ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

Cap. xci.

An Act to amend an Act for enlarging the present or providing a new Workhouse for the Use of the Parish of *Strood* in the County of *Kent*; for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto. [3d *July* 1840.]

WHEREAS an Act was passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, intituled *An Act for enlarging the present or providing a new* 52 G. 3. c. 37.
Workhouse for the Use of the Parish of Strood *in the County of* Kent; *for better governing, maintaining, and employing the Poor of the said Parish; and also for repairing or rebuilding the Church and Tower of the same Parish, and for other Purposes relating thereto:* And whereas by the said recited Act the Trustees acting in the Execution thereof were empowered to repair or take down the Whole or any Part of the said Church and Tower, and to rebuild the same, and to make, erect, and set up in such new Church, such Pews, Seats, Galleries, Bells,

Bells, Organ, Ornaments, and Conveniences as to them should seem right; and to levy, in manner therein mentioned, an equal and indifferent Pound Rate, or Assessment not exceeding Two Shillings in the Pound by the Year, on the annual Rent or Value of all Messuages, Shops, Warehouses, Coach-houses, Stables, Vaults, Lands, Tenements, and Hereditaments within the said Parish, for the Purpose of repairing or rebuilding, completing and finishing the said Church and Tower, and the Cemetery attached thereto, and for the Payment of the several Principal Sums, Annuities, and Interest charged or to be charged on such Rate or Assessment; and they were thereby also empowered, from Time to Time, to borrow and take up at Interest, or to raise by way of Annuities, any Sums or Sum of Money, not exceeding in the whole the Sum of Seven thousand Pounds, in the Manner and according to the Forms in the said Act mentioned and set forth, upon the Credit of the said Rate or Assessment, for the repairing or rebuilding, completing and finishing the said Church, Tower, and Cemetery: And whereas the said Trustees, pursuant to the said Act, pulled down the said old Church, and upon the Site thereof erected a new Church and Tower: And whereas the said Trustees have borrowed and taken up at Interest several Sums of Money, amounting in the whole to the Sum of Seven thousand eight hundred Pounds, upon the Credit of the Rates or Assessments by the said recited Act authorized to be made, for the repairing or rebuilding, completing and finishing the said Church, Tower, and Cemetery, being an Excess of Eight hundred Pounds beyond the Sum which they were authorized by the said Act to borrow and take up at Interest for the Purposes aforesaid: And whereas the Sum of Four thousand four hundred Pounds, Part of the said Sum of Seven thousand eight hundred Pounds, has been raised by Mortgage or Assignment of the said Rates or Assessments, and the Sum of Three thousand four hundred Pounds, Residue thereof, has been raised by granting Annuities for Lives out of the said Rates or Assessments: And whereas the said Annuities so granted by the said Trustees, with the Exception of an Annuity of Fifty Pounds which was granted in consideration of the Sum of Five hundred Pounds, are still subsisting: And whereas by reason of the said Trustees having raised a larger Sum of Money than they were authorized and empowered to raise under the said Act for the Purposes aforesaid, Difficulties have arisen in the levying the Rates and Assessments by the said Act authorized to be made, and the said Principal Sum of Four thousand and four hundred Pounds still remains due and owing, with a large Arrear of Interest thereon, and the said Annuities (except that which has fallen in and determined as before mentioned) are also considerably in arrear: And whereas it is expedient that the said Difficulties should be removed, and that some Provision should be made for the Payment of the Principal Monies borrowed on the Security of the Rates or Assessments by the said recited Act authorized to be made, and for the future accruing Interest thereof, and also for the future Payment of such of the said Annuities as are still subsisting: And whereas it is intended that, in consideration of the whole of the Expences attending the preparing, soliciting, and passing of this Act being borne and paid by the Inhabitants and Rate-payers of the said Parish, One Half

Part only of the Sums due to such of the several Mortgage Creditors in respect of Interest upon their respective Mortgages or Principal Monies, and to such of the several Annuitants in respect of their respective Annuities, as shall register their Consent to this Act in manner herein-after mentioned, shall be charged on the Rates and Assessments by the said recited Act or this Act authorized to be levied as Principal Money, bearing Interest after the Rate of Five Pounds *per Centum per Annum* until discharged: And whereas 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 Queen'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 said recited Act, and all the Powers, Authorities, Directions, Regulations, Clauses, Matters, and Things therein contained, except so far as the same or any of them are by this Act varied, altered, or repealed, shall extend and be construed to extend to this Act, and shall operate and be in force in respect to the Purposes thereof, as fully and effectually, to all Intents and Purposes, as if the same respectively had been repeated and re-enacted in the Body of this Act; and the said recited Act and this Act shall be construed together as one Act.

Powers of recited Act to extend to this Act.

II. And be it further enacted, That all Mortgages, Assignments, Grants of Annuities, and other Securities, which shall or may at any Time heretofore have been made and executed or granted by any Thirteen or more of the Trustees named in or acting under or by virtue of the said recited Act, shall be and the same are hereby declared to be (subject nevertheless, as to the Arrears of Interest and Annuities now due, to the Provisions herein-after contained,) good, valid, and effectual to all Intents and Purposes whatsoever, and shall be available in all Courts of Law and Equity, and shall be chargeable upon the Rates or Assessments made or to be made under or by virtue of the Authority of the said recited Act or of this Act, notwithstanding the Trustees acting under the said recited Act may have borrowed and taken up at Interest, or raised by way of Annuities, a larger Sum than they were by the same Act authorized or permitted to borrow or raise for the Purposes herein-before mentioned; provided that the several Parties respectively entitled to the same, or their respective Executors, Administrators, or Assigns, shall, within One Calendar Month from the passing of this Act, personally serve or cause to be served on the Clerk of the Trustees of the said Act a Notice in the Form or to the Effect following; that is to say,

All Securities granted under recited Act declared to be valid,

and to be chargeable upon the Rates, provided the Parties give their Consent.

'I *A. B.*, a Creditor or Annuitant [*as the Case may be*], under the Provisions of an Act intituled [*here set out the Title of the recited Act*], do hereby signify my Consent to the Provisions of an Act intituled [*here set out the Title of this Act*]. Dated this Day of One thousand eight hundred and .'

Form of Consent.

And the Clerk of the said Trustees is hereby required, within Three Days from the Receipt of such Notice, to enter the said Consent in the

the Register Book of Securities directed to be kept by the Clerk of the said Trustees by the said recited Act, for each of which Entries the said Clerk shall be paid, by the Person or Persons who shall sign the said Notice, the Sum of Five Shillings, and no more: Provided always, that nothing herein contained shall operate to prevent any such Creditor or Annuitant, who shall have neglected or omitted to give such Notice of his Consent as aforesaid, from availing himself of any Right, Power, or Remedy to which he may be or may be deemed to be entitled, under or by virtue of the said recited Act, as such Creditor or Annuitant as aforesaid, nor shall his Rights or Interests under the same be in anywise injured, prejudiced, or affected by this Act; and for the Purpose of enabling any such Creditor or Annuitant to recover any Money due to him as aforesaid all the Powers and Provisions of the said recited Act shall continue and be in full Force and Operation.

Trustees authorized to lay and levy a Rate for the Payment of the several Sums and Interest and Annuities granted by recited Act.

III. And be it further enacted, That it shall be lawful for the Trustees for the Time being acting in the Execution of the said recited Act, and they are hereby required, within Two Calendar Months after the passing of this Act, and on the Twenty-fifth Day of *March*, or within Fourteen Days thereafter, in each and every Year, and also at any other Time, if need be, to meet at the Vestry Room or Committee Room, or at some other convenient Place within the said Parish; and they the said Trustees, or any Three or more of them so assembled, shall and they are hereby required then and there to settle and ascertain the Sum of Money necessary to be raised by an equal and indifferent Pound Rate upon all Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Messuages, Shops, Warehouses, Coach-houses, Stables, Vaults, Lands, Tenements, Hereditaments, and all other Property within the said Parish (except Tithes) which now is and which may at any Time hereafter be rateable to the Relief of the Poor of the said Parish, not exceeding Two Shillings in the Pound by the Year on the annual Rent or Value of all such Messuages, Shops, Warehouses, Coach-houses, Stables, Vaults, Lands, Tenements, Hereditaments, and other Property as aforesaid, for the Purpose of paying, satisfying, and discharging the several Principal Sums of Money so borrowed and taken up at Interest as herein-before is mentioned, and the Interest henceforth to become due thereon, and also the several Annuities which have been granted by the said Trustees acting in the Execution of the said recited Act, or such and so many of them as may from Time to Time be subsisting, and the future or accruing Payments thereof, and other the Monies by this Act authorized to be raised, and the Interest thereon, and in respect of which Principal Sums and Annuities such Notice shall have been given as herein-before provided, and after such Rate or Assessment shall be so settled and ascertained, and signed by the said Trustees, or any Three or more of them so assembled as aforesaid, the same shall be laid upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy such Messuages, Shops, Warehouses, Coach-houses, Stables, Vaults, Lands, Tenements, Hereditaments, and other Property as aforesaid, and shall be raised, levied, and collected in manner by the said recited Act or this Act directed.

IV. And

Assignment of Rates.

IV. And be it further enacted, That in order to provide for the Payment of the said Half Part of the Arrears of Interest which at the Time of the passing of this Act may be due in respect of the Principal Monies borrowed by the said Trustees, and of the said Half Part of the said Annuities which may be then due, and in respect of which Principal Monies and Annuities such Notice shall have been given as herein-before is provided for, it shall and may be lawful for the said Trustees, and they are hereby required, within Two Calendar Months after the passing of this Act, by Deed or Writing under their Hands and Seals, or under the Hands and Seals of any Three or more of them, to assign all or any Part of the Rates or Assessments to be made under the Authority of the said recited Act or this Act to any Person or Persons who may be entitled to any Principal Money or Monies borrowed or taken up by the said Trustees for the Purposes of the recited Act, in Payment of or as a Security for the said Half Part of the Arrears of Interest which at the Time of the passing of this Act may be due or owing in respect of such Principal Money or Monies, and in like Manner to assign all or any Part of the said Rates or Assessments to any Person or Persons who may be entitled to any Annuity or Annuities granted by the said Trustees, or to the Representatives of such Persons, in case of their Decease, in Payment of or as a Security for the said Half Part of the Arrears of the Annuity or Annuities which at the Time of the passing of this Act, or at the Death of such Annuitant, may be due and owing; and the Sum or Sums of Money for which such Mortgage or Mortgages or Assignments may be given shall be considered as so much Money advanced to and for the Use of the said Trustees; and every such Mortgage or Assignment, or any Transfer or Assignment thereof, may be made in the Form and Manner or to the Effect mentioned in the said recited Act, with such Alterations as the Circumstances of the Case may require, and shall be subject to such and the same Provisions and Regulations as any Mortgage or Assignment, or any Transfer or Assignment of any Mortgage or Assignment, is or may be subject under the Provisions of the said recited Act: Provided always, that on the Execution of every such Mortgage or Assignment the Person to whom the same may be made shall give a Discharge to the said Trustees for the Arrears of Interest or Annuity which shall be due and owing to him at the Time of the passing of this Act.

If Money raised in any One Year be insufficient, Deficiency to be supplied out of Rates for ensuing Year.

V. And be it further enacted, That in case the Money assessed, raised, or collected in any One Year, by virtue of the said recited Act, so far as by this Act is provided, or of this Act, shall not be sufficient to answer the Purposes for which the same was so rated and assessed, such Deficiency shall be supplied out of the Rates or Assessments for the next ensuing Year to be made for such Purposes, and in case there shall remain at the End of any One Year any Surplus of any Rates such Surplus shall from Time to Time be be applied in aid of the Rate or Assessment to be made in the succeeding Year, or of the Monies to arise therefrom.

Application of Monies arising from Rates.

VI. And be it further enacted, That all Monies to arise by or from the said Rates or Assessments by the said recited Act or this Act

Act authorized to be levied or made for the Purposes aforesaid, shall from Time to Time be applied and disposed of, in the first place, in paying and defraying all necessary Costs, Charges, and Expences incident to or attending the preparing, soliciting, obtaining, and passing this Act, and in the next place from Time to Time in paying and discharging the Interest and Annuities payable to the several Creditors and Annuitants under or by virtue of the Provisions of the said recited Act, so far as by this Act is provided for, and generally in effecting and carrying out the Provisions of the said recited Act, so far as aforesaid, and of this Act, in relation to the said Creditors and Annuitants.

Repeal of Limitation of Actions Clause in recited Act.

VII. And whereas by the said recited Act it was enacted, that no Action or Suit should be commenced or prosecuted against any Person or Persons for any thing done or to be done by virtue or in pursuance of the said Act, or any of the Powers thereby given, or in anywise relating thereto, until Twenty-one Days Notice thereof should have been first given in Writing by the intended Plaintiff or Plaintiffs to the Treasurer or Clerk to the Trustees, signed by the Plaintiff or Plaintiffs or his or their Attorney, specifying the Cause and Intention of and for commencing such Action or Suit, and the Time when such Action or Suit would be commenced, nor at any Time whatsoever after sufficient Satisfaction or Tender thereof should have been made to the Party or Parties aggrieved, or to his or their Attorney, by or on behalf of the Defendant or Defendants, nor after Three Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, should be so brought, and in case there should be a Continuance of Damages, then and after Three Calendar Months next after the doing or committing such Damages should cease, and not otherwise; and all Actions and Suits should be laid and tried in the County of *Kent*, and not in any other County or Place, and the Defendant or Defendants in every such Action or Suit might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial or Trials which should be had thereupon, and that the Matter or Thing for which such Action or Suit should be brought was done in pursuance and by the Authority of the said Act, or of some Rule, Order, or Bye Law in pursuance thereof; and if the said Matter or Thing should appear to have been so done, or if it should happen that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or paid into Court with the Leave thereof, either before or after Issue joined in such Action or Suit, or if any such Action or Suit should not be commenced within the Time therein-before for that Purpose limited, or should be laid or brought in any other County or Place than as aforesaid, then the Jury should find for the Defendant or Defendants therein; and also if the Plaintiff or Plaintiffs should become nonsuited, or suffer a Discontinuance of such Action or Actions, after the Defendant or Defendants should have appeared thereto, or if Judgment should be given for the Defendant or Defendants therein, or if any Verdict should pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff or Plaintiffs, the Defendant or Defendants should

should have Treble Costs, and should have such Remedy for the recovering the same as any Defendant or Defendants had or might have for his, her, or their Costs in any other Cases by Law: And whereas it is expedient that such Enactment should be repealed; be it therefore enacted, That from and after the passing of this Act the said recited Enactment shall be and the same is hereby repealed.

Act not to extend to Actions barred by the Limitation Clause in the recited Act.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be deemed or construed to extend to revive any Action, Suit, or other Proceeding which at the Time of the passing of this Act shall be barred by the Operation of the said recited Enactment, or if the same had not been repealed would have been barred thereby, or to enable any Action, Suit, or other Proceeding to be commenced or prosecuted for or on account of any thing done in pursuance of the said recited Act, or any of the Powers thereby given, or in anywise relating thereto, before the passing of this Act, but that all such Actions, Suits, and other Proceedings shall be barred in the same Manner, to all Intents and Purposes, as if this Act had not passed.

Interpretation Clause.

IX. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Public Act.

X. 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.

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