



ANNO QUINQUAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. liii.

An Act for enlarging the Parish Church and Church-yard of *Southminster* in the County of *Essex*.

[8th May 1818.]

WHEREAS the Parish Church and Church-yard of *Southminster* in the County of *Essex*, from the great Increase of the Inhabitants of the said Parish, are become too small, and it is necessary that the said Church and Church-yard should be enlarged, which will require a considerable Sum of Money to be raised, and such Enlargement cannot be made, and Money raised, without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Vicar and Churchwardens of the said Parish of *Southminster* for the Time being, *Christopher Comyns Parker* of *Woodham Mortimer* in the said County of *Essex*, Esquire, and *Lancelot Hare* M. D., *James Page*, *William Ketcher*, *James Clarke*, *Samuel Kemp*, *James Clay*, *John Bawtree*, *John Stebbing*, *John Wade*, all of *Southminster* aforesaid, Gentlemen, and the Master, Registrar, and Receiver of the Hospital of King *James*, founded in *Charter House*, within the County of *Middlesex*, at the humble Petition and only Costs and Charges of *Thomas Sutton* Esquire, for the Time being, shall be and they are hereby appointed Trustees for the enlarging the said Church and Church-yard, and putting this Act in Execution ; and that when any One or more Trustee, or Trustees herein-before named or to be appointed as herein-after mentioned (except such Persons as are declared to be Trustees by virtue of their Situation or Office) shall die or refuse to act, or shall

Trustees.

Power to appoint new Trustees.

[Local.]

remove

remove out of the said Parish of *Southminster*, the surviving or remaining Trustees shall, at any Meeting to be held as herein-after is mentioned, appoint one or more of the Inhabitants of the said Parish in the Room or Place of such Trustee or Trustees so dying, refusing to act, or removing as aforesaid; and every such Trustee so to be appointed shall have full Power in all Things to carry this Act into Execution, as if he had been appointed a Trustee in and by this Act: Provided always, that no Person shall act as a Trustee as aforesaid, who shall be interested in any Contract, or enjoy any beneficial Employment under this Act.

First Meeting.

II. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be, to put this Act in Execution, and shall and may adjourn from Time to Time as they shall think proper; and at which first Meeting, or at any future Meeting, it shall be lawful for the said Trustees to appoint one or more Treasurer or Treasurers, and a Clerk, and also to appoint and employ such other Person or Persons as may be necessary for the Purposes of this Act; and shall and may take such Security as they shall think proper from such Treasurer or Treasurers, and from Time to Time, at any future Meeting, may remove any such Treasurer or Treasurers, Clerk, or other Person so to be appointed as aforesaid, as they shall think proper, and appoint others in the Room or Stead of any such Officer so removed, or dying, or declining to act; and the said Trustees may, out of the Monies so to be raised under or by virtue of this Act, make such Allowances to such Person or Persons respectively as they shall judge a reasonable Compensation for their respective Trouble and Services.

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

III. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Trustees to hold Quarterly Meetings.

IV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and required, to hold Four Quarterly Meetings in the Year on the Days following; (that is to say) on the First *Monday* in the several Months of *June*, *September*, *December*, and *March* in every Year; and the said Trustees or any Five or more of them, although not assembled at a Meeting, shall and may at their Discretion, and they are hereby authorized and empowered, by Writing under their Hands, to direct the Clerk to call any other Meetings of the said Trustees for carrying this Act into Execution, and the said Clerk shall give Notice thereof

in Writing, specifying the Purpose of such Meeting, to be left for the said Trustees at their respective usual Places of Abode, at least Three Days previous to such intended Meetings; and that at all Meetings the said Trustees shall defray their own Expences.

V. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered, at any such Meetings to be held as aforesaid, to give Orders for the enlarging the said Church upon such Plan and in such Manner as shall have been previously approved of by the Lord Bishop of the Diocese, and to give Orders for enlarging the Church-yard, and for all and every such Reparations of the said Church as shall be necessary in consequence of the Enlargement of the said Church as aforesaid, and for making such Pews, Seats, and Galleries, and other Requisites and Conveniences in the said Church; and for inclosing the present Church-yard, and the Land or Ground hereby authorized to be added thereto as herein-after mentioned, and for doing such other Matters and Things relative to the said Church and Church-yard as they shall think proper, and to make any Contract or Contracts with any Person or Persons for effectuating the same, and also to confirm all such Contracts as may have been entered into, 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: Provided that no Act, Order, or Resolution of the said Trustees shall be valid, unless done or made at some public Meeting to be held pursuant to this Act; and at all such Meetings the Acts, Orders, and Resolutions of the major Part of the Trustees present, the Number of such Trustees present at such Meeting not being less than Five, 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.

Power for Trustees to enlarge Church and Church-yard, make Contracts, &c.

VI. And for the more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, from Time to Time to borrow and take up at Interest any Sum or Sums of Money not exceeding the Sum herein-after mentioned, upon the Credit of the Rates or Assessments to be granted in Manner herein-after mentioned, and by Writing under their Hands and Seals to mortgage and assign over the said Rates or Assessments to the Person or Persons who shall advance or lend such Money, or his, her, or their Trustee or Trustees, as a Security for the Money so to be borrowed, together with Interest for the same; and every such Assignment shall be in the Words or to the Effect following; *viz.*

Power to borrow Money.

‘ BY virtue of an Act made in the Year of the Reign of King
 ‘ George the Third intituled [*set forth the Title of the Act*], we
 ‘ of the Trustees appointed by virtue of the said Act, in considera-
 ‘ tion of the Sum of advanced and lent by *A. B.*
 ‘ to *C. D.* the Treasurer appointed in pursuance of the said Act, upon the
 ‘ Credit and for the Purposes of the said Act, do grant and assign unto
 ‘ the said *A. B.*, his Executors, Administrators, and Assigns, such Propor-
 ‘ tion of the Rates or Assessments arising by virtue of the said Act as the
 ‘ said Sum of doth or shall bear to the whole Sum
 ‘ which is or shall be borrowed upon the Credit of the said Act, to be
 ‘ had and holden from this Day of until the said Sum
 ‘ of

Form of Assignment.

‘ of with Interest at *per Centum per Annum* for
 ‘ the same, be paid Half-yearly, shall be repaid and satisfied. In witness
 ‘ whereof we have hereunto set our Hands and Seals, this Day
 ‘ of .

Money may
 be raised by
 Annuities.

And every such Assignment shall be good, valid, and effectual in the Law: Provided always, that in case the said Trustees shall think it advisable to raise all or any Part of the Money necessary for the Purposes of this Act by granting Annuities for Lives, then it shall be lawful for the said Trustees, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer to the said Trustees any Sum or Sums of Money for the absolute Purchase of any Annuity to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor.

For granting
 Annuities un-
 der certain
 Restrictions.

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

Form of
 Grant.

‘ WE Trustees appointed by or in pursuance of an Act made in
 ‘ the Year of the Reign of King *George* the Third, intituled
 ‘ [*set forth the Title of this Act*] in consideration of the Sum of
 ‘ paid by *A. B.*, or, if intended to be granted with Benefit of Survivor-
 ‘ ship, by *C. D.* and *E. F.* &c. to the Treasurer appointed in pursuance
 ‘ of

of the said Act, do hereby grant unto the said *A. B.* and his Assigns
 (or if by Survivorship, unto the said *C. D., E. F., &c.* and to the Sur-
 vivors and Survivor of them) an Annuity or yearly Sum of
 out of the Rates or Assessments arising by virtue of the said Act,
 which Annuity or yearly Sum of shall be paid to
 the said *A. B.* or his Assigns (or if by Survivorship) unto and among
 them the said *C. D., E. F., &c.*, and the Survivors and Survivor of
 them, at or upon the Day of in every Year
 during ; and the first Payment thereof
 shall be made upon the Day of next ensuing
 the Date of these Presents. In witness whereof we have hereunto set
 our Hands and Seals, the Day of in the Year
 of our Lord

And every such Grant shall be good, valid, and effectual in the Law, and every Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid, free from all Taxes and Deductions, out of the said Rates or Assessments: Provided nevertheless, that no greater Sum in the whole than Four thousand Pounds shall be raised by Loan or Mortgage, and by the Sale or granting of Annuities as aforesaid; and that before any such Money shall be borrowed or Annuity granted Fourteen Days Notice shall be given in some Newspaper published in *Chelmsford* in the County of *Essex*, signifying the Intention of borrowing such Money or granting such Annuities.

Limiting the Sum to be raised.

VIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the said Securities for the Money borrowed, or for the Annuities granted as aforesaid, by Writing under their Hands and Seals endorsed thereon, to transfer the same to any Person or Persons in the Words or to the Effect following, *viz.*

Manner of transferring Securities.

I *A. B.* do hereby transfer the within Mortgage [or Grant of Annuity] and all my Right and Title in and to the principal Money and Interest [or Annuity] and all Arrears now due thereon, thereby secured, unto *C. D.*, his Executors, Administrators, and Assigns. Dated the Day of

Form of Transfer.

And Entries or Memorials of all Mortgages or Assignments and Grants of Annuities which shall be made in pursuance of this Act, and of all Transfers thereof, expressing in Words at length the Names, Additions, Places of Abode, and other proper Descriptions of all such Persons as shall from Time to Time be entitled to the Principal and Interest or the Annuities thereby respectively secured, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, to which Book all Persons interested shall at all reasonable Times have Access, and shall have Liberty to inspect the same without Fee or Reward; and for the Entry of every such Assignment the said Clerk shall be paid Two Shillings and Sixpence and no more; and every such Transfer shall entitle the Person or Persons to whom the same shall be made, and his, her, or their Executors, Administrators, and Assigns, to the Benefit of the Security to be thereby transferred; and all Persons to whom such Mortgages or Assignments or Grants of Annuity shall be made, or who shall be entitled to the Money thereby secured, shall be, in proportion to the Sums therein respectively mentioned, Creditors on the said Rates or Assessments equally one with another,

[Local.]

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other, without any Preference in respect to the Priority of advancing such Money, or the Dates of any such Mortgages or Assignments or Grants of Annuity.

Treasurer to keep Books open to the Inspection of Trustees, &c.

IX. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by the Treasurer or Treasurers for the Time being, in which Book or Books such Treasurer or Treasurers shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Church and Church-yard or of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees, or any Creditor or Creditors on the said Rates hereby granted, or to any Parishioner contributing thereunto, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer or Treasurers who shall have the Care and Custody of the said Book or Books, shall refuse to permit the said Trustees, or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Treasurer or Treasurers shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner aforesaid.

Rates to be made.

X. And in order to raise Money to defray the Expences of carrying this Act into Execution, be it further enacted, That it shall and may be lawful to and for the Churchwardens of the said Parish for the Time being, by the Order and Direction of the said Trustees, and they are hereby required, from Time to Time, whensoever they the said Trustees shall find it necessary, in the usual and accustomed Manner to rate or assess all Persons who do or shall inhabit, occupy, or enjoy any Lands, Houses, or other Tenements or Hereditaments within the said Parish, in any Sum of Money not exceeding the Rate of One Shilling in the Pound in any one Year of the yearly Value of such Lands, Houses, or other Tenements or Hereditaments, as the same are now assessed to the Poor's Rate of the said Parish; and that the Monies to arise from such Rates or Assessments shall be and are hereby vested in the said Trustees for the Purposes of this Act, and shall be collected by the Churchwardens of the said Parish for the Time being, and the Monies so to be collected shall from Time to Time be paid by the respective Churchwardens into the Hands of the Treasurer to the said Trustees; and such Rates shall take place and become payable from the passing of this Act, and continue for and during such Time as any of the Monies to be borrowed or Annuities to be granted upon the Credit of this Act as herein-before is mentioned, shall remain owing or have Continuance, and no longer: Provided always, that the Rate or Assessment 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 Churchwardens of the said Parish for the Time being shall by the Order and Direction of the said Trustees make a new Rate or Assessment by virtue of this Act, in like Manner as if the Churchwardens by the

Rates may continue in force for several Years.

Directions

Directions aforesaid had made such Rate or Assessment in and for every such subsequent Year.

XI. And be it further enacted, That the Tenants or Occupiers of such Lands, Houses, or other Tenements and Hereditaments so to be rated or assessed as aforesaid, shall pay the whole of such Rates or Assessments on what they hold and occupy, and every such Tenant 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 Deductions accordingly; and every Tenant paying such Part of the said Rate or Assessment for or upon account of the Landlord, and producing a Receipt for the same, shall be acquitted and discharged of and from so much of his or her said Rent to such Landlord, as fully and effectually as if the same had actually been paid to such Landlord, or any Person or Persons to whom his or her Rent was or should have been paid or payable.

Tenants to pay the whole and deduct Half the Rates out of their Rents,

XII. And be it further enacted, That if any Person shall refuse or neglect to pay the Sum or Sums of Money which he or she shall be rated or assessed by virtue of this Act, for the Space of Fourteen Days after the same shall become payable as aforesaid, and after Demand in Writing delivered to or left at the usual Place of Abode of such Person, then and in every such Case it shall and may be lawful for any Churchwarden of the said Parish, and he is hereby authorized and required, to levy the same by Distress and Sale of the Goods and Chattels of every Person refusing to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Essex*, which Warrant such Justices are hereby empowered and required to grant upon Proof made upon Oath before them of such Demand and Non-payment as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale: Provided always, that such Justices may grant any Warrant of Distress as aforesaid, and may do any other Act as Justices in the Execution of this Act, notwithstanding they may or shall be Trustees for putting this Act into Execution.

Powers for Recovery of Rates,

Power for Trustees to act, being Justices.

XIII. And be it further enacted, That every Churchwarden of the said Parish who shall collect or receive any of the Monies arising by the said Rates or Assessments shall, as often as thereunto required by the said Trustees, deliver in Writing under his Hand to the said Trustees, or unto such Person as they should appoint, a true and perfect Account, and shall verify the same on Oath (which Oath the said Trustees are hereby empowered to administer), of all Money which he shall have collected and received, and shall pay unto the Treasurer the Monies in his Hands; and if any such Churchwarden shall refuse or neglect to collect and receive the Sums to be rated and assessed by virtue of this Act, or to account for the Money in his Hands as aforesaid, he shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Twenty Pounds; which Penalty, and also the Money in the Hands of any such Churchwarden, and which he shall refuse or neglect to pay as aforesaid, shall and may be levied and recovered by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Essex*, directed to any Person or Persons, by Distress and Sale of the Goods and Chattels of the Person

Churchwardens to account.

Person refusing or neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after the Charges of such Distress and Sale are deducted and paid.

The Monies raised and received vested in the Trustees for the Purposes of this Act, to be applied in defraying the Charges of the Act, &c.

XIV. And be it further enacted, That all and every the Monies to be raised and received by virtue of this Act shall be applied in the first place in paying and defraying the Charges and Expences of obtaining and passing this Act, and in paying the Charges and Expences already incurred or to be incurred in making Plans and Estimates, and in purchasing such of the Houses or Cottages on the North Side of the said Church-yard as have been already taken down, and the Remainder from Time to Time in carrying this Act into Execution, and in paying the Interest of the principal Monies so to be borrowed as aforesaid, yearly or otherwise, as they the said Trustees shall think proper, and in paying the Annuities to be granted as aforesaid (if any); all such Payments to be made by the Treasurer or Treasurers by Order under the Hands of the said Trustees; and the said Treasurer or Treasurers shall from Time to Time, when required by the said Trustees, deliver and give in a particular, true, and perfect Account in Writing under his or their Hand or Hands to the said Trustees, and verify the same on Oath (which Oath the said Trustees are hereby empowered to administer), of all such Monies which he or they shall have respectively received and paid by virtue of this Act; and shall from Time to Time, when thereto required by the said Trustees by Notice in Writing under their Hands, pay all such Monies as shall be in his or their Hand or Hands to the said Trustees, or to such other Person or Persons as they shall by Writing under their Hands authorize to receive the same.

Surplus Monies to be vested in the Funds, to accumulate, to pay off Monies borrowed.

XV. And be it further enacted, That all the Surplus Monies which shall from Time to Time remain in the Hands of the said Treasurer or Treasurers after such Payment made as aforesaid, shall, under the Direction of the said Trustees, be laid out and invested in Government Securities at Interest, in the Names of the Vicar of the said Parish for the Time being and any Three or more of the said Trustees, and the accumulating Interest and Dividends thereof shall from Time to Time be laid out and invested in like Manner, and so from Time to Time until thereby or otherwise a sufficient Fund shall be raised to pay off and discharge all Monies so to be borrowed as aforesaid, and the Interest thereof, and all Expences and Charges attending the Execution of this Act.

Power instead of investing to pay off Securities.

XVI. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, in case they shall think proper (instead of investing or putting out such Surplus Monies at Interest as aforesaid) to apply the same in Payment and Discharge of the Monies so to be borrowed as aforesaid, as far as the same will extend and shall occasionally accrue.

Power to purchase Lands.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them (with the Approbation in Writing of the Lord Bishop of the Diocese for the Time being) to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or with any Feoffees in Trust, or Trustees, Executors, or Administrators, Husbands or Guardians, or Committees of or for Lunatics or Idiots, who shall

shall be, or be deemed to be, the Owner or Owners, Proprietor or Proprietors of, or otherwise interested in any Messuages, Tenements, or other Hereditaments, for the Purpose of enlarging the present Church-yard of *Southminster* aforesaid, for the absolute Purchase thereof; and the Monies to be paid for the Purchase of Messuages, Tenements, or other Hereditaments which shall be purchased for the Purpose of enlarging the said present Church-yard, shall be by the Treasurer paid, out of any Monies which may come to his Hand by virtue of this Act, to the Person or Persons, Bodies Politic, Corporate, or Collegiate, entitled thereto, or shall be laid out or disposed of by him in the Bank of *England* in the Manner by this Act directed, as the Case may be.

XVIII. Provided always, and be it further enacted, That the Power or Authority by this Act given to the said Trustees shall not extend to the taking down or injuring any Dwelling-house or other Building, or to the taking in of any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House or Plantation, or Nursery of Trees, or of any Part or Parts thereof, without the Consent in Writing of the Owners or Proprietors thereof, and other Persons interested therein, first had and obtained; save and except the several Tenements, Hereditaments, and Premises particularly mentioned and described in the Schedule hereunto annexed.

But not to take Houses, &c. without Consent of Owners, except named in Schedule to this Act.

XIX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, and Collegiate, and for all Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots, and all other Trustees whomsoever, not only for and on behalf of themselves, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert; or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or in Tail, and to and for all and every other Person and Persons whomsoever who are or shall be seised of or interested in any Messuages, Tenements, or other Hereditaments, to treat and agree with the said Trustees for carrying this Act into Execution, or any Five or more of them, for the absolute Sale thereof, and to convey or surrender and assure the same to the said Trustees or any Five or more of them, and their Successors for ever, for the Purposes mentioned in this Act; and all Contracts, Agreements, Sales, Conveyances, and Surrenders, which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying and surrendering or intending to convey and surrender the same, but also to convey and surrender all Right, Title, Estate, and Interest whatsoever of the said several and respective Cestuique Trusts, Femes Covert, and other Persons herein-before mentioned, and all Persons claiming any Remainder or Reversion after them, any Law, Custom, Usage, Matter, or Thing to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and

Corporations, &c. empowered to sell and convey.

[Local.]

other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

In case of Refusal to sell, or Inability to make out a clear Title, the Trustees to give Notice of their Intention to purchase, and the Value thereof shall be settled by a Jury.

XX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Feoffee or Feoffees in Trust, Executors, Administrators, Husband, Guardian, Committee or Committees of or for any Lunatic or Lunatics, Idiot or Idiots, or any Trustee or Trustees whomsoever, either on behalf of himself, herself, or themselves, or of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, or any Feme Covert, or any Tenant for Life, or Tenant in Tail General or Special, or other Person or Persons whomsoever, who is, are, or shall be seised of or interested in any Messuages, Tenements, or Hereditaments within the said Parish which the said Trustees for carrying this Act into Execution, or any Five or more of them, shall refuse to treat, contract, or agree as aforesaid, or by reason of Absence or otherwise shall be prevented from treating, contracting, or agreeing, or shall decline or refuse to sell, convey, surrender, and dispose of the Premises whereof or wherein or whereunto they respectively shall be so seised, possessed, interested, or entitled as aforesaid, or their respective Rights, Titles, Claims, or Interest into or upon the same, or any Part thereof, unto the said Trustees for carrying this Act into Execution, or any Five or more of them, according to the Tenor, true Intent, and Meaning of this Act, or shall not or cannot produce or make out a clear Title to the Premises they are or shall be in Possession of, or to the Interest they claim therein, to the Satisfaction of the said Trustees for carrying this Act into Execution, or any Five or more of them, or if any Dispute or Difference shall arise touching such Purchase or Purchases, or the Price or Consideration to be paid for the same, then and in every such Case the said Trustees or any Five or more of them are hereby authorized and empowered, before any General or Quarter Sessions of the Peace to be holden for the said County of *Essex*, or any Adjournment thereof, to give or cause to be given to such Person or Persons, Owner or Owners, Feoffees, Executors, Administrators, Husbands, Guardians, Committee or Committees, or the principal Officer or Officers of such Body or Bodies Politic or Corporate, or to leave or cause to be left at the House of the Tenant in Possession, Fourteen Days Notice in Writing, denoting and particularly describing the Messuages, Tenements, or other Hereditaments intended to be purchased, and purporting that the Value thereof shall be adjusted and settled by a Jury at the said Sessions or any Adjournment thereof; and the Justices at the said Sessions, or any Adjournment thereof, upon Proof to them made of such Notice having been so given or left, are hereby authorized and required to charge the Grand Jury at such Sessions assembled, or the Jury to try Prisoners at such Sessions, well and truly upon their Oaths to assess the Value of the said Messuages, Tenements, or other Hereditaments comprised in the Notice so given, and the Damages and Recompence to be awarded or given for the same to the respective Owner or Owners thereof, and other Persons, according to their respective Interest therein; and to which said Jury the said Trustees for carrying this Act into Execution, or any Five or more of them, and all Persons interested in the said Messuages, Tenements, or other Hereditaments, shall have their lawful Challenge; and the Jury being so

sworn and charged as aforesaid, and after proper Evidence on Oath to them given concerning the Nature, Quality, or Value of the Messuages, Tenements, or other Hereditaments so to be sold and surrendered, or comprised in such Notice, shall by their Verdict assess the Damages and Recompence to be given for the same to the respective Owner or Owners, Occupier or Occupiers thereof, according to their respective Interests therein; and such Verdict of the said Jury, and the Judgment of the said Justices upon the same, shall be final, binding, and conclusive upon the said Trustees, and upon all and every Person and Persons interested in the said Messuages, Tenements, and other Hereditaments; and such Verdict, and the Judgment of the Justices thereupon, shall be fairly entered and kept among the Records of the Sessions for the said County, and the same, or true Copies thereof, shall be taken to be good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same, and take Copies thereof, paying Four-pence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

XXI. Provided always, That in case the Sum or Sums so assessed by the said Jury, and ordered and adjudged to be paid by the said Trustee for carrying this Act into Execution, or any Five or more of them, as a Satisfaction to the Owner or Owners, Occupier or others, for their respective Interests in the said Premises, shall not be paid, tendered, left, or deposited, according to the true Intent and Meaning of this Act, within Six Months after the same shall have been so assessed, ordered, and adjudged, then and in such Case the Verdict of the said Jury shall not be binding upon the said Parties; any thing herein contained to the contrary thereof in anywise notwithstanding.

Verdict not to be binding unless Money paid within Six Months.

XXII. And be it further enacted, That in all Cases where any Verdict shall have been given for a greater Sum or Recompence than shall have been previously offered by or on behalf of the said Trustees for carrying this Act into Execution, or any Five or more of them, for any such Messuages, Tenements, or other Hereditaments, or Damages as aforesaid, all the Expences of taking such Inquest, and of the Witnesses attending thereupon, and recording or entering the Verdict or Judgment thereupon (to be settled and ascertained by the said Court), shall be certified by the said Trustees for carrying this Act into Execution, or any Five or more of them, to their Treasurer, and shall be by him paid out of the Monies to come to his Hand by virtue or in pursuance of this Act; but if a Verdict shall be given for no greater or for a less Sum than shall have been so previously offered by or on behalf of the said Trustees or any Five or more of them, then and in every such Case such Expences (to be settled and ascertained as aforesaid) shall be paid by the Owner or Owners of or Persons interested in the Premises in question: Provided also, that whenever by reason of Absence any Person or Persons shall have been prevented from treating with the said Trustees or any Five or more of them, the whole of such Costs and Expences shall be certified by the said Trustees or any Five or more of them to and shall be paid by their Treasurer out of such Monies as aforesaid; and whenever any Costs and Charges shall or may be payable to the said Trustees or any Five or more of them, such Costs and Charges shall and may be deducted out of the Sum to be paid to the said Owners or Persons respectively interested, and the

For Payment of Costs of Verdict.

the Payment or Tender of the Remainder of such Money, or disposing of the same in the Manner by this Act directed, shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment, Tender, or Disposal of the whole Sum or Sums so assessed and adjudged.

Directions
for applying
the Purchase
Money if
200l. or up-
wards.

XXIII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase of any of the Messuages, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to a Feoffee in Trust, Executors, Administrators, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Tenements or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for carrying this Act into Execution, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by any 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 Messuages, Tenements, and Hereditaments, in the Purchase or Redemption of the Land Tax, or discharging of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Messuages, Tenements, or Hereditaments, or affecting other Tenements or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Tenements, 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 Messuages, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Tenements, or Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Where less
than 200l. and
exceeding 20l.

XXIV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Tenements, or Hereditaments

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

XXV. Provided also, and be it further enacted, That where such Money so agreed or awarded 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 Messuages, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said last-mentioned Trustees or any Five or more of them shall think fit; or in case of Infancy, Idiocy, or Lunacy, then such Monies shall be paid 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.

XXVI. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded or agreed to be paid for the Purchase of any Messuages, Tenements, or Hereditaments to be purchased, taken, or used by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said last-mentioned Trustees, or any Five or more of them, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Messuages, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said last-mentioned Trustees or any Five or more of them to order the said Sum or Sums of Money so agreed upon or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Messuages, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition,

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shall

Where less than 20l.

In case of not making out Titles, &c. the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery.

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

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

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

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

XXVIII. 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 Messuages, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, or into the Bank of *England*, in the Name and with the Privity of the Accountant General of that Court, and to be applied in the Purchase of other Tenements or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or their Treasurer, out of the Monies to be received by virtue or in pursuance of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Upon Payment of Purchase

XXIX. And be it further enacted, That upon Payment of the Money so contracted, agreed, or awarded to be paid for the Purchase of such Messuages,

Messuages, Tenements, or Hereditaments, by the said Trustees for carrying this Act into Execution, or any Five or more of them, to the Person or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England* for the Purpose of being disposed of in Manner herein-before directed, and upon a Conveyance or Conveyances, Surrender or Surrenders, or other Assurance or Assurances of such Messuages, Tenements, or Hereditaments being duly made and executed by the Person or Persons entitled thereto or interested therein, or by his, her, or their Guardian or Guardians, Trustee or Trustees, or Committee or Committees, in case of Infancy, Coverture, Lunacy, or Idiocy, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, both at Law and in Equity, of the Person or Persons for whose Use the same shall be paid, and of the Person or Persons who shall have made and executed such Conveyance or Conveyances, Surrender or Surrenders, or other Assurance or Assurances, in, to, or out of such Messuages, Tenements, or Hereditaments, shall vest in the said Trustees for carrying this Act into Execution, and their Successors for ever, for the Uses and Purposes of this Act.

Money, and Execution of a Conveyance, Premises vested in Trustees.

XXX. And be it further enacted, That the said Trustees for carrying this Act into Execution shall, when and so soon as necessary after such Purchase or Purchases for enlarging the said Church-yard of *Southminster* shall be made and completed by virtue of this Act, cause the Land or Ground so to be purchased as aforesaid, or such Part or Parts thereof as they or any Five or more of them shall (with the Approbation of the Lord Bishop of the Diocese, signified by Writing under his Hand) judge proper, and also the present Church-yard, to be inclosed and fenced in with a good and substantial Brick Wall or other Fence not less than Five Feet high above the Surface of such Ground, and do all other Things necessary and proper for making such Land or Ground fit and convenient for the Burial of the Dead; and when the same shall be so inclosed, the Land or Ground so added to the present Church-yard shall be consecrated for the Burial of the Dead, according to the Usage of the Church of *England*, and the same for ever thereafter be used as and for an Addition to the Church-yard or Burial Ground of the said Parish of *Southminster*; and in case the present Vicarage House, or Cottage and Garden, shall under the Authority of this Act be purchased by the said Trustees, and the whole of the Garden of the said Vicarage House shall not be necessary to be added to the said present Church-yard for the Enlargement thereof, the said Trustees and their Successors shall stand seised of the Residue of the said Vicarage Garden, which shall not be necessary to be added to the present Church-yard, in Trust for the Use and Benefit of the Parish of *Southminster* for ever, for the Purpose of erecting thereon small Houses or Tenements for poor Inhabitants of the said Parish, or for such other Purposes as the Churchwardens and Overseers of the said Parish for the Time being shall from Time to Time deem proper.

Trustees to inclose the Lands to be purchased to enlarge the Church-yard.

XXXI. And be it further enacted by the Authority aforesaid, That in case it shall be necessary, for the Purpose of enlarging the said Church of *Southminster*, to take down the present Chancel of the said Church, it shall and may be lawful to and for the impropriate Rectors of the said Parish of *Southminster*, and they are hereby required, to take down the said present Chancel of the said Church, and after the said Church shall be enlarged,

Power to the impropriate Rectors to take down the present Chancel, and build a new one.

or

or during the enlarging the said Church, to erect and build a new Chancel to the said Church, of a proper Size and Dimensions suitable to the said Church when enlarged, and in such Manner as the said Impropriators, with the Approbation of the said Lord Bishop of the Diocese, shall think fit.

Power to any Person or Persons to contribute towards the Purchase of a Vicarage House.

XXXII. And be it further enacted, by the Authority aforesaid, That in case the present Vicarage House, or Cottage and Garden, shall be purchased by the said Trustees for the Purpose of the Site of the said House or Cottage, and the Whole or Part of the said Garden being added to the present Church-yard, and the Money which shall be produced by Sale of the said Vicarage House and Garden shall be insufficient therewith to provide a proper Residence for the Vicar of the said Parish, it shall and may be lawful to and for any Person or Persons to contribute such Sum or Sums of Money, as an additional Fund for providing such a proper Residence for the Vicar of the said Parish of *Southminster*, as the Lord Bishop of the Diocese for the Time being shall approve of; and that the House and Land which shall be purchased for the Residence of the Vicar under the Authority of this Act, shall from and after the Conveyance thereof be for ever held and enjoyed by the Vicar of the said Parish of *Southminster* as the Vicarage House and Glebe.

Trustees may sue and be sued in the Name of their Treasurer.

XXXIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of the Treasurer for the Time being to be appointed under this Act, and that no Action that may be brought by or against the said Trustees or any of them, in relation to this Act, in the Name of their Treasurer, shall abate or be discontinued, by the Death or Removal of such Treasurer, or by his Act without the Consent of the said Trustees, but the Treasurer for the Time being shall always be deemed Plaintiff or Defendant in every such Action, as the Case may be: Provided always, that every such Treasurer shall be reimbursed, out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and Expences as by the Event of any such Action or Proceeding he shall be put unto, or shall become charged or chargeable with, by reason of his being so made Plaintiff or Defendant.

Treasurer to be reimbursed his Costs.

Where Divine Service performed and Banns published, whilst Church enlarging.

XXXIV. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptisms, and all other Matters and Things which were and of right used to be celebrated, solemnized, administered, had, done, and performed by the Vicar or Curate for the Time being in the Parish Church of *Southminster* aforesaid, shall and may be celebrated, solemnized, administered, done, and performed by the Vicar of the said Parish, or his Curate or Assistant for the Time being, in the like Manner, in the Parish Church of *Burnham* in the said County of *Essex*, until such Time as the said Parish Church of *Southminster* shall be enlarged, or be rendered fit for the Celebration of Divine Service therein; and that all Publications of the Banns of Marriage, and every other Notice, which by Law are required to be made and published in the said Parish Church of *Southminster*, may be made and published in the said Church of *Burnham* aforesaid, until such Time as the said Church of *Southminster* shall be enlarged and rendered fit for Divine Service as herein directed; and all Publication of such Banns of Marriage, and every other Notice so made and published in the said Church of *Burnham* aforesaid, during the Time of performing Divine Service therein, and all Marriages solemnized therein, shall

shall be as good, valid, and effectual in the Law to all Intents and Purposes as if all such Banns and Notices had been made and published, and such Marriages had been solemnized, in the said Parish Church of *Southminster* aforesaid; any Law or Statute to the contrary notwithstanding.

XXXV. And be it further enacted, That such of the several Monuments and Gravelstones as may be necessary to be removed for the Purpose of carrying on and completing the Enlargement and Repairs of the said Church, shall and may be taken down and removed at the Discretion of the said Trustees; and that such Monuments and Gravelstones shall and may be preserved and kept by or by the Order of the said Trustees in such Place or Places as they shall think proper, until the said Church shall be enlarged and repaired, or the same can be conveniently replaced, and that the same shall be replaced and fixed in such Manner as the said Trustees shall think proper, being as near to the Place or Places from whence they shall have been respectively removed as conveniently may be.

Power to remove Gravelstones and Monuments.

XXXVI. And be it further enacted, That when the said Church shall be enlarged and finished, and such new Seats or Pews as are intended to be erected therein shall be completed, the Vicar and Churchwardens of the said Parish for the Time being, and the said Trustees, are hereby authorized and required to allot and appoint the several Seats and Pews therein to the several Persons who now are entitled to Seats and Pews in the said Parish Church, to accommodate as many Persons as the Pews or Seats which such Person or Persons is or are now entitled unto, and to appropriate the Residue of such Pews for the Use of such others of the Inhabitants of the said Parish as in their Discretion appear to have the best Claim or Right thereto.

For Allotment of Pews.

XXXVII. And be it further enacted, That after the said Church shall by virtue of this Act be enlarged and repaired in Manner aforesaid, no 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 same shall be built on all Sides with Brick, and arched over with the same Materials, and so as no Vault or Grave be sunk or made within Four Feet of the Walls, or any of the Pillars or Columns within the said Church, and that the same do not exceed the Depth of Seven Feet from the Surface of the Pavement, and that no Corpse shall be buried in the Church but in a Leaden Coffin, and no Corpse interred in the Church-yard within Five Feet of the exterior Walls of the said Church.

No Person to be buried in the Church, unless Graves of Brick arched over.

XXXVIII. And be it further enacted, That the old Materials which shall arise from the Enlargement or Reparations of the said Church, from the taking down the Vicarage House, or from such of the Houses situate on the North Side of the said Church-yard as shall be purchased as aforesaid, shall be and the same are hereby vested in the said Trustees, and they shall have full Power and Authority, and they are hereby authorized and empowered, to sell and dispose of the same, or such Part thereof as they shall think fit, and that the Money arising by such Sale shall be applied to and for the Purposes of this Act.

Trustees empowered to sell old Materials.

XXXIX. And be it further enacted, That every Inhabitant of the said Parish of *Southminster* shall and may and is hereby declared to be a competent

Inhabitants to be Witnesses.

[*Local.*]

petent Witness in any Action, Suit, Information, Complaint, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act, in such and the same Manner as such Person could or might have been in case he had been resident in any other Parish or Place.

Acts of Trustees to be entered in a Book.

XL. And be it further enacted, That all the Acts, Orders, Resolutions, and Proceedings of the said Trustees shall be entered and signed by the said Clerk in a Book or Books to be kept for that Purpose, which Book or Books may be produced and read in Evidence in all Courts and Places whatsoever; and that all Receipts, Payments, Debts, Credits, and Minutes of Contracts made by or with the Artificers or Workmen employed or to be employed in or about the enlarging and repairing of the said Church, or any Matter or Thing relating thereto, shall be fairly written in One or more Book or Books to be kept for that Purpose, and to be from Time to Time and at all convenient Times open for the Inspection and Perusal of any Person or Persons who shall be liable to pay any Rates or Assessments by virtue of this Act.

Indemnity to the Trustees.

XLI. Provided always, and be it further enacted, That all and every the Trustees hereinbefore named, and hereafter to be appointed, 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 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 Trust reposed in them under the same.

Proceedings not to be quashed for want of Form.

XLII. And be it further enacted, That no Order, Conviction, Judgment, Warrant, or other Proceeding, to be had or made in pursuance of this Act, shall be quashed or vacated for want of Form; and that, in all Cases where any Distress shall be made for any Sum or Sums of Money, to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the special Damages in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceeding, by virtue of this Act, if, before such Action is brought, Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall commit or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action or Actions, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions wherein the Defendant is allowed to pay Money into Court.

XLIII. And

XLIII. And be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Matter or Thing to be done in pursuance of this Act, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at any Quarter Sessions to be holden for the said County of *Essex*, who are hereby authorized and empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of such Appeal, being made within Three Calendar Months next after the Cause of Complaint shall have arisen, and the Person or Persons appealing giving Ten Days Notice at the least in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Churchwardens for the Time being of the said Parish, and, within Three Days next after such Notice, entering into a Recognizance before One of the Justices of the Peace for the said County of *Essex*, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order of such Sessions, and pay such Costs as shall be made and awarded thereon by the Justices at such Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may and they are hereby authorized and required to award such Costs to the Party or Parties appealing or appealed against as they shall think proper, and their Determination in the Premises shall be final and conclusive to all Intents and Purposes.

General
Appeal.

XLIV. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or under Colour of this Act, until Twenty-one Days Notice shall be given of the Cause thereof in Writing to the Clerk of the said Trustees for the Time being, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried in the County where the Cause of Action shall arise; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and every such special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or 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 if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury shall find for the Defendants or Defendant therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuit, or suffer a Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in any other Cases of Law.

Limitation
of Actions.

General Issue.

Treble Costs.

XLV. And be it further enacted, That this Act shall be deemed, taken, and allowed in all Courts of Justice as a Public Act, and all Persons are hereby required to take Notice thereof as such, without the same being specially pleaded.

Public Act.

The

The SCHEDULE to which the foregoing Act refers.

DESCRIPTION OF PREMISES.	OWNERS.	TENANTS.
A Messuage or Cottage in Two Tenements, situate on the North Side of Southminster Church-yard, between the Church-yard and the Street	Jacob Myers - - -	Robert Hindle. Samuel Vice.
Another Messuage or Cottage, situate in like Manner - -	Samuel Howard - -	Thomas Newman.
Another Messuage or Cottage, in Two Tenements, in like Manner situate - - - -	Clement Hurrell - -	Richard Knightbridge. William Peters.
Another Messuage or Cottage, in Two Tenements, in like Manner situate - - - -	George Boosey and Charles Clay - - -	John Ruft. Elizabeth Baker.
Another Messuage or Cottage, in like Manner situate - -	Late Jewers Polly - -	Samuel Mills.

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