ANNO PRIMO

GEORGII IV. REGIS.

Cap. xlii.

An Act for providing additional Burying Ground for the Parish of *Saint Mary, Rotherhithe*, in the County of *Surrey*. [30th *June* 1820.]

WHEREAS the Churchyard and Burial Ground of the Parish of *Saint Mary, Rotherhithe*, in the County of *Surrey*, by reason of the great Number of Burials therein, and of the Increase of Inhabitants within the said Parish, are now too small for the decent Interment of the Dead; and it is therefore necessary that the Churchyard or Burial Ground of the said Parish should be enlarged, and additional Burying Ground provided for the Use of the said Parish: And whereas it is expedient that certain ancient and accustomary Rates on Funerals, now payable for all Persons interred either in the Church or Churchyard or Burial Ground of the said Parish, should be increased and applied towards defraying the Expences to be incurred in providing additional Burying Ground for the Use of the said Parish: But inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Rector, Curate, and Churchwardens for the Time being of the said Parish, together with *Daniel Brent*, *Thomas Beach*, *John Bryan Courthope*, *Henry Dawes*, *Beeby Eilbeck*, *William Gibbs*, *William Hampton*, Trustees.

Hampton, *Simon Hawks*, *George Lee*, *John William Nelson*, *John Preston*, *George Ravens Pearson*, *John Price*, *William Soper*, *John Hodges Stroud*, *John Steel*, *John Ward*, and *James White*, and their respective Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for carrying the several Purposes of this Act into Execution.

Power to appoint new Trustees.

II. And be it further enacted, That when and as often as any of the Trustees hereby named and appointed (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Offices), or their Successors, to be elected in Manner herein-after mentioned, shall die, or shall refuse or become incapable to act in the Execution of this Act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, from Time to Time to elect and appoint one other Person (being an Inhabitant Householder within the Parish of *Saint Mary*, *Rotherhithe*, aforesaid) to be a Trustee in the Room of such Trustee so dying, or refusing, or becoming incapable to act; and Notice of the Time and Place of the Meeting for every such Election, signed by the Clerk for the Time being to the said Trustees, shall be affixed on the principal Door of the Parish Church of *Saint Mary*, *Rotherhithe*, for the Time being, Seven Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid, shall be and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected, or as if he had been herein named and appointed.

Proceedings of Trustees at Meetings.

III. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at a Public Meeting to be holden in pursuance of this Act, and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all the Trustees for the Time being; and at every Meeting of the said Trustees a Chairman shall or may be appointed; and whenever it shall so happen that there shall be an Equality of Votes at any such Meeting, upon any Question (including the Vote of the Chairman), it shall be lawful for the Chairman to give the decisive or casting Vote; and the said Trustees shall, at all their Meetings, pay and bear their own Expences.

Trustees to pay their own Expences.

First Meeting of the Trustees.

IV. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish on the Second *Monday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon, and Two of the Clock in the Afternoon, and proceed to carry this Act into Execution; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time, adjourn the same, and appoint their next Meeting to be holden there or at any other Place within the said Parish that to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if at any such Meeting there

Power to adjourn.

shall not appear a sufficient Number of Trustees present to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, may adjourn such Meeting to some other Day, within Ten Days then next following, to be holden at the same Place; and Notice thereof shall be given in Manner aforesaid, at least Seven Days before the Day to which such Meeting shall be adjourned.

No Order to be revoked unless at a Meeting for the Purpose, nor unless a Majority of the Trustees at such Meeting concur.

V. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless Notice, specifying the Revocation or Alteration intended to be proposed, signed by the Clerk to the said Trustees, shall be given in Manner aforesaid, at least Ten Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in Favour of such Revocation or Alteration, nor unless a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

Proceedings to be entered in a Book.

VI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books shall be signed by the Trustees making the same; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Grants of Annuities and Transfers thereof, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

VII. And be it further enacted, That the said Trustees shall and they are hereby required also to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended under the Powers and Provisions of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, and any Creditor or Creditors of the Rates, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from such Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for each and every Offence any Sum of Money not exceeding Five Pounds, to be levied and recovered in like Manner as is herein-after mentioned with respect to Money due and owing from any Officers to be appointed under this Act; and when recovered to be applied towards the general Purposes of this Act.

Trustees to appoint Officers.

VIII. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, and all such other Officers and Persons for the Execution

cution of this Act, as the said Trustees shall think proper, and from Time to Time to remove such Officers and Persons respectively, as the said Trustees shall see Occasion, and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said Trustees shall think reasonable; and all such Officers and other Persons, so to be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Money 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 shall, when thereunto required by the said Trustees, or any Five or more of them, lay his Accounts before the said Trustees, in order that the same may be 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 as aforesaid, 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 having been thereunto required by the said Trustees, or any Five or more of them, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any 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 or Warrant 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, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or 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 of the Monies that shall have been collected or received by virtue of this Act, shall 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 and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have 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, shall be in the Custody or Power of such Officer, and that he shall have refused or wilfully neglected to deliver up or give Satisfaction

faction respecting the same as aforesaid, then and in each and every such Case, such Justice shall 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 31
shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have 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 have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof to the 32
said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction for want of such sufficient Distress, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Security to be taken from the Treasurer, &c.

IX. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they shall think proper, may also take such Security from any Collector or other Officer to be appointed under or by virtue of or for the Purposes of this Act. 33

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

X. Provided also, 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 Trustees for executing this Act; 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. 34 35 36

Trustees to sue and be sued in the Name of their Treasurer, &c.

XI. And be it further enacted, That the said Trustees may sue and be sued, for or concerning any thing relating to the Execution of this Act, in the Name of their Treasurer or Clerk, or in the Name of any one of the said Trustees, on behalf of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names the same shall be brought or defended, or by his or their Act; but the Treasurer or Clerk for the Time being to the said Trustees, or the Successor of the Trustee in whose Name any Action or Suit shall be so brought, shall always be deemed the Plaintiff or Defendant in every such Action or Suit, as the Case may be: Provided always, that all and every the Trustees herein named, and their respective Successors to be appointed as hereinbefore mentioned, and the respective Officers of the said Trustees, shall from Time to Time and all Times hereafter be fully indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, 37 38 39

Charges, Damages, and Expences, which they or any of them shall and may sustain or be put unto, for or by reason of any Action, Suit, or other Proceeding which may be commenced, sued, prosecuted, or had, by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act. 40

Power to purchase Land.

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, from Time to Time, with the Consent in Writing of the Lord Bishop of the Diocese, to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenant ~~or~~ Tenants for Life, or in Fee Tail General or Special, or with any Feoffees 41
in Trust, Executors or Administrators, Husbands, Guardians, Commitees of Lunatics or Idiots, or other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf of their respective Cestuique Trusts, whether Infants or or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are, or shall be seised or in- 42
terested in their own Rights, or with any other the Owners or Proprietors for the Time being of any Lands, Tenements, or Hereditaments within the said Parish, and adjacent to or lying within One thousand five hundred Yards of the Churchyard or Burial Ground thereof, not exceeding in the whole Two Acres, for the absolute Purchase thereof, or of such Part or 43
Parts thereof, as the said Trustees shall consider necessary to be purchased for effecting the Purposes of this Act; and the Monies to be paid for the Purchase of the same shall be paid out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled thereto, or shall be paid into the Bank of *England*, in Manner by this Act directed, as the Case may be.

Corporations, &c. empowered to sell and convey.

XIII. And be it further enacted, That it shall and may be lawful to and 44
for all Bodies Politic, Corporate or Collegiate, and for all Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Tenants for Life, or in Fee Tail General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots, and all other Trustees whomsoever, not only for and on behalf of themselves and their respective Heirs and Successors, but also for and on behalf 45
of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons under any Disability of acting for themselves, who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised or possessed of, or interested in any 46
Lands, Tenements, or Hereditaments, in the Situation and within the Distance herein-before limited and mentioned, to contract and agree with the said Trustees for the absolute Sale thereof, or of any Part or Parts thereof, and to sell and convey the same, or any Part or Parts thereof, and all the Estate, Right, Title, and Interest whatsoever, of, in, and to the same, unto the said Trustees, for the Purposes of this Act; and all
Contracts, Bargains, Sales, and Conveyances, which shall be so made, 47
shall, without any Fine or Fines, Recovery or Recoveries, or other Assurances in the Law whatever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Party or Parties so conveying, but also to convey all Right, Title, Estate, In-

terest, Use, Trust, Property, Claim, and Demand whatsoever, of their several Cestuique Trusts, Femes Covert, and other Persons herein-before mentioned, and all Persons whomsoever claiming or having Title to claim by, from, through, or under them, and of all Persons entitled in Remainder or Reversion expectant on any particular Estates; and the same shall be deemed and considered to bar all Dower of the Wife or Wives of such Party or Parties, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of the same Party or Parties, claiming under them or any of them respectively; any Law, Statute, Usage, or other Matter or Thing to the contrary notwithstanding; and all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Tenants for Life or in Fee Tail, General or Special, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, and Trustees, and all other Persons whomsoever, are hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Form of Conveyance.

XIV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, Property, Right, or Interest, to be made to the said Trustees, and their Successors, shall be made in the Form or to the Effect following; (that is to say),

'I [*or* we,] in consideration of the Sum of paid
'by the Trustees acting under the Authority of an Act passed in the
'First Year of the Reign of King *George* the Fourth, intituled [*here insert*
'*the Title of this Act*] do hereby grant and release to the said Trustees and
'their Successors all [*here describe the Premises to be conveyed*] and all
'my [*or* our] Right, Title, and Interest in and to the same and every Part
'thereof; to hold to the said Trustees and their Successors for ever.
'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 Sale, Conveyance, and Assurance so made, shall be valid and effectual to all Intents and Purposes, and shall be sufficient to vest the Property of and in such Lands, Tenements, and Hereditaments, so purchased and conveyed as aforesaid, in the said Trustees for the Time being, for the Uses and Purposes of this Act; any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

Application of Compensation if amounting to 200*l*.

XV. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or to any Tenant or Tenants for Life, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery,

cery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, 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, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, and Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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, or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, 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 Interest or Annual Produce of the said Consolidated or Reduced Bank Annuities shall, from Time to Time, be paid by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less than 200*l.* and above 20*l.*

XVI. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments, to be purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, 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, to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Trustees for executing 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

cipal Money and the Dividends and Produce arising thereon and therefrom, may be applied in any Manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said High Court of Chancery. 65

Where under 20l.

XVII. Provided also, and be it further enacted, That where such Money so agreed to be paid as next herein-before mentioned shall be less than Twenty Pounds, then, and in all such Cases, the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto. 66 67

In case of disputed Titles.

XVIII. Provided always, and be it further enacted, That when 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 High Court of Chancery, in pursuance of this Act, and for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, for the Purposes aforesaid, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said High 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. 68 69 70

Court may order reasonable Expences to be paid by Trustees.

XIX. 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, for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the Bank of *England*, in Manner aforesaid, and 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 be lawful for the High 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 to the said Court shall seem reasonable, together with the Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, 71 72

them, 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.

Upon Payment of the Purchase Money and Execution of Conveyances, the Property to vest in the Trustees.

XX. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, by the said Trustees, or any Five or more of them, or by their Treasurer by their Order, to the Party or Parties respectively entitled to have and receive such Money, or their Agent, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, and upon a Conveyance or Conveyances of such Lands, Tenements, or Hereditaments respectively, being duly executed by the Party or Parties herein-before authorized and empowered to convey the same, all such Lands, Tenements, and Hereditaments respectively shall vest in the said Trustees hereby appointed, and their Successors for ever, for the Uses and Purposes and subject to the Provisions of this Act, and shall be and be deemed to be, and shall be had, taken, and used, as and for the Burial Ground of the said Parish, or as Part of such Burial Ground, and the Wall or Walls, or Fence or Fences thereof, or that shall be made thereto, shall be and be deemed to be Part of the Wall or Walls, or Fence or Fences of the Burial Ground of the said Parish of *Saint Mary, Rotherhithe*.

Trustees to take down Buildings, and to enclose Ground.

XXI. And be it further enacted, That the said Trustees may and shall, when and as soon as such Lands, Tenements, or Hereditaments shall be purchased by and conveyed to them in pursuance of this Act, take down all the Buildings and Erections thereon or thereto belonging, and sell and dispose of the Materials of the same, or so much thereof, and also so much of the same Ground, as shall not be useful for the Purposes of this Act, in such Manner as they shall think fit, and the Money arising by such Sale shall be applied and disposed of for or towards the general Purposes of this Act; and the said Trustees shall cause the Ground so to be purchased as aforesaid, to be inclosed and fenced in with good and proper Walls and Fences, and shall lay open to the said Burial Ground such of the same Ground as shall adjoin to the same Burial Ground, and shall do all other Things necessary and proper for making the same fit and convenient for the Burial of the Dead; and all Walls and Fences to be erected and made to the Ground so to be purchased for such additional Burial Ground, shall for ever hereafter be kept and maintained in good and proper Repair and Condition, and the Expences thereof shall be paid and defrayed in the same Manner and by the same Ways and Means as the present Churchyard and Burial Ground within the said Parish.

Ground, after Consecration, to be used as the Burial Ground of the Parish.

XXII. And be it further enacted, That after the said Lands, Tenements, and Hereditaments shall have been purchased, conveyed, and inclosed as aforesaid, and shall also have been consecrated for the Burial of the Dead, according to the Usage of the Church of *England*, the same shall for ever thereafter be used as and for an Addition to the Burial Ground of the said Parish.

The Money to be raised and paid out

XXIII. And be it further enacted, That the Purchase Money for such Lands, Tenements, and Hereditaments, and all other Monies necessary

for the Purposes of this Act, shall be paid by the said Trustees, and shall be raised and paid by the Appropriation and Increase of certain ancient and accustomary Rates payable for Funerals within the said Parish of *Saint Mary, Rotherhithe*, in manner herein-after mentioned. 81 Appropriation of certain Funeral Rates.

XXIV. And be it further enacted, That from and after the passing of this Act, the several Funeral Rates herein-after mentioned shall be paid, collected, and levied within the said Parish; that is to say, the Sum of Four Pounds Eighteen Shillings and Sixpence of lawful Money of *Great Britain*, for every Person above the Age of Sixteen Years, who shall be buried in any Vault or Grave within the said Church (the Chancel only excepted), being Forty Shillings more than the ancient and accustomary Rate for such Burial; and the Sum of Two Pounds and Fifteen Shillings for every Person under the Age of Sixteen Years, who shall be buried in any Vault or Grave within the said Church (except as aforesaid), being Twenty Shillings more than the ancient and accustomary Rate for such Burial; and the Sum of Nineteen Shillings for every Person above the Age of Sixteen Years, who shall be buried in the Churchyard, or in the new intended Burying Ground, or in any other Burial Ground or Place belonging to the said Parish (except the present Burial Ground set apart for the Use of the Poor of the said Parish), being Six Shillings and Eight-pence more than the ancient and accustomary Rate for such Burial; and the Sum of Nine Shillings and Sixpence for every Person under the Age of Sixteen Years, who shall be buried in the Churchyard, or in the new intended Burying Ground, or in any other Burial Ground or Place belonging to the said Parish (except as last aforesaid), being Three Shillings and Four-pence more than the ancient and accustomary Rate for such Burial: Provided always, that no more than the Sum of Three Shillings and Four-pence shall be paid for the Interment of any Person above the Age of Sixteen Years, nor more than the Sum of One Shilling and Eight-pence for the Interment of any Person under the Age of Sixteen Years, in the present Burial Ground set apart for the Interment of the Poor of the said Parish, being the accustomary Rate for such Burials respectively. Funeral Rates increased. 82 83 84 85 86

XXV. And be it further enacted, That when any of the Bells of the said Parish Church shall be required to be rung or tolled on the Occasion of the Death or Burial of any Person in the said Parish, there shall be paid the following Sums for the same; (that is to say), for the Eighth or Seventh Bell the Sum of Fifteen Shillings; for the Sixth or Fifth Bell the Sum of Seven Shillings and Sixpence; for the Fourth, Third, or Second Bell the Sum of Three Shillings and Sixpence; and for the First Bell the Sum of One Shilling. Rates on the tolling of Bells. 87

XXVI. And be it further enacted, That for the Head and Foot Stone erected to any Grave within the Churchyard, or any other Burial Ground within the said Parish, there shall be paid the Sum of Two Pounds and Thirteen Shillings, being the Sum of Twenty Shillings more than the accustomary Rate for such Erection; and for every Flat Stone placed over any Vault within such Churchyard or other Burial Ground, the Sum of Six Shillings and Two-pence *per* Foot superficial, being the Sum of One Shilling and Two-pence *per* Foot superficial more than the accustomary Rate for the same; and for every Flat Stone which shall be placed over any Grave within such Churchyard or other Burial Ground, the Sum of Rates on the Erection of Grave Stones, &c. 88 89

of Four Shillings and Ten-pence *per* Foot superficial, being the Sum of Ten-pence *per* Foot superficial more than the accustomary Rate for the same.

Double Rates for Interment of Persons not being Inhabitants.

XXVII. And be it further enacted, That whenever any Person, not being an Inhabitant of the said Parish, and not paying the Parish Rates within the same, shall be interred in any Vault or Grave within the said Church (the Chancel only excepted), or in the Churchyard, or any other Burial Ground or Place belonging to the said Parish, there shall be chargeable and be paid Double the Amount of the Rates by this Act made payable for the Interment as aforesaid of any Person being an Inhabitant of the said Parish.

Recovery of Funeral Rates.

XXVIII. And be it further enacted, That the Rates authorized to be received and collected in Manner herein-before mentioned, shall be and the same are hereby vested in the said Trustees, for the Purposes of this Act; and in case of the Non-payment of any such Rates, the same may be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County of *Surrey*, returning the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Power to reduce the Funeral Rates.

XXIX. Provided always, and be it further enacted, That if it shall happen that the Rates herein-before authorized to be collected and received shall be more than sufficient to defray the Expences to be incurred in the Execution of this Act, it shall be lawful for the said Trustees to reduce the same accordingly, in such Manner as they shall think proper.

Deficiency in Rates to be made good out of the Church Rates.

XXX. And forasmuch as the Rates herein-before mentioned may sometimes be insufficient to the Payment of the Sums to be raised by virtue of this Act; be it further enacted, That the Deficiency occasioned thereby shall be made good and answered by and out of the Church Rates of the said Parish of *Saint Mary, Rotherhithe*, and to that end the Churchwardens of the said Parish of *Saint Mary, Rotherhithe*, for the Time being, shall and they are hereby empowered and required, as often as such Deficiency shall happen, to pay or cause to be paid unto the said Trustees, or their Treasurer, (being thereunto required by the said Trustees, in Writing under their Hands, or the Hands of any Five or more of them) out of the Church Rates of the said Parish, such Sum and Sums of Money as shall be wanting and required to make good such Deficiency; and it shall be lawful for the said Churchwardens, and they are hereby authorized, empowered, and required to enlarge or cause to be enlarged the Church Rates of the said Parish accordingly, and to raise, levy, and collect thereby the several Sums requisite for the Purpose of answering such Deficiency as aforesaid (over and above the Sums of Money or Rates which they are or may be by Law authorized to raise for the Repairs of the Church of the said Parish, and other Purposes to which the Church Rates may be legally applied in the said Parish); and all Sums of Money to be paid by the said Churchwardens, or any or either of them, to the said Trustees, in pursuance of this Act, shall be allowed in their respective yearly Accounts.

XXXI. And

Recovery of Rates.

XXXI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties, who shall be rated or assessed to the Church Rate of the said Parish, or any Enlargement thereof, pursuant to and by virtue of and for the Purposes of this Act, shall refuse or neglect to pay the same for the Space of Ten Days after a personal Demand thereof made by the Churchwardens of the said Parish, or any of them, or any other Person or Persons authorized to collect the same, or a Demand in Writing, under the Hands of the said Churchwardens, or any of them, or other Person or Persons as aforesaid, left at the last or usual Place of Abode of such Person or Persons, or on the Premises for which such Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties, shall be rated or assessed, or any Part thereof; or if the Churchwardens for the Time being of the said Parish shall refuse or neglect to pay such Sum or Sums of Money as shall be required by the said Trustees to be paid to them or their Treasurer, for the Purposes of this Act, for the Space of Twenty-one Days next after the Day appointed for the Payment thereof, then and in every such Case it shall be lawful for such Churchwardens, or any of them, or other Person or Persons aforesaid, or for the said Trustees, or their Collector by their Order, (as the Case may require), by Warrant under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said County of *Surrey*, (which Warrant such Justice or Justices is and are hereby authorized and required to grant, upon due Proof on Oath, or Confession made before him or them, of the Demand and Non-payment of such Rate or Assessment, or of such other Sum or Sums of Money as last aforesaid, and which Oath such Justice or Justices is and are hereby authorized and required to administer), with the Assistance of some Constable or other Peace Officer, to enter into any Dwelling Houses, Buildings, Lands, and Premises, in the Occupation of the Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties, so refusing or neglecting to pay such Rate or Assessment, or such other Sum or Sums of Money as aforesaid, and there to distrain the Goods and Chattels which shall be found therein, and the Distress so taken to impound, keep, and detain; and if the full Amount of the Monies so distrained for, shall not be paid within Five Days after such Distress shall be made, together with the Costs and Charges incurred about the same, then such Churchwardens, or any of them, and other Person or Persons as aforesaid, or the said Trustees or their Collector as aforesaid (as the Case may require), are and is hereby authorized to sell the Goods and Chattels so distrained, or such Part thereof as will be sufficient to pay the said Rate or Assessment, or such other Sum or Sums of Money as aforesaid, together with the Costs and Charges of the said Warrant, and of making, keeping, and selling such Distress, returning the Overplus (if any) of the Money arising by such Sale, to the Owner or Owners of such Goods and Chattels on Demand; or otherwise it shall be lawful for the said Churchwardens, or any of them, or other Person or Persons as aforesaid, or for the said Trustees or their Collector as aforesaid (as the Case may require), to recover any such Rate or Assessment, or any such other Sum or Sums of Money as aforesaid, so due and payable by virtue of this Act, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Wager of Law, nor more than One Imparlance shall be allowed.

98 99 100 101 102 103 104 105 106

Form of the Warrant of Distress.

XXXII. And be it further enacted, That every Warrant of Distress for Non-payment of any Church Rate or Enlargement thereof to be made by virtue of this Act, or of any Sum of Money to be demanded of the Churchwardens of the said Parish by the Authority of this Act, may be in the Words or to the Effect following; (that is to say), 107

County of Surrey, to wit: } 'TO the Churchwardens [*or*, to the Collector of the Funeral Rates] of the Parish of *Saint Mary, Rotherhithe*, in the said County: Whereas *A. B.* now or late of within the said Parish of *Saint Mary, Rotherhithe*, was duly rated and assessed in the Sum of in respect of [*or, as the Case may be*, was made liable and answerable in the Sum of for making good the Deficiencies of certain Sums raised] for the Purposes of an Act, &c. [*here set forth the Title of this Act*] and that the said *A. B.* hath refused or neglected to pay the said Sum of Money; and the same having been duly demanded of and from the said *A. B.* but still remaining due and unpaid, as appeareth upon Oath to me [*or*, us] of His Majesty's Justices of the Peace for the said County; these are therefore in His Majesty's Name to will and require you or either of you, forthwith to levy the said Sum of so due from the said *A. B.* by Distress and Sale of his, [her, *or* their] Goods and Chattels, or of any Goods and Chattels which shall be found in any Premises in the Occupation of the said *A. B.* (such Goods and Chattels being kept for the Space of Days before the same are sold), rendering to him, [her, *or* them] the Overplus (if any there be), the reasonable Charges of this Warrant, and of such Distress and Sale and keeping, being first deducted; and if no sufficient Distress can be had or taken, that then you certify the same to me [*or*, us] forthwith: And I [*or*, we] do hereby strictly charge and command all and singular the Constables and others, 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 [*or*, our Hands and Seals], this Day of in the Year of our Lord .' 108 109 110 111

And the reasonable Costs and Charges attending such Warrant, Distress, and Sale shall, in case of Dispute, be settled and ascertained by any One or more of His Majesty's Justices of the Peace for the said County. 112

Power to borrow Money.

XXXIII. And in order to enable the said Trustees more effectually to carry the several Purposes of this Act into Execution, be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to raise by the granting of Annuities on Lives any Sum not exceeding in the Whole the Sum of Four thousand Pounds, upon the Credit of the Rates to be raised by virtue of this Act, and by Writing under their Hands and Seals, to grant Annuities out of the said Rates to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer 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 Contributor, or of such Person or Persons as shall be nominated by or on the Behalf of such Contributor, at the Time of the Payment of his, her, or their Contribution or Purchase Money; and every such Assignment shall be in the Words or to the Effect following; (that is to say), 113 114 115

WE,

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 [*here set forth the Title of this Act*] in consideration of the Sum of paid by to the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said Executors, Administrators, and Assigns, an Annuity or yearly Sum of out of the Rates arising by virtue of the said Act, which Annuity or yearly Sum of shall be paid to the said Executors, Administrators, and Assigns, upon the Day of and the Day of in every Year, by equal Half-yearly Payments, during the natural Life of the said [and of and and the Survivor of them], and the first Payment thereof shall be made upon the Day of next ensuing the Date of these Presents; and in case of the Death of the said [*or*, of or or the Survivor of them] between any of the said Haly early Days of Payment, or either before or after the said Day of next, such Part of the said Annuity of as shall be in Proportion to the Number of Days which, inclusive of the Day of the Decease of the said [*or*, of or and the Survivor of them] shall have elapsed prior to Decease, and after the Day of Payment next immediately preceding that Event, or, *as the Case may require*, next after the Date of these Presents, shall be paid to the said Executors, Administrators, or Assigns. In witness whereof we have hereunto set our Hands and Seals, the Day of in the Year of our Lord '

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be made payable and be paid free from all Deductions out of the said Rates, and shall be payable and be paid at such Place within the said Parish, and on such Days in every Year, as shall be mentioned in such Grant.

Grants of Annuities may be transferred.

XXXIV. And be it further enacted, That it shall be lawful for the Persons entitled to the Annuities granted as aforesaid, at any Time by Writing under their Hands and Seals to transfer the same to any Person or Persons whomsoever, and every such Transfer shall be in the Words or to the Effect following; (that is to say),

'I *A. B.* being entitled to an Annuity of by virtue of a Grant of an Annuity bearing Date the Day of in the Year of our Lord under the Hands and Seals of of the Trustees acting in the Execution of an Act, passed in the First Year of the Reign of King *George* the Fourth, intituled *An Act* [*here set forth the Title of this Act*] upon the Credit of certain Rates payable by virtue of the said Act, do hereby transfer the Annuity or yearly Sum of thereby secured, and all Arrears thereof, unto Executors, Administrators, or Assigns. Dated the Day of .'

And

And Entries or Memorials of all Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other proper Descriptions of all such Persons as shall from Time to Time be entitled to such Annuities, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, to which Book or Books any Person 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 said Clerk shall be paid by the Person or Persons to whom the same shall be made, the Sum of Five Shillings and no more; and every such Transfer, after such Entry made thereof, shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Scale of Annuities for Single Lives.

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

No Preference in Payment of Annuities.

XXXVI. And be it further enacted, That the several Persons to whom any such Grants of Annuities shall have been made, shall be severally entitled to their respective Quota of the said Rates in proportion to the annual Amount of the said Annuities, without any Preference on account of the Priority in Date of any such Grant, or on any other Account whatsoever.

XXXVII. And

Increased Rates to cease on Death of Annuitants.

XXXVII. And be it further enacted, That the several increased or additional Rates on Funerals, in the said Parish of *Saint Mary*, *Rotherhithe*, hereby granted, shall have Continuance for and during such Time only as any of the Annuities to be granted by virtue of this Act shall have Existence; and as the said Annuities shall respectively determine, the said Rates shall decrease and be lessened in proportion to the Decrease of the said Annuities; and from and after the Determination of all the said Annuities, such increased or additional Rates shall cease and determine, and only the ancient and accustomary Rates on Funerals in the said Parish shall, from thenceforth, be payable or paid; and the same shall be payable and paid in such Manner, and be applied to such Uses as before the passing of this Act, and as if this Act had not been passed; any thing herein contained to the contrary notwithstanding.

Application of Money raised.

XXXVIII. And be it further enacted, That all the Monies which shall be raised from and by the several Rates herein-before authorized to be assessed and levied, and all the Monies which shall be received from the Sale of Annuities, to be granted out of the same, and all Monies which are herein-before directed to be applied to the general Purposes of this Act, and all other Monies which shall come to the Hands of the said Trustees, for the Purposes of this Act, in regard to the Disposal of which no specific Directions are herein-before given, shall be and the same are hereby vested in the said Trustees, and shall be applied and disposed of in Manner following; that is to say, in the first Place in paying and defraying the Costs, Charges, and Expences of obtaining and passing this Act; and then in purchasing Lands, Tenements, and Hereditaments for enlarging the present Churchyard or Burial Ground, and in defraying all other necessary Costs, Charges, and Expences whatsoever, relating to the Execution of this Act, and the Powers and Authorities hereby granted to the said Trustees; and lastly, in paying off all Annuities which may be granted by virtue of this Act, and in carrying the Intents and Purposes of this Act into complete Execution in other respects; or in or for any of the aforesaid Purposes, and for no other Use, Intent, or Purpose whatsoever.

Appeal.

XXXIX. Provided always, and be it further enacted, That if the said Trustees, or any other Person or Persons, shall think themselves, himself, or herself aggrieved, by reason of any Order, Judgement, or Determination, or by any Matter or Thing made, given, or done in pursuance or in the Execution of this Act, the said Trustees or such Person or Persons may appeal to the First General or Quarter Sessions of the Peace, to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Two Calendar Months from the Time such Matter of Appeal shall have arisen, the said Trustees so appealing, having first given Twenty-one Days Notice at the least, of their Intention to bring such Appeal, and of the particular Matter or Matters, Cause or Causes thereof, to the Party or Parties interested therein, and such other Person or Persons, Party or Parties appealing (not being the said Trustees) having first given Twenty-one Days Notice at the least, of his, her, or their Intention to bring such Appeal, and of the particular Matter or Matters, Cause or Causes thereof, to the Clerk to the said Trustees, or other the Person or Persons, Party or Parties, against whose Act, Judgement, Order, or Determination such Appeal is made; and such last-mentioned Person or Persons, Party or Parties appealing, within Five Days after

after such Notice, entering into a Recognizance before some Justice of the Peace of the County of *Surrey*, 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 Sessions, upon due Proof of such Notice or Notices, and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Cause and 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 the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive upon all Parties to all Intents and Purposes whatever.

Trustees and Inhabitants may be competent Witnesses.

XL. And be it further enacted, That in all Actions, Suits, or other Proceedings relating to the Execution of this Act, the said Trustees, or any of them, or the Inhabitants of the said Parish of *Saint Mary, Rotherhithe*, or any of them, shall not be deemed incompetent to give Evidence therein by reason of being such Trustee or Trustees, or Inhabitant or Inhabitants as aforesaid, or of being charged with or liable to pay any Rate to be raised, levied, and collected by virtue of this Act: Provided always, that such of the said Trustees as are or shall be Justices of the Peace may act as such within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except in Cases where they shall be individually interested.

Trustees being Justices may act as such.

XLI. And be it further enacted, That where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Matter or Thing done in the Execution of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Conviction.

'BE it remembered, That on this Day of in the Year of our Lord is convicted before me [*or*, us] One [*or*, Two] of His Majesty's Justices of the Peace for the County of *Surrey*, of having [*as the Offence shall be, shortly stating it*], and I, [*or*, we] the said Justice [*or*, Justices] do adjudge him [*or*, them] to forfeit and pay for the same, the Sum of . Given under my Hand and Seal, [*or*, our Hands and Seals], the Day and Year aforesaid.'

Distress not unlawful for Want of Form.

XLII. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining; but the Party or Parties aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action on the Case.

Proceedings not to be quashed for Want of Form.

XLIII. And be it further enacted, That no Order, Judgement, or Determination, nor any other Proceeding made, done, or had under or by virtue of this Act, shall be quashed or vacated for Want of Form only, or

be removed or removable by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of Actions to be given.

XLIV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Party or Parties, for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Fourteen Days at least before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceeding, Order, and Judgment shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLV. And be it further enacted, That no Action or Suit shall be commenced against any Party or Parties for any thing done in pursuance of this Act, after the Expiration of Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

Saving certain Rights.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any respect to abridge, oppose, or controul the ordinary Jurisdiction of the Lord Bishop of the Diocese for the Time being, in and over the said Parish of *Saint Mary, Rotherhithe*, or over the Minister or Churchwardens, or in, over, or relative to any Matter or Thing respecting the said Parish, Minister, or Churchwardens: Provided also, that the Rector, Clerk, Sexton, and other Officers for the Time being of the said Parish of *Saint Mary, Rotherhithe*, shall be entitled to and receive in respect of such new Burying Ground, all such Fees, Dues, and Emoluments as are now payable and appertain, or are incident to their respective Offices in the said Parish for Burials in the present Churchyard.

XLVII. Pro-

Saving Rights of Rector, &c. in present Burial Places.

XLVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to deprive the Rector, Clerk, Sexton, and other Officers of the said Parish, of the Fees, Dues, and Emoluments which they or any of them are entitled to receive in respect of Interments in the present Burial Places of the said Parish, and which appertain or are incident to their Offices respectively; but the same shall be received and enjoyed as fully and effectually to all Intents and Purposes as if this Act had not been passed.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1820.