect so to do, the said Justice or Justices, Magistrate or Magistrates, shall and may, either on the Confession of the Person or Persons so offending, or on Proof of such Offence by the Oath

of One or more credible Witness or Witnesses, convict such Offender or Offenders of the said Offence or Offences, and order or adjudge him, her, or them to forfeit and pay any Sum of Money not exceeding Five Pounds for each and every such Offence, together with the Expenses and Charges of repairing and making good the Damage by him, her, or them occasioned or committed, which Expenses and Charges shall be ascertained by the said Justice or Magistrate, Justices or Magistrates, in and by the said Conviction, one Moiety of the said Forfeiture to be paid to the Informer or Informers, and the other Moiety, together with the said Expenses and Charges, to be paid to the said Trustees or their Treasurer, which last Moiety is to be by them applied for the Purposes of this Act, and the said Expenses to go towards the repairing and making good such Damages as shall by such Offender or Offenders have been occasioned or committed; and in case such Offender or Offenders shall not upon such Conviction pay such Forfeiture, together with the Expenses and Charges so adjudged, such Justice or Justices, Magistrate or Magistrates, is and are hereby required to commit such Offender or Offenders to the House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months, unless such Forfeiture, Expenses, and Charges shall be sooner paid.

Commissioners under the Act 58 G. 3. may lend Money.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners, in case they shall think fit, but not otherwise, to make in His Majesty's Name, out of the Sums appropriated by the said Act, passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, or out of any other Sums of Money since the passing of that Act granted for the like Purposes, or hereafter to be granted for those Purposes, any Grant or Grants for the Purpose of carrying the Purposes of this Act into effect, and also to advance and lend to the said Trustees any Sum or Sums of Money which they the said Commissioners may think fit, for all or any of the Purposes aforesaid; and the said Commissioners shall, in every Case where any Money shall be so advanced, assign Periods for the Repayment thereof (either with or without Interest, after such Rate as they shall think fit, not exceeding Five Pounds *per Centum per Annum*, and either by Instalments or otherwise) within Fifteen Years from the advancing thereof; and all such Monies so lent and advanced, together with such Interest as aforesaid (if any), shall be charged and secured in the same Manner as is hereinafter directed with respect to Monies to be borrowed by the said Trustees.

Power to receive voluntary Contributions.

XLIV. And be it further enacted, That it shall and may be lawful to and for any Person or Persons voluntarily to contribute and pay into the Hands of the said Trustees, or into the Hands of their Treasurer, any Sum or Sums of Money for the Purposes of this Act; and also to and for the said Trustees and their Treasurer for the Time being to receive and take all such voluntary Contributions, Sum and Sums of Money, and to apply the same towards carrying the Purposes of this Act into execution.

Power to borrow Money.

XLV. And for the further and better enabling the said Trustees to carry the several Purposes of this Act fully into execution, be it further enacted, That it shall and may be lawful for the said Trustees from Time to Time to raise or borrow, and take up at Interest, by way of Mortgage, Annuity,

Annuity, or otherwise, such Sum and Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, as they shall judge necessary for the several Purposes of this Act, including the Costs and Expenses thereof, upon the Credit of the Rates and Assessments to be made, levied, and collected by virtue of this Act; and by Writing under the Hands and Seals of any Five or more of the said Trustees, to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*; and the Charges and Expenses of such Assignment (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say,)

Form of Assignment.

'WE, Five of the Trustees acting in pursuance of an Act made in the Seventh Year of the Reign of King George the Fourth, intituled "An Act" [*here set forth the Title of this Act*], in consideration of the Sum of Pounds advanced and lent by of in the County of upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [*or* his *or* her Trustee *or* Trustees, *as the Case may be*] his [*or* her] Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments to be raised, levied, and collected by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the said Rates or Assessments; to be had or holden from this Day of until the said Sum of with Interest after the Rate of Pounds per Centum per Annum for the same, shall be fully paid and satisfied. In witness whereof we the said Trustees have hereunto set our Hands and Seals, the Day of in the Year of our Lord '

And all such Assignments shall be numbered, commencing with One, and so proceed in an Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, in respect of every One hundred Pounds so advanced as aforesaid; and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Power to raise Money by way of Annuity.

XLVI. And be it further enacted, That in case the said Trustees shall think it advisable to raise all or any Part of the Money for the Purposes of this Act by granting Annuities for Lives, or for Terms of Years, instead of such Assignments as aforesaid, then and in such Case it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered so to do, and by Writing under the Hands and Seals of any Five or more of them, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay, into the Hands of the Treasurer or Treasurers of the said Trustees, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities,

to

to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on behalf of such Contributor or Contributors at the Time of Payment of his, her, or their Contribution or Purchase Money; and the Charges and Expenses of preparing the Grant of such Annuity shall be paid by the said Trustees out of the Monies so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following; (that is to say,)

Form of Grant of Annuity.

'WE, Five of the Trustees acting in pursuance of an Act passed in the Seventh Year of the Reign of King George the Fourth, intituled "An Act" [*here set forth the Title of this Act*], in consideration of the Sum of paid by of to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said an Annuity or yearly Sum of to be paid out of the Rates or Assessments to be raised, levied, and collected by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said or his [*or* her] Assigns during the Term of his [*or* her] natural Life, or [*as the Case may be*] to the said his [her *or* their] Executors, Administrators, or Assigns, by half-yearly Payments, during the natural Life of upon the Day of and the Day of or within Days after each of the said Days in every Year, during the natural Life of him [*or* her] the said at the ; 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 proportional Part of the said Annuity, from the last of the said Days of Payment up to the Day of the Death of the said . In witness whereof we the said Trustees 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 every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Trustees, out of the Rates or Assessments, according to the Grant of such Annuity.

Restrictions as to Grants of Annuities.

XLVII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Prices of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Fifth the Rate prescribed by Two several Acts, one passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities*, and the other passed in the Fifty-second Year of the Reign of His said late Majesty, intituled *An Act for amending Two Acts passed in the Forty-eighth and Forty-ninth Years of His*

His present Majesty, for enabling the Commissioners for the Reduction of the National Debt to grant Life Annuities.

Power of transferring Assignments and Annuities.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the several Persons entitled to any of the Securities for the Money to be borrowed at Interest as aforesaid, or to be raised by granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, (as the Case may be,) at any Time, by Writing under their respective Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say,)

Form of Transfer.

'I *A.B.* being entitled to the Sum of [*or* an Annuity of] secured to and his *or* her Assigns [*or* his *or* her Executors, Administrators, and Assigns, [*as the Case may be*], by virtue of an Assignment [*or* Grant of an Annuity] bearing Date the Day of , under the Hands and Seals of Five of the Trustees acting in the Execution of an Act made in the Seventh Year of the Reign of King George the Fourth, intituled "An Act [*here set forth the Title of this Act*], upon the Credit of the Rates or Assessments granted or payable by the said Act, do, in consideration of , hereby transfer all my Right and Interest in and to the same Sum [*or* Annuity], and all Interest and other Money now due and arising thereon, unto of his *or* her Executors, Administrators, and Assigns. Dated the Day of .'

And a Copy or Extract of every such Security or Assignment, together with the Number or Numbers thereof, and of every Grant of Annuity made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk or Clerks to the said Trustees, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book any Person interested or claiming to be interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the Clerk or Clerks shall be paid, by the Person or Persons to whom such Transfer shall be made, the Sum of Five Shillings and no more; and every such Transfer, after entering thereof as aforesaid, shall entitle the Person to whom such Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment thereof.

Creditors to be paid by Ballot.

XLIX. And in order that no Preference may be given in the Repayment to any of the Persons who shall have advanced or lent Money upon the Credit of the said Rates or Assessments, be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Number or Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers to be rolled up in the same Form, or as near as possible, and put into a Box or Wheel, and the Number or Num-

bers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk or Clerks to the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk or Clerks, to be given to or left at the last or 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 when there is only One Creditor, to give Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than One Calendar Month after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall, from the Day so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand; but nothing herein contained shall extend or be construed to extend so as to require the said Trustees to pay off and discharge any Monies lent on the Credit of the Rates or Assessments by way of Annuity, until all other the Creditors on the said Rates or Assessments shall be paid off and discharged, and the several Parties so advancing Money by way of Annuity shall agree to accept the Sum or Sums of Money offered by the said Trustees for the Repurchase of such his, her, or their Annuity or Annuities.

Power to borrow Money at lower Interest to discharge Securities at a higher Rate.

L. Provided always, and be it enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall and may be lawful to and for the said Trustees from Time to Time to charge the said Rates or Assessments, in the Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such lower Rate as aforesaid, and to pay off and discharge the Assignments and Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Power to make Rates.

LI. And be it further enacted, That for the Purpose of raising Money to carry this Act fully into execution it shall be lawful for the said Trustees from Time to Time, as they may think necessary, by Writing under their Hands, to make an Assessment or Assessments, Rate or Rates, on the Occupiers of all Lands, Houses, Shops, Warehouses, Vaults, Coach-houses, Cellars, Stables, Gardens, Tenements, and Hereditaments within the said Parish, of any Sum of Money not exceeding Sixpence in the Pound in any One Year, according to such Proportions of the yearly Value as the same Lands, Houses, Shops, Warehouses, Vaults, Coach-houses, Cellars, Stables, Gardens, Tenements, and Hereditaments shall from Time to Time be assessed to the Rates for the Relief of the Poor of the said Parish, and to order and direct the Collector or Collectors to be appointed in pursuance of this Act to collect and receive from such Occupiers as aforesaid such Rates and Sums of Money as shall be assessed or rated as aforesaid; all which Rates and Assessments so to be rated, assessed, and collected are hereby vested in the said Trustees, in trust to be by them applied for the Purposes of this Act, and shall take place from such

such Time, and be paid and payable at such Time or Times, and in such Proportions as the said Trustees shall direct and appoint.

Houses hereafter to be erected to be rated.

LII. And be it further enacted, That all Houses and Buildings which shall hereafter be erected and built in the said Parish 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 and assessed for the like Purposes.

Trustees may rectify Omissions and correct Errors in Rates.

LIII. And be it further enacted, That if it shall appear to the Trustees at any Time or Times after any Rate or Assessment shall have been made and signed by them, that the Name or Names of any Person or Persons who ought to be included in such Rate or Assessment hath or have been omitted therein, or that the Name or Names of any Person or Persons hath or have been inserted in such Rate or Assessment, as Inhabitants, Holders, or Occupiers of any Messuage or Messuages, or other Hereditaments, for or in respect of which some other Person or Persons ought to have been rated or assessed; or in case any Messuage or Tenement, which at the Time of making any such Rate or Assessment was empty and unoccupied, shall become occupied by any Person or Persons within the Meaning of this Act, or that any other Alteration or Amendment of such Rate or Assessment may, in the Opinion of the said Trustees, be necessary; then and in any or either of such Cases it shall be lawful to and for the said Trustees to add or insert, or cause to be added or inserted, to or in such Rate or Assessment, the Name or Names of the Person or Persons so omitted, and the Name or Names of the Person or Persons who shall have become the Occupier of any Messuage or Tenement which was at the Time of making such Rate empty and unoccupied as aforesaid, together with the Sum or Sums for which he, she, or they ought to be rated and assessed, and the Amount of such Rate or Assessment in respect thereof; and also to insert and substitute, or cause to be inserted and substituted, the several Names of such Person or Persons as may be the Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments, instead of and for the Names of the Persons incorrectly inserted in such Rate or Assessment as the Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments at the Time of making such Rate, and otherwise from Time to Time to alter and amend the said Rate or Assessment, as they may from Time to Time deem necessary; and every such Addition, Insertion, Alteration, and Amendment to or in any such Rate or Assessment shall be valid and effectual in Law to all Intents and Purposes; and the Monies charged to any Person or Persons in consequence thereof shall and may be demanded, received, and recovered in the same Manner as if the Name or Names of such Person or Persons, or other Alteration and Amendment, had been inserted and made in such Rate or Assessment at the Time or previous to the original making or signing thereof.

Rates of small Houses, or Houses let in separate Apartments, or ready furnished, to be paid by the Landlord.

LIV. And be it further enacted, That the several Lessors, Landlords, or Owners of all such Houses, Buildings, Tenements, or other Hereditaments within the said Parish, the yearly Value whereof respectively shall not exceed Fifteen Pounds, or which shall be let or offered to be let to weekly or monthly Tenants, or which shall be let or offered to be let furnished, or in Lodgings or in separate Apartments, or at Rents which

which shall become payable and to be collected at any shorter Periods than quarterly, shall for the Purposes of this Act, (but not as to any Settlement which may be gained by any Person or Persons in respect of his, her, or their renting or occupying such Messuages or Hereditaments, or any Part or Parts thereof,) be severally deemed and taken to be the Occupier or Occupiers of such Houses, Buildings, Tenements, or Hereditaments respectively; and that all and every such Lessor and Lessors, Landlord and Landlords, Owner and Owners, shall or may, from Time to Time and at all Times hereafter, be rated and assessed to and by any Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, unless the said Trustees shall from Time to Time prefer and determine to rate the actual Occupier or Occupiers of such Houses, Buildings, Tenements, and Hereditaments respectively; and the Person or Persons so rated, whether the Lessor or Lessors, Landlord or Landlords, Owner or Owners, or the Occupier or Occupiers, shall from Time to Time pay or cause to be paid all and every such Rates or Assessments in respect of such Houses, Buildings, Tenements, or Hereditaments respectively; and upon Nonpayment thereof such Rates or Assessments may be levied by Distress and Sale of the Goods and Chattels of such Person or Persons respectively, wheresoever they shall be found, or of the Goods and Chattels of the Person or Persons inhabiting the same Messuages or Hereditaments respectively.

Landlord not to be charged on any increased Rent in consequence of his paying Rates.

LV. Provided always, and be it enacted, That no Lessor or Lessors, Landlord or Landlords, Owner or Owners, nor any Person or Persons, shall be charged with or liable to pay for and in respect of any increased Rent reserved or made payable to him, her, or them for or on account of any Agreement made by such Lessor or Lessors, Landlord or Landlords, Owner or Owners, or Person or Persons, with the actual Occupier or Occupiers of such Messuages or Hereditaments, that such Lessor or Lessors, Landlord or Landlords, Owner or Owners, or other Person or Persons would pay the several Rates or Assessments otherwise chargeable by this Act upon the Occupier or Occupiers of such Houses, Buildings, Tenements, or Hereditaments respectively.

Landlords of Houses not exceeding the yearly Value of 15*l.* let to One Tenant, and the Rent reserved quarterly, may compound with the Trustees at not exceeding Three Fourths nor less than One Half of the Rackrent.

LVI. And be it further enacted, That if the Lessor or Lessors, Landlord or Landlords, or Owner or Owners of any House, Building, Tenement, or Hereditament, the yearly Value whereof shall not exceed Fifteen Pounds, and which shall be let to One Tenant only, at a Rent which shall become payable and be collected only by quarterly Payments, which shall be rated and assessed as the Occupier or Occupiers of any such Building, Tenement, or Hereditament, then, upon Request in Writing under the Hand or Hands of any such Lessor or Lessors, Landlord or Landlords, Owner or Owners, and a true and full Statement in Writing of the Name of the actual Tenant or Occupier of every such House, Building, Tenement, or Hereditament, and such other Information relating thereto as the said Trustees shall from Time to Time direct and require, and to their Satisfaction, the said Trustees shall compound with any such Lessor or Lessors, Landlord or Landlords, Owner or Owners of such House, Building, Tenement, or Hereditament for Payment of the said Rates or Assessments, for and in respect of every such House, Building, Tenement, or Hereditament, at such reduced yearly Rental as the said Trustees shall think reasonable, not being more than Three Fourth Parts or less than

One

One Half of the Rackrent or annual Value of each such House, Building, Tenement, or Hereditament respectively, or shall remit to such Lessor or Lessors, Landlord or Landlords, Owner or Owners, such Part of such Rate or Assessment as the said Trustees shall think reasonable, not being less than Three Fourths nor more than One Half of such Rates or Assessments.

Trustees may compound with Owners of Houses let in Lodgings, &c. at not less than One Half of the Rackrent.

LVII. And be it further enacted, That it may be lawful for the said Trustees, if they shall think proper, to compound with any Lessor or Lessors, Landlord or Landlords, Owner or Owners of any Houses, Buildings, Tenements, or other Hereditaments in the said Parish which shall be let or offered to be let to weekly or monthly Tenants, or which shall be let or offered to be let furnished, or in Lodgings or in separate Apartments, or at Rents which shall become payable or to be collected at any shorter Period than quarterly, for Payment of the said Rates or Assessments for or in respect of such Houses, Buildings, Tenements, or Hereditaments, at such reduced yearly Rental as the said Trustees shall think reasonable, not being less than One Half of the Rackrent or annual Value of such Houses, Buildings, Tenements, or Hereditaments respectively, or to remit to the Lessor or Lessors, Landlord or Landlords, Owner or Owners of any such Tenements respectively last mentioned such Part of such Rate or Assessment as the said Trustees shall think proper, not being more than One Half of the Rates or Assessments to which such Lessor or Lessors, Landlord or Landlords, Owner or Owners shall be rated or assessed in respect of each of such last-mentioned Messuages or Hereditaments respectively, or otherwise to collect from such Lessor or Lessors, Landlord or Landlords, Owner or Owners the whole of such Rates or Assessments as they shall think proper, and also that the said Trustees may vary, discontinue, or renew either or any of such Compositions as they shall from Time to Time deem expedient.

Agreement between Landlord and Tenant not to be impeached.

LVIII. Provided always, and be it further enacted, That nothing in this Act contained shall be construed, deemed, or taken to impeach, alter, or make void any Agreement made between any Landlord and Tenant, or any Lease now granted or hereafter to be granted, anything in this Act contained to the contrary thereof notwithstanding.

Manner of levying Rates.

LIX. And be it further enacted, That in case any Lessor or Lessors, Landlord or Landlords, Owner or Owners, Occupier or Occupiers of any Messuages or Hereditaments situate in the said Parish, for and in respect whereof he, she, or they shall be rated or assessed to any Rate or Assessment made or to be made by virtue of this Act, or liable to be rated and assessed, or to pay the Money so rated or assessed as aforesaid, shall refuse or neglect to pay the Money rated and assessed upon him, her, or them respectively, or which he, she, or they may be liable to pay by virtue of this Act, and all Arrears hereafter due thereon, it shall be lawful for any One of His Majesty's Justices of the Peace for the County of *Surrey*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint being made by the said Trustees, or any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused and neglected as aforesaid, to appear at the Time and Place to be mentioned in such Summons before such Justice, or before any Justice or Justices of the Peace for the same County who

shall be then and there present; and it shall be lawful for any Person appointed to collect and receive such Rates or Assessments, or for any of the Constables, Headboroughs, or Beadles of the said Parish, or for any other Person, to serve all and every such Summons and Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last usual Place or Places of Abode, or at or on the Premises for or in respect whereof the Rate or Rates, Assessment or Assessments, mentioned in such Summons, shall remain due and owing; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he, she, or they shall attend, and shall not show good and sufficient Cause to such Justice or Justices as may be then and there present, that he, she, or they is or are not chargeable with such Rate or Rates, Assessment or Assessments, then and in every such Case every such Person or Persons shall pay the Rate or Rates in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Rate or Rates, Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or who shall have directed such Summons or Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the said County, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Rate or Rates, Assessment or Assessments as aforesaid, or any Constable, Headborough, or Beadle of the said Parish, or other District, or any other Constable, Headborough, or other Person, to levy such Rate or Rates, Assessment or Assessments, and all Arrears thereof, and the said Costs and Charges of the Summons (if the same shall not have been paid before), and the Costs and Charges of every such Warrant, and also the reasonable Costs, Charges, and Expenses of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing, which shall be found either within the said Parish or elsewhere; and if within Five Days next after any Distress shall be made pursuant to the Directions of this Act the said Rate or Rates, Assessment or Assessments, with all Arrears due thereon, together with all the said Charges of the said Summons, and the said Charges for the said Warrant, and the said Charges and Expenses of executing the same Warrant and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or the Constable, Headborough, or Beadle, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and be sold, either on the Premises where the same shall be distrained, or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Rate or Rates, Assessment or Assessments, together with all Arrears due thereon, and the said Costs, Charges, and Expenses of the said Summons, Warrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expenses of appraising and

and selling the same, (the Amount of all such Costs, Charges, and Expenses relating to the Recovery of the said Rate or Rates, Assessment or Assessments, being, in case of Dispute, settled by any One Justice of the Peace for the said County,) and shall return the Overplus (if any) to the Owner or Owners of such Goods or Chattels respectively, upon Demand thereof made by him, her, or them.

If sufficient Goods cannot be found, Persons may be committed to the Common Gaol.

LX. Provided always, and be it further enacted, That in case no Goods or Chattels, or no sufficient Goods and Chattels, of any Person or Persons so neglecting or refusing, can be anywhere found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up, secured, or removed, with an Intention to elude or delay the Payment or Recovery of such Rates or Assessments, and so that they cannot be distrained, then and in such Cases, upon Information thereof given to any Two Justices of the Peace for the said County, it shall be lawful for any Two such Justices, if they shall think fit, to issue a Warrant under their Hands and Seals for the Apprehension of any such Person or Persons, and to commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to be kept and confined in the same Manner as Persons imprisoned for Debt, and there to remain, without Bail or Mainprise, for any Time not exceeding the Space of Three Calendar Months, unless such Rates or Assessments, and all Arrears thereof, and all such Costs, Charges, and Expenses, or so much thereof as shall remain unsatisfied by any such Distress or Distresses, or otherwise, shall be sooner paid.

Form of Warrant of Distress.

LXI. And be it further enacted, That every Warrant of Distress for Nonpayment of any Rates or Assessments authorized and directed to be issued by virtue of this Act shall be in the Words or to the Effect following; (that is to say,)

‘ Surrey, to wit. } To , Collector of the Rate made by virtue of an Act [*here set forth the Title of this Act*], and to all Constables, Headboroughs, Beadles, and Peace Officers of the County aforesaid:

‘ WHEREAS the under-mentioned Person [*or* Persons, *if more than One*] now or late was a Lessor, Landlord, Owner, or Occupier [*or* were Lessors, Landlords, Owners, or Occupiers, *if more than One*] of the Tenement [*or* Tenements, *if more than One Person be included in the Warrant*] or other Hereditaments within the said Parish, and was and is, or were and are [*as the Case may be*] rated and assessed, or is or are [*as the Case may be*] liable to the Payment of the Sum or Sums of Money set opposite to his, her, or their respective Name or Names [*as the Case may be*] hereunder written, by virtue of a Rate duly made under and by virtue of the said Act passed in the Seventh Year of the Reign of His Majesty King George the Fourth, intituled “An Act [*here set forth the Title of this Act*]: And whereas the said Person or Persons has or have [*as the Case may be*] refused or neglected to pay the Sum or the several Sums of Money set at and opposite his, her, or their Name or Names [*as the Case may be*] hereunder written, due from him, her, or them by virtue of such Rate or Rates [*as the Case may be*], and the said Sum or several Sum and Sums of Money is or are [*as the Case may be*] still remaining due and unpaid, as appeareth upon Oath

‘ to

‘ to me, One of His Majesty's Justices of the Peace for the said County,
‘ and the said Person [*or* several Persons, *as the Case may be*] having
‘ been summoned to appear to answer the Premises, as also appeareth to
‘ me the said Justice on Oath, and neither he, she, or they, nor either of
‘ them, [*as the Case may be*,] having shown any sufficient Cause why such
‘ Sum or Sums of Money [*as the Case may be*] should not be paid by him,
‘ her, or them respectively [*as the Case may be*]: Now these are therefore
‘ in his Majesty's Name to will and require you or either of you forth-
‘ with to levy the said Sum or several Sums of Money [*as the Case may*
‘ *be*] due from the said Person or Persons [*as the Case may be*], and here-
‘ under set opposite to his, her, or their Name or Names respectively
‘ [*as the Case may be*], and also the Two several Sums of [*inserting the*
‘ *Amount of the Costs and Charges for the Summons and for the Warrant, or*
‘ *for either of them, as the Case may be*] for the Costs and Charges of the
‘ said Summons, and of these Presents, by Distress and Sale of his, her,
‘ or their respective Goods and Chattels [*as the Case may be*], such
‘ Goods and Chattels being kept for the Space of Five Days before the
‘ same are sold, rendering to him, her, or them respectively [*as the Case*
‘ *may be*] the Overplus [*if any*], on Demand, the reasonable Charges of
‘ such Distress, and of any Removal or keeping Possession, Appraise-
‘ ment, or Sale thereof, being first deducted; and if no sufficient Distress
‘ can be had or taken, that then you certify the same to me, to the end
‘ such Proceedings may be had therein as to the Law doth appertain:
‘ And I do hereby strictly charge and command all and singular the Con-
‘ stables, Headboroughs, and other His Majesty's Peace Officers for the
‘ said County to be aiding and assisting in all things relating to the
‘ Premises. Given under my Hand and Seal, this Day of
‘ in the Year of our Lord

‘ *A.B.*
‘ *C.D.*
‘ *E.F.* for a House offered to be let in separate Tenements.
‘ *G.H.*
‘ *I.K.* for a House offered to be let ready furnished.’

Rates may be recovered by Action.

LXII. Provided always, and be it further enacted, That it shall be lawful, at any Time or Times hereafter, for the said Trustees, if they shall think it expedient, in the Name or Names of their Clerk or Clerks for the Time being, to bring or cause to be brought any Action or Actions of Debt, or special Action on the Case, or other Action or Actions, in any of His Majesty's Courts of Record at *Westminster*, against any Person or Persons liable to pay any Sum or Sums of Money for and in respect of any Rates or Assessments made by virtue of this Act, or against any Executors or Administrators of any Person or Persons liable as aforesaid, for the Recovery of the Sum or Sums of Money due from any such Person or Persons; and in every such Action or Actions or other Proceedings it shall be sufficient for the Plaintiff or Complainant to declare or allege that the Person or Persons against whom such Action or Actions may be brought is indebted to such Plaintiff or Complainant in such Sum or Sums of Money as shall appear to be due by or on account of any such Rates or Assessments; and it shall only be necessary for such Plaintiff or Complainant to produce such Rate or Rates, Assessment or Assessments, and to prove that the Person or Persons against whom such Action or Actions shall be brought, or who shall be deceased,

was

was or were the Person or Persons mentioned in such Rate or Assessment, or liable to the Payment thereof by virtue of this Act, to entitle such Plaintiff or Complainant to recover the whole of the Sum or Sums of Money for the Recovery whereof such Action or Actions shall be brought against such Person or Persons, or against such Executors or Administrators; and if such Plaintiff or Complainant, by any such Action or Actions, shall recover such Sum or Sums of Money so intended to be recovered thereby, or any Part thereof, he shall have the full Costs of such Action, to be levied in the Manner in which all other Monies and Costs recovered in any Court or Courts wherein such Action shall be brought may be levied and obtained; and in such Action or Actions no Essoign, Protection, or Wager at Law, nor more than One Imparlance, shall be allowed.

Recovery of Rates from Persons removing.

LXIII. And be it further enacted, That in case any Person or Persons who hath or have been rated and assessed to, or who is or are liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his, her, or their Houses, Tenements, or Hereditaments within the said Parish for or in respect whereof he, she, or they shall be rated or assessed, before he, she, or they shall have paid any such Rates or Assessments, then and in every such Case it shall be lawful for any Person or Persons appointed to collect or receive any such Rates or Assessments by the said Trustees (Oath being made by him or them that he or they doth or do suspect that such Person or Persons hath or have removed his, her, or their Goods and Chattels), by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices of the Peace for the said County of *Surrey*, and which Warrant such Justice or Justices is and are hereby authorized and required to grant, (and in case such Person or Persons shall have removed into any other County, City, or Place, such Warrant being first backed and countersigned by some Justice of the Peace of the County, City, or Place to which such Person or Persons shall have removed, and which Warrant every such Justice is hereby empowered and directed, without Fee or Reward, to back or countersign), to distrain and appraise and sell the Goods and Chattels of such Persons or Person who shall have quitted the said Messuages or Hereditaments before he, she, or they have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person or Persons by virtue of such Rates or Assessments, or any of them, or any Part thereof, and all Costs, Charges, and Expenses occasioned by such Warrant, Distress, Appraisement, and Sale, in any County, City, or Place to which such Person or Persons shall have removed, in such and the same Manner as if the same Person or Persons had continued in the said Parish of *Saint Mary Magdalen Bermondsey*.

Rates recovered of Tenants of divided Tenements to be repaid by Landlords.

LXIV. And be it further enacted, That the Goods and Chattels of each and every Person and Persons renting and occupying any separate Part or Apartments of or in any House, Building, Tenement, or Hereditament, and the Goods and Chattels in every House, Tenement, or Hereditament, let ready furnished, although the Person or Persons occupying such House, Tenement, or Hereditament, or separate Part or Apartments, be not rated or assessed under or by virtue of this Act, shall be liable to be distrained and sold by virtue of any Warrant under the Hand and Seal of One of His Majesty's Justices of the Peace, which he is by this Act

authorized and directed to grant), for any Rates or Assessments made by virtue of this Act, which have accrued or become due during the Term of the Occupancy by any such Person or Persons of any such Messuage or Hereditament, or separate Part or Apartments thereof, and for the Costs, Charges, and Expenses of such Warrant, and of any Appraisement, Possession, Removal, or Sale of such Goods and Chattels, or attendant thereupon; but no such Person or Persons shall be required or compellable to pay any greater Sum for or towards the Discharge of the said Rates or Assessments, or of any of them, than the Amount of the Rent actually due and payable by such Person or Persons to the Lessor or Lessors, Landlord or Landlords, Owner or Owners of such House, Tenement, or Hereditament, or other Person or Persons rated or assessed as the Occupier or Occupiers of the Houses, Tenements, or Hereditaments so entirely or partly occupied by such Person or Persons; and that each and every Person or Persons who shall pay any such Rates or Assessments as ought to have been paid by the Lessor or Lessors, Landlord or Landlords, Owner or Owners, of any such Tenements or Hereditaments, or upon whose Goods and Chattels the same shall be levied in pursuance of this Act, shall and may deduct the same from and out of the Rent due and payable, or to become due and payable, to his, her, or their Lessor or Lessors, Landlord or Landlords, so letting out the same House, Tenement, or Hereditament, or separate Part or Apartment, to him, her, or them, unless there shall be some Agreement to the contrary between the Landlord and Tenant; and the Receipt or Receipts for such Payment or Payments shall be a sufficient Discharge to every such Person or Persons for so much as he, she, or they shall have so paid, or which shall have been so levied on his, her, or their Goods and Chattels in pursuance of this Act, and shall be repaid by such Lessor or Lessors, Landlord or Landlords, Owner or Owners, or be allowed by him, her, or them in part or in full Payment (as the Case may be) for the Rent due or to become due to him, her, or them from such Person or Persons as aforesaid, for or in respect of such Houses, Buildings, Tenements, or Hereditaments, or separate Part or Apartments thereof respectively.

Persons receiving Rents to be deemed Owners.

LXV. And be it further enacted, That to prevent Disputes touching the Designation of the Lessor or Landlord or Owner of any Houses, Buildings, Tenements, or Hereditaments intended to be made liable to be rated and assessed by any Rates or Assessments to be made by virtue of this Act, that the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any Houses, Buildings, Tenements, or Hereditaments, from the Tenants or actual Occupiers thereof, or any of them, shall be deemed and taken to be the Lessor or Lessors, Landlord or Landlords, Owner or Owners of such Houses, Buildings, Tenements, or Hereditaments, and shall be liable to be rated and assessed, and shall be compellable to pay the Rates and Assessments in respect of such Houses, Buildings, or Hereditaments, in all Cases in which either Lessors, Landlords, or Owners are made liable to be rated and assessed, and to the Payment of the Rates and Assessments by virtue of this Act, unless the real Lessor or Lessors, Landlord or Landlords, Owner or Owners thereof shall be declared by himself, herself, or themselves to be the real Lessor or Lessors, Landlord or Landlords, Owner or Owners thereof, or shall be distinctly and certainly known by the said Trustees.

LXVI. And

Rates to be apportioned between incoming and outgoing Tenants.

LXVI. And be it further enacted, That in case any Person or Persons occupying any Messuage or other Hereditament in the said Parish shall remove out of or from, or quit the Possession of any such Messuage or Hereditament, before any Rate or Assessment to be made by virtue of this Act shall be paid or discharged; or if any Person shall enter into the Occupation of any such Messuage or Hereditament, out of or from which any other Person shall have so removed, before any such Rate or Assessment shall have been paid and discharged, then and in every such Case the Person so removing out of, and the Person entering into the Possession or Occupation of any such Messuage or Hereditament, shall be respectively liable to the Payment of every such Rate or Assessment, in proportion to the Time that such Person or Persons possessed or occupied the same respectively, in like Manner as if the Person so removing or quitting as aforesaid had remained in the Possession or Occupation of such Messuage or Hereditament, or the Person or Persons so entering into the Occupation thereof had been rated or assessed in respect thereof, in any such Rate or Assessment, at the Time of the making thereof; and the Amount of such Proportion (in case any Dispute should arise) may be ascertained and determined by the said Trustees, and according to such Determination such Rates or Assessments shall be paid by each of such Persons in such Proportions, and may be levied and recovered from each of such Persons accordingly.

Trustees may mitigate Rates on account of Poverty.

LXVII. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time and at all Times hereafter, to remit or excuse the Payment of the whole or such Part as they may think fit of any Rate or Rates, Assessment or Assessments, made by virtue of this Act, for or on account of the Poverty or Indigence of any Person or Persons charged thereby.

Collectors to pay Money to the Treasurer.

LXVIII. And be it further enacted, That all and every 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 receive the Monies to arise thereby, to pay the same into the Hands of the Treasurer or Treasurers of the said Trustees for the Time being, to be applied and paid by the said Treasurer or Treasurers for the Purposes of this Act, according to the Orders and Directions of the said Trustees herein mentioned.

Not to keep above 50*l.* in their Hands.

LXIX. And be it further enacted, That if the Collector or Collectors of such Rate or Rates, Assessment or Assessments, shall at any Time keep and retain in his or their Hands more than the Sum of Fifty Pounds, for any longer Space of Time than Fourteen Days (provided that the Treasurer or Treasurers to such Trustees shall within that Time be ready to receive the same), then and in such Case such Collector or Collectors shall forfeit and pay the Sum of Five Pounds for every Day that he or they shall retain any Sum exceeding the said Sum of Fifty Pounds beyond the said Fourteen Days.

Trustees empowered to lay out Money in Go-

LXX. And be it further enacted, That in the meantime, and until such Monies shall be applied for carrying the Purposes of this Act into execution, it shall and may be lawful to and for the said Trustees, and they are

vernment Securities.

are hereby authorized and empowered from Time to Time to lay out or invest the same in or upon Government or other Public Funds or Securities at Interest, in the Names of Four or more of the said Trustees, of whom the Rector of the said Parish of *Saint Mary Magdalen Bermondsey* shall always be One, or in the Name of the Treasurer, as the said Trustees shall direct; and from Time to Time to sell and dispose of the Stocks, Funds, and Securities in which the same shall have been laid out and invested as aforesaid, and again to lay out the same in the like Stocks, Funds, or Securities, and so *toties quoties*; and from Time to apply and dispose of the Dividends, Interest, or annual Produce thereof, for and towards carrying the several Purposes of this Act into execution.

All Sums received by virtue of the Act to be paid to the Treasurer.

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

Accounts to be kept and entered in Book.

LXXII. And be it further enacted, That an Account shall be kept by the said Trustees of the Rates or Assessments to be made in pursuance of this Act; and the said Trustees are required to cause all Receipts, Payments, Debts, Credits, and Minutes of Contracts made with or by any Artificers or Workmen employed in any Works to be executed by virtue of this Act, or any Matter or Thing relating thereto, and all other their Proceedings, to be fairly written or entered into One or more Book or Books to be kept for that Purpose.

Treasurer's Accounts to be audited.

LXXIII. And be it further enacted, That once at least in every Year during the Execution of this Act (such Year to be computed from the passing thereof) the Treasurer or Treasurers to the said Trustees for the Time being shall, and he and they is and are hereby required to make a true and just Statement or Account of all Sums of Money by him or them received and expended; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by the said Treasurer or Treasurers laid before the said Trustees at their Meeting in the Month of *July*, or within Fourteen Days afterwards, in every Year, and at such other Times as they shall direct or require, to be by them examined and allowed, and the Balance of such Account shall by the said Trustees be fairly stated in the Books of Accounts to be kept in the Office of the Clerk or Clerks; and no Charge or Item in such Accounts shall be binding on the said Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Trustees at their Quarterly Meeting as aforesaid.

Three Persons to be appointed by Vestry yearly on Easter Tuesday, to audit Treasurer's Accounts.

LXXIV. And be it further enacted, That on *Easter Tuesday* in the Year of our Lord One thousand eight hundred and twenty-seven, and on *Easter Tuesday* in each and every ensuing Year during the Continuance of this Act, it shall and may be lawful to and for the Inhabitants of the said Parish having a Right to assemble, and who shall be assembled in Vestry, to nominate Three fit and proper Persons to be Auditors of the Accounts of the said Trustees; and each and every Person so to be nominated,

nominated shall occupy a Messuage or Tenement, or other Hereditaments within the said Parish, and be qualified in the same or the like Manner as the Trustees acting in the Execution of this Act are required to be qualified, and shall take and subscribe an Oath of the like Purport and Effect to that hereby required to be taken by Trustees, before One of His Majesty's Justices of the Peace for the said County, (which Oath any Justice is hereby authorized to administer); but no Person so to be nominated shall be a Trustee in the Execution of this Act, neither shall any Person so to be nominated be interested, either directly or indirectly, in any Contract, Office, Business, or Employ, or in providing or supplying any Articles or Materials under the Provisions of this Act; and the Auditors so to be nominated shall meet on the Second *Wednesday* in *August* in the said Year One thousand eight hundred and twenty-seven, or within Fourteen Days then next following, at the Workhouse of the said Parish, or at some other convenient Place in the said Parish, to be appointed by the said Trustees, and proceed to audit the Account of the said Trustees in the Presence of their Clerk or Clerks, from the Time they shall have begun to act as Trustees, up to the Time of the Trustees Meeting in the Month of *July* next preceding the Meeting of the Auditors; and on the Second *Wednesday* in *August* in every subsequent Year, or within Fourteen Days afterwards, the Auditors to be nominated on the *Easter Tuesday* then next preceding shall meet as aforesaid, and proceed in the like Manner, and in the like Presence, to audit the Accounts of the said Trustees for the Year ending respectively in the Month of *July* then last past; and the said Trustees are hereby required by their Clerk or Clerks to produce and lay before the said Auditors at every such Meeting a true and just Statement or Account in Writing, accompanied with proper Vouchers, of all Sum and Sums of Money which shall have come to the Hands of the said Trustees, or of their Treasurer, by virtue of this Act; and also of all Monies paid, laid out, or expended by them during the said Period, and in and about the obtaining and carrying the same into execution, and other Expenses incident thereto; and in case the said Auditors shall think there is just Cause to disapprove of any Parts of the Accounts so to be presented, it shall and may be lawful to and for the said Auditors, or the major Part of them, if they shall think fit, to appeal against any such Parts of the said Accounts as shall be so disapproved, to such Person and Persons, within the Time and subject to the said Regulations and Provisions herein-after mentioned in respect of Appeals against Rates to be made in pursuance of this Act: Provided always, that no Appeal against any such Accounts shall be made or proceeded in, except the same be directed or agreed upon by the said Auditors, or the major Part of them, during such Time as they shall be engaged in auditing such Accounts; and all such Accounts shall be left in the Committee Room of the said Workhouse, or some other convenient Place as aforesaid, for the Examination of the said Auditors only, for Three successive Days, and shall afterwards remain in the same Room, or such other convenient Place as aforesaid, for Seven successive Days, for the Inspection and Information of the Inhabitants of the said Parish, who shall have proper Access thereto at all seasonable Times.

Providing for the Election of Trustees and others, if

LXXV. Provided always, and it is hereby further enacted, That in case the Appointment of Trustees, Churchwardens, and Auditors, or any or either of them, by this Act authorized to be made on the *Easter Tuesday* in

not appointed on Easter Tuesday.

in each and every Year, shall, from any Cause whatever, not then take place, the Inhabitants of the said Parish are hereby authorized and required to hold another Vestry Meeting on the Day next following *Easter Tuesday*, at the Hour of Eleven of the Clock in the Forenoon, and so from Day to Day to continue to hold such Vestry Meeting at the Hour last aforesaid, until such Trustees, Churchwardens, and Auditors shall be duly appointed.

Penalties on Persons blowing Horns, &c. on Sundays.

LXXVI. Provided always, and be it further enacted, That if any Driver or Person belonging to or attendant upon any public Stage or Vehicle, or any Carrier or other Person or Persons, whether for the Purpose of plying for Fares, or hawking or vending any Newspaper, Gazette, or any other Paper, Matter, or Thing whatsoever, or for any other Purpose or under any other Pretext, shall, on a *Sunday* or on *Christmas Day*, *Good Friday*, or on any Fast Day or Thanksgiving Day by Proclamation, blow any Horn or use any other noisy Instrument in the said Parish, it shall and may be lawful to and for any Justice of the Peace for the said County of *Surrey*, and he is hereby required, upon Complaint to him made by any One or more credible Witness or Witnesses of any such Offence, to issue out a Warrant to apprehend the Parties or Party accused; and it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any Warrant, to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the said County; and on the Party or Parties accused being brought before such Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear to be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his or their Confession, or upon such Evidence as aforesaid, then and in every such Case he or they shall for each and every such Offence respectively, and if more than One shall severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him or them incurred, such Justice is hereby required to commit such Offender or Offenders to the House of Correction within the said County, there to be kept to Hard Labour for any Time not exceeding Twenty-one Days; and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he or they shall be so committed, unless such Penalty shall be sooner paid.

Vaults and Graves in decay to be repaired.

LXXVII. And whereas the Catacombs in the Crypt of the said additional Church, and the Vaults, Graves, and Grave Stones which may be erected or placed in the Burial Ground of or belonging thereto, may, from the Neglect, Poverty, or Inattention of the Person or Persons to whom the same may belong, or at whose Expense the same may be made, built, or set up, or of their Kindred or Representatives, be suffered to go into great Decay, or to become in a ruinous Condition: Be it therefore further enacted, That in all Cases in which any such Catacomb, Vault, or Grave, Grave Stone, Body Stone, Head or Foot Stone, in the said additional Church or Burial Ground thereof, shall be found in a decayed or ruinous Condition, the said Trustees shall cause a Notice in Writing

Writing to be signed by their Clerk or Clerks, and affixed on the outer Doors of such additional Church, or on the principal Gate leading into the said Churchyard therein, describing the Situation and Condition of such Catacomb, Vault, or Grave, Grave Stone, Body Stone, Head or Foot Stone, with the Name or Names (if any) of the Person or Persons to whom the same shall belong, if known to the said Trustees, or inscribed thereon as being last interred therein, in case such Name or Names can be read, and in such Notice to require the Person or Persons claiming the said Catacomb, Vault, or Grave, or Grave Stones, or other Stones as aforesaid, or any peculiar Right thereto, to repair and make good the same within Three Calendar Months from the Day such Notice shall be so affixed; and in case such Catacombs, Vaults, or Graves, Grave Stone, Body Stone, Head or Foot Stone, shall not be repaired by the Person or Persons claiming the same and entitled thereto, within the Time in such Notice mentioned, it shall be lawful to and for the said Trustees to remove and take away such Catacomb, Vault, or Grave, Grave Stone, Body Stone, Head or Foot Stone, so decayed or become ruinous, or otherwise respectively to repair and make up the same and dispose thereof, for the Purpose of interring any other Corpse therein; any Law or Custom to the contrary notwithstanding.

Expenses of the Act to be paid out of the first Monies raised by virtue thereof.

LXXVIII. And be it further enacted, That all the Costs, Charges, and Expenses of passing this Act, and all other Charges necessarily incidental to the applying for and attending the obtaining and passing the same, shall be borne, paid, and defrayed by the said Trustees, at their Discretion, out of the first Monies which shall arise and be received, or which shall be raised by virtue or for the Purposes of or under this Act.

Recovery of Fines, Forfeitures, and Penalties.

LXXIX. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted or imposed by this Act, (the Manner of levying and Recovery whereof is not otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County or Place where the Offence shall be committed, or where the Offender shall reside, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath, of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expenses of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Fines, Penalties, and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of

such

such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for the said County, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County, there to remain without Bail or Mainprise for any Time not exceeding Three Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Fines, Penalties, and Forfeitures, when so levied, (the Application whereof is not otherwise directed,) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Persons aggrieved to appeal to the Trustees;

LXXX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or overrated by any Rate or Assessment to be made by virtue of this Act, or by any other Matter or Thing to be made or done under or in pursuance of this Act, he, she, or they shall, in the first place, appeal and complain thereof to the said Trustees, at any one of their Meetings within Four Calendar Months next after such Rates or other Cause of Complaint shall have been made or have arisen, who may examine the Appellant or Appellants, or any Witness or Witnesses upon Oath, touching or concerning the Matter of such Appeal; and the said Trustees are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises, and make such Order therein, as to them shall seem meet.

and if dissatisfied with the Determination of Trustees, or by any Conviction, may appeal against the same to the Sessions.

LXXXI. Provided always, and be it further enacted, That if any Person or Persons shall conceive himself, herself, or themselves aggrieved by, or be dissatisfied with the Determination of the said Trustees upon any such Appeal, or by any Order or Conviction of any One or more Justice or Justices of the Peace, then and in every such Case it shall and may be lawful to and for such Person or Persons to appeal to the Justices of the Peace for the said County, at the first General Quarter Sessions of the Peace to be holden in and for the County of *Surrey* aforesaid after the Expiration of One Calendar Month from the Time of such Determination of the said Trustees, or of the making of any such Order or Conviction, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matters thereof, to the Treasurer or Clerk to the said Trustees, or other the Respondent or Respondents, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order or Award of the said Court thereon; and the said Justices at such Session, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties or otherwise, as they the said Justices shall

shall judge proper; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever; and whatever Costs shall or may be awarded against the said Auditors on any Appeal to be made by them, and also all other reasonable Costs and Expenses which shall or may have been incurred and paid by such Auditors, shall be repaid to them out of the Poor's Rates of the said Parish, and which Costs and Expenses the Governors and Directors of the Poor of the said Parish are hereby authorized and empowered to pay accordingly.

Justices may amend without quashing the whole Assessment.

LXXXII. Provided always, and be it further enacted, That upon any Appeal against the Determination of the said Trustees, touching or concerning the said Rates or Assessments, or any of them, to be made for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same; but if, upon Appeal from the whole Rate or Assessment, it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Form of Conviction.

LXXXIII. And for the more easy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn in the Form following, or in other Words to the same Effect:

'County of Surrey, (to wit.) } BE it remembered, That on the Day of in the Year of the Reign of [*as the Case may be*] *A.B. etc.* is [*or* are, *as the Case may require*] duly convicted before me [*or* us, *as the Case may be*] One [*or* Two] of His Majesty's Justices of the Peace acting in and for the said County of Surrey, of having [*here specify the Offence, Time and Place when and where committed*] contrary to the Statute in such Case made and Provided; for which Offence I [*or* we, *as the Case shall be*] do adjudge the said *A.B.* to have forfeited the Sum of and also the Sum of for the Costs, Charges, and Expenses already incurred thereabouts. Given under my Hand and Seal [*or* our Hands and Seals, *as the Case may be*] the Day and Year first above written.'

Rated Inhabitants not to be deemed incompetent Witnesses.

LXXXIV. And be it further enacted, That no Inhabitant of the said Parish of *Saint Mary Magdalen Bermondsey* shall be deemed an incompetent Witness in any Suit, Action, Information, Complaint, Appeal, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authorities of this Act, by reason of such Person being rated or assessed or liable to be rated or assessed under and by virtue of this Act.

Distress not to be deemed unlawful for Want of Form.

LXXXV. And be it further enacted, That when any Distress shall be made for any Money to be raised or levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any

any Defect or Want of Form in any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case; provided that no Plaintiff or Plaintiffs shall recover in any Action or Actions for any such Irregularity, Trespass, or other Proceedings if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or other wrongful Proceeding, before any such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Adjudications shall be made, had, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court; and that no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made or any other Matter or Thing done or transacted in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process whatsoever, in any of His Majesty's Courts of Record at *Westminster*.

Limitation of Actions.

LXXXVI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for anything done in pursuance of or under the Authority or Colour of this Act, unless Notice in Writing of such intended Action shall have been given to the Clerk or Clerks to the said Trustees, Fourteen Days before such Action or Suit shall be commenced, signed by the Attorney for the intended Plaintiff or Plaintiffs, specifying the Cause or Causes of such Action or Suit, nor after sufficient Satisfaction or Tender thereof has been made to the Party or Parties aggrieved, or his, her, or their Attorney or Attornies, or after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and every such Action shall be brought, laid, and tried in the County where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant or Defendants in such Actions or Suits may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Fourteen Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find a Verdict or Verdicts for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become Nonsuit, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such

Remedy

Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

Act not to abridge the ordinary Jurisdiction of the Bishop of Winchester.

LXXXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend in any respect to abridge, oppose, or control the ordinary Jurisdiction of the Lord Bishop of *Winchester* for the Time being in and over the aforesaid Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*, or over the Minister and Churchwardens thereof, or in, over, or relative to any Matter or Thing respecting the said Parish, Minister and Churchwardens thereof, nor shall anything in this Act contained extend to invalidate any Ecclesiastical Law or Constitution of the Church of *England*.

Public Act.

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

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1859.