



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccl.

An Act to repeal an Act passed in the Fifty-fifth Year of His late Majesty King *George* the Third, for building a new Church and also a Workhouse in the Parish of *Bathwick* in the County of *Somerset*, and another Act passed in the Fifty-seventh Year of His said late Majesty to amend the said Act; and to provide for the future Administration and Exercise of the Trusts and Powers thereby respectively created.

[22d July 1847.]

WHEREAS by an Act passed in the Fifty-fifth Year of the Reign of *George* the Third, Chapter Ninety-six, intituled *An Act for building a new Church and also a Workhouse in the Parish of Bathwick in the County of Somerset*, certain Persons therein named and their Successors were appointed and constituted Trustees for the Purpose of carrying into effect the several Trusts created thereby, with Power to fill up Vacancies in their Number from Time to Time in the Manner therein mentioned, and to hold Meetings at which the Acts, Orders, and Resolutions of the major Part in Number of the Trustees present

[Local.]

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should

55 G. 3. c. 96.

should be binding, but subject to a Proviso that the Number of Trustees present at all such Meetings should not be less than Seven, and by the same Act the said Trustees were empowered to cause the old Church Tower and Chancel of the Parish Church of *Bathwick* aforesaid to be taken down, and a new Church Chancel and Tower to be erected and built and properly fitted up with Pews and otherwise for the Performance of Divine Worship instead thereof, and for that Purpose from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole Five thousand Pounds, in such Manner as they should judge necessary for the several Purposes of that Act, over and above the Expences of obtaining and passing the same, upon the Credit of the Rates and Assessments thereby authorized to be made and levied, and to secure the Repayment of such Sum or Sums so borrowed with Interest by executing Assignments of the said Rates in the Manner therein mentioned, which Securities were to be registered and to be transferable as in the same Act also mentioned; and the said Trustees were thereby empowered and expressly required in each and every Year, until all the Monies necessary to build the said new Church and Workhouse and all the Monies to be borrowed under or by virtue of that Act and the Interest thereof should be paid off and discharged, to make a Rate or Rates on the Occupiers of all Houses, Buildings, Land, Tenements, and Hereditaments within the Parish of *Bathwick* aforesaid, not exceeding Sixpence in the Pound in any One Year on the full annual Rent or Value of the same Premises respectively, but subject to a Proviso in the same Act contained that the Sums to be raised by means of such Rates for the Purposes of the said Act should not in the whole exceed the Sum of Five thousand Pounds, with the Interest thereon, or on such Part thereof as might have been borrowed, and also such Sum as should have been expended in the procuring and passing of the same Act: And whereas by another Act passed in the Fifty-seventh Year of the Reign of *George* the Third, Chapter Nineteen, intituled *An Act to amend an Act of the Fifty-fifth Year of the Reign of His present Majesty, for building a new Church and Workhouse in the Parish of Bathwick in the County of Somerset*, after reciting, among other things, that the Trustees appointed by the said last-mentioned Act had contracted for building the said Church for the Sum of Eight thousand Pounds, exclusive of the Foundations, which had cost Five hundred and six Pounds, and that, in order to answer the beneficial Purposes thereby intended, it was expedient that the same should be altered and amended, and further Powers given thereby, it was enacted that the said Church should be erected and completed for Divine Worship in all respects according to the Plan that had been contracted for and commenced by the said Trustees, and the said Trustees were thereby empowered (in case they should consider it necessary for carrying the Purposes of that Act into execution) to borrow any further Sum or Sums of Money over and above the Sum of Five thousand Pounds authorized to be raised by the first-recited Act, not exceeding in the whole the Sum of Five thousand Pounds, together with the Interest thereof and the Expences of obtaining the Act now in recital, and to demise and grant the Rates authorized

to be levied by the said first-recited Act and the said Act now in recital as Security for the same in the Manner and Form by the same Acts respectively directed as the said Trustees should deem most expedient: And whereas the Trustees appointed under and by virtue of the said first-recited Act long since erected and completed the said new Church, according to the Powers and Directions of the said Two recited Acts, and for the Purpose of defraying the Expences thereof divers Sums of Money were borrowed by the said Trustees under the Powers contained in the said recited Acts upon the Credit and Security of the Rates and Assessments by the same Acts authorized to be levied and made, and on the Twentieth Day of *February* One thousand eight hundred and twenty the said Church was consecrated and opened for the Performance of Divine Worship therein, and the same has ever since been and is now used as the Parish Church of *Bathwick* aforesaid, but no Workhouse has ever been built under the Powers contained in the said Acts, and it is not now expedient that any such Workhouse should be built: And whereas for several Years past Persons properly and legally qualified for the Office of a Trustee under the said first-recited Act according to the Provisions therein contained have been unwilling to become Trustees under the said recited Acts, whereby, and by the Lapse of Time, occasional Deaths, and other Circumstances, the Number of the said Trustees for the Time being is now reduced below Seven, that being the Number by the said first-recited Act required to constitute a Quorum at all Meetings of the said Trustees, by reason whereof it is doubtful whether any of the Powers by the same Acts given to the said Trustees can now be lawfully exercised: And whereas Sums amounting in the whole to the Sum of Five thousand Pounds (the Particulars whereof are set forth in the Schedule to this Act annexed), being Part of the Sums borrowed for the Purposes of the said recited Acts under the Powers therein contained, now remain due to the several Persons whose Names are set forth in the said Schedule hereto, upon the Security of the Rates by the same Acts authorized to be levied and made, together with some Arrears of Interest thereon: And whereas under the Circumstances aforesaid it has become necessary that Provision should be made by the Authority of Parliament for carrying on such of the Trusts and Powers of the said recited Acts as still remain to be performed and executed, and it is expedient that the Provisions for those Purposes contained in the said recited Acts should be amended and consolidated in One Act, and that other Provisions should be made in reference thereto: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Election of Three Trustees as herein-after authorized, to act in conjunction with other the Trustees appointed or authorized by this Act to act as Trustees, this Act shall come into operation.

When Act shall come into operation.

II. And be it enacted, That all such of the Clauses and Provisions in the said recited Acts contained as in any Manner relate to the Rates or Assessments thereby authorized to be made and levied, or

Powers of recited Acts as to Rates or Assess-

to

ments, and the borrowing of Money, to continue in force.

to the Powers of borrowing Money therein contained, or the Monies thereby authorized to be borrowed, or to the Securities thereby authorized to be created, or to the Assignment or Registration of such Securities, or to the Payment of the Monies due on such Securities or to the Interest thereof, or the Releases to be executed on Payment of the Monies due on such Securities, shall from henceforth be and shall continue in force in the same Manner in all respects as if this Act had not been passed, subject only to the special Provisions herein-after contained; and from and immediately after the Commencement of the Operation of this Act all the other Clauses, Matters, and Things in the same Acts respectively contained shall be and the same respectively are thenceforth hereby repealed.

Powers of Trustees under former Acts vested in the Trustees for the Time being.

III. And be it enacted, That all and every the Powers and Duties which at the Time of passing this Act were vested in or ought to have been performed by the Trustees under the said recited Acts by virtue of such of the Provisions in the same Acts contained as are hereby continued in force shall from henceforth be vested in and shall be performed by the Trustees for the Time being under this Act; and none of the Powers or Duties which by such Provisions of the said recited Acts were given to or imposed upon the Trustees under the same Acts shall be deemed to have ceased before the passing of this Act only by reason of the Circumstance that the Number of the Trustees capable of acting in the Execution of the said Acts was at any Time after the Year One thousand eight hundred and forty-five reduced below Seven: Provided always, that nothing herein contained shall operate or be construed to revive or to vest in or to impose upon the Trustees under this Act any Power or Duty whatsoever which before the passing of this Act had by any Means (other than the Reduction of the Number of the said former Trustees below Seven) ceased or determined.

Saving of Rights subsisting under the former Acts with Substitution of the new Trustees to the Rights and Contracts of the former Trustees.

IV. Provided always, and be it hereby enacted, That all Publications of Banns and Marriages lawfully had and solemnized, and all other Acts whatsoever lawfully done under and by virtue of the said recited Acts or either of them, shall be and continue good, valid, and effectual to all Intents and Purposes in the same Manner as if this Act had not been passed, and that no Debt contracted at any Time by the Trustees under the said recited Acts for any Sums or Sum borrowed by them for the Purposes of the said Acts or either of them under the Powers therein contained, and no Assignment of Rates, Grant of Annuity, or other Security at any Time made, created, or given to any Persons or Person by the said Trustees under the Powers in the said recited Acts or either of them contained, and no Right, Title, or Interest of any Persons or Person to or in any Pews or Pew, Sittings or Sitting, in the said Church of *Bathwick* which may have been at any Time acquired under or by virtue of the said recited Acts or either of them, shall be extinguished or in anywise prejudicially affected by the Repeal of the said recited Acts, but that the Rights and Remedies of every Person claiming any such Debt, or claiming to be interested in or to have the Benefit of any such Assignment, Annuity, or other Security, or claiming any Interest whatsoever in any such Pews or Sittings, Pew or Sitting,

Sitting, as aforesaid, shall be and remain the same in all respects and to all Intents and Purposes as if the said recited Acts had not been hereby repealed, and as if the Trustees under this Act had been Trustees under the said recited Acts, subject only to the special Provisions herein-after contained: Provided also, that no Debt due by any Person at the Time when this Act shall come into operation to the Trustees under the said first-recited Act, and no Contract of any Description made by any Person with the said Trustees under the said Acts or either of them, and no Right, Title, or Interest of the said Trustees in or to any Real or Personal Estate or Property whatsoever, which at the Time when this Act shall come into operation shall or may be vested in them at Law or in Equity, shall be extinguished or altered or in anywise prejudicially affected by the Repeal of the said Acts, but that in respect of all such Matters the Trustees for the Time being under this Act shall succeed to and shall have and enjoy all the Rights, Powers, and Remedies whatsoever at Law or in Equity to which they would have been entitled if the said Acts had not been repealed, and if they had been the Trustees for the Time being under the said first-recited Act, subject only to the special Provisions herein-after contained.

V. And be it enacted, That, notwithstanding any thing in this Act contained, the said new Church at *Bathwick* and the Tower and Chancel thereof, and the Ground whereon the same have been erected and are now standing, shall be and shall continue vested in the Rector of the Parish of *Bathwick* for the Time being for ever.

Property in the Church to continue in the Rector.

VI. And be it enacted, That, notwithstanding any thing in this Act contained, the Soil or Ground on which the old Parish Church of *Bathwick* stood at the Time of the passing of the said first-recited Act shall henceforth always be used as a Churchyard as the same is at present used, and that no Person shall at any Time be buried or interred, nor shall any Grave or Vault at any Time hereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Site of the said new Church erected under and by virtue of the said recited Acts, or the Ground adjoining the same.

Churchyard and Burials.

VII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to annul, defeat, prejudice, or affect any Right or Title, Claim or Demand, which may have already accrued to any Person or Persons whomsoever upon or against any Person or Persons acting for the Time being under or in the Execution of the said recited Acts, or either of them, for, by reason, or on account of any Act, Matter, or Thing made, done, or executed, or omitted by such Person or Persons contrary to the said recited Acts, or either of them, but on the contrary all such Right, Title, Claim, and Demand shall, notwithstanding this Act and the Repeal of the said recited Acts, be and remain as good, valid, and subsisting as if this Act had not passed.

Existing Rights reserved.

Trustees.

VIII. And be it enacted, That the Rector and Churchwardens for the Time being of the said Parish of *Bathwick* shall by virtue of their respective Offices, together with Three other Persons to be elected from Time to Time in the Manner herein-after mentioned, be Trustees for carrying this Act into effect; and that all and every the Goods and Chattels of what Nature or Kind soever which belonged to the said Trustees under the said recited Acts or either of them upon the Trusts thereof, or which were in their Hands under the Provisions of the same Acts, and all Goods and Chattels whatsoever which the Trustees under this Act may purchase or procure, or which may at any Time be vested in them for any of the Purposes of this Act, and also the Right to all Monies which the said Trustees are or shall be entitled to receive by virtue of this Act, shall be deemed and taken to be vested in the said Trustees and their Successors, subject to the Provisions of this Act.

The other
Three Trus-
tees to be
elected by
the Rate-
payers.

IX. And be it enacted, That the Three Persons who together with the said Rector and Churchwardens are to be Trustees for the Time being under this Act shall be annually chosen and elected in manner following; that is to say, the Churchwardens of the said Parish when they shall give Notice for the annual Election of Churchwardens shall also give Notice for the Election of Three Persons being Rate-payers under this Act, or Owners of Property situate in the said Parish of *Bathwick* and residing therein, to act as Trustees under the Provisions of this Act, and any Three Persons so qualified shall be capable of being elected, and Three such Persons shall be elected annually at the Meeting of which such Notice is given as aforesaid by the Rate-payers under this present Act, in the like Manner in all respects as are the Churchwardens; and the Trustees so elected shall thenceforth hold their Offices till the Day of the next annual Election of Churchwardens for the said Parish, and shall then vacate their said Offices, but any such Trustee upon so vacating his said Office shall be eligible to be then immediately or at any future Time re-elected,

First Election
of Trustees.

X. And with respect to the first Election of Trustees to be chosen under this present Act, be it enacted, That within Twenty-eight Days next after the passing of this Act the last appointed Clerk to the Trustees under the said recited Acts shall by Notice in Writing under his Hand, duly given to or served upon the Churchwardens for the Time being of the said Parish of *Bathwick*, require the said Churchwardens to summon and convene within Fourteen Days next thereafter a legal Meeting of the Parishioners of the said Parish of *Bathwick* assessed to the last Rate made in the said Parish for the Relief of the Poor, and having paid the same Rate, and upon receiving such Notice the said Churchwardens shall and they are hereby required to summon and convene and hold such Meeting accordingly; and the Rate-payers assembled at such Meeting shall thereupon proceed to elect Three Persons, so qualified as herein-before mentioned, to be the first Three Trustees in addition to the Rector and Churchwardens for the Time being under this Act, and the Business of such Meeting shall in all respects be conducted according to the Mode of conducting Vestry Meetings;

and the said Three Trustees to be chosen at such first Election shall continue in Office until the Time at which the next succeeding Election of Churchwardens for the said Parish shall take place, when they shall respectively go out of Office, and new Trustees shall then be elected in their Room, under the Provisions hereinbefore contained, but nevertheless the said Trustees then going out of Office shall be eligible to be re-elected.

XI. And be it enacted, That in case at the Time hereby appointed for the first Election of Trustees, or at the Time by this Act provided for an annual Election of Trustees, no Election of Trustees shall be made, or the Election which shall be made shall be of an insufficient Number of Trustees, or in case all or any Trustees so elected shall refuse or neglect to sign the necessary Declaration for Fourteen Days after such Election, then and in every such Case, and as often as the same shall happen, it shall be lawful for the said Rector and Churchwardens, or such One or more of them as shall attend at the Time and Place appointed for such first or annual Election, and shall be then capable of acting in the Execution of the Trusts of this Act, to elect or appoint Trustees or a Trustee, as the Case may be, for the Purposes of this Act, either originally or in the Place of or in substitution for the Trustees or Trustee who may so fail to be appointed or to sign such Declaration, and the Trustees or Trustee who shall be so elected or appointed shall continue in Office until the next annual Election.

Rector and Churchwardens to appoint Trustees in default of the Rate-payers appointing.

XII. And be it enacted, That if any of the Trustees when elected or appointed as aforesaid, or to be appointed on occasional Vacancies as herein-after is mentioned, shall die, or resign, or be disqualified, or cease to be a Trustee from any other Cause than the Expiration or ceasing of his Office by Effluxion of Time, the remaining Trustees, if they think fit, may within One Month from the happening of such Vacancy elect another Trustee in his Place, and every Trustee so elected shall continue in Office only so long as the Person in whose Place he is elected would have been entitled to continue in Office.

For filling up Vacancies in Number of Trustees.

XIII. And be it enacted, That the Clauses in the Commissioners Clauses Act, 1847, herein-after mentioned, (that is to say,)

With respect to the Qualification of Commissioners ;

With respect to the Meetings and other Proceedings of the Commissioners ;

With respect to the Liabilities of the Commissioners, and to legal Proceedings by and against the Commissioners ;

With respect to the Appointment and Accountability of the Officers of the Commissioners ;

With respect to the Accounts to be kept by the Commissioners ;

With respect to giving Notices and Orders ; and

With respect to Access to the special Act ;

shall, so far as the same, or any of the Provisions thereof, shall be applicable, be incorporated with and form Part of this Act, save and except so far as they, or some Parts thereof, are expressly varied or excepted by this Act; and this Act shall be construed as if the Clauses

and

10 & 11 Vict. c. 16. incorporated with this Act.

and Provisions, or Parts of Clauses or Provisions, incorporated with this Act were set forth in this Act with reference to the Matter to which this Act relates, and the said Clauses and Provisions, or Parts of Clauses and Provisions, incorporated herewith, and the Exceptions in this Act of some of the Clauses and Provisions, or Parts of Clauses or Provisions, in the said Commissioners Clauses Act, 1847, shall respectively be incorporated and made applicable to or excepted (as the Case may be) from this Act, as fully as if the said Commissioners Clauses Act, 1847, authorized expressly the Incorporation in this Act of such particular Clauses and Provisions, or Parts thereof, or the Exception of such particular Clauses and Provisions, or Parts thereof, and as if the same were specially repeated in this Act in reference to the several Purposes thereof.

Exceptions from Provisions of certain general Acts incorporated herewith.

XIV. And with respect to the Exceptions in this Act from the Clauses or Provisions, or Parts of Clauses or Provisions, incorporated with this Act, be it enacted as follows; (that is to say,)

That any Rector of the Parish of *Bathwick* who for Six Months in succession is absent from all Meetings of the Trustees, or shall neglect to act in the Execution of this Act and the said Commissioners Clauses Act, 1847, referred to, shall not for such Reasons, or either of them only, be deemed to have refused to act, and shall not for such Reasons, or either of them only, cease to be a Trustee:

That it shall not be incumbent on or necessary for the Trustees to hold monthly Meetings:

That it shall not be incumbent on the said Trustees to require their Clerk or any other Person to attend at the Office or any Place of Business of the said Trustees daily, or on any other Day or in any other Manner than the said Trustees shall think fit to require:

That it shall be lawful for the Clerk to the Trustees to exact, accept, and receive all such Fees as are herein-after expressly authorized or directed to be paid to the said Clerk without being liable for any Forfeiture or Penalty for such Exaction, Acceptance, or Receipt, any thing in the Provisions of the said Commissioners Clauses Act, 1847, to the contrary notwithstanding:

That it shall be a sufficient Compliance with the Clauses and Provisions in the said Commissioners Clauses Act, 1847, with respect to giving Notices and Orders, if any Summons or Notice, or any Writ or other Proceeding at Law or in Equity requiring to be served upon the Commissioners, be served by the same being left at or sent through the Post Office or by being given personally to the Clerk, or in case there shall be no Clerk, then by being given to One of the Commissioners:

That it shall not be incumbent on the Trustees to send any Account or Copy of Account to the Clerk of the Peace for the County of *Somerset*:

That it shall be a sufficient Compliance with the Clauses and Provisions of the Commissioners Clauses Act, 1847, with respect to the Access to the special Act, if the Clerk to the Trustees shall keep at the Office where he usually conducts the Business of the Trust

Trust a Copy of this Act, and permit all Persons interested to inspect the same and make Extracts or Copies therefrom, nevertheless under the like Penalty for Default as in the last-mentioned Clauses and Provisions is provided in respect of the like Default by the Commissioners :

That at all the Meetings of the Trustees the Rector for the Time being of the said Parish of *Bathwick*, or in his Absence either of the said Churchwardens for the Time being who may happen to be present, and in case of any Dispute as to which of the Churchwardens then such One of them as shall be chosen by the Majority of the Votes of the Trustees present at the Meeting, and if neither of them the said Rector or Churchwardens shall be present then such One of the other Trustees as shall be chosen or appointed from amongst themselves, shall be the Chairman, and such Chairman, whether Rector, Churchwarden, or other Trustee, shall, in addition to his own single Vote as Trustee, be entitled to a casting Vote in all Matters upon or with reference to which the Votes of the Trustees present shall happen to be equal, any Provision in the said Commissioners Clauses Act to the contrary notwithstanding.

XV. And be it enacted, That all the Powers vested in the Trustees under this Act, or the Clauses or Provisions incorporated herewith of the Commissioners Clauses Act, 1847, may be exercised by any Three of the said Trustees. Quorum of Trustees.

XVI. And be it enacted, That the Trustees shall hold an annual Meeting in the Vestry Room of the said Parish Church of *Bathwick* on the *Tuesday* in *Easter* Week in every Year. Annual Meeting of Trustees.

XVII. And be it enacted, That the first Meeting of the Trustees under this Act shall be held in the Vestry Room of the said Parish Church of *Bathwick*, within Twenty-eight Days next after such first Election of Three Trustees to act together with the said Rector and Churchwardens as herein-before directed shall have taken place as aforesaid, and they shall then proceed to put this Act into execution. As to first Meeting of the Trustees.

XVIII. And be it enacted, That the Persons who were last before the passing of this Act appointed to the respective Offices of Clerk and Treasurer to the Trustees under the said first-recited Act shall be and they are hereby constituted and appointed the First Clerk and the First Treasurer respectively to the Trustees under this Act after the passing of this Act, and shall be legally competent to do and perform any Act or Acts hereby required of them, or either of them, in order to commence and bring about the full Execution of this Act, but with Power for the Trustees under this Act to remove such Clerk and Treasurer or either of them as fully as if the said Clerk and Treasurer, or such One of them as shall be so removed, had been a Clerk and Treasurer appointed under the Provisions incorporated herewith of the said Commissioners Clauses Act, 1847, and the Restriction in the Provisions incorporated herewith of the same Act respecting the Offices of Clerk and Treasurer not being held by the

same Person, and the Forfeiture by the Person accepting both such Offices, shall be as applicable to the Clerka nd Treasurer hereby appointed as to a Clerk and Treasurer to be appointed by the Trustees pursuant to such Provisions, or either of them.

Trustees
may exone-
rate poor
Persons from
Rates.

XIX. And be it enacted, That in case of any Person or Persons being wholly exonerated from the Payment of the Poor's Rate on account of his, her, or their Poverty only, such Person or Persons shall also be exonerated from the Payment of any Rate or Rates to be levied under this present Act.

Power to
receive
Donations.

XX. And be it enacted, That it shall and may be lawful for the said Trustees to accept and receive voluntary Donations and Contributions from any Person or Persons for the Purposes of this Act, and all such Donations and Contributions shall be paid to the Treasurer for the Time being of the said Trustees, and shall be then applied by the said Trustees in the Manner herein-after mentioned.

Rector and
Church-
wardens to
let the Pews,
&c., and pay
Rents to
Trustees.

XXI. And whereas under and by virtue of the said recited Acts certain Pews in the said Church of *Bathwick* have been allotted to the Use of the Rector and Churchwardens for the Time being of the said Parish of *Bathwick*, and a certain other Pew has been appropriated by the former Owner thereof for the annual Payment of the *Lent* Lecturer for the Time being of the said Parish, and certain other Pews have been allotted to and have become the private Property of divers Persons, and Three hundred open or free Seats or Sittings have been appropriated to and for the Use of the Poor of the said Parish for ever (all which several Allotments or Appropriations of such Pews, Seats, and Sittings respectively shall be and continue as good, valid, and effectual as if this Act had not passed); be it enacted, That it shall be lawful for the Rector and Churchwardens for the Time being of the said Parish of *Bathwick* from Time to Time to let and dispose of all the other Pews, Seats, and Sittings in the said Church not heretofore so allotted or appropriated as aforesaid for fair and equitable Rents, having regard in such Lettings to the Claims of the Parishioners in preference to Non-parishioners, and having also regard to the Terms of similar Lettings of Pews, Seats, and Sittings in other Churches in the City of *Bath*; and the Rents of all such Pews, Seats, and Sittings as shall be so let shall from Time to Time be collected and received by the said Rector and Churchwardens for the Time being, and when so received shall, subject to the Provision sherein-after contained, be paid over by them to the Treasurer for the Time being of the said Trustees, who shall receive the same, and the same shall be then applied by the said Trustees to the Purposes herein-after mentioned.

Application
of the
Monies to
be received
by the Trus-
tees.

XXII. And be it enacted, That all Monies arising from the Rents or Arrears of Rent of any Pews, Seats, or Sittings in the said Church, or from any Contributions or Donations voluntarily made or given for the Purposes of this Act, and also all Monies arising from such Rates and Assessments (if any) as shall be lawfully made under the Authority of this Act, and all other Monies which may be

be otherwise vested in or belong to the Trustees by virtue of this Act, shall be applied and disposed of by the said Trustees in Payment in the first place of the Costs, Charges, and Expences of applying for and obtaining this present Act and putting the same into execution, and in the next place in paying off and discharging all Debts and Sums of Money which at the Time of passing this Act were lawfully due from the Trustees under the said recited Acts to any Persons or Person for Arrears of Salaries, and all other Costs, Charges, and Expences incurred in carrying the said recited Acts or either of them, or the Trusts thereof, into execution, or in reference thereto, and which shall not have been discharged by the said Trustees under the said recited Acts, and subject thereto in Payment of the ordinary Costs, Charges, and Expences to be from Time to Time incurred by the said Trustees under this Act in carrying this Act and the Trusts thereof into execution, and after all such Costs, Charges, and Expences, and Debts as aforesaid shall have been fully defrayed then in Payment of what may be due for Interest or Arrears of Interest to any Persons or Person, under and by virtue of such of the Provisions in the said recited Acts contained as are hereby continued in force, in the Manner by the said recited Acts provided in that Behalf.

XXIII. And be it enacted, That any Surplus which after such several Payments as aforesaid may be from Time to Time remaining in the Hands of the said Trustees shall be applied by them from Time to Time in paying off and discharging the Principal of any Debts or Sums of Money which may be due for the Time being upon the Security of the Rates and Assessments authorized to be hereby levied under such of the Provisions of the said recited Acts (as are hereby continued in force) in the Manner and subject to the Conditions herein-after following; (that is to say,) when and as often as such Surplus shall amount to the Sum of Five hundred Pounds or upwards, it shall be lawful for the Trustees to pay off the like Amount of Money, if there shall be so much then due and owing upon the Security of the Rates and Assessments under this Act; and the Persons to whom, for the Time being, the Money so secured shall be due and owing shall and they are hereby required to accept and receive Payment of such Sum accordingly: Provided nevertheless, that it shall be lawful for the Trustees at any Time or Times (with the Consent of the Person or Persons to whom any Money may be for the Time being due and owing on such Security as aforesaid, but not otherwise,) to pay off out of any such Surplus any Sum less than the full Sum of Five hundred Pounds: Provided always, that it shall not be lawful for any Person or Persons to whom any Money shall be for the Time being due and owing upon such Security at any Time to require Payment from the Trustees of a greater Amount or Sum than the Surplus for the Time being in their Hands shall amount to, any Rule of Law or Equity to the contrary notwithstanding; and when and so often as the said Trustees shall have in their Hands a clear Balance or Surplus of Five hundred Pounds or upwards (after providing for all such other Payments as aforesaid), all the several Creditors of the said Rates and Assessments who may be for the Time being entitled to receive an equal Rate of Interest on their
several

Surplus Mo-
nies to be
applied in
payment of
Debts.

several Securities (taking the Class entitled to the highest Rate of Interest first, in case there shall be any Difference,) shall be applied to by the Clerk to the said Trustees for their Consent to receive Payment of the Principal Monies due to them respectively, either in full or in part, as the Case may be, and if any such Creditor shall, within One Calendar Month from the Date of such Application, signify to the said Trustees his or her Consent to receive such Payment, then and in every such Case the said Trustees shall make such Payment accordingly: Provided always, that if upon any such Application being made more than One such Creditor shall within One Calendar Month next thereafter signify his Consent to receive such Payment, and the Balance or Surplus then in the Hands of the said Trustees as aforesaid shall not be sufficient for the Payment of every Creditor who shall so consent, then and in such Case it shall be determined by Ballot, in the Manner herein-after provided, to which of such last-mentioned Creditors the Balance or Surplus then in the Hands of the said Trustees shall be paid in discharge or reduction of their, his, or her Debt or Debts, and such Balance or Surplus shall be applied accordingly in payment of such of the said Creditors as upon the Result of the Ballot shall be entitled to be preferred in preference to and priority over the others or other of them: Provided also, that if upon any such Application being made to the Creditors by the Clerk of the said Trustees as aforesaid no Creditor shall within the said Space of One Calendar Month signify to the said Trustees his, her, or their Consent in Writing to receive such Payment as aforesaid, the said Trustees shall have full Power and Authority to apply the Surplus or Balance then in their Hands in payment or reduction of the Debts due to the several Creditors of the said Rates or Assessments without the Consent of such Creditors, and for that Purpose to determine by Ballot in the Manner herein-after provided to which of such Creditors such Balance or Surplus shall be paid in discharge or reduction of their, his, or her Debts or Debt; and when and so soon as such Payment shall have been determined upon, and the Creditor or Creditors to be paid off, either wholly or in part, shall have been ascertained by the Means aforesaid, Notice in Writing signed by the Clerk to the said Trustees shall be given to or served upon such last-mentioned Creditor or Creditors, or his, her, or their known Agent or Agents, that such Money will be paid to such respective Creditors, or such Creditor if only One, on a Day and at a Place specified in such Notice, such Day not being sooner than Six Calendar Months after the Service of such Notice; and if such respective Creditors or Creditor shall not, upon the Day and at the Place mentioned in such Notice, appear to demand or to receive such Payment, or if upon Tender of the Principal Money for Payment of which such Notice is given, and of all Interest and Arrears of Interest then due upon the Securities held by such Creditors or Creditor, such respective Creditors or Creditor shall refuse to accept and take the Principal Money and Interest so tendered to them respectively, or to him or her, and to give proper Discharges, Releases, and Receipts, or a proper Discharge, Release, or Receipt for the same, then and in every such Case the said Trustees may and they are hereby required to invest the Amount of the Principal Monies for Payment of which such Notice was given in some or one of the

public Stocks or Funds of *Great Britain*, in the joint Names of themselves and of the Creditors or Creditor so neglecting to appear or so refusing as aforesaid, and thereupon all Interest shall cease to be paid or to be payable for the future by the said Trustees to such Person or Persons, or to be in any Manner chargeable upon or against the Rates or Assessments to be levied by virtue of this Act, or any other the Monies for the Time being or which may at any Time thereafter be applicable to the Purposes of this Act; and the Stocks, Funds, or Securities in or upon which such Monies as last aforesaid shall be invested shall thenceforth be considered to be the Property of such respective Creditors or Creditor, but the same shall not be transferred to them respectively, or to him or her, or otherwise applied or disposed of or made available for their, his, or her Benefit, until such respective Creditors or Creditor, or the Person or Persons lawfully claiming the same under them, him, or her respectively, shall sign and give proper Discharges, Releases, or Receipts, or a proper Discharge, Release, or Receipt to the said Trustees; and such Mode of releasing and paying off the Debt due upon the Security of the said Rates and Assessments shall be adopted and resorted to by the said Trustees as often as they have a sufficient Balance or Surplus in their Hands for that Purpose, until thereby the whole of such Debt, with all Interest and Arrears of Interest thereon and on every Part thereof, shall have been fully discharged and extinguished.

XXIV. And for the Purpose of regulating the Mode in which the Creditors whose Debts are to be paid off either wholly or in part by the Means herein-before mentioned are to be ascertained and determined by Ballot in the Cases in which a Ballot is to be resorted to under the Provisions herein-before contained; be it enacted, That whenever such a Ballot is to be taken the said Trustees shall cause the respective Number of all the Assignments or Securities granted and in force for securing the Principal Monies due upon the Credit of the said Rates or Assessments of which Part shall be then intended to be paid off (being in case of Competition between Creditors for Payment of the several Assignments or Securities held by the competing Creditors only, and in Cases of compulsory Payment all the Assignments or Securities held by all the Creditors of the said Rates or Assessments for the Time being,) to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up by the Clerk of the said Trustees in the same Form and Manner as nearly as may be, and put by him at a Meeting of the said Trustees into a Box or Wheel, and the several Papers having such Numbers so written thereon and so rolled up as aforesaid shall be separately and successively drawn out of the said Box or Wheel by the Clerk to the said Trustees in the Presence of the said Trustees, and Payment shall thereon be made to the Creditors or Creditor interested in the said Assignments and Securities respectively, according to the Order and Priority in which the said respective Papers bearing the respective Numbers of such Assignments and Securities shall have been so drawn out of the said Box or Wheel as aforesaid.

Ballot for
Creditors to
be paid off.

Monies to be
invested until
applied by
Trustees.

XXV. And be it enacted, That in the meantime and until the Application and Disposal by the Trustees of any Monies or Sums for the Time being in their Hands in or towards the Purposes of this Act, it shall be lawful for the said Trustees, or any Three of them, to lay out and invest such Monies or Sums in their Names in the Parliamentary Stocks or Public Funds of *Great Britain*, or at Interest on Government Securities, with full Power to vary such Stocks or Funds, and the Monies so invested for or into Stocks, Funds, or Securities of a like Nature, and to receive the Interest, Dividends, and annual Produce of such Stocks or Funds, and either from Time to Time to invest such Interest, Dividends, and annual Produce in the like Stocks or Funds, with the like Power of varying the same, so as to accumulate such Interest, Dividends, and annual Produce, at Compound Interest, or to apply and dispose of the same or any previous Accumulations for all or any of the Purposes of this Act.

After Debts
paid how
Pew Rents
are to be
applied.

XXVI. And be it enacted, That when and in case and so soon as all Principal Monies and Interest due to any Persons or Person under such of the Provisions in the said recited Acts contained as are hereby continued in force shall have been fully paid and satisfied, the said Trustees shall continue to receive from the Rector and Churchwardens for the Time being of the said Parish of *Bathwick* all the Rents reserved, and from Time to Time paid and payable for and in respect of such of the Pews, Seats, and Sitings in the said Church as shall be let for the Time being under and by virtue of this Act, but subject nevertheless to the special Provisions hereinafter contained; and the said Trustees shall thenceforth in each and every Year apply and dispose of the whole of such Pew Rents, or so much and such Part thereof as may be sufficient, in the Redemption or Repurchase of Pews under the Powers hereinafter contained; and if at the Time of making up the annual Account of the said Trustees in any Year there shall be any Agreement subsisting and remaining to be performed by the said Trustees for the Purchase of any Pews or Pew under the Powers hereinafter contained, then and in that Case the said Trustees shall reserve and set apart, out of the Monies arising from such Pew Rents then in their Hands (so far as the same will extend), a sufficient Sum to pay and satisfy the Purchase Monies agreed to be given by them for any such Pews or Pew, and the Amount so reserved shall be carried forward and accounted for by the said Trustees in their annual Account for the next succeeding Year; and the whole Surplus or Balance of the Monies arising from Pew Rents which shall remain in the Hands of the said Trustees at the Time of making up their annual Account in each Year, after reserving and setting apart a sufficient Amount to answer any such subsisting Agreement as aforesaid, shall immediately after the annual Meeting of the said Trustees be paid over by the said Trustees to the Churchwardens for the Time being of the said Parish of *Bathwick*, to be by such Churchwardens applied in reduction and in aid of the ordinary Church Rate of the said Parish of *Bathwick*, and not to be applicable to any Use or Purpose whatsoever except those Uses and Purposes only for and to which Church Rates may lawfully be raised and applied.

XXVII. And

XXVII. And whereas it is expedient to make Provision for the Increase of free and open Seats and Sittings in the said Parish Church, for the Use of the Poor of the said Parish of *Bathwick*, who have of late Years greatly increased in Numbers, and for that Purpose to provide a Fund for the Redemption of such of the Pews in the said Church as by virtue of the said recited Acts have become and are now the Property of private Persons; be it therefore enacted, That from and after the Time when all Principal Monies and Interest due to any such Creditors as aforesaid shall have been fully paid and satisfied it shall be lawful for the said Trustees, and they are thenceforth hereby empowered, from Time to Time, to redeem and repurchase, out of the Monies to be received by them for and in respect of such Pew Rents as aforesaid, all such of the Pews and Seats in the said Church appropriated and belonging to private Persons (and not being the Pew or Pews appropriated to the Rector or Churchwardens of the said Parish, or to the Payment of the *Lent* Lecturer for the Time being as aforesaid,) as the Owners of such Pews shall be willing and shall from Time to Time agree to sell to the said Trustees for any Sums of Money not exceeding the respective Amounts originally subscribed towards the building of the said Church in respect of which such Pews or Seats shall have been originally allotted, and the said Trustees shall and may make and enter into all such Agreements as shall be proper or necessary for that Purpose from Time to Time with the Owners of such Pews or Seats respectively; and all such Pews or Seats, when so redeemed or repurchased, shall be conveyed by the registered Owners or Proprietors thereof, their Heirs, Executors, or Administrators, under the Direction of the said Trustees, to the Rector and Churchwardens of the Parish of *Bathwick* for the Time being; and every such Conveyance shall be made by a Deed or Instrument in Writing in the Words or to the Effect following, which shall be effectual to vest all the Estate and Interest of the Party executing the same in the said Rector and Churchwardens; (that is to say,)

Powers for Redemption of private Pews to increase free Sittings in the Church.

‘ I *A.B.*, being the registered Proprietor (or the Heir or Executor or Administrator of the last registered Proprietor,) of the Pew (or Seat) No. 1. in the Parish Church of *Bathwick*, do hereby, in consideration of the Sum of _____ paid to me by the Trustees under the *Bathwick Church Act*, convey the said Pew (or Seat) to the Rector and Churchwardens of the Parish of *Bathwick*, in trust nevertheless for the Inhabitants of the said Parish for ever. As witness my Hand and Seal. *A.B.*’

And in case at any Time after the Power to repurchase Pews hereby given shall commence any registered Owner or Proprietor of any such Pew or Seat, his Heirs, Executors, or Administrators, shall voluntarily offer to sell such Pew or Seat to the said Trustees for any Sum not exceeding the Amount herein-before limited, the said Trustees are hereby required (if they have then sufficient Monies arising from Pew Rents then in their Hands, but not otherwise, unless they shall think fit,) to accept such Offer, and to agree with such Owner and Proprietor for the Purchase of such Pew or Seat upon such Terms, and to redeem and repurchase the same accordingly.

XXVIII. And

Owners of
Pews may
agree with
Trustees for
the Sale of
same.

XXVIII. And be it enacted, That every Person who shall be the registered Owner or Proprietor for the Time being of any such Pew or Seat shall have full Power to agree with the said Trustees for the Sale to them of such Pew or Seat pursuant to this Act, and to execute to them a proper Conveyance thereof in the Form and Manner aforesaid; and every such Agreement or Conveyance so made or executed by any such registered Owner or Proprietor shall be binding to all Intents and Purposes upon all other Persons having or claiming any Interest in such Pew or Seat; and the Heir of the last registered Proprietor of any Freehold Pew or Seat, and the Executors or Administrators of the last registered Proprietor of any Leasehold Pew or Seat, shall (in case of the Decease of such last registered Proprietor) have the same or the like Powers in all respects for the Purposes of this Act as if they had been respectively the registered Proprietor or Proprietors for the Time being of such Pew or Seat.

Trustees to
be entitled
to Convey-
ance of Pews
redeemed
on Payment
or Tender of
Redemption
Money.

XXIX. And be it enacted, That every such registered Proprietor, or the Heirs, Executors, or Administrators of such last registered Proprietor as aforesaid, shall and may, upon the Execution of the Conveyance of any such Pew or Seat to the said Trustees, accept Payment of the Price or Sum payable for the Redemption of such Pew or Seat, and give to the said Trustees a valid Discharge for the same, and the said Trustees shall from Time to Time pay out of the Monies in their Hands applicable to the Purposes of this Act the Costs and Charges of every such Conveyance of any such Pew or Seat as aforesaid.

Rector and
Churchward-
ens to set
apart One
free Sitting
for every
private Sit-
ting re-
deemed.

XXX. And be it enacted, That when and so often as any such Pew or Seat shall be repurchased or redeemed by the said Trustees in manner aforesaid, it shall be lawful to and for the Rector and Churchwardens of the said Parish for the Time being, and they are hereby authorized and required, so soon as conveniently may be after the Conveyance of such Pew or Seat to them the said Rector and Churchwardens shall have been made and completed, and they shall or may have received the Possession thereof, to allot and appropriate for ever thereafter unto and for the free Use and Occupation of the Poor of the said Parish of *Bathwick*, without taking or requiring any Rent or Consideration whatever for the same, an equal Number of Sittings in some suitable and convenient Part of the said Parish Church from and amongst the Pews and Sittings previously let for annual Rents as aforesaid, so and in such Manner that One free and open Seat or Sitting in the said Church, in addition to the Number of free and open Seats previously existing therein, shall always be set apart and appropriated to the Use of the Poor of the said Parish for every Seat or Sitting so redeemed or repurchased by the said Trustees as aforesaid; and all such Seats or Sittings so from Time to Time rendered free and open, and appropriated to the Use of the Poor, or at all events an equal Number of free and open Seats or Sittings in the said Church, shall for ever thenceforth remain and be used and appropriated as free Seats or Sittings in the said Church: Provided always, that all such of the said Pews or Seats to be so redeemed by the said Trustees as aforesaid shall be let from
Time

Power to let
redeemed
Pews, or

Time to Time by the said Rector and Churchwardens for the Time being, and they shall receive the Rents thereof, and pay over such Rents to the said Trustees, and such Rents thereof shall be applied by the said Trustees in the same Manner in all respects as is hereinbefore provided with respect to the other Pews hereby directed to be let, and the Rents thereof respectively; provided always, that every Person whose Pew or Seat shall have been so repurchased or redeemed as aforesaid shall be entitled to become the Tenant or Lessee thereof at such fair and reasonable Rent as the said Rector and Churchwardens would be willing to accept for the same from any other Person if he or she shall so desire, in preference to all other Persons whatsoever: Provided also, that if any Person who is or shall become the Proprietor of any of the said Pews as aforesaid shall quit his Residence in the said Parish, and shall continue to reside at some Place more than Five Miles Distance from the said Parish of *Bathwick*, and shall not be able for Twelve Months after such Residence to sell or dispose of his Pew in the said Church, then, upon due Proof thereof made to the said Trustees, it shall and may be lawful for them, from and after the Commencement of the Power to repurchase Pews hereinbefore contained, out of any of the Monies arising by virtue of this Act, to pay to him a fair and equitable Sum for the same, not exceeding Three Fourth Parts of the Money originally subscribed or given for the same; and upon such Payment the Proprietor of such Pew shall and he is hereby required to convey the same to the said Rector and Churchwardens in the Manner hereinbefore provided, or if such Subscriber shall be desirous to retain the said Seat or Pew for his own Use, he may assign and transfer the said Seat or Pew to any Inhabitant in the said Parish, to hold the same in trust for the said Subscriber who shall have quitted the said Parish, to enable him to attend Divine Worship therein; provided always, that every such Subscriber who shall be desirous of selling or disposing of his Seat or Pew shall first make an Offer of the same to the said Trustees at the Price or Sum originally given for the same, (which Offer shall be made in Writing to the Clerk to the said Trustees,) and such Trustees are hereby authorized and empowered to purchase the same, if they think proper so to do, for the Use of the Parishioners of the said Parish, at any Sum not exceeding the same Price or Sum which such Subscriber had paid or which was originally given for the same Seat or Pew.

substituting others as free Seats, giving first Option of Tenancy to the former Owners.

Trustees may repurchase Pews in certain Cases.

XXXI. And be it enacted, That no Grant, Bargain, Sale, Assignment, or Devise made by the Owner or Proprietor of any Pew, Seat, or Sitting in the said Church shall be good or available to the Person or Persons purchasing or taking or claiming to take under the same until a Memorandum or Entry in Writing of such Alienation or Change of Property of or in such Pew, Seat, or Sitting shall be first made and registered in a Book to be kept by the said Clerk to the said Trustees for that Purpose, nor until a Memorandum shall be endorsed and signed by the said Clerk to the said Trustees upon the Back of the Deed, Instrument, or Probate of the Will conveying or devising such Pew, Seat, or Sitting, signifying that such Entry has been made as aforesaid, and that until such Entry or Registration and Endorsement shall be made as aforesaid, such Pew, Seat, or Sitting

Conveyance of Pews by Proprietors to be registered.

[*Local.*]

39 S

shall

shall be considered as the Property of the former Proprietor thereof whose Name appears to have been last previously registered in the Book or Books kept by the said Trustees, or by the Trustees under the said recited Acts for that Purpose, his or her Heirs, Executors, or Administrators respectively, according to the Tenure thereof, to all Intents and Purposes whatsoever; and all such Entries and Endorsements as last aforesaid shall be made from Time to Time by the Clerk to the said Trustees, who shall be paid the Sum of Five Shillings and no more for every such Entry and every such Endorsement by the Person or Persons taking under such Grant, Bargain, Sale, Assignment, or Devise, or requiring such Entry and Endorsement to be made as aforesaid.

Proprietor
not to alter
Form, &c. of
Pews.

XXXII. And be it enacted, That it shall not at any Time be lawful for any Person or Persons whomsoever to make or cause to be made any Alteration in any of the Pews, Seats, or Sitings in the said Church without the Consent and Approbation of the major Part of the said Trustees, testified by some Resolution of the said Trustees entered as such in the Minute Book of their Proceedings, and also of the Bishop of the Diocese, first had and obtained for that Purpose; and in case any Person or Persons shall make or cause to be made any such Alteration as aforesaid without such Consent, all his, her, or their Estate, Right, and Interest of and in the Pew, Seat, or Sitting so altered shall become and be absolutely forfeited to the said Trustees, who shall and may thereupon enter into the Possession thereof, and deal with the same in the Manner and subject to such Provisions in all respects as if the same had been repurchased or redeemed by virtue of the Provisions herein-before contained.

Accounts to
be open to
Inspection of
Rate-payers,
&c.

XXXIII. And be it enacted, That every Rate-payer of the said Parish of *Bathwick* who is rated to the Rates or Assessments authorized to be made by the said recited Acts, or to the ordinary Church Rate for the said Parish, shall at all reasonable Times have Access to and be at liberty to inspect and take Copies of all or any of the Books or Accounts to be kept by the said Trustees under or by virtue of this Act, or of the Commissioners Clauses Act, 1847, or under or by virtue of such of the Provisions of the said recited Acts as are hereby continued in force; and all such Books and Accounts shall also be open at all reasonable Times to the Inspection of all Persons to whom any Monies shall or may be due for the Time being upon the Security of the Rates or Assessments authorized to be levied by such of the Provisions of the said recited Acts as are hereby continued in force; and every registered Owner or Proprietor of any Pew or Seat in the said Church, or (in case of the Death or Bankruptcy or Insolvency of such Owner or Proprietor) the Heirs or Executors or Administrators or Assignees (as the Case may be) of the last registered Owner or Proprietor, and also the Guardian or Husband or Committee of any such registered Proprietor being an Infant or Feme Covert or Lunatic or Idiot, shall have Liberty at all reasonable Times to inspect and take Copies of all Entries relating to such Pew or Seat contained in the Books kept by the said Trustees for the Purpose of registering therein Matters relating to or affecting the Title to Pews, Seats, or Sitings in the said Church.

XXXIV. And

XXXIV. And be it enacted, That it shall be lawful, at all Times hereafter, or during such Time as the Trustees under this Act shall continue, and after such Trustees shall cease then to and for the Churchwardens of the said Parish of *Bathwick*, out of any Monies which shall come to their Hands for the Purposes of this Act, to defray the Costs and Expences of keeping the said Church, and the Furniture and Organ and Ornaments thereof, insured against Fire, and also of lighting the said Church at all Times of Divine Service, and all such Costs and Expences shall be deemed to be a Part of the ordinary Costs and Expences incurred in putting this Act into execution.

Trustees may pay for insuring and lighting the Church.

XXXV. Provided always, and be it enacted, That from and after the Expiration of One complete Year after the full Payment and Satisfaction of all such Sums of Money as may be due for Principal or Interest to any Persons or Person, upon the Security of the Rates authorized to be levied by such of the Provisions in the said recited Acts contained as are hereby continued in force, the Rector and Churchwardens for the Time being of the said Parish of *Bathwick* shall be the only Trustees of this Act, and any Two of them shall be capable of thenceforth acting in the Execution of this Act, and no further Election or Appointment of any other Trustees or Trustee shall thereafter take place, any thing herein-before contained to the contrary thereof notwithstanding.

After Payment of Monies, no further Election of Trustees to take place.

XXXVI. And be it enacted, That if any Person or Persons shall at any Time hereafter place or lay any Rubbish, Stones, Soil, Manure, Litter, Compost, or Dung, or any other obnoxious or offensive Matter, against the said Church, or in or against the Rails or Fences or Walls surrounding the same, or shall permit or suffer the same to be and remain near to such Church, Rails, or Fence or Walls longer than shall be absolutely necessary for the housing or removing the same therefrom, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds as shall be adjudged by any One or more of the Borough Justices on Summons before them.

To prevent Nuisances near the Church.

XXXVII. And be it enacted, That all Penalties and Forfeitures by virtue of this Act or by virtue of the Powers thereof imposed (the Manner of levying and recovering thereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace of the City and Borough of *Bath*, which Warrant such Justice is hereby empowered to grant upon the Confession of the Party or upon the Evidence of any credible Witness upon Oath, and the Overplus (if any) of the Monies arising by such Distress and Sale shall be returned, upon Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before directed to be otherwise applied) shall be paid as follows, *videlicet*, one Moiety to the Informer, and the other Moiety to the Treasurer of the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall

Recovery of Penalties.

shall

their Discretion shall seem reasonable, and to be levied in manner aforesaid.

XL. And be it enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act the Justices at such General or Quarter Sessions shall and may amend such Rate or Assessment in such Manner as may be necessary for giving Relief without quashing or altering the same Rate or Assessment with respect to other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the manner herein directed.

Appeal
against Rates
without
quashing
the whole
Assessments.

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

Distress not
unlawful for
Want of
Form.

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

Proceedings
not to be
quashed for
Want of
Form, or re-
movable by
Certiorari.

XLIII. And be it enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act unless Notice in Writing thereof shall have been given to the Defendant, or left for him or her at his or her usual Place of Residence, Ten Days before such Action shall be commenced, which Notice shall be signed by the Attorney of the Plaintiff, and shall specify the Cause of such Action, nor shall the Plaintiff recover in any such Action if Tender of sufficient Amends hath been made to him or her, or his or her Attorney, by or on the Behalf of the Defendant, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he or she shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

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

Rights of the Incumbent not to be affected, except as aforesaid.

XLIV. Provided always, and be it enacted, That nothing in this Act shall affect or be construed to affect the Rights of the Patron or the Incumbent of the Rectory of the said Parish of *Bathwick* for the Time being in any Manner whatever, except as to burying in the said Church and the Ground adjoining the same, and except also as to the Appropriation of the Pews, Seats, and Sitings in the said Church in the Manner herein-before directed.

Interpretation Clause.

XLV. And be it enacted, That in the Interpretation of this Act the Singular Number shall be construed to include the Plural, and the Plural Number shall be construed to include the Singular, and the Masculine Gender shall be construed to include the Feminine, except when there shall be something in the Subject or Context repugnant to such Constructions; and the following Expressions shall respectively have the several Meanings herein-after assigned to them, except when there is something in the Subject or Context repugnant thereto; *videlicet*,

The Expression "the Trustees" shall mean the Trustees for the Time being under this Act:

The Expression "Proprietor," with reference to Pews, Seats, or Sitings in the said Church at *Bathwick*, shall mean and include every Person who has any legal Estate or Interest in any such Pew, Seat, or Sitting vested in him by virtue of the Provisions herein or in the said recited Acts or either of them contained:

The Expression "Creditor of Rates or Assessments" shall mean and shall include every Person having any Charge or Interest upon or in the Rates or Assessments authorized to be made or levied under this Act by virtue of any Assignment or other Security granted or given under the said recited Acts or either of them, or this Act.

Public Act.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of by all Judges, Justices, and others as such.

The SCHEDULE in the foregoing Act referred to.

No. of the Assignment.	Date.	Amount.	Name of Person entitled thereto.
8	23d May 1821	£ 1,000	George Augustus Brograve, Esquire.
11	25th March 1822	1,000	Dr. Tarleton.
13	8th November 1834	3,000	John Stone, Esquire.

LONDON : Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.