ANNO PRIMO

GEORGII IV. REGIS.

Cap. xli.

An Act for building Two new Churches or Chapels in the Parish of *Saint Mary Newington*, commonly called *Newington Butts*, in the County of *Surrey*; and for other Purposes relating thereto.

[30th *June* 1820.]

WHEREAS the Parish of *Saint Mary Newington*, commonly called *Newington Butts*, in the County of *Surrey*, is of considerable Extent, and the Population thereof hath of late Years much increased, and now consists of Thirty thousand Inhabitants, or thereabouts: And whereas the present Parish Church is situate at one Extremity of the said Parish, and is inadequate to the Accommodation of the Inhabitants thereof, and there is no other Place of Worship in the said Parish according to the Rites of the Established Church: And whereas it is therefore necessary that Two additional Churches or Chapels, for the Celebration of Divine Service according to the Rites of the United Church of *England* and *Ireland*, as by Law established, should be erected and maintained in the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, and that a certain Number of Free Seats should be made therein: And whereas the Right Reverend Father in God *Folliott Herbert Walker*, Lord Bishop of *Worcester*, is, in Right of his Bishoprick,

Patron of the Rectory of the said Parish of *Saint Mary Newington*, otherwise called *Newington Butts*, and the said Rectory is under the immediate and peculiar Jurisdiction of the Metropolitical Church of Christ, *Canterbury*, and the Reverend *Arthur Cyril Onslow* Clerk, Master of Arts, is the present Rector of the said Parish and Parish Church: And whereas it would be of great Convenience to the Inhabitants of the said Parish if Two new Churches or Chapels were erected in some convenient Places within the said Parish, and upon an equal or a larger Scale than the present Parish Church; 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

Trustees. Authority of the same, That the Rector and Churchwardens of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, for the Time being, together with *John Arnold* of Kent Street, *Henry Bevington*, *Robert Bryer*, *John Capes*, *John Clutton*, *William Coleman*, *Thomas Conway*, *Edmund Cornell*, *George Crabb*, *Samuel Dixon*, *Peter Dixon*, *James Wilde Dixon*, *Thomas Drake*, *Christopher Edmonds*, *Thomas England*, *John Fair*, *Richard Fall*, *Thomas Fielder*, *James Francis Firth*, *Thomas Liversedge Fish*, *John Gamble*, *William Garland*, *Frederick Gibson*, *William Hammond*, *John Harris*, *James Horwood*, *Edward Jones*, *William Judd*, *David King*, *James King*, *Peter William Liege*, *Peter Lock*, *William Maughan*, *Thomas Mills*, *William Matthews*, *Richard Price*, *William Pugh*, *Matthew Robins*, *Samuel Rowsell*, *Emanuel Silva*, *Frederick Saumarez*, *Thomas Tait*, *James Thomas*, *William Sweney Barnard Turner*, *Thomas Whitmore*, 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 resident Householders within the said Parish.

Rectors, Churchwardens, &c. of new Churches to be Trustees.

II. And be it further enacted, That when and so soon as the Rectors or other Ministers of the Churches or Chapels to be built under the Provisions of this Act, and the Church or Chapelwardens of the same, shall be respectively appointed, they and their Successors for the Time being shall be Trustees for putting this Act into Execution, and shall from thenceforth have full Power and Authority to act as Trustees in the Execution of this Act, in like Manner as if they had respectively been originally appointed Trustees for the Purposes aforesaid.

Bishop of Worcester to appoint Two Trustees.

III. And be it further enacted, That it shall and may be lawful to and for the Lord Bishop of *Worcester* for the Time being, as Patron of the Rectory and Advowson of the said Parish Church of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, to nominate and appoint Two Male Persons, being resident Householders, and paying Rates within the said Parish, to act as Trustees in the Execution of this Act; and in case such Two Persons or either of them, or any Persons or Person to be nominated and appointed in their or his Stead, shall die or refuse or be incapable to

act as Trustees or Trustee in the Execution of this Act, or shall cease to be resident Householders or a resident Householder, and paying Rates within the said Parish, then and in every such Case it shall and may be lawful to and for the said Lord Bishop of *Worcester* for the Time being to nominate and appoint any other Person or Persons, being a resident Householder or Householders, and paying Rates within the said Parish, to be a Trustee or Trustees in the Room or Stead of the Person or Persons so dying or refusing or being incapable to act as a Trustee or Trustees in the Execution of this Act, and so in like Manner from Time to Time to nominate and appoint any other Person or Persons, being a resident Householder or Householders paying Rates within the said Parish, upon the Decease of such last-mentioned Trustee or Trustees, or of any succeeding or future Trustee or Trustees, on his or their 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 of the said Lord Bishop of *Worcester* for the Time being to the other Trustees for the Time being acting in the Execution of this Act, at some One of their Meetings to be had under this Act; and from Time to Time, upon every such Nomination and Appointment being so certified, the Person or Persons so nominated and appointed shall have full Power and Authority to act as a Trustee or Trustees in the Execution of this Act, in like Manner as if he and they had been originally named a Trustee or Trustees for the Purposes aforesaid.

Trustee's Oath.

IV. Provided always, and be it further enacted, That no Church or Chapelwarden, nor any Person to be nominated and appointed as last aforesaid, shall be capable of acting as a Trustee in the Execution of this Act, until he shall have taken an Oath to the following Effect; (which Oath any of the Trustees herein-before named are authorized and empowered to administer):

'I *A. B.* do declare, That I am a Member of the United Church of *England* and *Ireland*; and I 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 First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act.*] So help me GOD.'

Vacancies occasioned by Death, &c. of Trustees to be filled up.

V. 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 Churchwardens of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, for the Time being, and the Rectors or other Ministers of the Churches or Chapels to be built under the Provisions of this Act, and the Church or Chapelwardens of the same for the Time being, and also except such Two Persons as shall be nominated by or on the Part of the Lord Bishop of *Worcester* for the Time being, 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 be a resident Householder within the said Parish, then and in every such Case it shall

shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at any public Meeting to be specially summoned for that Purpose in Manner herein-after directed for appointing any Special Meeting or Meetings on Emergency, to elect, nominate, and appoint some other Male Person or Persons, being a resident Householder or resident Householders 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 be a resident Householder as aforesaid, and so in like Manner from Time to Time, upon the Death, Refusal, Disability or ceasing to be a resident Householder 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, being a resident Householder or resident Householders 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 or Persons so chosen and appointed shall and may, and he and they 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.

VI. 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 and Churchwardens of the said Parish for the Time being, and the Rectors or other Ministers of the Churches or Chapels to be built under the Provisions of this Act, and the Church or Chapelwardens of the same for the Time being, and such Persons as shall be nominated by or on the Part of the Lord Bishop of *Worcester* for the Time being), unless he shall occupy some Messuage or Tenement in the said Parish, and shall be assessed to the Poor's Rate thereof, according to a Rental of Thirty Pounds or upwards, or who shall not be seised or possessed of a Real or Personal Estate, or a Real and Personal Estate to the Amount or Value of One thousand Pounds, over and above what shall be sufficient to satisfy and discharge all his just Debts, neither shall any Person (except the Rectors or Ministers, Church or Chapelwardens, and the Persons to be nominated as last above mentioned) 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 in the Words or to the Effect following; that is to say,

Qualification Oath.

'I *A. B.* do declare, That I am a Member of the United Church of *England* and *Ireland*; and I 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 First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], and that I occupy a Messuage or Tenement in the said Parish, assessed to the Poor's Rate thereof, according to a Rental of Thirty Pounds or upwards, or

'[*as*

'[*as the Case may be*], that I am seised or possessed of a Real or Personal 'Estate, or a Real and Personal Estate of the Amount or Value of 'One 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 cease to be Trustees.

VII. And be it further enacted, That if any Trustee or Trustees under this Act (except the Rector and Churchwardens of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, and the Rectors or other Ministers of the Churches or Chapels to be built under the Provisions of this Act, and the Church or Chapelwardens of the same for the Time being, and also except the Trustees to be nominated by or on the Part of the Lord Bishop of *Worcester* 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 or 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.

Penalty on Persons acting not being qualified.

VIII. And be it further enacted, That if any Person disabled or declared to be incapable to act as such Trustee shall act as a Trustee in the Execution of this Act, contrary to the Intent and Meaning hereof, every such Person shall for each and every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed; and every Person who may be so prosecuted or sued shall prove that he is so qualified as aforesaid, or otherwise shall pay the aforesaid Penalty, without any other Proof on the Part of the Prosecutor or Plaintiff, than that such Person hath acted 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.

Trustees not to be concerned in Contracts, or to be Clerk, &c.

IX. Provided also, and be it further enacted, That if any Person appointed a Trustee for and acting in the Execution of this Act shall have any Share in or be 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 or enjoy, either directly or indirectly, or partake in the Emoluments of any beneficial Employment, or as Clerk or other Officer under or by virtue of this Act, then and in every such Case every such Trustee shall forfeit and pay for each and every such Offence any Sum not exceeding Five hundred Pounds, together with full Costs of Suit, to any Person or Persons being a resident

Householder or Householders in the said Parish duly assessed under this Act, who shall 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 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.

First and subsequent Meetings of Trustees.

X. And be it further enacted, That the said Trustees shall and may meet together at any convenient Place within the said Parish, on some *Tuesday* within Two Calendar Months next after the passing of this Act, between the Hours of Nine of the Clock in the Forenoon and One 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, signed by the Clerk to the said Trustees for the Time being, shall be given to or left for each of the said Trustees at the usual Place of Abode of every Trustee resident in the said Parish, Five 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 shall and he is hereby required to summon the Trustees to meet at the Place where the last Meeting shall have been appointed to have been held, within Fourteen Days next after the Day on which such last Meeting was to have been held as aforesaid (such Summons to be signed by the Clerk, and to be delivered at the usual Place of Abode of every Trustee resident within the said Parish, at least Five Days before such Meeting); and in case the said Clerk shall happen to die before such Summons shall issue, or shall neglect to issue such Summons, then any Five or more of the said Trustees shall and may, by Writing under their Hands, summon the said Trustees in like Manner to meet at any Time and Place within the said Parish which they shall think proper.

Quarterly Meetings of Trustees.

XI. 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 *Tuesday* in *January*, the Second *Tuesday* in *April*, the Second *Tuesday* in *July*, and the Second *Tuesday* in *October*, in every Year, or within Seven Days afterwards, and such Quarterly Meetings shall be held between the Hours of Nine of the Clock in the Forenoon and One of the Clock in the Afternoon; but such Quarterly Meetings shall not 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 hereinbefore provided and directed with respect to the other Meetings to be holden by virtue of this Act.

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Special Meetings of Trustees.

XII. 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 adjourned; or in case the said Trustees shall at any of the Meetings separate without adjourning themselves to meet on any specific Day, then and in every such Case the Clerk 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 left at his 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 Five 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 Trustees to be holden in pursuance of this Act, whether by Adjournment or otherwise, the said Trustees shall bear, pay, and defray their own Expences.

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

Rector to be Chairman.

A Chairman to be appointed if Rector not present.

XIII. 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, 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 Rector for the Time being of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, shall, if present, be the Chairman of every Meeting, and if he shall not be present, then the Rector or other Minister for the Time being of one of the said Churches or Chapels to be provided by this Act, when they or either of them shall be appointed, shall if present be the Chairman; but if neither of the said Rectors or other Minister shall be present, then the Trustees present at every Meeting shall, 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 shall have a second or casting Vote, which shall determine the Question.

Entries of the Proceedings to be made, and when signed by the Chair-

XIV. 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

man, may be read in Evidence.

such Entries shall be signed by the Chairman of each respective Meeting, and being so signed, shall be confirmed at the next Meeting of the said Trustees, and when so confirmed, shall be deemed Originals, and be allowed to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions touching any thing done or committed in pursuance of this Act, or in anywise relating thereto.

Trustees being Justices may act.

XV. 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, Architect, Clerk, Collectors, and other Officers, and give Salaries, &c.; all such Officers removable at Pleasure.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any Special Meeting to be held for that Purpose, by Writing under their Hands, to appoint a Treasurer or Treasurers, an Architect or Architects, a Surveyor or Surveyors, a Clerk, a Collector or Collectors, and such other Officers and Persons for the Purposes of this Act, or any of them, 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 said Trustees shall direct, deliver to the said Trustees, or such Person or Persons as they shall appoint, true and perfect Accounts 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 Purposes, 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 examined with the Vouchers, audited, passed, and allowed by them if approved of; 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

Trustees to take Security from Treasurer and Collector. All Officers to account when required.

Treasurer and Collector to account quarterly, and oftener when required.

Officers to pay Balance, and deliver Books, &c.

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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 Non-payment 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 distressing 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 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 Three Calendar Months.

Offices of Clerk and Treasurer not to be held by one Person.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the

Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, 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.

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 Five or more of them the said Trustees, and countersigned by their Clerk, 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.

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

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 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, shall abate or be discontinued by the Death or Removal of such Clerk, or by his Act or Acts, without the Consent of the said Trustees, but the Clerk for the Time being, though not specifically named, shall always be deemed Plaintiff or Defendant 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 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 shall be reimbursed, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Expences as he may be put unto or become charged or chargeable with by reason of his being so made Plaintiff, Prosecutor, or Defendant.

Upon Representation of His Majesty's Commissioners for building new Churches, in Manner stated, Parish may be divided into separate Parishes for all Ecclesiastical Purposes.

XX. And be it further enacted, That His Majesty's Commissioners for building new Churches for the Time being, acting under or by virtue of Two several Acts, the one passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, and the other passed in the Fifty-ninth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act to amend and render more effectual an Act passed in the last Session of Parliament for building and promoting the building of Churches in populous Parishes*, shall have such and the same Powers, Authorities, and Discretion, in all respects, with respect to the dividing the said Parish of *Saint Mary Newington*, otherwise called *Newington Butts*, into Three separate Parishes, or Ecclesiastical

tical Districts, or otherwise, as are in and by the said Acts contained and now in force and unrepealed, passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty King *George* the Third; and in such and the same Manner, in all respects, as if the Churches or Chapels by this Act directed to be built were to be built in pursuance of and under the Directions, Powers, and Authorities contained in the said Acts passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty King *George* the Third.

Commissioners for building new Churches to have the same Powers over this Act as are given to them by the said Acts.

XXI. And be it further enacted, That His Majesty's Commissioners for building new Churches, acting under or by virtue of the said Acts respectively passed in the Fifty-eighth and Fifty-ninth Years of the Reign of His late Majesty, shall have, in all respects, all such Powers, Discretion, and Authority whatsoever, for the Purpose of carrying this Act into effect, as are given to the said Commissioners by the said Two Acts, or either of them, and which are now in force and unrepealed, and in such and the same Manner as if the said Two Churches or Chapels by this Act directed or authorized to be built were built by the Direction and under the Authority of the said Commissioners, and in pursuance of the said Two Acts so passed as aforesaid, except so far as the same Powers and Authorities are altered by this Act, or are inconsistent with the Directions herein contained.

Extending the Powers of those Acts to this Act.

XXII. And be it further enacted, That all and every the Clauses, Directions, Enactments, Powers, and Provisions whatsoever in the said Two Acts so passed as aforesaid, or either of them, contained, or such Parts thereof as are now in force and unrepealed, shall in all respects apply to the said Parish of *Saint Mary Newington*, otherwise called *Newington Butts*, in such and the same Manner as if the said Churches or Chapels by this Act directed and authorized to be built, were built under the Direction and Authority of His Majesty's Commissioners for building new Churches, and in pursuance of the said Two Acts; and that the said Acts of the Fifty-eighth and Fifty-ninth Years of the Reign of His said late Majesty, or so much and such Parts thereof 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 Clauses therein 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 Clerks and Sextons.

XXIII. And be it further enacted, That the Clerks and Sextons in every Church or Chapel to be erected or built under the Provisions of this Act, shall during the Incumbency of the said *Arthur Cyril Onslow*, be annually appointed by the said *Arthur Cyril Onslow*; and after his Death, Resignation, or other Avoidance, such Clerks and Sextons

Sextons shall be annually appointed by the respective Ministers of the said Churches or Chapels.

Appointment of Churchwardens.

XXIV. And be it further enacted, That Two fit and proper Persons shall be appointed to act as Churchwardens or Chapelwardens for every Church or Chapel built under the Provisions of this Act, at the usual Period of appointing Parish Officers in every Year, and shall be chosen one by the said *Arthur Cyril Onslow*, so long as he shall continue the Incumbent of the said Rectory, and after his Death, Resignation, or other Avoidance, by the Incumbent or Curate of the new Church or Chapel for the Time being when erected, and the other by the Trustees for the Time being for executing this Act, at a Special Meeting to be called for that Purpose, in the Manner herein-before directed for calling Special Meetings; 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 or Chapel by the Congregation thereof, except so far as the Powers of such Church or Chapelwardens are abridged or altered by this Act; and the Persons so to be appointed or chosen Church or Chapelwardens shall continue in their said Office until others shall be chosen, in like Manner, in their Stead: Provided always, that any Churchwardens or Chapelwardens 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.

Trustees empowered to erect a Church, &c. on the Ground vested in them, according to such Plan, &c. as shall be approved by the Commissioners for building and promoting the building of Churches in populous Parishes.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby required, as soon as conveniently may be after the passing of this Act, to cause to be erected on each of the Pieces or Parcels of Ground to be purchased or procured by them, or which may be conveyed and assured to them under the Provisions of this Act, or on some Part thereof respectively, a Church or Chapel, either with or without a Vestry and Steeple, Tower or Dome, and such Offices and Conveniences to the same respectively, 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 the said Commissioners, and of the Lord Archbishop of *Canterbury* for the Time being; and also to cause proper and convenient Roads, Avenues, and Approaches to be made into and through the said several Pieces or Parcels of Ground to the said Churches or Chapels respectively, and to erect and set up therein such Pews, Seats, Sittings, Benches, Forms, Galleries, Organs, Clocks, Bells, Ornaments, and other Conveniences, and to purchase and procure for the same Communion Plate, and such other Things 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 under the same Churches or Chapels, of such Dimensions

and

and in such Manner as may appear to them, with the Approbation of the said Commissioners aforesaid, to be most eligible and proper.

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

XXVI. 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 Churches or Chapels, with Vestries, Steeples, Towers, Domes, Offices, Pews, Seats, Vaults, Catacombs, and Conveniences, or any Part or Parts thereof respectively, and for altering the Pews in the present Church, in order to convert a Proportion thereof, as herein-after mentioned, into free Seats, 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 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, Twenty-eight Days Notice at the least shall be given in Four or more *London* 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.

upon giving Twenty-eight Days Notice of their Intention so to do.

Particulars to be contained in Contracts.

XXVII. 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 Nonperformance thereof, and shall be signed by any Ten 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.

Trustees may compound for Breach of Contract.

XXVIII. 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 with any Person or Persons on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper.

Trustees not to contract till the Commissioners under 58 and 59 G. 3. have

XXIX. Provided always, and be it further enacted, 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 Churches or Chapels, or either of them, until a Plan or Plans, Elevation

approved of the Plans and Estimates.

Elevation or Elevations, Section or Sections thereof respectively, with such Vestries, Offices, or other Conveniences as aforesaid, and the Scantlings of the proposed Timbers to be used, and the whole Specification thereof, together with an Estimate of the Expence of erecting the same, shall have been first formed, nor until such Plan or Plans, Elevation or Elevations, Section or Sections, Specification or Specifications, and Estimate or Estimates, shall not only have been agreed to by a Majority of the said Trustees present at such Meeting or Meetings to be specially called for that Purpose, but shall also have been approved of by the Right Reverend the Lord Archbishop of *Canterbury* for the Time being, and also the said Commissioners for the Time being: Provided always, that nothing herein contained shall make it necessary that the Two Churches or Chapels to be built under the Powers in this Act contained, shall be begun at the same Time, but that it shall be lawful for the said Trustees, with the Consent of the said Commissioners, to proceed with the building of one of the said Churches or Chapels before the other shall be commenced, so that both the said Churches or Chapels, to be built under the Powers of this Act, shall be built and completed within Five Years from the passing of this Act.

The Two new Churches need not to be begun at the same Time.

Materials vested in the Trustees.

XXX. And be it further enacted, That until the said new Churches or Chapels, 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 the same, or for any Works to be erected or executed by virtue of this Act, at any Time hereafter, either for the repairing the said Churches or Chapels so to be built, or for altering the Pews or Seats in the present Church, 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 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 any of the Works, Erections, or Buildings to be made or erected by virtue of this Act; and in all such Actions and Bills of Indictment and legal Proceedings, 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 Works, Erections, or Building 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 for carrying into Execution an Act for building Two new Churches or Chapels in the Parish of *Saint Mary Newington*, commonly called *Newington Butts*, in the County of *Surrey*, without particularly specifying or stating the Name or Names of all or any of the said Trustees.

The present Church to be called "The Parish Church of Saint Mary Newington;"

XXXI. And be it further enacted, That the said Parish Church now being in the said Parish of *Newington* shall from henceforth be for ever called "The Parish Church of *Saint Mary Newington*," and that the said new Churches or Chapels shall, after the same respectively shall have been built, completed, and consecrated, from thence-

forth be called or known by the Names following, that is to say, one of them by the Name of "*Trinity* Church or Chapel, *Newington*," (as the Case may be) and the other by the Name of "*Saint Peter*'s Church or Chapel, *Walworth*," (as the Case may be); and that Divine Service, the Solemnization of Matrimony, Burial of the Dead, and all other Matters and Things whatsoever which were or of Right have been used to be celebrated, solemnized, and administered, had, done, or performed in the said Parish Church and the Burial Ground thereof, shall and may from and immediately after the Consecration of any new Church or Chapel be in like Manner celebrated, solemnized, and administered, had, done, and performed in the said new Church, Chapel, Vaults, and Catacombs to be erected under the same, and the Burial Ground to be attached thereto; any Law, Statute, Usage, or Custom to the contrary notwithstanding, subject nevertheless to the Provisions herein contained or referred to during the Incumbency of the said *Arthur Cyril Onslow*.

and the new ones "Trinity Church or Chapel," and "Saint Peters Church or Chapel."

XXXII. And be it further enacted, That before the Consecration of any Church or Chapel under the Provisions of this Act, a Seat or Pew, sufficient to hold Eight Persons at least, shall be set apart in the Body or Ground Floor of the Church or Chapel, and contiguous or near to the Pulpit, for the Use of the Minister of the Church or Chapel for the Time being, and his Family; and other Seats in some other convenient Part of the Church or Chapel, not among the Free Seats, capable of containing not less than Four Persons, shall also in like Manner be set apart for the Use of the Ministers Servants; and also one other Pew, to contain Four Persons at the least, for the Church or Chapelwardens of the said Church or Chapel.

Pews to be provided for Minister and his Servants.

XXXIII. And be it further enacted, That in the present Parish Church, and also in the Churches or Chapels to be built under the Provisions of this Act, the said Trustees shall, with the Consent of the said Commissioners, cause to be set out and appropriated, in a convenient Manner, a sufficient Number of Sittings in the Gallery, and also in the Body of the same respectively, not being less than One-fourth of the whole Number of Sittings in each of the said Churches or Chapels, which shall for ever afterwards be free and open, to be used and occupied during the Time of Divine Service and the Administration of the Holy Sacrament of the Lord's Supper, by any poor Person or Persons, being Inhabitants of the said Parish, who shall be willing to use and occupy the same, without any Payment, Appointment, Pre-emption, or Permission whatsoever, and on which Seats the Words "Free Seats" shall be marked: Provided always, that it shall be also lawful for the said Trustees to set out and allot to or to the Use of all such Children as shall be receiving Education in any Free or Charity School in the said Parish, a sufficient Number of Sittings, or such other fit and convenient Seats, as well in the present Church, and also in the said new Churches or Chapels to be so built, as to them the said Trustees, with the Consent of His said Majesty's Commissioners, shall seem proper or necessary, without receiving for the same any Payment or Emolument whatever.

Free Sittings to be allotted for the Use of the Poor.

XXXIV. And

Other Seats to be let by the Trustees, giving a Preference to Inhabitants.

XXXIV. And be it further enacted, That all other the Pews and Seats to be made and erected in the said intended Churches or Chapels, and the Galleries thereof, shall and may be let to Inhabitant-Householders of the said Parish, and to any other Person or Persons, subject to the Preference herein-after mentioned, by the said Trustees for such Time or Times, and at or for such annual Rents, and subject to such Rules, Orders, and Regulations as the said Trustees shall think proper, and from Time to Time agree and direct in that Behalf; and that the Rents or Sums of Money to be paid for the Use and Occupation of any Seats or Pews shall be paid, applied, and disposed of for the Purposes of this Act, and shall be recovered and recoverable in such Manner as herein-after mentioned: Provided always, that it shall and may be lawful to and for the several Parishioners of the said Parish, and Residents therein, to have the Preference, on Demand in Writing made to the Trustees, of having or renting such Pews respectively, at such Rent or Rents, Sum or Sums of Money, and under such Rules, Orders, and Regulations as aforesaid, to any other Person or Persons, not being a Parishioner or Parishioners: Provided always, that no Pew or Seat shall be let to any Person or Persons, not an Inhabitant Householder or Inhabitant Householders of the said Parish, for any longer Term or Period than One Year: Provided also, that if any such Householder or Householders shall take any such Pew or Seat for any longer Term or Period than One Year, and shall cease to be an Inhabitant Householder or Inhabitant Householders of the said Parish, then and in every such Case his, her, or their Term, Estate, and Interest in such Pew or Seat respectively shall, at the End or Expiration of the then current Year of the said Term or Period, cease and determine, to all Intents and Purposes whatsoever.

The Trustees to let the Pews in the Parish Church.

XXXV. And whereas the present Parish Church has been built many Years, and the Expence of repairing and keeping the same in Repair is and has been very considerable: And whereas it is expedient that the Pews and Seats therein should be let, subject to the Proviso herein-after contained, and that the Rents and Profits thereof should be applied in or towards defraying the Expences of such Repairs; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees in like Manner to let all the Pews and Seats in the present Parish Church, and in the Galleries thereof (except such Pews and Seats as are now set apart for the Rector, Churchwardens, Governors, and Guardians and Overseers of the Poor, and also except such Pews and Seats as are or shall be set out and appointed as Free Sittings, or for such Charity Children as aforesaid, and a Pew to contain Four Persons at the least for the Servants of the Rector for the Time being, which the said Trustees are hereby required to set apart), to such Persons, for such Time, at such Rents as shall be fixed, in such Manner, and subject to such Rules and Regulations as are herein-before contained of and concerning the letting of the Pews and Seats in the intended new Churches or Chapels, and also to apply and appropriate all Sum and Sums of Money to be received by them or their Treasurer, in respect of the Pews and Seats in the present Church, for or towards the several Purposes above-mentioned, or otherwise for the general Purposes of this Act: Provided

Provided always, that nothing herein contained shall extend or be construed to extend to authorize the said Trustees to let or dispose of any Pew or Seat in the present Church, in or to the Possession of which Pew or Seat any Person or Persons hath or have a legal exclusive Right, or which has or have been appropriated to any Person or Persons, Inhabitants of the said Parish, and entered as so appropriated in the Book of the Churchwardens of the said Parish, until such Person or Persons shall by Death or otherwise cease to occupy and use the same Pews.

Subscribers to have Choice of Pews in the Order of Amount of Subscription, and, if equal, in order of Subscription.

XXXVI. And be it further enacted, That all Subscribers (being Parishioners of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*) of any Sum of Money exceeding the Sum of Fifty Pounds, towards the building any Church or Chapel to be built under the Authority of this Act, shall have Choice of Pews at the Rates fixed by the said Trustees under the Provisions of this Act, in the Order of their Amount of Subscription; and as to Subscribers of the same Amount, in the Order of their Subscription.

Pews to be numbered.

XXXVII. And be it further enacted, That the said Trustees shall and they are hereby directed to cause the several Seats or Pews in the said present Church, and also in the said new Churches or Chapels to be built respectively, to be numbered, and the several Numbers of such Seats to be entered in proper Books, and also the several annual Rents at or for which the same shall be set or let, which Books respectively shall be kept or preserved in the said Churches or Chapels respectively, and shall and may be open to the Inspection of all Persons renting any of the said Pews or Seats respectively, at all seasonable Times, without Fee or Reward; and if any of the Rents agreed to be paid for any of the said Pews or Seats shall remain in arrear or unpaid for the Space of Twenty-one Days after the same shall become due, and the Payment thereof shall have been duly demanded by Writing under the Hand of the Person or Persons appointed by the said Trustees to collect and receive the same, and left at the Place of Abode of the Person renting, occupying, or contracting for the same, that then it shall be lawful for the said Trustees for the Time being to re-enter into and upon such Pews or Seats, and take Possession of the same, and thereby determine and put an End to the holding of such Person or Persons so in arrear, and to let such Pew or Pews, Seat or Seats, to any other Person or Persons whomsoever, according to the Provisions hereinbefore in that Behalf contained; and also to sue for and recover the Rent or Rents of such Pews or Seats by Action of Debt or on the Case, or by Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Privilege, Protection, Wager at Law, or more than One Imparlance, shall be allowed; or where the Rent or Rents in arrear shall not amount to a Sum exceeding Five Pounds, to levy such Rents by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same, in his, her, or their Dwelling

Powers for recovering Rents.

House or Dwelling Houses within the said Parish, or in such and the like Manner as any Rate or Rates may be recovered by virtue of this Act.

Pews to be charged with Rents set thereon.

XXXVIII. And be it further enacted, That all the aforesaid Pews or Seats in the said Parish Church, and in such Churches or Chapels so to be built as aforesaid (save and except the Pews or Seats particularly set down as Free Seats, and the other Seats already or hereafter to be appropriated), shall for ever be charged and chargeable with the several and respective yearly Rents or Sums set opposite to the Figures or Numbers marked upon each of the said Pews or Seats, as they shall be particularly numbered and set down in a List or Schedule to be made and signed by the Trustees; and as to the List of the Pews to be contained in any such new Church or Chapel, the same shall be annexed to the Deed of Consecration of every such Church or Chapel; and as to the List or Schedule of the Pews in the present Parish Church, the same shall be deposited in the Registry of the Lord Archbishop of *Canterbury*.

Trustees may, with Consent of Incumbent, Patron, and Archbishop, alter Pew Rents.

XXXIX. Provided always, and be it further enacted, That it shall be lawful for the said Trustees, at any Time thereafter, with the Consent in Writing of the Incumbent or Minister and of the Patron of the said Parish Church, and of any such Church or Chapel so to be built as aforesaid, for the Time being, and of the Lord Archbishop of *Canterbury*, to alter any such yearly Rents or Sums, and in any such Case a new List or Schedule of Rents or Sums, and the Pews or Seats upon which the same are respectively charged, shall be signed by the said Trustees, Minister, Patron, and Archbishop respectively, and shall, as to the List or Schedule of the Pews in any new Church or Chapel, be deposited with the Deed of Consecration of the said Church or Chapel; and as to the List or Schedule of the Pews in the present Parish Church, the same shall be deposited in the Registry of the Lord Archbishop of *Canterbury*.

Power to assign out of the Pew Rents a Stipend to the Minister, Clerks, and Sextons of the new Church, &c.

XL. And be it further enacted, That it shall be lawful for the said Commissioners to assign out of the Pew Rents of the Churches or Chapels to be built under the Provisions of this Act, a proper Stipend to the Spiritual Person serving any such Church or Chapel, with the Consent of the Lord Archbishop of *Canterbury*, regard being had to the Extent and Population of the District assigned to each such Church or Chapel, and the Sum which may probably be necessary to enable such Spiritual Person to procure a Residence in the District, and to all other Circumstances; and the said Commissioners may also, out of the Pew Rents, assign Salaries or additional Salaries or Compensations to Clerks and Sextons of such Churches or Chapels, and of the present Parish Church; and it shall be lawful for the said Trustees, and they are hereby required to pay such Stipends, Salaries, and Compensations to such respective Ministers, Clerks, and Sextons out of such Pew Rents.

Renters of Pews or Seats to hold

XLI. And be it further enacted, That it shall be lawful for the Renters of all such Pews or Seats so to be let, so long as they shall have

have respectively agreed for or taken such Pews or Seats, and shall respectively pay the Rents for the same, to hold and enjoy such Seats or Pews so to be let or set to him, her, or them, without any Disturbance or Molestation whatsoever, at the respective Rents so to be paid to the said Trustees, or to the Person or Persons to be appointed to receive the same: Provided always, that no such Renters or Occupiers of such Pews or Seats shall directly or indirectly let or demise the same, or any of them, or any kneeling Place or Sitting therein, to any Person or Persons whomsoever, without the Consent of the said Trustees for that Purpose first had and obtained, such Consent to be testified by Writing under the Hand of their Clerk for the Time being, nor for a larger or greater Rent than such Renters or Occupiers shall respectively pay for the same, or receive any Sum of Money, or other Advantage for assigning or giving up his or her Right to the Use or Occupation of such Seats or Pews, upon Pain of forfeiting the Use and Occupation of such Seats or Pews; and in any such Case the same shall become forfeited, and the Trustees for the Time being shall have Power immediately after such Event shall happen to let such Pews or Seats to such Person or Persons as they shall think proper.

for the Term agreed without Molestation;

but not to underlet to Advantage.

XLII. And be it further enacted, That the said *Arthur Cyril Onslow*, so long as he shall continue the Rector of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, and the present Clerk and Sexton of the said Parish, so long as they shall respectively retain their respective Offices, shall respectively from Time to Time have, receive, take, and enjoy the like Burial Fees, Dues, and Profits from or in respect of the Burials, Monuments, Tombs, and other Stones to be had, erected, or placed within the said intended Churches or Chapels, Vaults, Catacombs, and Burial Grounds, as are now payable to the said Rector, Clerk, and Sexton, for or in respect of the Burials, Monuments, Tombs, and other Stones within the present Church and Church Yard of the said Parish; or such other Rates, Fees, and Dues, with respect to the Burials, and the erecting of Monuments, Tombs, and other Stones within the said intended Churches or Chapels, Vaults, Catacombs, and Burial Grounds as may hereafter from Time to Time be ordered, settled, and established by the said Rector and Trustees, with the Approbation of the Archbishop of *Canterbury* for the Time being.

Saving to the present Rector and others *certain Burial* and other Fees as heretofore.

XLIII. 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 Chancels of the said Churches or Chapels), 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 Ten 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

Trustees empowered to sell the Catacombs and Vaults.

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.

Trustees to fix the Rates of Burials, &c.

XLIV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any of their Meetings to be held in pursuance of this Act, to settle and fix the Rates and Fees for the Burials of the Dead in the Vaults, Catacombs, and Burial Grounds of the said new Churches or Chapels to be built and used by virtue of this Act, and shall and may from Time to Time make such Rules, Orders, and Regulations relative to and concerning Burials in the said Vaults, Catacombs, and Burial Grounds, and for keeping the said new Churches or Chapels, Vaults and Catacombs, and any other Buildings, Works, and Conveniences to be erected and provided by virtue of this Act, with the Appurtenances, and the Pews, Seats, and Conveniences therein, in good and sufficient Repair and Amendment, and may from Time to Time alter and amend the said Rates and Fees, and make such other Rules, Orders, and Regulations, of and concerning the same Premises, as to the said Trustees shall appear reasonable, necessary, and convenient.

This Act not to reduce the Emoluments, &c. of the present Rector and Clerk and Sexton.

XLV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Trustees to reduce the Rates, Fees, or Emoluments to be paid to the said *Arthur Cyril Onslow* during his Incumbency, or to the present Clerk and Sexton of the said Parish, during the Time they shall hold their respective Offices, for every Burial in the said Catacombs, Vaults, and Burial Grounds of the said new Churches or Chapels to less Sums than are now payable for or in respect of Burials in the said present Church and Church Yard, and the Vaults therein.

Burials in the Church, &c. to be in Metal Coffins.

XLVI. Provided always, and be it further enacted, That no Burials shall at any Time hereafter be made or allowed under the Site of the present Church of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, or under the Site of any Church or Chapel to be erected under the Provisions of this Act, or in any Catacomb, Vault, or Arch belonging to the same respectively, except in Leaden or other Metal Coffins.

The new Churches, &c. to be kept in proper Repair and insured.

XLVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time to keep the said new Churches or Chapels, 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 insure such Churches or Chapels and other Buildings from Loss or Damage by Fire, and to defray the Expences of all such Repairs and Insurance out of any Monies that may come to the Hands of the said Trustees, or of their Treasurer, by virtue of this Act.

XLVIII. And

XLVIII. And be it further enacted, That the said Trustees shall have full Power and Authority at all Times hereafter, by themselves, their Surveyors, Architects, Workmen, and others, to enter into and upon the said present Church of *Saint Mary Newington*, to alter, repair, set up, amend, mark, and number the Pews and Free Seats therein, and generally for the Purposes of carrying this Act into Execution, so far as relates to the said present Church, and that as fully and effectually as if the said Church had been erected and built by them under the Provisions of this Act; any Law, Custom, or Usage to the contrary notwithstanding.

Trustees empowered to enter the present Church, to alter Pews, &c.

XLIX. And be it further enacted, That if any Churchwarden of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, or any Sexton or other Person having the Care of the said Parish Church, or the Custody of the Keys thereof, shall refuse the said Trustees, or their Surveyor or Surveyors, Architect or Architects, or any Workmen or other Person employed or appointed by the said Trustees, Admission into the said Church for the Purposes aforesaid, or shall obstruct, molest, hinder, or impede the said Trustees, or their Surveyor or Surveyors, Architect or Architects, or any Workman or other Person employed in the Execution of any Works to be by the said Trustees directed to be done or performed in the said Parish Church, or otherwise in the carrying of this Act into Execution, so far as relates to the said Parish Church, every such Churchwarden, Sexton, or other Person so offending, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

Penalty on Churchwardens, &c. obstructing Trustees in the present Church.

L. Provided always, 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, Grants for the Purpose of carrying the Purposes of this Act into Effect, either towards the Building the Churches or Chapels to be built under the Authority of this Act, for the Purpose of purchasing Sites for the said Churches or Chapels, or the Burying Grounds thereof, or for the other general Purposes of this Act; 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 herein-after directed with respect to Monies to be borrowed by the said Trustees.

Commissioners under the Act 58 G. 3. to lend Money to build said Churches.

LI. And whereas it is necessary that the said Trustees should be empowered to purchase Two Sites for the said intended new Churches or Chapels, and for Burial Grounds to be attached thereto, for the Purpose

Trustees authorized to contract, with Consent

of Commissioner, for Land, not exceeding Ten Acres.

Purpose of making Carriage-roads, Footpaths, and Approaches to the said intended Churches or Chapels; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, with the Consent in Writing of the aforesaid Commissioners, and they are hereby authorized and empowered, if they shall think proper, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Parish (not exceeding Ten Acres in the whole), and for the Enfranchisement of any Copyhold Lands which may be so purchased, with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years, or by the Courtesy of *England*, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics or Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised, possessed, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, for a Site or Sites for the said new Churches or Chapels respectively, and for a Burial Ground or Burial Grounds, or a Church Yard or Church Yards, and for the Purpose of making and forming necessary and convenient Roads, Ways, Paths, Avenues or Approaches to the said new Churches or Chapels; and it shall and may be lawful to and for the said Trustees to hold such Lands, Tenements, and Hereditaments so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statute of Mortmain, or any other Law or Statute whatsoever.

Power for incapacitated Persons to treat, &c. for the Sale of Land to the Trustees under this Act.

LII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and for all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised, possessed, or interested in their own Right, and all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Trustees to be purchased for the Purpose of a Site or Sites for such new Churches or Chapels, for a Burial Ground or Burial Grounds, or Church Yard or Church Yards, to be attached thereto, or for making and forming necessary and convenient Roads, Avenues, and Approaches to the said new Churches or Chapels, to treat, contract, and agree with the said Trustees for the Sale thereof, or of any Part thereof, and for the Enfranchisement of any such Copyhold Lands, and to sell and convey all or any Part thereof, and all the Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Trustees for putting this Act into Execution; and all Contracts and Agreements, Bargains, Sales, and Conveyances, which shall be so made by

virtue

virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of the said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them respectively, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowers of the Wife or Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy.

Trustees may accept Sites for Churches to be devoted to Ecclesiastical Purposes, and for Glebe, &c.

LIII. And be it further enacted, That it shall be lawful for the said Trustees, with such Consent as aforesaid of the said Commissioners, to accept and take any Lands, Tenements, and Hereditaments proper for such Site or Sites, or for any of the Purposes aforesaid, not exceeding in Quantity in any one Place what may be sufficient for building of a Church or Chapel, providing a Church Yard, and making a proper and sufficient Access or Approach thereto, from any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons willing to give the same; and all such Lands and Hereditaments which shall be purchased by or given to the said Trustees, shall, when conveyed to the said Trustees, and the Church or Chapel erected thereupon, and Notice thereof given to the Lord Archbishop of *Canterbury*, become for ever thereafter devoted to Ecclesiastical Purposes only, in order that the same may be consecrated to Public Worship, according to the Rites of the United Church of *England* and *Ireland* as by Law established; and it shall also be lawful for the said Trustees to accept and take from any Body Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or from any Person willing to give the same, any House, Garden, and Appurtenances, not exceeding Two Acres in the whole, for the Residence of the Spiritual Person serving any Church or Chapel which may be built in pursuance of this Act, or any Land, not exceeding the said Two Acres in Quantity, for erecting such House or Houses and Appurtenances, and making such Gardens; and the same shall immediately, upon or after the Consecration of such Church or Chapel, become the House and Glebe belonging to such Church or Chapel, and vest in the Incumbent for the Time being as such.

Satisfaction to be made to Bodies Politic, &c. and thereupon Trustees to enter, &c.

LIV. Provided always, and be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustees or other Persons herein-before capacitated to sell and convey any Lands Tenements, and other Hereditaments, or enfranchise any Copyholds, or any Owner or Owners, and the Occupier or Occupiers of any Lands, Tenements, or other Hereditaments, required to be taken for the Purposes of this Act, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or of any such Interests as aforesaid; and from and immediately after the Time of making and executing such Sale and Conveyance, or any Contract or Contracts for the same, the said Trustees purchasing the same, under

under the Provisions and for the Purposes of this Act, may and shall be at liberty to enter upon, and from thenceforth for ever to have, take and use the said Lands, Tenements, and other Hereditaments for the Purposes of this Act; and in case the Parties interested in such Lands, Tenements, or Hereditaments, cannot or do not agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-after directed.

If the Parties cannot agree Price settled by Jury.

If Parties are dissatisfied, or refuse, or are unable to treat, &c., a Jury to be impannelled to decide.

LV. And, for settling all Differences which may arise between the said Trustees and the several Owners of or Persons interested in any Lands, Tenements, or other Hereditaments which shall or may be taken or used for the Purposes of this Act, be it further enacted, That if any Body Politic, Corporate, or Collegiate, or any other Person or Persons so interested for and on his, her, or their Part or Parts, or for or on the Part or Parts of his, her, or their Cestuique Trust, or of any other incapacitated Person or Persons as aforesaid, shall refuse to accept such Purchase Money or other Compensation, as shall be offered by them the said Trustees, or their Clerk or Agent, by or on their Behalf, and shall give Notice thereof in Writing to the Clerk for the Time being to the said Trustees, within Seven Days next after such Order shall have been made; and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters in Dispute may be submitted to the Determination of a Jury; or if any Body Politic, Corporate, or Collegiate, or any Person or Persons seised or possessed of or interested in any such Lands, Tenements, or Hereditaments as aforesaid, shall refuse to treat or agree, or shall not agree, or by reason of Absence or Disability cannot agree with the said Trustees, or with any Person or Persons authorized by them for the Sale and Conveyance of their respective Estates and Interests therein, or cannot be found or known, or shall not produce or evince a clear Title to the Premises they may be in Possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Trustees, or the Person or Persons authorized by them, then and in every such Case the said Trustees shall and they are hereby empowered and required from Time to Time to issue a Warrant, under the Hands of any Five of them, to the Sheriff of the said County of *Surrey*, commanding such Sheriff (and the Sheriff is hereby empowered and required) to impannel, summon, and return not less than Twenty-four, or more than Forty-eight substantial and independent Persons qualified to serve on Special Juries; and the Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the Justices of the Peace for the said County of *Surrey*, at some Court of General or Quarter Sessions of the Peace to be holden in and for the same County, or at some Adjournment thereof, as in such Warrant shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day, until discharged by the said Court; and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men shall be drawn by the Clerk of the Peace for the said County, or his Deputy, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed

To whom Trustees to issue Warrant for impannelling Jury.

Persons impannelled to appear, &c.

and Jury to be drawn, &c.

Proceedings thereon.

as aforesaid, the said Clerk of the Peace, as before mentioned, or his Deputy, shall return other substantial, honest, and indifferent Men of the By-standers, or of others who can be speedily procured to attend that Service, to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Clerk of the Peace, or his Deputy, is hereby empowered and required to summon and call before the said Justices any Witness or Witnesses touching the Matters in question, and may order and authorize the said Jury, or any Three or more of them, to view the Place or Places, or Matters or Things in Controversy; and such Jury shall upon their Oaths (which Oaths, as well as the Oaths to such Witnesses, the said Justices are hereby empowered and required to administer), inquire of, assist, and ascertain, and give a Verdict for the Sum or Sums of Money which shall be paid for the Purchase of such Lands, Tenements, or Hereditaments, or Compensation for any Interest therein as aforesaid; and the said Justices shall give Judgment for such Purchase Money or Compensation so assessed by such Jury, which said Verdict, and the Judgment thereupon, shall be binding and conclusive, to all Intents and Purposes, upon all Bodies Politic, Corporate, or Collegiate, and upon all Persons whomsoever, provided that Fourteen Days Notice in Writing at the least, of the Hour and Place at which such Jury are so required to be returned, be given to the Bodies Politic, Corporate, or Collegiate, or to the Person or Persons interested, or claiming so to be, before the Time of the Meeting of the said Justices and Jury as aforesaid, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued: Provided always, and be it further enacted, that in each and every Case where a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Tenements, or Hereditaments, or as a Compensation for any Interest therein as aforesaid, than shall have been previously offered by or on the Behalf of the said Trustees before the summoning such Jury, and where no Compensation shall have been previously offered in respect thereof by or on the Behalf of the said Trustees, or where, by reason of Absence, or other Impediment or Disability, there shall not be found any Person or Persons at hand, who may be legally capacitated to contract with and make Conveyances to or receive Compensation from the said Trustees as hereinbefore mentioned, then and in all such Cases the reasonable Expences of causing such Valuation or Compensation to be assessed and awarded as aforesaid, shall be settled by the said Justices, and be defrayed by the said Trustees; but if any Verdict shall be given for the same Sum that shall have been previously offered, by or on Behalf of the said Trustees, or for a less Sum than shall have been so previously offered, or in case of such Refusal to treat with or make Conveyances to the said Trustees by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise legally empowered to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid,

Clerk of the Peace to summon Witnesses.

Verdict.

Verdict and Judgment conclusive.

Proviso.

If Verdict for more than the Offer of Trustees, &c. Expences paid by Trustees:

If Verdict for the same or a less Sum, &c. Expences paid by Bodies Politic, &c.

in which Case all such Costs and Expences shall be borne and paid by the said Trustees), the reasonable Costs and Expences of causing such Value or Compensation to be assessed and awarded as aforesaid, shall be settled in like Manner by the said Justices, and be borne and paid by the Body or Bodies Politic, Corporate, or Collegiate, or by the Person or Persons with whom the said Trustees shall have such Controversies or Disputes; which said Costs and Expences shall and may be deducted out of the Money so assessed and awarded, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or awarded as aforesaid.

Penalty on Sheriffs, &c. refusing to summon a Jury;

LVI. And be it further enacted, That if the Sheriff so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn, or to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act; or if any Person so

and on Jurymen or Witnesses refusing to attend, &c.

summoned to give Evidence shall not appear, or appearing shall refuse to be examined or give Evidence, after having been paid or tendered a reasonable Sum of Money for his or her Charges and Expences, every Person so offending (having no reasonable Excuse, to be allowed by the said Justices), shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Persons so offending, rendering to him the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted; and every such Penalty so recovered from any Person who shall have been so summoned on such Jury, or to give Evidence as aforesaid, shall go and be paid to the Party who shall appear to the said Justice to be injured by the Default of such Person.

Verdicts to be recorded at Quarter Sessions.

LVII. And be it further enacted, That all the said Judgments and Verdicts (being first signed by the Clerk of the Peace, or his Deputy, present at the taking of such Verdicts, and pronouncing of such Judgments respectively), shall be kept by the said Clerk of the Peace amongst the Records of the Quarter Sessions of the said County, (as the Case shall require), and shall be deemed to be the Records of the said Quarter Sessions to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every such Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

Application of Compensation Money if

LVIII. And be it further enacted, That if any Monies shall be paid, or agreed or awarded to be paid, for the Purchase of any Lands, Tenements,

Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or Tenant or Tenants for Life, or in Fee Tail, General or Special, or for any Term or Terms of Years, or by the Courtesy of *England*, or to any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing the Act for building Two new Churches or Chapels in the Parish of *Saint Mary Newington*, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, if any charged, on other Lands standing settled therewith to the same or the like Uses, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchases shall be so made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

amounting to 200l.

LIX. Provided also, and be it further enacted, That if any Money so agreed to be paid, or awarded to be paid, for any Lands, Tenements,

Where less than 200l. and not less than 20l.

ments, or Hereditaments to be purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Corporation, or the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed when such Monies shall be above Two hundred Pounds; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Corporation or Person or Persons making such Option, and approved of by Five or more of the said Trustees acting in the Execution of this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising therefrom, may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

Where less than 20l.

LX. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than Twenty Pounds, then in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased for the Purposes of this Act, in such Manner as the said Trustees shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to the Guardian or Guardians, Committee or Committees of such Infants, Idiots, or Lunatics, to and for the Use and Benefit of such Persons or Person so entitled respectively.

In case of not making out Title, or if Persons cannot be found, Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery by Motion or Petition.

LXI. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or shall refuse to execute such Conveyance or Conveyances; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums so awarded to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Control, and Disposition of the said Court, which said Court, on the

Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive any Sum or Sums of Money hereby directed to be paid into the Bank of *England*, is and are hereby required to give a Receipt or Receipts for such Sum or Sums, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Cashier of the Bank to give a Receipt for the Money.

LXII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance thereof, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession.

LXIII. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, with the necessary Costs and Charges of making such Orders, to be paid by the said Trustees acting

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

acting in the Execution of this Act, out of the Monies to be received by virtue of this Act, and the said Trustees shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Form of Conveyance.

LXIV. And be it further enacted, That all such Sales, Gifts, Conveyances, and Assurances of Lands, Tenements, or Hereditaments to be made to the said Trustees and their Successors, for the Purposes of this Act, whether on a Sale or Gift, shall be made in the Form or to the Effect following, or as near thereto as the Circumstances of the Case will admit; (that is to say),

'I [*or*, We] of in Consideration of the Sum of Pounds [*omit the Consideration if by Gift*] to me [*or*, us], paid by the Trustees for carrying into Execution an Act passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act*], do hereby grant and release to the said Trustees and their Successors, all [*here describe the Parcels to be conveyed,*] and all my [*or*, our], Right, Title, and Interest in and to the same and every Part thereto; to hold of the said Trustees and their Successors for ever, and to be devoted, when consecrated, for ever to Ecclesiastical Purposes, by virtue and according to the true Intent and Meaning of the said Act: In Witness whereof, I [*or*, we], have hereunto set my Hand and Seal [*or*, our Hands and Seals] this Day of in the Year of our Lord .'

And every such Conveyance and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever; and shall be a complete Bar to all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests and Incumbrances whatsoever.

Mortgagees to convey.

LXV. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, and Hereditaments to be purchased for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money by the said Trustees, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Trustees, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Trustees, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Two Calendar Months (to be computed from the Day of giving such Notice), that then, at the End of the said Two Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Trustees; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid, on such Tender or Payment, then and in such Case all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that

that in case the Sum so due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises, to be ascertained as directed by this Act, then the said Trustees shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, for the Purposes of this Act, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage or Mortgages comprize any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken by the said Trustees, such Mortgagee or Mortgagees shall upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments so purchased by the said Trustees to the said Trustees, and in default of their doing so, and on Payment of such Money into the Bank of *England*, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as before mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for them in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Trustees, and they shall be deemed to be in the actual Possession of the said Premises, to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Authority for Re-sale of Lands not wanted.

LXVI. And whereas the said Trustees under the Provisions of this Act may purchase Lands, Tenements, or Hereditaments which may be found not necessary for the Purposes thereof; be it therefore further enacted, That it shall and may be lawful to and for the said Trustees, or any Ten or more of them, acting in the Execution of this Act, to sell and dispose of, and by Indenture or Indentures under their Hands and Seals to grant and convey by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, and Hereditaments which may have been so purchased, and which in the Judgment of the said Trustees, at any Meeting to be holden in pursuance of this Act, shall not be wanted for the Purposes of this Act, and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, and Hereditaments, or any Part or Parts thereof, it shall and may

may be lawful for the Treasurer or Treasurers for the Time being, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Money therein and thereby expressed or acknowledged to be received; and such Person or Persons having *bonâ fide* paid the same, shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

First Offer to be made to Persons from whom Lands were purchased.

LXVII. Provided always, and be it further enacted, That the said Trustees, before they sell or dispose of any Part or Parts of such Lands, Tenements, or Hereditaments as aforesaid, shall offer the same respectively to the Person or Persons to whom the same originally belonged; and in case such Person or Persons respectively shall not then and thereupon agree (except with respect to and on the account of the Price thereof, as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof), to purchase and re-purchase the same respectively, on an Affidavit being made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Surrey*, by some Person or Persons no way interested in the said Lands, Tenements, or Hereditaments, stating that such Offer was made by and on the Behalf of the said Trustees, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, and such Affidavit shall in all Courts whatsoever be a sufficient Evidence and Proof that such Offer was made; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Trustees shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in Manner in this Act directed with respect to disputed Value of the Premises to be purchased by the said Trustees; and the Expences of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchases made by the said Trustees, *mutatis mutandis*.

Not to take certain Premises without Leave of the Owners, &c.

LXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall empower the said Trustees to take any private Dwelling House or Offices, or Garden, Orchard, Yard, Park, Pleasure Ground, Paddock, or planted Walk or Avenue appurtenant thereto, without the Consent in Writing of the Owners and Occupiers thereof respectively first had and obtained.

The Words 'grant, bargain, and sell' to operate as Covenants for the Title.

LXIX. And be it further enacted, That in all Grants and Conveyances to be made by the said Trustees, or any Ten or more of them, under or by virtue and in pursuance of this Act, the Words 'grant, bargain, and sell,' shall amount and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, or their Heirs, Executors, Administrators, and Assigns from the Trustees, for themselves and their Successors, that they the said Trustees, notwithstanding any Act done by them, were at the Time of the Execution of such Grant or Conveyance seised of the Lands, Tenements, and Hereditaments thereby granted, bar-

gained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances for quiet Enjoyment thereof against the said Trustees, their Successors and Assigns, and all claiming under them.

Monies received for the Re-sale of Land to be applied to the Purposes of this Act.

LXX. And be it further enacted, That the Monies arising from the Sale of such Lands, Tenements, or Hereditaments as may be sold by the said Trustees, in pursuance of the Powers in this Act contained or referred to, shall be applied and disposed of by the said Trustees for carrying the several Purposes of this Act into Execution.

Power to receive voluntary Contributions.

LXXI. 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.

LXXII. 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, or otherwise, such Sum and Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, as they shall judge necessary for the several Purposes of this Act, including the Costs and Expences thereof, upon the Credit of the Rates and Assessments to be made, levied, and collected by virtue of this Act, and also of the Sum and Sums of Money to be received for the Rent of Pews and Seats in the said intended Churches or Chapels and the present Church, and of the Fees to be accounted for to them in respect of Burials as herein-after mentioned, 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, Rents and Fees, 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 Expences 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 First Year
‘ of the Reign of King *George* the Fourth, intituled *An Act, &c.* [*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 Trustee or
‘ Trustees, *as the Case may be*] his [*or*, her] Executors, Administrators,
‘ and

'and Assigns, such Proportion of the Rates or Assessments to be 'raised, levied, and collected by virtue of the said Act, and of the 'Rents of the Pews and Seats in the Churches or Chapels to be 'erected by virtue of the same Act, and in the Parish Church of '*Saint Mary Newington*, commonly called *Newington Butts*, and also 'of the Fees payable to or in Trust for us, in respect of Burials within 'the said Parish, as the said Sum of Pounds 'doth or shall bear to the whole Sum which may at any Time be bor- 'rowed or become due and owing, or be charged upon the Credit of 'the said Rates or Assessments, Rents and Fees, to be had or holden 'from this Day of until the 'said Sum of Pounds, 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 to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power to raise Money by way of Annuity.

LXXIII. 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 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 Expences 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, of the Trustees acting in pursuance of an Act 'passed in the First Year of the Reign of King *George* the 'Fourth, intituled *An Act, &c.* [*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, and out of the Rents of Pews and Seats in the 'Churches or Chapels to be erected by virtue of the same Act, and 'in the Parish Church of *Saint Mary Newington*, commonly called '*Newington Butts*, and out of the Fees payable to or in Trust for us 'in respect of Burials within the said Parish, 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, Rents and Fees respectively, according to the Grant of such Annuity.

For granting Annuities under certain Restrictions.

LXXIV. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act for any single Life at any higher Rate than the following; (that is to say), when the Age of the Annuitant or Person for whose Life the Annuity shall be granted, shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; when the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall

shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and when the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

Power of transferring Assignments and Annuities.

LXXV. 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 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 Assigns, [*or*, his or her Executors, Administrators, and Assigns, *as the Case may be*], by virtue of an Assignment [*or* Grant
'of any 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 First Year of the Reign of King
'*George* the Fourth, intituled *An Act, &c.* [*here set forth the Title of this Act,*] upon the Credit of the Rates or Assessments, Pew Rents,
'and Burial Fees, granted or payable by the said Act, do 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 his or her Executors, Administrators, and Assigns.
'Dated the Day of .'

And a Copy or Abstract 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 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 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.

LXXVI. 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, Assessments, Rents, and Fees, be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Number or Numbers of all

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, Rents and Fees, 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 shall be rolled up in the same Form, or as near as possible, and put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk, 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, Rents and Fees, by way of Annuity, until all other the Creditors on the said Rates or Assessments, Rents and Fees, 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 Monev at lower Interest to discharge Securities at a higher Rate.

LXXVII. 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, Rents and Fees, 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.

LXXVIII. 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 Time, and be paid and payable at such Time or Times, and in such Proportions, as the said Trustees shall direct and appoint, and shall continue until Payment for the building, finishing, and completing of the said new Churches or Chapels shall be fully made, and so long as any of the Monies to be borrowed or raised by Sale of Annuities, or otherwise, upon the Credit of this Act as herein mentioned, shall remain due, owing, or have Continuance, and no longer: Provided always, that it shall be lawful for the said Trustees, or for such Person or Persons as they shall appoint, at all convenient Times to inspect the Poors Rate of the said Parish, in order to ascertain the Rates to be made by virtue of this Act, and to take Copies thereof *gratis*.

Houses hereafter to be erected to be rated.

LXXIX. 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.

LXXX. 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 and 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 Name or Names of such Person or Persons as may be the Inhabitants, Holders, or Occupiers of any Messuages or Hereditaments, instead of and for the Name or Names of the Person or 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 that 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 House or Houses let in separate Apartments, or ready furnished, to be paid by the Landlord.

LXXXI. 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 Twenty 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 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.

LXXXII. 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

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.

Lessors, Landlords, &c. of Houses, &c. not exceeding the yearly Value of 20*l.* let to one Tenant, and the Rent reserved Quarterly, may compound with the Trustees, not exceeding Two Thirds, nor less than One Half of the Rack Rent.

LXXXIII. 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 Twenty Pounds, and which shall be let to one Tenant only, at a Rent which shall become payable and be collected only by quarterly Payments, 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 Two Third Parts, or less than One Half of the Rack Rent or annual Value of each of such Houses, Buildings, Tenements, or Hereditaments 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 One Third Part, 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 Rack Rent.

LXXXIV. 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 Rack Rent 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

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.

LXXXV. 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 in any Lease now granted or hereafter to be granted previously to any Contract or Agreement now existing; any thing in this Act contained to the contrary thereof notwithstanding.

Manner of levying Rates.

LXXXVI. 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 or 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 shew 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 charged 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 Expences 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 Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or 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 distressed, 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 Expences of the said Summons, Warrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distressed, and the reasonable Costs, Charges, and Expences of appraising and selling the same (the Amount of all such Costs, Charges, and Expences 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, &c. Persons may be committed to the common Gaol.

LXXXVII. 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 any where 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 a fraudulent Intention to elude the Payment or Recovery of such Rates or Assessments, and so that they cannot be distrained, then and in any 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 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 Mainprize 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 Expences, 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.

LXXXVIII. 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 one of the Collectors of the Rates for the several Purposes mentioned in an Act for 'building Two new Churches or Chapels in the Parish of *Saint* 'Mary Newington, commonly called *Newington Butts*, in the 'County of *Surrey*, and to all Constables, Headboroughs, Beadles, 'and Peace Officers to the County aforesaid:

'WHEREAS the under-mentioned Person [*or*, Persons, *if more than one*] now or late was a Lessee, Landlord, Owner, or 'Occupier [*or*, 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 a 'certain Act passed in the First Year of the Reign of His Majesty 'King *George* the Fourth, intituled *An Act, &c.* [*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 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 upon Oath, and neither he, 'she, or they, nor either of them [*as the Case may be*] having shewn '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*] as also appeareth to me upon Oath: Now these are 'therefore, in His Majesty's Name, to will and require you, or either 'of you, forthwith 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 hereunder 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

'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, and the reasonable Charges of such Distress, 'and of any Removal or keeping Possession, Appraisement 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 Actions;

LXXXIX. 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 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 that in any 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 that it shall only be necessary for such Plaintiff or Complainant to produce any 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 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 that 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 that in any such Action or Actions no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

XC. And

XC. 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 Person or Persons who shall have so 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 Expences 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 Newington*, commonly called *Newington Butts*. and from Persons removing.

XCI. And be it further enacted, That the Goods and Chattels of each and every Person and Persons renting and occupying any separate Part or Apartment 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 Apartment thereof, and for the Costs, Charges, and Expences 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 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 Rates recovered of Tenants of divided Tenements to be repaid by Landlords.

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 or 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.

XCII. And be it further enacted, That to prevent Disputes touching the Designation of the Lessor or Landlord, or Owners 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 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.

Rates may be apportioned.

XCIII. And be it further enacted, That in case any Person or Persons occupying any Messuage or other Hereditaments 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

ment 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 that the Amount of such Proportion (in case any Dispute should arise) may be ascertained and determined by the said Trustees, and that 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 relieve Persons from Payment of Rates on account of Poverty, &c.

XCIV. And be it further enacted, That it shall and may be lawful from Time to Time and at all Times hereafter for the said Trustees, and they are hereby empowered, upon the Complaint or Request of any Person or Persons subject to the Payment of any Rate or Rates, Assessment or Assessments to be made by virtue of this Act, who shall think himself, herself, or themselves aggrieved thereby, or incompetent to pay the same, to mitigate, reduce, or lessen the same, as they in their Discretion shall think just and reasonable, and also to remit or excuse the Payment thereof for any Cause which they shall deem sufficient, or for or on account of the Poverty or Indigence of any Person or Persons liable to pay the same so complaining or requesting the Remission or Reduction of any such Rates or Assessments.

Collectors to pay Money to the Treasurer.

XCV. And be it further enacted, That all and every Collector and Collectors of the Pew Rents to be received, and 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.

XCVI. And be it further enacted, That if the Collector or Collectors of such Pew Rent or Rents, 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.

XCVII. And

Trustees empowered to lay out Money in Government Securities.

XCVII. 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 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 Six or more of the said Trustees, of whom the Rector of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, 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 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.

After the Death of the Annuitants, and Payment of the Money borrowed, the Rates to cease.

XCVIII. And be it further enacted, That from and after the building of the said Churches or Chapels, and the Deaths of the several Persons on whose Lives, or at the Expiration of such Term of Years for which Annuities shall or may be granted by virtue of this Act, and from and after the Payment of all Monies to be raised, borrowed, or taken up at Interest or otherwise, by virtue of this Act, on the Credit of the said Rates and Assessments, and also after Payment and Discharge of all Expences and Charges of applying for and passing this Act, and of putting the same into effectual Execution, and all Matters relating thereto, the Rates or Assessments hereby directed to be raised and paid shall absolutely cease and determine.

The Churchwardens to account with Trustees for Fees in respect of Burials.

XCIX. And be it further enacted, That the Church or Chapelwardens of the said new Churches or Chapels to be erected under the Provisions of this Act respectively, for the Time being, shall, until the whole of the Principal Money to be borrowed as aforesaid, and all Interest thereon shall be discharged, and the Annuities to be granted as aforesaid shall cease, yearly upon such Day of the Month of *January* as the said Trustees shall direct, render to them the said Trustees an Account of the several Sums of Money which the said Church or Chapelwardens, or any of them, shall have received for or in respect of all Burials in the Catacombs and Vaults under the said intended Churches or Chapels, and the Church Yards or Burial Grounds to be attached thereto, and shall also pay unto the said Trustees or their Treasurer, at the Time of rendering every such Account, all such Monies as shall have so come into their Hands respectively, after deducting thereout the Expences and Outgoings incident to the said Office of Church or Chapelwardens.

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

C. 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,

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.

CI. 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.

Treasurers Accounts to be audited Twice in every Year.

CII. And be it further enacted, That Twice 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 Quarterly Meetings in the Months of *January* and *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; 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 respective Quarterly Meetings as aforesaid.

Three Persons to be appointed by Vestry yearly, on Easter Tuesday, to audit Treasurers Accounts.

CIII. And be it further enacted, That on the *Easter Tuesday* in the Year of our Lord One thousand eight hundred and twenty-two, and on *Easter Tuesday* in each and every ensuing Year during the Execution 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 shall be a resident Householder within the said Parish, and 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 such 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 *Tuesday* in *August* in the said Year One thousand eight hundred and twenty-two, at the Vestry Room of

the said Parish Church 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 in case he should desire to be present), from the Time they shall have begun to act as Trustees up to the Thirty-first Day of *July* next preceding the Meeting of the Auditors, and on the Second *Tuesday* in *February*, and on the Second *Tuesday* in *August* in every subsequent Year, the Auditors to be nominated on the *Easter Tuesday* then next preceding, shall meet at the Place aforesaid, and proceed in the like Manner and in the like Presence, to audit the Accounts of the said Trustees, for the Half Year ending respectively on the Thirty-first Day of *January*, and the Thirty-first Day of *July* then last past; and the said Trustees are hereby required, by their Clerk, 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 Expences 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 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 hereinafter 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 at the said Vestry Room, 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.

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

CIV. And be it further enacted, That all the Costs, Charges, and Expences 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.

CV. 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

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 Expences 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 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 Mainprize 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.

CVI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or over-rated 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.

CVII. Provided

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

CVII. Provided always, and be it further enacted, That if any Person or Persons shall conceive himself, herself, or themselves aggrieved by or be dissatisfied by 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 or 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 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 Expences which shall or may have been incurred and paid by such Auditors, shall be repaid to them out of the Poors' Rates of the said Parish.

Justices may amend without quashing the whole Assessment.

CVIII. 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.

CIX. 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.* &c. '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 Expences '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 deemed competent Witnesses.

CX. And be it further enacted, That no Inhabitant of the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, 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.

CXI. 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 Defect or Want of Form in Proceedings 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, into any of His Majesty's Courts of Record at *Westminster*.

Limitation of Actions.

CXII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance

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 to the said Trustees Twenty-eight 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 One Calendar Month 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 Twenty-eight 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 Jurors 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 for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

General Issue.

Treble Costs.

Powers of Bishop, &c. not to be invalidated;

CXIII. Provided always, and be it further enacted and declared, That neither this Act nor any thing herein contained, shall extend to invalidate or avoid any Ecclesiastical Law or Constitution of the Church of *England*, or to destroy any of the Rights or Powers belonging to the Lord Archbishop of *Canterbury*; or in anywise abridge or controul the ordinary Jurisdiction of the said Lord Archbishop of *Canterbury* for the Time being in and over the aforesaid Parish of *Saint Mary Newington*, commonly called *Newington Butts*, or over the Ministers and Churchwardens thereof, or in, over, or relative to any Matter or Thing respecting the said Parish, and the Ministers and Churchwardens thereof, except as far as relates to the letting and managing the Pews in the said Churches or Chapels to be built in pursuance and by and under the Authority of this and the said herein-before mentioned Acts.

but may exercise Ecclesiastical Jurisdiction.

CXIV. And be it further enacted and declared, That the said Lord Archbishop of *Canterbury* for the Time being may at all Times hereafter visit, institute, and exercise Ecclesiastical Jurisdiction in the said Parish of *Saint Mary Newington*, commonly called *Newington Butts*, and in every Parish, District, or Chapelry to be erected by virtue or in pursuance of this Act or the said recited Acts, or in any Part or Place within the same, as amply as he might do now therein, and

in such Manner as in any other Parishes or Places within his Jurisdiction.

CXV. 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. Public Act.

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