



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 150.

An Act for amending an Act of King *Charles* the Second, for making the Precinct of *Covent Garden* parochial; and for increasing the Stipends of the Rector, Curate, Clerk, and Sextons of the said Parish. [10th June 1811.]

WHEREAS an Act was passed in the Twelfth Year of the 12 Car. 2. Reign of His late Majesty King *Charles* the Second, intituled, *An Act for making the Precinct of Covent Garden parochial*, whereby it was, amongst other Things, enacted, That the yearly Sum of Two hundred and fifty Pounds should from thenceforth be, and the same was thereby charged upon the Houses of the Inhabitants of the Parish of *Saint Paul Covent Garden*, in the County of *Middlesex*, (except the House then commonly called *Bedford House*, with the Appurtenances) for the Support and Benefit of the Rector, Curate, Clerk, and Sextons for the Time being of the said Parish: And whereas, from the very great Advance in Price of the Articles of necessary Consumption, it is expedient that the said Sum of Two hundred and fifty Pounds should be increased; May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said Charge of Two hundred The Charge of 250l. thereby made in Favour of and

[Loc. & Per.] 37 N

the Rector,
&c. to deter-
mine.

and fifty Pounds shall cease and determine; and that all and every the Clauses, Powers and Provisions in the said Act contained, so far as the same respect the assessing and compelling Payment of the said Sum of Two hundred and fifty Pounds (except as to any Arrears of the same Sum which shall, at or before the passing of this Act, have become due and payable) shall be, and the same are hereby repealed and declared to be null and void to all Intents and Purposes whatsoever.

520l. to be
raised annual-
ly for the
Rector, Cu-
rate, Clerk,
and Sextons.

II. And be it further enacted, That in lieu of the said Sum of Two hundred and fifty Pounds, the yearly Sum of Five hundred and twenty Pounds shall, from the Twenty-fifth Day of *March* next before the passing of this Act, be, and the same is hereby charged upon all Houses within the said Parish of *Saint Paul Covent Garden*, and shall, within Fourteen Days next after the passing of this Act and for ever after yearly on the Twenty-fifth Day of *March*, or within Thirty-one Days after in every Year, be assessed and rated by the Churchwardens of the said Parish, or any Two of them, after a Pound-Rate, according to the fair yearly Rent or improved Value of such Houses respectively; and every such Rate or Assessment shall be confirmed and allowed by and under the Hands and Seals of Two of His Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*; and all such Rates and Assessments shall be borne and paid by the respective Occupiers of such Houses respectively, and shall be paid to and be collected by such Person or Persons as they the said Churchwardens, or any Two of them, shall from Time to Time appoint, by Quarterly Payments, on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March* in each and every Year; all which Monies to be collected by such Rates and Assessments so to be made as aforesaid, shall and are hereby declared to be vested in the said Churchwardens in Trust, to be applied by them for the Purposes of this Act; and the said Rates and Assessments shall commence and take place from the said Twenty-fifth Day of *March* last: Provided always, that it shall be lawful for the said Churchwardens, or any Two of them, and they are hereby required from Time to Time in making any Rate or Assessment by virtue of this Act, to assess and raise in addition to and in the same Manner in every respect as the said Sum of Five hundred and twenty Pounds, as much Money as may be necessary for defraying the reasonable Expences of making and collecting every such Rate or Assessment, and for making good any Loss or Deficiency which shall then have arisen from the Insolvency of any Collector or Collectors of the said Rates or otherwise: Provided also, and be it further enacted, That it shall be lawful for the said Churchwardens, and they are hereby required in making any Rate or Assessment by virtue of this Act, to exclude out of the same such House as at the Time of making such Rate or Assessment shall be actually occupied by the Rector of the said Parish for the Time being.

For Recovery
of Rates.

III. And be it further enacted, That if any Person or Persons liable to pay any of the said Rates or Assessments, shall refuse or neglect to pay the Sum or Sums of Money which shall by the Authority and for the Purposes of this Act be rated and assessed upon the House or Houses in his,

his, her or their Occupation, or upon him, her or them in respect thereof, after Demand made thereof at the Premises, or shall at any Time begin to remove his, her or their Goods or Furniture from such House or Houses, or to sell or dispose of such Goods or Furniture therein without paying all Arrears of such Rates or Assessments then due (in which the current Quarter shall be considered as due), then, and in every such Case, it shall and may be lawful for the Churchwardens of the said Parish for the Time being, or any Two of them, to authorize any Person or Persons whomsoever, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons, or of the Goods and Chattels of any other Person or Persons which shall be found in the House or Houses in respect whereof such Rates or Assessments shall be so in Arrear, rendering the Overplus, after deducting the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof upon Demand.

IV. And be it further enacted, That in case any Person or Persons liable to pay any of the said Rates or Assessments, shall quit his, her, or their House or Houses, before he, she or they shall have paid the Rate or Assessment, Rates or Assessments payable by virtue of this Act in respect of such House or Houses respectively, and shall refuse or neglect to pay the same after he, she or they shall have been personally, or by written Notice left at his, her or their then present or then last Place or Places of Abode, required to pay the same, then, and in any and every such Case, it shall be lawful to and for the said Churchwardens, or any Two of them, by Writing under their Hands, to authorize, empower and direct any Person or Persons whomsoever, to levy such Rates or Assessments, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting (such Writing or Writings being first countersigned by some Magistrate of the County, City or Liberty where such Person or Persons shall then reside, if he, she or they shall have quitted the said Parish, and which such Magistrate is hereby required to countersign without Fee or Reward, rendering the Overplus, after deducting the reasonable Charges of such Distress and Sale, to the Owner or Owners thereof upon Demand.

V. And be it further enacted, That no Goods or Chattels whatever, belonging to any Person or Persons who shall be in Arrear in respect of the Rates and Assessments to be made by virtue of this Act, shall be sold or removed under or by virtue of any Execution or other Process, Warrant or Authority, or by virtue of any Assignment, on any Account or Pretence whatever, (except at the Suit of the Landlord for Rent and for Taxes due to the King's Majesty), unless the Party at whose Suit the said Execution or Seizure shall be sued out or made, or to whom such Assignment shall be made, shall, before the Sale or Removal of such Goods or Chattels, in case a Claim of such Arrears shall have been made by the Collector or Collectors of the said Rates or Assessments, of the Person or Persons having or keeping Possession of such Goods or Chattels, pay or cause to be paid to such Collector or Collectors, all Arrears of the said Rates or Assessments which shall then be due, and in which

which the current Quarter shall be considered as due, provided the said Rates or Assessments shall not in the whole be claimed for more than One Year; and in case the said Rates or Assessments shall be in Arrear for more than One Year, then the said Party at whose Instance such Seizure shall have been made, paying the said Collector or Collectors the Rates or Assessments due for One whole Year, may proceed in his Seizure in the like Manner as he might have done if no Rates or Assessments had been claimed; and in case of Neglect or Refusal to pay the said Rates or Assessments to the Collector or Collectors on Demand, it shall be lawful for the said Churchwardens, or any Two of them, by Writing under their Hands, to authorize and empower any Person or Persons whomsoever, to distrain such Goods and Chattels notwithstanding any such Seizure or Assignment as aforesaid, and to proceed to the Sale thereof, in order to obtain Payment of all such Rates or Assessments, together with the reasonable Expences attending such Distress and Sale; and every such Person or Persons so doing shall be indemnified by virtue of this Act.

Church-
wardens may
bring Actions
for Rates.

VI. Provided always, and be it further enacted, That it shall be lawful for the said Churchwardens if they shall think it expedient, to bring or cause to be brought in the Names of them, or any Two of them, any Action or Actions of Debt, or Special Action on the Case in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments which they are by this Act respectively authorized to make and assess; in which Action or Actions it shall be sufficient for the Plaintiffs to declare that the Defendant is indebted to the Plaintiffs in such a Sum of Money as the Plaintiffs shall suppose to be due; and if the Plaintiffs shall recover such Sum so declared for, or any Part thereof, they shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied or recovered, in which Action or Actions no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed.

Rector's
Allowance,
320l.

Curate's
100l.
Clerk and
Sexton's
100l.

to be paid
quarterly.

VII. And be it further enacted, That the Churchwardens of the said Parish for the Time being, or any Two of them, shall, out of the Monies so to be raised and received, pay to the Rector of the said Parish for the Time being, the Yearly Sum of Three hundred and twenty Pounds; to the Curate of the said Parish for the Time being, the Yearly Sum of One hundred Pounds; and to the Clerk and Sextons of the said Parish or the Time being, the Yearly Sum of One Hundred Pounds (such last mentioned Sum of One hundred Pounds to be distributed in the Manner in which the Salaries of the Clerk and Sextons of the said Parish are by the said recited Act directed to be paid;) the said several Payments to be made by equal Quarterly Payments, on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March* in each and every Year, or within Thirty-one Days after each of the said Days respectively, the First Payments to be made on such of the said Days as shall first happen after the making of such Rate or Assessment.

VIII. And

VIII. And be it further enacted, That in case any Default of Payment shall happen to be made of any of the Sums to be paid by the said Churchwardens for the Time being, or any Two of them, to the said Rector, Curate, Clerk or Sextons as aforesaid, Demand in Writing having been made thereof by the said Rector, Curate, Clerk or Sextons respectively, at the Dwelling-house of any of the said Churchwardens for the Time being, it shall be lawful for any Two of His Majesty's Justices of the Peace for the County of *Middlesex* or City of *Westminster*, upon the Complaint of the Party aggrieved in this Behalf, to give Relief according to the true Intent of this Act; and the said Justices shall and may cause the said Churchwardens who shall fail to make Payment as aforesaid, to be imprisoned till Payment shall be made of what shall be so behind and in Arrear.

In case of Non-payment by Churchwardens, Two Justices may relieve.

IX. And be it further enacted, That it shall and may be lawful for any Person or Persons renting or occupying any separate Room or Apartment, Rooms or Apartments, in any House in the said Parish, who shall pay the Rates or Assessments, which ought to have been paid by his, her or their Landlord or Landlords, or upon whose Goods and Chattels the same shall be levied in pursuance of this Act, to deduct the same from and out of the Rent due and payable, or to become due and payable to such Landlord or Landlords; and the Receipt or Receipts for such Payments shall be a sufficient Discharge to every such Person or Persons for so much Money as he, she or they shall have so paid, or shall have been so levied on his, her or their Goods and Chattels in pursuance of this Act, and shall be allowed by such Landlord or Landlords in part or in full Payment, as the Case may be, of the Rent due or to become due to him, her or them from any such Person or Persons as aforesaid.

Lodgers paying Rates, to deduct same out of their Rent.

X. And be it further enacted, That all and every Collector and Collectors to be appointed by virtue of this Act for the Purposes aforesaid, shall from Time to Time, when thereunto required by the Churchwardens for the Time being of the said Parish, or any Two of them, produce the Rate-Books, and render a true, fair, perfect and particular Account in Writing under his or their Hand or Hands to the said Churchwardens, or to any Two of them, of all the Monies which he or they shall have received, collected or levied by virtue of this Act, and verify such Accounts, and every Item and Article thereof on Oath if required, (which Oath the said Churchwardens and each of them are and is hereby empowered to administer) and shall pay over to the said Churchwardens all such Sum and Sums of Money as shall have been by him or them so received, collected or levied, and in case any such Collector or Collectors shall refuse or wilfully neglect to produce such Books, or to render such Accounts, or to verify the same, and every Item and Article thereof on Oath, or to make such Payments as aforesaid, and Complaint shall be made by the said Churchwardens, or any or either of them, of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the City of *Westminster* or County of *Middlesex*, such Justice is hereby empowered to summon the Collector or Collectors against whom such Complaint shall be made to appear before him, and upon his or their appearing or non-appearing,

Collector to account.

the Service of such Summons being proved by the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer) to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Collector or Collectors against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Money which shall have been received, collected or levied by virtue of this Act, shall be due from such Collector or Collectors, the said Justice may, upon Non-payment thereof, within such reasonable Time as he may appoint, by Warrant under his Hand and Seal, cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector or Collectors, rendering the Overplus (if any) to such Collector or Collectors upon Demand, after deducting the reasonable Charges of such Distress and Sale; and if sufficient Goods and Chattels of such Collector or Collectors cannot be found to answer and satisfy such Money, and the Charges of levying and raising the same, or if such Collector or Collectors shall not appear before the said Justice at the Time and Place appointed by such Summons, and it shall in Manner aforesaid appear to such Justice that such Collector or Collectors shall have refused or wilfully neglected to render such Account or to verify the same as aforesaid, the said Justice is hereby authorized, by Warrant under his Hand and Seal, to cause such Collector or Collectors to be committed to the County Gaol, there to remain without Bail or Mainprize until he shall have produced such Books, and delivered in his Account, and verified the same as aforesaid, and shall have paid all Monies which shall have been by him or them received, collected or levied by virtue of this Act, and which shall appear to be in his or their Hands, and the Charges attending the Recovery thereof, or shall have compounded with the said Churchwardens for the same, which Composition the said Churchwardens are hereby empowered to make and receive: Provided always, That no such Collector or Collectors who shall be committed for want of sufficient Distress shall be detained or confined in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Collector or Collectors, the Commitment of him or them to Prison as aforesaid shall not be deemed a Discharge for the same, nor exonerate his or their Surety or Sureties, but such Collector or Collectors, and his or their Surety and Sureties shall still remain liable to the Payment thereof, and may be proceeded against, arrested or taken in Execution in the same Manner as if such Collector or Collectors had not been originally committed to Prison.

Rate-Books
be admitted
as Evidence.

XI. And be it further enacted, That the Books of Rates to be made in pursuance of this Act, and all Entries made therein, or examined Copies thereof, or Extracts therefrom respectively, shall be received as Evidence of the Rates imposed by virtue of this Act, and of the Payment of such Rates, or such of them, or such Part thereof, as shall by such Entries appear to have been paid.

Appeal.

XII. Provided always, and be it further enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act (he or she having first paid

paid the said Rate or Assessment), or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or General Quarter Sessions of the Peace to be holden for the County of *Middlesex*, within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Ten Days Notice at the least in Writing of his, or her Intention to make such Appeal, and of the Matter thereof, to the Vestry Clerk of the said Parish; and within Four Days after such Notice, entering into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded against him or her by the Justices at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against, as they shall think proper, and their Determination therein shall be final, binding and conclusive to all Parties, to all Intents and Purposes; and it shall be lawful for such Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

XIII. And be it further enacted, That on any Appeal from any Rate or Rates, Assessment or Assessments to be made for the Purposes of this Act, the Justices at such General or General Quarter Sessions shall and may amend the same if they shall so think proper, in such Manner as may be necessary for giving Relief to the Person or Persons aggrieved, without quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons mentioned in the same; but if upon Appeal from the whole Rate or Rates, Assessment or Assessments, 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 Rates, Assessment or Assessments to be made by the said Churchwardens, or any Two of them, in Manner aforesaid. Justices may amend Rates.

XIV. And be it further enacted, That no Rate or Assessment, or any Proceeding to be had touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable into any of His Majesty's Courts of Record by *Certiorari* or any other Writ or Process whatsoever; any Law, Statute or Usage to the contrary notwithstanding. Rates or Proceedings not to be quashed for Want of Form, or removed by *Certiorari*.

XV. And be it further enacted, That where any Distress shall be made for 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 Distress not unlawful for Want of Form.

same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in any Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the Special Damage only in an Action on the Case.

Plaintiff shall not recover after Tender of sufficient Amends.

XVI. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass or wrongful Proceedings, made or committed in Execution of this Act, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass or wrongful Proceedings, 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 where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, or Order and Judgment shall be had, made, or given by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XVII. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance of this Act, or of any of the Powers hereby given, or anyways in relation to the Premises, until Twenty-one Days' Notice shall have been thereof given in Writing to the Vestry Clerk of the said Parish, or after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or after Three Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought and tried in the County of *Middlesex*, and not elsewhere, and the Defendant or Defendants in every such Action or Suit, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done; or if such Action or Suit shall be brought before Twenty-one Days' Notice shall be given as aforesaid, or after sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time hereinbefore limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall discontinue his, her or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then the Defendant or Defendants shall recover Treble Costs, and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

XVIII. And

XVIII. 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 Person residing within the said Parish shall be disqualified from giving Evidence, by reason of such Person being charged with or being liable to pay any Rate or Assessment by virtue of this Act. Inhabitants may give Evidence.

XIX. And whereas by the said Act of His late Majesty King *Charles* the Second, a perpetual yearly Payment to the Rector of the said Parish and his Successors, of the Sum of One hundred Pounds, was charged on certain Houses in *Covent Garden* in the said Parish, then in the several Occupations of Sir *Edward Ford* Knight, Sir *Robert Bowles* Baronet, and *William Gape* Apothecary, or their Assigns; And whereas the said Houses are now the Estate of the Most Noble *John* Duke of *Bedford*, and he is desirous that the same and certain other Houses of him the said Duke, situate in *Covent Garden* aforesaid, and which, together with the Houses so charged by the said Act, form the Piazza in *Covent Garden* aforesaid, which extends from *Russell Street* to *King Street*, may be charged with the Payment of a further yearly Sum of Eighty Pounds to the said Rector and his Successors for the Time being, for the better Support and Maintenance of the said Rector and his Successors; Be it therefore further enacted, That the said Rector and his Successors shall for ever hereafter have and be entitled to an additional yearly Sum of Eighty Pounds, to be issuing out of and charged upon all and singular the Houses charged by the said recited Act with the Payment of the said Yearly Sum of One hundred Pounds, and also out of and upon all other the Houses in *Covent Garden* aforesaid now forming the Piazza there, which extends from *Russel Street* aforesaid to *King Street* aforesaid, to be paid and payable to the said Rector and his Successors quarterly, on the several Days of Payment whereon the said Sum of One hundred Pounds is by the said Act made payable; and that the first quarterly Payment thereof shall be made on the Twenty-fourth Day of *June* One thousand eight hundred and eleven; and that the said Rector and his Successors shall have all such Powers and Remedies for the Recovery of the said additional Yearly Sum of Eighty Pounds, as by the said recited Act are given and provided for the Recovery of the said therein mentioned yearly Sum of One hundred Pounds. Further Rent Charge to the Rector.

XX. Saving always, in respect of such additional yearly Sum of Eighty Pounds, to the King's most Excellent Majesty, his Heirs and Successors, and all and every other Person and Persons, Bodies Politic or Corporate, his, her and their respective Heirs, Successors, Executors, Administrators and Assigns, (other than and except the said *John* Duke of *Bedford*, his Heirs and Assigns) all such Estate, Right, Title and Interest of, in, to and out of the said Houses by this Act charged with the said additional yearly Sum of Eighty Pounds, as they, every or any of them had or enjoyed previously to the passing of this Act, or could or might have had or enjoyed in case this Act had not been made. Saving as to further Rent Charge.

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51^o GEORGII III. *Cap. 150.*

Publick Act. XXI. 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.

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Printers to the King's most Excellent Majesty. 1811.