ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 145.

An Act for repairing or re-building the Parish Church of *Stockport* in the County Palatine of *Chester*, and for re-building the Tower thereof, and for making a Cemetery or Church Yard for the Use of the said Parish. [2d *June* 1810.]

WHEREAS the Parish of *Stockport* in the County Palatine of *Chester* is very large and populous, and the Church of the said Parish is in such a ruinous and decayed State that Divine Service cannot with Safety be performed therein, and the Tower of the said Church is also greatly out of Repair and in danger of falling: And whereas the Right Honourable *Thomas James* Viscount *Warren-Bulkeley* and the Right Honourable *Elizabeth Harriet* Viscountess *Warren-Bulkeley* his Wife, are seised of the Advowson, Donation and Patronage and Right of Nomination and Appointment to the said Parish Church of *Stockport* aforesaid: And whereas the Reverend *Charles Prescot* is the present Rector of the said Parish and Parish Church of *Stockport* aforesaid: And whereas it is highly necessary that the said Church should be effectually repaired or rebuilt, and the said Tower thereof taken down and rebuilt in a substantial Manner: And whereas the Increase of Inhabitants in the said Parish has made it necessary to have an additional Cemetery or Burying Ground; but in as much as such useful and necessary Purposes 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 Au-
Truſtees. thority of the ſame, That the Patron or Patrons for the Time being of the Pariſh Church of *Stockport*, the Rector for the Time being of the ſaid Pariſh Church, the *Principales Præpoſiti* or Poſts for the Time being of the ſaid Pariſh Church, the Curate or Curates for the Time being of the ſaid Pariſh Church, the Curates for the Time being of the ſeveral Chapels of Eaſe of *Chadkirk*, *Marple* and *Norbury* within the ſaid Pariſh, the Curate for the Time being of the Chapel of *Saint Peter* in *Stockport*, the Curate for the Time being of the Chapel of *Diſley* within the ſaid Pariſh, the Churchwardens for the Time being of the ſaid Pariſh, the Schoolmaſter for the Time being of the Free Grammar School within the Town of *Stockport*, together with *John Arden* of *Bredbury* Eſquire, *William Davenport* of *Bramhall* Eſquire, *James Harriſon* of *Brinnington* Eſquire, *Thomas Legh* of *Norbury* Eſquire, *Francis Dukinfield Aſtley*, *Thomas Beard*, *James Briſcall*, *Joſhua Barneſley*, *Ralph Bridge*, *William Bradſhaw*, *Benjamin Bower*, *Henry Baxter*, *John Baddeley*, *Thomas Brown*, *George Hyde Clarke*, *Thomas Claughton*, *William Crowther*, *James Cheetham*, *Robert Davies*, *Samuel Dodge*, *Wilbraham Egerton*, *Richard Atherton Farrington*, *William Fox*, *Joſeph Fogg*, *Robert Gee*, *Samuel Gaſkell*, *John Goodair*, *Dauntesy Hulme*, the Reverend *George Heron*, *John Holme*, *Robert Bamford Heſketh*, the Reverend *Elkanah Hoyle*, *Henry Hindley*, *Bryan Hodſon*, *John Hampſon*, *James Heald*, *Jeſſe Howard*, *Samuel Jowett*, *John Iſherwood*, *James Bradſhaw Iſherwood*, *Francis Jodrell*, *Edmund Kerſhaw*, *Richard Legh*, *John Lingard*, *John Legh*, *John Lloyd*, *Peter Marſland*, *Thomas Marriot*, *John Marſland*, *Thomas Marſland*, *Thomas Cheetham Morrey*, the Reverend *William Marriott*, *George Martin*, *Matthew Mayer*, *John Mitchell*, *James Antrobus Newton*, *William Nicholſon*, *Bradford Norbury*, *John Newton*, *George William Newton*, *Samuel Oldknow*, *Richard Orford*, *John Philips*, *Charles Preſcot*, *Charles Kenrick Preſcot*, *Peter Pownall*, *Thomas Pickford*, *Matthew Pickford*, *Thomas Partington*, *Charles Potter*, *Edmund Roe*, *Thomas Roſs*, *William Radcliffe*, *Edward Reddiſh*, *Thomas William Tatton*, *Samuel Taylor*, *Lawrence Wright*, *Holland Watſon*, *Nathaniel Wright*, *Lawrence Walker*, *Thomas Francis Wilſon* and *Peter Wild*, and their Succeſſors, nominated or appointed by virtue of this Act, ſhall and they are hereby declared to be Truſtees for repairing or rebuilding the ſaid Church, and for taking down and rebuilding the ſaid Tower, and otherwiſe carrying this Act into Execution.

No act of Truſtees valid unleſs at a Meeting.

II. 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 Meeting to be holden in purſuance of this Act, (except as herein excepted), and that all the Powers and Authorities by this Act granted to the ſaid Truſtees ſhall and may be exerciſed from Time to Time 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

Majority empowered to act.

every ſuch Meeting not being leſs than Eleven, 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 ſuch Truſtees for the Time being (ſave and except as hereinafter excepted), and at every Meeting of the ſaid Truſtees a Chairman ſhall and may be appointed; and when and as often as it

ſhall

shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case it shall be lawful for such Chairman to give the decisive or casting Vote.

Power to appoint new Trustees.

III. And be it further enacted, That if any One or more of the said Trustees hereby appointed (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Estates and Offices); or their Successors to be elected in Manner hereinafter mentioned, shall die, or shall refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each such Trustee so dying or refusing or becoming incapable of acting, and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on the Door of the Chancel of the said Parish Church of *Stockport* aforesaid, and upon the Door of each of the several Chapels of *Marple*, *Chadkirk* and *Norbury*, and upon the Door of the Church of *Disley*, all within the Parish of *Stockport* aforesaid, and also given in One or more of the Newspapers published in the Town of *Manchester* in the County Palatine of *Lancaster* Fourteen 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: Provided always, that no Person shall be capable of acting as a Trustee in the Execution of this Act (unless in the Power of giving Notice of the First Meeting under this Act as hereinafter prescribed, and of administering the following Oath, which any of the Trustees hereinbefore named are empowered to administer) until he shall have taken an Oath to the following Effect:

Trustees to take an Oath.

Form of Oath.

'I *A. B.* do swear, that I will faithfully, impartially and honestly, according to the best of my Skill, Knowledge and Judgment, execute the several Trusts and Powers reposed in me as a Trustee, by virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act.*]

'So help me GOD.'

Trustees incapable of acting when interested in any Contract.

IV. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall be interested in any Contract, or enjoy any Employment of Profit under this Act.

Qualification of Trustees.

V. And be it further enacted, That no Person who shall be elected a new Trustee as aforesaid, shall be capable of acting as a Trustee in the Execution of this Act unless he shall in his own Right, or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments within the Parish of *Stockport* in the County of *Chester*, of the clear yearly Value of Fifty Pounds above all Reprizes, or shall be possessed of or entitled to a Personal Estate of Two thousand Pounds, nor until he

he ſhall have taken and ſubſcribed before any One or more of the ſaid Truſtees, an Oath in the Words or to the Effect following; (that is to ſay),

'I *A. B.* do ſwear, that I am truly and *bonâ fide* in my own Right [*or*, in the Right of my Wife] in the actual Poſſeſſion and Enjoyment or Receipt of the Rents and Profits of Lands, Tenements or Hereditaments within the Pariſh of *Stockport* in the County of *Cheſter*, of the clear yearly Value of Fifty Pounds above Reprizes [*or*, am poſſeſſed of or entitled to a Perſonal Eſtate of the Value of Two thouſand Pounds]. So help me GOD.'

And if any Perſon not being qualified as aforeſaid ſhall preſume to act contrary to the true Intent and Meaning of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall inform or 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, Plaint, Suit, or Information, wherein no Eſſoign, Protection or Wager of Law, nor more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecution than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act; provided nevertheleſs, that ſuch Acts and Proceedings as ſhall have been done and performed by any ſuch Perſon touching the Execution of this Act previous to his being convicted of the Offence before mentioned, ſhall notwithſtanding ſuch Conviction be as valid and effectual as if ſuch Perſon had been qualified according to the Directions of this Act.

Truſtees may act as Juſtices except where perſonally intereſted.

VI. And be it further enacted, 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 ſuch Caſes where they ſhall be perſonally intereſted.

First Meeting of Truſtees.

VII. And be it further enacted, That the ſaid Truſtees ſhall meet in the Veſtry Room of the ſaid Pariſh within Two Calendar Months after the paſſing of this Act, or as ſoon as conveniently may be, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, and proceed to put this Act in Execution; and in caſe none of the ſaid Truſtees ſhall attend ſuch Meeting, then and in ſuch Caſe ſuch Meeting ſhall be and be deemed to be adjourned to the next Day (*Sunday*, *Good Friday*, *Chriſtmas Day* and all Days on which Divine Service is ordered by Authority to be celebrated only excepted, and then to the following Day) and ſo *toties quoties* until a ſufficient Number of Truſtees ſhall attend at ſuch Meeting to act in the Execution of this Act, or until a Truſtee or Truſtees ſhall attend and adjourn ſuch Meeting; 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 themſelves and appoint their next Meeting to be holden there, or at any other Place in the ſaid Pariſh of *Stockport*, as to the ſaid Truſtees ſhall ſeem convenient, and at ſuch Time as to them ſhall ſeem proper; and if it ſhall

ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtees or Truſtee then preſent, or the Clerk to the ſaid Truſtees, ſhall from Time to Time, as often as the Caſe may happen, adjourn ſuch Meeting to ſome other Day, within Twenty-one Days then next following to be holden at the ſame Place, and the ſaid Clerk ſhall cauſe Notice thereof to be given in Manner aforeſaid, at leaſt Fourteen Days before the Day to which ſuch Meeting ſhall be adjourned; but no Act of the Truſtees ſhall be valid unleſs made or done at ſome publick Meeting to be holden by virtue of this Act; and at all ſuch Meetings the Acts, Orders and Reſolutions of the major Part of the Truſtees preſent (the Number of Truſtees preſent at all ſuch Meetings not being leſs than Eleven) ſhall have the ſame Force and Effect as if done or made by all the ſaid Truſtees; and that where at any Meetings the Number of Voices ſhall be equal, the Chairman to be appointed at each ſuch Meeting ſhall have a Second and the caſting Voice, and the ſaid Truſtees ſhall at their ſeveral Meetings pay their own Expences.

Proceedings to be at publick Meetings only.

VIII. And be it further enacted, That if after any Adjournment of any Meeting as aforeſaid, it ſhall at any Time or Times be thought neceſſary that a Meeting of the Truſtees ſhould be holden on an earlier Day than the Day to which ſuch Meeting ſhall have been adjourned, 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, mentioning the Time, Place and Purpoſes of ſuch earlier Meeting being given to him, or left at his laſt or uſual Place of abode) ſhall forthwith give Notice of the Meeting to be holden on ſuch earlier Day in Manner before directed, and of the Time and Place which ſhall be mentioned in the Order of the ſaid Truſtees, ſuch Time not being leſs than Seven Days after ſuch Notice; and all Proceedings of ſuch Truſtees at ſuch earlier Meeting ſhall be as good and valid as they would have been in caſe ſuch Truſtees had met in purſuance of any Adjournment.

Meetings on Emergencies.

IX. 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 at a Meeting to be holden for that expreſs Purpoſe, nor unleſs Notice, ſpecifying the Revocation or Alteration intended to be made, ſigned by the Clerk to the ſaid Truſtees, ſhall be given in Manner aforeſaid, at leaſt Twenty-one 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, and 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.

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

X. 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, being ſigned by the Chairman of ſuch Meeting, ſhall be deemed originals, and ſhall be allowed to be read as

Proceedings to be entered.

Evidence in all Cauſes, Suits and Actions touching or concerning any Thing done in purſuance of this Act, and ſuch Book or Books ſhall at all the Meetings of the ſaid Truſtees be open and liable to the Inſpection of all and every of the ſaid Truſtees, and of the Creditors on the Rates and Aſſeſſments hereby granted and made payable, and that any of the ſaid Truſtees and Creditors ſhall and may have and take Copies thereof, paying for every Copy ſo had, not exceeding Seventy-two Words, the Sum of Two-pence, and ſo in Proportion for any greater Number of Words.

Truſtees to appoint Officers,

XI. And be it further enacted, That the ſaid Truſtees or any Eleven or more of them may and they are hereby empowered, by Writing under their Hands, to appoint a Treaſurer or Treaſurers, Clerk or Clerks, and alſo ſuch other Officers and Perſons for the Execution of this Act, as the ſaid Truſtees ſhall think proper, and from Time to

and remove them; and allow Salaries.

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 the ſaid Truſtees ſhall and they are hereby required to

Truſtees to take Security from the Treaſurer.

take ſufficient Security from every ſuch Treaſurer and other Officer for the due Execution of his Office as they ſhall think proper, and all ſuch Officers 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

Officers to account.

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, lay his Accounts before the ſaid Truſtees in order that the ſame may be audited, paſſed and allowed by them, if approved of, and all the ſaid Officers ſo accounting as aforeſaid ſhall upon Oath (which Oath any one of the ſaid Truſtees is hereby empowered to adminiſter) verify their ſaid Accounts, and if any ſuch Officer ſhall refuſe or neglect to make and render or to verify upon Oath any ſuch Account, or 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 Twenty-one Days after having been thereunto required by the ſaid Truſtees, 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 Warrant under his Hand and Seal for the Officer ſo refuſing

or

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 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 of the Monies that ſhall have been collected and raiſed 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 verify the ſame as aforeſaid, 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 he ſhall have 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 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 and Payment as aforeſaid, or until he ſhall compound 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 Officer 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 Six Calendar Months.

Truſtees may contract for the Purchaſe of Lands.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Eleven or more of them from Time to Time to contract and agree with the Owner or Owners of and Perſons intereſted in any Lands, Grounds or Hereditaments (ſuch Lands and Grounds not exceeding Seven thouſand Square Yards, Superficial Meaſure, in Quantity), which ſhall be deemed neceſſary to be converted into a Cemetery or Burial Ground for the Uſe of the ſaid Pariſh, for the Purchaſe of the ſaid Lands, Grounds or Hereditaments; and it ſhall be lawful for all Bodies Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees and Committees, Executors or Adminiſtrators, not only for or on Behalf of themſelves, their Heirs and Succeſſors, but alſo for or on Behalf of their Infant Wards, Ceſtuique Truſts, Lunatics or Perſons of unſound Memory and Underſtanding, and to and for all Femes Covert who are or ſhall be ſeiſed or intereſted in their own Right, and to and for all and every Perſon and Perſons whomſoever who are or ſhall be ſeiſed or poſſeſſed of or intereſted in any ſuch Lands, Grounds or Hereditaments to contract with the ſaid Truſtees or any Eleven or more of them, for the Price or Satisfaction to be made for ſuch Lands, Grounds or Hereditaments as aforeſaid, or to ſell and convey unto them, or any Eleven or more of them, ſuch Lands,

Grounds,

Grounds or Hereditaments, or any Part thereof for the Purpoſe aforeſaid; and all Contracts, Sales and Conveyances which ſhall be ſo made ſhall be valid to all Intents and Purpoſes, any Law, Statute, Uſage or other Matter whatſoever to the contrary notwithſtanding; and all ſuch Bodies Politick, Corporate, Eccleſiaſtical or Civil, Corporations Aggregate or Sole, Guardians, Feoffees, Truſtees, Committees and all other Perſons ſhall be and are hereby indemnified for what they ſhall do by virtue of this Act.

Application of Compenſation where amounting to 200l.

XIII. And be it further enacted, That if any Money ſhall be agreed to be paid for any Lands or Hereditaments purchaſed, taken or uſed by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic or Perſon or Perſons under any Diſability or Incapacity as in this Act particularly mentioned, ſuch Money ſhall, in caſe the ſame ſhall amount to 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 *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 and Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts, or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid affecting the ſame Lands or Hereditaments, or affecting other Lands 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 or Hereditaments which ſhall be conveyed and ſettled to, for and upon ſuch and the like Uſes, Truſts, Intents and Purpoſes, and in the ſame Manner as the Lands and Hereditaments which ſhall be ſo purchaſed, taken or uſed as aforeſaid ſtood ſettled or limited to, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the 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 mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation does not amount to 200l. and is not leſs than 20l.

XIV. Provided always, and be it further enacted, That if any Money ſo agreed to be paid for any Lands or Hereditaments purchaſed, taken or uſed for the Purpoſes aforeſaid, and belonging to any Corporation or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two Hundred Pounds and

ſhall

ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken or uſed, or of his, her or their Guardian or Guardians Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank 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 hereinbefore 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 Eleven or more of the ſaid Truſtees (ſuch Nomination and Approbation to be ſignified by Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Monies and the Dividends ariſing thereon may be applied in any Manner hereinbefore directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is leſs than 20l.

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

Where 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.

XVI. 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 ſaid Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands or Hereditaments, or of any Eſtate, Right or Intereſt in any Lands 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 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 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 to 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 or Hereditaments, or to ſome Eſtate or Intereſt therein.

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

XVII. 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 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 said Court, and to be applied in the Purchase of other Lands or Hereditaments to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court 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 Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Eleven or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Making Contracts for rebuilding the Church and Tower.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees at any of their Meetings to contract or agree with any Person or Persons for the repairing or rebuilding of the said Church to be repaired or rebuilt by virtue of this Act, and for erecting and building the said Tower, for providing Materials for repairing, building, erecting, finishing and completing the same respectively, or any Part or Parts thereof respectively, and generally to make and do all such Orders, Matters and Things as they shall think proper and necessary, fully and effectually to carry this Act into Execution; and all such Contracts and Agreements when made and entered into by or between the said Trustees and any other Person or Persons, shall be reduced into Writing at the Expence of the Parties with whom such Contracts or Agreements shall be made, by the said Trustees, and signed by the Parties thereto, and shall be good, valid and binding, as well upon the said Trustees, and their Successors to be elected in Manner aforesaid, as upon all other Parties thereto, his, her and their 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, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into Twenty-one Days' Notice at the least shall be given in one or more of the Newspapers published in the Town of *Manchester*, in the County Palatine of *Lancaster*, expressing the Purpose 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 of all Contracts made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose, and such Book and Books shall from Time to Time and at all convenient Times be open to the Inspection of all and every Persons and Person upon whom any Rate or Assessment shall be made under the Authority of this Act, on Payment of Sixpence to the Clerk or Person in whose Custody the same shall be.

Twenty-one Days' Notice to be given of Meetings to make Contracts.

Trustees may direct the old Church to be taken down, and sell old Materials.

XIX. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and empowered to take and pull down or cause to be taken and pulled down the whole of the present Church of the said Parish of *Stockport*, and the said Tower thereof,

thereof, or such Part or Parts thereof respectively as they shall think necessary, and to sell and dispose of the Timber, Stones, Bricks, Iron, Lead and other Materials thereof, or any Part or Parts thereof to any Person or Persons whomsoever, and the Money arising by such Sale shall be applied to the several Purposes of this Act, or it shall be lawful for the said Trustees and they are hereby empowered to employ or apply such Timber, Stones, Bricks, Iron, Lead and other Materials, or any Part or Parts thereof as to them shall seem right, in repairing or rebuilding the said Church to be repaired or rebuilt by virtue of this Act, or in erecting and building the said Tower to be erected and built by virtue of this Act in such Manner as they shall think proper, and the said Trustees shall and they are hereby required to repair or rebuild, or cause to be put in good and substantial Repair or rebuilt, the whole of the said Church, and to erect and build the said Tower thereof, and the Costs, Charges and Expences thereof respectively shall be paid out of the Monies to be received, raised, levied or collected by virtue of this Act.

New Church.

XX. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to repair or rebuild or cause to be repaired or rebuilt the whole of the said Church, or so much thereof as they shall think necessary, and also to erect and build or cause to be erected and built a new Tower or Towers on the Westerly End or Side thereof, and the same shall be built of such Size and Dimensions, and of such Materials, and after such Specification and Model as to the said Trustees, with the Approbation of the Lord Bishop of the Diocese, shall seem right and proper, and also to convert into an additional Cemetery or Church Yard for the Use of the said Parish the said Lands and Grounds so to be purchased as aforesaid, and the said Trustees shall make, erect and set up, or cause to be made, erected and set up in such new Church such Pews, Seats, Galleries, Bells, Ornaments and Conveniences as to the said Trustees with such Approbation as aforesaid shall seem right and proper.

Rights of the Rector and Patron preserved.

XXI. And be it further enacted, That the said *Charles Prescot* the present Rector and his Successors, Rectors for the Time being, shall be be the Rectors of the said Parish in the said new Church, in like Manner as in the said old Church, and the Person or Persons who for the Time being has or have or would have a Right of presenting, nominating or appointing a Rector to the said old Church, in case the same had not been taken down by virtue of this Act, shall have the Right of Presentation, Nomination or Appointment to the said new Church upon every future Vacancy or Avoidance; and every such Person so to be presented, nominated or appointed as aforesaid, being duly instituted and inducted, shall be the Rector of such new Church, and shall have and enjoy such and the same Profits, Privileges, Commodities and other Ecclesiastical Dues and Duties arising within the said Parish as the present Rector of the said Parish has or ought of right to have and enjoy.

Materials, &c. vested in the Trustees

XXII. And be it further enacted, That all the Stones, Bricks, Timber, Iron, Lead and Materials of which the Body of the present Church and the present Tower thereof are constructed or built, and all the

the Stones, Bricks, Timber, Iron, Lead and other Materials bought or procured by Order of the ſaid Truſtees for repairing or rebuilding the ſaid Church, and for erecting and building ſuch new Tower or Towers thereto to be repaired, erected and built by virtue of this Act, ſhall belong to and be the Property of and the ſame is and are hereby veſted in the ſaid Truſtees; and it ſhall be lawful for the ſaid Truſtees to bring or cauſe to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Caſe may require) againſt any Perſon or Perſons who ſhall ſteal, take, remove or carry away, ſpoil, injure or deſtroy the ſaid Church and Tower, or the Stones, Timber, Iron and other Materials thereof reſpectively hereby veſted in them as aforeſaid, or any of them, or any Part or Parts thereof; and in all ſuch Actions and Bills of Indictment it ſhall be and be deemed and taken to be ſufficient to ſtate generally that the ſaid Church Tower, Article or Articles, Thing or Things 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 repairing or "rebuilding the Pariſh Church of *Stockport* in the County Palatine of "*Cheſter*, and for rebuilding the Tower thereof, and for making a Ceme-"tery or Church Yard for the Uſe of the ſaid Pariſh," without particularly ſtating or ſpecifying the Names of all or any of the ſaid Truſtees.

Where Divine Service and Banns ſhall be performed and publiſhed during the Time the Church ſhall be rebuilding.

XXIII. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptiſms, Burials and all other Matters and Things which were and of right uſed to be celebrated, ſolemnized, adminiſtered, had, done and performed by the Rector or Curate for the Time being in the ſaid Old Church and Church Yard, ſhall and may be celebrated, ſolemnized, adminiſtered, had, done and performed in the like Manner in the Chancel of and belonging to the ſaid Church, (which is not intended to be taken down, the ſame being in good Repair) until ſuch Time as the ſaid Church ſo to be repaired or rebuilt ſhall be repaired or rebuilt, completed and finiſhed, and rendered fit for the Celebration of Divine Service therein, and until the ſaid Cemetery or Burial Ground ſhall be conſecrated; and that all Publications of Banns of Marriage which by Law are required to be made and publiſhed in the ſaid Pariſh of *Stockport*, may be made and publiſhed in the ſaid Chancel until ſuch Time as the ſaid Church to be repaired or rebuilt by virtue of this Act ſhall be completed, finiſhed and rendered fit for Divine Service as herein directed, and all Publications of ſuch Banns of Marriage ſo made and publiſhed in the ſaid Chancel of and belonging to the preſent Church during the Time of performing Divine Worſhip therein, and all Marriages ſolemnized therein, ſhall be as good, valid and effectual in the Law to all Intents and Purpoſes whatſoever as if ſuch Banns had been made and publiſhed, and ſuch Marriages had been ſolemnized, in the Pariſh Church of *Stockport* aforeſaid, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Power to remove Grave-Stones and Monuments.

XXIV. And be it further enacted, That the ſeveral Monuments, Graveſtones and Monumental Inſcriptions which ſhall be taken down and removed in repairing or rebuilding the ſaid Church, ſhall be preſerved and kept by or by the Order of the ſaid Truſtees in ſuch Place or Places as to them ſhall ſeem proper; and when and as ſoon as the ſaid Church ſhall be repaired or rebuilt, or as ſoon after as conveniently

may

may be, all such Monuments, Grave-stones and Monumental Inscriptions shall be replaced and fixed in such Manner as the said Trustees shall think proper, on or as near to the Place or Places from whence they shall have been respectively removed as possibly may be.

Allotments of Pews.

XXV. And be it further enacted, That when the said Church shall be repaired or rebuilt, and such Seats or Pews as are inteneded to be erected therein shall be completed, the said Trustees are hereby authorized and required to allot and appoint the several Seats and Pews therein to the several Townships and Persons who are now legally entitled by Faculty or Prescription to Pews or Seats in the said Parish Church, and such Pews or Seats shall be made convenient to accommodate as many Persons as the Pews or Seats which such Townships or Person or Persons is or are now legally entitled to; and such Townships and Persons respectively shall pay or cause to be paid to the Treasurer for the Time being to the said Trustees, all such Sum and Sums of Money and other Expences which they the said Trustees shall have paid, expended or been at in the rebuilding and completing such Pews or Seats respectively, and as to all and every the additional new Seats or Pews as may be erected and made in the Body of the said Church or in the several Galleries thereof, on the North and South Sides and West End thereof by virtue thereof, they the said Trustees are hereby further authorized and required to allot and appoint the same last-mentioned Pews and Seats as and for free Seats for the Use of the Parishioners at large of the said Parish of *Stockport*, in such Manner and under such Rules and Regulations as the Lord Bishop of the Diocese for the Time being shall direct or appoint; and that the Chapel and Vault on the South Side, and adjoining to the Chancel of the said Church, now vested in *John Arden* Esquire, and *William Davenport* Esquire, and also the Chapel and Vault on the North Side of and also adjoining the said Chancel of the said Church, and now vested in *Richard Atherton Farrington*, *Dauntesey Hulme*, and *William Fox*, Esquires, Trustees of *James Harrison* Esquire, and the Reverend *George Heron* and *Richard Legh* Esquire, Trustees of *Thomas Legh* Esquire, an Infant, shall remain on their present Sites, and be secured and made good by them the said *John Arden*, *William Davenport*, *Richard Atherton Farrington*, *Dauntesey Hulme* and *William Fox*, and the said *George Heron* and *Richard Legh*, Trustees of the said *Thomas Legh* Esquire, an Infant.

No new Grave or Vault to be made in the Church, unless built with Bricks, and arched over.

XXVI. And be it further enacted, That after the said Church shall by virtue of this Act be repaired or rebuilt and completed, no new Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Site of the said Church, unless the Grave or Vault shall be built on all Sides thereof respectively with Bricks or Stone, and arched over with the same or like Materials, and the Coffin inclosed in Lead or Iron, and no such new Vault or Grave shall be sunk or made within the Distance of Five Feet from the Walls, or any of the Pillars or Columns within the said Church; and no Vault or Grave shall exceed the Depth of Seven Feet from the Surface of the Pavement; and that no Corpse shall be interred in the Church-yard within Five Feet of the exterior Walls of the said Church.

Rate to be made.

XXVII. And in order to raiſe Money ſufficient for carrying the ſeveral Purpoſes of this Act into Execution; be it further enacted, That it ſhall be lawful for the ſaid Truſtees or any Eleven or more of them, and they are hereby authorized and required in each and every Year, until all the Monies neceſſary to repair and rebuild the ſaid Church, and the Tower thereof, and all the Monies to be borrowed under and by virtue of this Act, and the Intereſt thereof, ſhall be paid off and diſcharged, and the ſeveral other Purpoſes of this Act carried into Execution, to make at ſome Meeting to be holden for that Purpoſe (of which Meeting or Meetings, and of the Purpoſe thereof Notice in Writing ſigned by the Clerk to the ſaid Truſtees ſhall be affixed in the Manner before preſcribed by this Act, Twenty-one Days at the leaſt immediately preceding the ſame reſpectively), a Rate or Rates, Aſſeſſment or Aſſeſſments on the Occupiers of all Houſes, Buildings, Lands, Tenements and Hereditaments within the Pariſh of *Stockport* aforeſaid, not exceeding One Shilling in the Pound in any One Year on the full annual Rent or Value of all ſuch Houſes, Buildings, Lands, Tenements and Hereditaments within the ſaid Pariſh; and ſuch Rate or Rates, Aſſeſſment or Aſſeſſments ſhall be made after the Expiration of Three Calendar Months from and after the paſſing of this Act, and ſhall be raiſed, levied, collected and paid by any Collector or Collectors, to be appointed by the ſaid Truſtees, to the Treaſurer or Treaſurers appointed by the ſaid Truſtees, to be applied for the Purpoſes of this Act in the Manner hereinafter mentioned: Provided always, that the Sum to be raiſed for the Purpoſes of this Act, ſhall not in the whole exceed the Sum of Twelve thouſand Pounds, together with ſuch further Sum as may be neceſſary for Payment of the Intereſt upon the ſaid Sum of Twelve thouſand Pounds, or ſuch Part thereof as may have been borrowed, and alſo together with ſuch Sum as ſhall have been expended in the procuring and paſſing of this Act.

Rates to be payable quarterly.

XXVIII. And be it further enacted, That the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments ſhall be payable quarterly, at *Midſummer*, *Michaelmas*, *Chriſtmas* and *Lady Day*, the Firſt Payment thereof to be made at *Chriſtmas* One thouſand eight hundred and ten.

Rates not to be reduced without Conſent of the Creditors.

XXIX. 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 ſaid Rates or Aſſeſſments below the Sum of Sixpence in the Pound in any One Year, whilſt any Sum or Sums of Money to be borrowed by virtue of this Act, and which ſhall have been borrowed at Five Pounds *per Centum* Intereſt, or under, on the Credit of the ſaid Rates or Aſſeſſments, ſhall be due and owing, without the Conſent of the Creditor or Creditors entitled to Two-thirds of the Money ſo due and owing.

Rates may continue in Force for ſeveral Years.

XXX. Provided always, and be it further enacted, That the Rate or Aſſeſſment ſo to be made as aforeſaid in or for any Year ſhall continue in Force and ſhall be collected and recovered in or for every ſubſequent Year, until the ſaid Truſtees ſhall make a new Rate or Aſſeſſment by virtue of this Act, in like Manner as if they had made ſuch Rate or Aſſeſſment in and for every ſubſequent Year.

XXXI. And

XXXI. And be it further enacted, That it shall be lawful for the Person or Persons to be appointed by the said Trustees as Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered to receive, levy and collect the same accordingly.

Tenants to pay the whole, and deduct part of the Rates out of the Rents.

XXXII. And be it further enacted, That the several Tenants or Occupiers of such Houses, Buildings or Premises, Lands, Tenements and Hereditaments so to be rated or assessed as aforesaid, shall and they are hereby required to pay the whole of such Rate or Assessment on the Premises in his, her or their Occupation, and every such Tenant or Occupier, the Term of whose present Lease shall not be for more than Ten Years, shall and may deduct out of his or her Rent payable to his or her Landlord Three-fourth Parts of such Rate or Assessment; and every other such Tenant or Occupier shall and may deduct out of his or her Rent payable to his or her Landlord One Half-part of such Rate or Assessment, and such Landlord is hereby required and directed to allow such Tenant such Payments and Allowances accordingly; and every Tenant and Occupier paying such Part of the said Rate or Assessment for or upon Account of the Landlord, and producing a Receipt or Receipts for the same, shall be acquitted and discharged of and from so much of his, her or their Rent due to his, her or their Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his, her or their Rent was or should have been paid or payable.

Rates where Houses are let to several Families.

XXXIII. And be it further enacted, That every Person being Landlord or Tenant who shall let his or her House in separate Apartments, or ready furnished to a Lodger or Lodgers by the Year or for any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Recovery of Rates.

XXXIII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she or they shall be rated or assessed by virtue of this Act, for the Space of Ten Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof and delivered to and left at the usual Place of Abode of such Person or Persons, signed by any Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors to be appointed as aforesaid and he and they is and are hereby respectively authorized and required to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said County Palatine of *Chester*, which Warrant such Justices are hereby empowered and required to grant upon Proof made upon Oath (which Oath the said Justices are hereby empowered and required to administer) before them of such Demand and Non-payment as aforesaid, rendering the Over-

plus

plus, if any, upon Demand to the Owner of such Goods and Chattels after deducting the reasonable Costs and Charges of such Distress and Sale.

Collectors to account.

XXXV. And be it further enacted, That every Person or Persons to be appointed Collector or Collectors as aforesaid who shall collect or receive any of the Monies arising by any such Rate or Assessment, shall as often as thereunto required by the said Trustees, deliver in Writing under his Hand to the said Trustees, or unto such Persons as they shall appoint, a true and perfect Account in Writing, and shall verify the same on Oath (which Oath the said Trustees are hereby empowered to administer) of all Monies which he shall have collected and received by such Rate or Assessment, and shall pay all the Money collected by such Rate or Assessment in his Hands, Custody, or Power unto the Treasurer of the said Trustees; and if any such Collector or Collectors shall refuse or neglect to receive the Sums to be rated and assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody or Power in Manner herein directed as aforesaid, every such Collector or Collectors so offending shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Fifty Pounds, which Penalty, and also all the Money in the Hands, Custody or Power of such Collector or Collectors so due and owing from such Collector or Collectors to the said Trustees for or on account of such Rate or Assessment, shall and may be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the said County Palatine of *Chester*, which Warrant such Justices are hereby required to give on Proof of any such Refusal or Neglect, or that any Sum or Sums of Money is or are due and owing from such Collector or Collectors to the said Trustees for or on account of such Rate or Assessment on the Oath or Oaths (which Oath or Oaths such Justices are hereby empowered to administer) of any credible Witness or Witnesses directed to any Person or Persons whomsoever, by Distress and Sale of the Goods and Chattels of the Collector or Collectors so refusing or neglecting, or from whom any Sum or Sums of Money shall be so due and owing for or on account of such Rate or Assessment as aforesaid, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting such Penalty, and the Sum or Sums of Money as shall appear to be so due and owing to the said Trustees for or on account of such Rate or Assessment, and the Costs and Charges of such Distress and Sale.

Power to borrow Money.

XXXVI. And be it further enacted, That it shall be lawful for any Eleven or more of the said Trustees from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Twelve thousand Pounds, as they shall judge necessary for the several Purposes of this Act, over and above the Expences of obtaining and passing this Act, upon the Credit of the said Rate or Rates, Assessment or Assessments to be made, levied and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his

his, her or their Truſtee or Truſtees as a Security for the Principal Money to be advanced, with lawful Intereſt for the ſame, and the Charges and Expences of ſuch Aſſignment thereof (to be made as hereinafter mentioned) ſhall be from Time to Time defrayed by the ſaid Truſtees out of the Monies ſo borrowed; and every ſuch Aſſignment ſhall be in the Words or to the Effect following; (that is to ſay)

Form of Aſſignment.

'WE of the Truſtees appointed by or in purſuance of an Act of Parliament, paſſed in the Fiftieth Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*] in conſideration of the Sum of Pounds advanced and lent by *A. B.* upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant and aſſign unto the ſaid *A. B.* [*or*, to his or her Truſtee or Truſtees, [*as the Caſe may require*] his or her Executors, Adminiſtrators and Aſſigns, ſuch Proportion of the Rates or Aſſeſſments to be raiſed, levied and collected by virtue of the ſaid Act, as the ſaid Sum of Pounds doth or ſhall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the ſaid Rates or Aſſeſſments, to be had and holden from this Day of until the ſaid Sum of Pounds, with Intereſt after the Rate of *per Centum per Annum* for the ſame, ſhall be repaid 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 number One, and ſo proceeding in an arithmetical Progreſſion aſcending, whereof the Common Exceſs or Difference ſhall always be One; 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 of transferring Aſſignments and Annuities in or preſcribed Form.

XXXVII. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money to be borrowed upon legal Intereſt as aforeſaid, and their reſpective Executors, Adminiſtrators or Aſſigns, 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)

'I *A. B.* being entitled to the Sum of ſecured to *C. D.* and his Aſſigns, or his Executors, Adminiſtrators and Aſſigns, [*as the Caſe may be*] by virtue of an Aſſignment bearing Date the Day of under the Hands and Seals of of the Truſtees acting in the Execution of an Act, paſſed in the Fiftieth Year of the Reign of King *George* the Third, intituled [*ſet forth the Title of this Act*] upon the Credit of the Rates or Aſſeſſments granted or made payable by the ſaid Act, do hereby transfer all my Right and Title in and to the ſame Sum and all Intereſt and other Money now due and owing thereon, unto *E. F.* his Executors, Adminiſtrators and Aſſigns, dated

‘ the Day of in the Year
‘ of our Lord

And a Copy of every Security or Aſſignment, together with the Number or Numbers thereof, which ſhall be made in purſuance of this Act, and an Extract or Memorial of every Transfer thereof reſpectively, ſhall be entered in a Book or Books to be kept for that Purpoſe by the Clerk to the ſaid Truſtees, which Extract or Memorial ſhall ſpecify or contain the Date, Names of the Parties and Sums of Money thereby transferred, and to which Book or Books any Perſon intereſted ſhall at all reaſonable 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 ſuch Transfer ſhall be made, the Sum of Five Shillings, and no more, and every ſuch Transfer, after ſuch Entry thereof as aforeſaid made, ſhall entitle the Perſon to whom the Transfer ſhall be made, and his or her Executors, Adminiſtrators and Aſſigns, to the Benefit of the Security thereby transferred.

Proviſion for the Payment of Creditors by Ballot.

XXXVIII. And, in order that no Preference may be given to any of the Perſons who ſhall have advanced and lent Money upon the Credit of the Rates or Aſſeſſments to be raiſed, levied or collected by virtue of this Act, be it further enacted, That the ſaid Truſtees (if there ſhall be more Creditors than One) ſhall cauſe the Numbers of all Aſſignments or Securities granted and then in force for ſecuring the Principal Monies lent and advanced upon the Credit of the ſaid Rates or Aſſeſſments, of which Part ſhall be then intended to be paid off, to be written upon diſtinct Pieces of Paper of an equal Size, and all ſuch Papers ſhall be rolled up in the ſame Form as near as may be, 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 in the Preſence of the ſaid Truſtees, and after 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 where there ſhall be only One Creditor, to give Six Calendar Months' 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, with the Intereſt due thereon, and that the ſame will be paid on a Day and at a Place to be ſpecified in ſuch Notice, ſuch Day not being ſooner than Six Calendar Months after the Day of giving or leaving ſuch Notice as aforeſaid, and the Intereſt of the Principal Money ſo to be paid off ſhall from and after the Day to be 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 to be ſo ſpecified, ſhall nevertheleſs be payable on Demand.

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

XXXIX. Provided always and be it further 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 be lawful for the ſaid Truſtees from Time to Time to charge the ſaid Rates or Aſſeſſments in Manner aforeſaid with ſuch Sum or Sums of Money as they

ſhall

shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Application of Money borrowed.

XL. And be it further enacted, That the several Rates and Assessments to be made under the Authority of this Act, and all the Money which may be borrowed, advanced or lent as aforesaid on the Credit of the said Rates or Assessments shall be paid to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint, and the same shall be applied and disposed of in paying and defraying the Costs, Charges and Expences of applying for, obtaining and passing this Act, and of repairing or rebuilding the said Church, and in furnishing, finishing and completing the same, and in erecting and building the said Tower thereto, and in otherwise carrying this Act into Execution; and that when and as soon as all the Monies allowed to be raised or to be borrowed by virtue of this Act, and the Interest of such Money so to be borrowed, shall be paid off and discharged, and the several Purposes of this Act shall be carried into Execution, the Rates and Assessments granted by this Act shall cease and be no longer paid or payable.

Persons advancing Money to be repaid with Interest.

XLI. Provided always, and be it further enacted, That if any Person or Persons shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, such Person or Persons shall be repaid such Money, with lawful Interest for the same from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act, any Thing hereinbefore contained to the contrary thereof in anywise notwithstanding.

Actions to be brought in the Name of the Treasurer or Clerk, or One Trustee.

XLII. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue or in pursuance of this Act, the same may be brought 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 such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought.

Indemnity to Trustees.

XLIII. Provided always, and be it further enacted, That all and every the Trustees hereinbefore named, and their Successors to be appointed as hereinbefore mentioned, shall from Time to Time and at all Times hereafter be amply and fully indemnified from and out of the Monies to be raised under this Act of and from all Costs, Charges, Damages and Expences which they or any of them, or their Treasurer or Clerk as aforesaid, shall and may sustain or be put unto, for or by reason of any Action, Suit or other Proceedings which may be had, sued, commenced or prosecuted against them, any or either of them for any Matter or Thing which may be by them respectively legally done in or about the Execution of this Act and the Trusts reposed in them under the same.

XLIV. And

Power for Inhabitants to be Witneſſes.

XLIV. And be it further enacted, That in all Actions, Proſecutions, Informations, Cauſes and Proceedings whatſoever relating to or concerning the Execution of this Act, no Inhabitant of the ſaid Pariſh of *Stockport* ſhall be deemed an incompetent Witneſs on account of his or her being charged with or liable to pay or having paid any Rate or Aſſeſſment to be raiſed, levied and collected by virtue of this Act.

Recovery of Penalties.

XLV. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof impoſed (the Manner of levying and recovering whereof is not hereby otherwiſe particularly directed), ſhall be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County, City or Place where the Offence ſhall be commited (which Warrant ſuch Juſtice is hereby empowered to grant upon the Confeſſion of the Party, or upon the Evidence of any credible Witneſs upon Oath, and the Overplus (if any) of the Monies ariſing by ſuch Diſtreſs and Sale, ſhall be returned upon Demand to the Owner of ſuch Goods and Chattels, after deducting the Coſts and Charges of making, keeping and telling the Diſtreſs; and ſuch Penalties and Forfeitures when recovered (if not hereinbefore directed to be otherwiſe applied), ſhall be paid to the Treaſurer to the ſaid Truſtees, to be applied towards the Purpoſes of this Act, and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the County or Place where the Offence ſhall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner fully paid and ſatisfied.

XLVI. And be it further enacted, That in all Caſes where any Conviction ſhall be had for any Offence or Offences committed againſt this Act, or againſt any Order of Seſſions on 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 *A. B.*
' is convicted before of His Majeſty's
' Juſtices of the Peace for the of
' having [*as the Offence ſhall be*] and I [*or*, we] the ſaid
' do adjudge him, [her *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.'

Appeal.

XLVII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf or themſelves aggrieved by any Rate or Rates, Aſſeſſment or Aſſeſſments, or any Judgment or Determination, or

or by any Matter or Thing made, given or done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at 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 Three Calendar Months from the Time such Matter of Appeal shall have arisen, 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 Matter thereof to the Treasurer or Clerk to the said Trustees, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place, with 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, 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 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 to all Parties to all Intents and Purposes whatsoever.

Justices may relieve on an Appeal against Rates without quashing the whole Assessment.

XLVIII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purpose 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.

Distress not unlawful for want of Form.

XLIX. 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 Proceedings 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 Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings not to be quashed for want of Form, or removeable by Certiorari.

L. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not to recover without Notice, or after Tender of Amends.

LI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him, her or them, or his, her or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall 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 Proceedings, Order and Judgment shall be 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.

LII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons 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 Palatine of *Chester*, 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 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 non-suited, or 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 double Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

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

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1810.