



ANNO TERTIO

VICTORIÆ REGINÆ.

Cap. vii.

An Act to amend an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for providing additional Burying Ground for the Parish of Saint Mary Rotherhithe in the County of Surrey*; and for enabling the Rector of the said Parish to grant Building Leases of the Glebe Lands belonging to the said Rectory; and for other Purposes.

[23d March 1840.]

WHEREAS in the First Year of the Reign of His late Majesty King *George* the Fourth an Act of Parliament was passed, intituled *An Act for providing additional Burying Ground for the Parish of Saint Mary Rotherhithe in the County of Surrey*; and after reciting in the said Act that the Churchyard and Burial Ground of the said Parish of *Saint Mary Rotherhithe*, by reason of the great Number of Burials therein, and of the Increase of Inhabitants within the said Parish, were too small for the decent Interment of the Dead, and that it was therefore necessary that the Churchyard or Burial Ground of the said Parish should be enlarged, and additional Burial Ground provided for the Use of the said Parish;

1 G. 4. c. 42.

[Local.]

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and

and after further reciting that it was expedient that certain and ascertained Rates on Funerals, then payable for all Persons interred either in the Church or Churchyard or Burial Ground of the said Parish, should be increased, and applied towards defraying the Expences to be incurred in providing additional Burying Ground for the Use of the said Parish, it was enacted, that certain Persons therein named, and their respective Successors, to be elected as therein mentioned, should be and they were thereby appointed Trustees for carrying the Purposes of the said Act into execution, and they were thereby enabled and empowered to purchase any Lands within the said Parish adjacent to the Churchyard or Burial Ground thereof, not exceeding Two Acres, which they should consider necessary to be purchased for effecting the Purposes aforesaid, and to inclose the Land so purchased, and to lay open to the said Burial Ground such Part thereof as should adjoin the same, and to make the same fit and convenient for the Burial of the Dead; and the Purchase Money for such Lands, and all other Monies necessary for the Purposes of the said Act, were thereby directed to be raised and paid by the said Trustees by the Appropriation and such Increase as therein mentioned and provided of the ancient and customary Rates payable for Funerals within the said Parish, and in respect of other Matters in the said Act mentioned; and the said Rates were thereby vested in the said Trustees for the Purpose of defraying the Costs and Expences of obtaining the said Act and of carrying the same into execution; and to enable the said Trustees more effectually to carry the Purposes of the said Act into execution, they were thereby empowered to raise, by the granting of Annuities on Lives out of the Rates to arise by virtue of the said Act, any Sums not exceeding in the whole the Sum of Four thousand Pounds, but with a Provision "that the said several increased or additional Rates on Funerals should have Continuance during such Time only as any of the said Annuities to be granted by virtue of the said Act should have Existence, and that as the said Annuities should respectively determine the said Rates should decrease and be lessened in proportion to the said Annuities:" And whereas the said Trustees, in pursuance and execution of the Powers vested in them by the said Act, purchased a Piece of Ground in the said Parish of *Saint Mary Rotherhithe* aforesaid, and they inclosed the same, and laid open to the Burial Ground aforesaid such Part thereof as adjoined thereto, and the said purchased Ground was afterwards duly consecrated, and the same is now used as an additional Burial Ground for the said Parish: And whereas the said Trustees, in further Exercise and Execution of the Power vested in them as aforesaid, also raised for the Purposes of the said Act several Sums of Money, amounting in the whole to the Sum of Four thousand Pounds, by granting Annuities for Lives out of the Rates made payable by the said Act: And whereas the Population of the said Parish of *Saint Mary Rotherhithe* has increased considerably since the passing of the said Act, and Two additional Churches or Chapels, with Burial Grounds attached thereto respectively, have been built in the said Parish, and have been duly consecrated according to the Usage of the Church of *England* by or under the Names of *Trinity Chapel* and *Christ Church* respectively, and another Church or Chapel, with a Burial Ground attached thereto, is

now

now building in the said Parish, and is intended, when finished, to be duly consecrated according to such Usage as aforesaid, and to be called *All Saints Chapel*: And whereas the Operation of the said recited Act has proved to be very beneficial to the Inhabitants of the said Parish, and it is therefore expedient that the increased or additional Funeral Rates made payable by the said recited Act should be continued, and should be made applicable (in addition to the existing Purposes of the said Act) for or towards defraying the Expences of keeping in repair, enlarging, and improving the several Churchyards or Burial Grounds already established or which may hereafter be established in the said Parish, according to the Usage of the Church of *England*, and the Expences of keeping in repair and improving the said Parish Church of *Saint Mary Rotherhithe* and the said Churches or Chapels called *Trinity Chapel* and *Christ Church* respectively, and any other Churches or Chapels which shall hereafter be consecrated in the said Parish according to the Usage of the Church of *England*, and also the Expences of cleaning and lighting all or any of the said Churches and Chapels, or otherwise in relation to the same, or connected with the Performance of Divine Service therein: And whereas the Rector of the said Parish of *Saint Mary Rotherhithe* hath proposed and is desirous, in execution of the Powers and Provisions vested in him by an Act of Parliament passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled 'An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies,'* and for other Purposes, or otherwise, to endow the said Three Churches or Chapels called or to be called respectively *Trinity Chapel*, *Christ Church*, and *All Saints Chapel*, out of the Revenues of his said Rectory of *Saint Mary Rotherhithe*, and for that Purpose to appropriate for the Benefit of the Ministers for the Time being thereof respectively, or some or One of them, the yearly Sum of One hundred and five Pounds, Part of such Revenues, or to charge the said Rectory and the Revenues thereof with the Payment of such yearly Sum for the Purposes aforesaid, and such Endowment will be beneficial to the said Parish; and in furtherance of the Object aforesaid it is expedient that the Rector for the Time being of the said Parish should be empowered to grant Building Leases of the Glebe Lands belonging to the said Rectory, with such Consent as hereinafter mentioned, and for such Term and under such Restrictions as are herein-after expressed: And whereas it is expedient that the said first-recited Act should be repealed, and that, for the more convenient Execution of the Powers necessary for the Purposes aforesaid, the same should be comprised in One Act; but the Objects aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth shall, from and immediately after the passing of this Act, be and the same is hereby

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c. 45.

Recited Act
repealed, and
this Act to
take effect.

hereby

hereby repealed, and this Act shall thenceforth commence and take effect in lieu and stead thereof.

Books under former Act to be Evidence.

II. And be it further enacted, That all Books of the Trustees appointed by or acting in execution of the said recited Act, and all Entries made therein according to and in pursuance of the Directions or Provisions of the same Act, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Actions, Suits, Prosecutions, Informations, and other Proceedings whatsoever, in the same or the like Manner in all respects as if the said recited Act had not been repealed.

Deeds, Contracts, &c. to subsist and continue in force.

III. And be it further enacted, That all Deeds, Contracts, Engagements, Securities, Debts, Claims, and Demands heretofore executed, entered into, contracted, or incurred by, to, or with or on behalf of the Trustees of the said recited Act, shall, notwithstanding such Repeal of the same Act, subsist and continue, and shall remain in full force, and be recovered and carried into effect against or by and with (as the Case may require) the Trustees appointed by or acting under this Act, and shall be and continue available in all Courts of Law and Equity, as fully and effectually as the same would have subsisted and continued, and could or ought to have been carried into effect against or by the Trustees of the said recited Act by virtue thereof, in case that Act had not been repealed.

Monies and Effects vested in the Trustees of this Act.

IV. And be it further enacted, That all Monies and Securities for Money, now belonging, due, or owing to the Trustees of the said recited Act, and all Books, Deeds, Papers, Writings, and Documents whatsoever, which at the Time of the passing of this Act shall be in the Possession, Custody, or Power of the same Trustees, shall immediately after the passing of this Act be and the same are hereby vested accordingly in the Trustees of this Act for the Purposes of the same Act.

Land purchased pursuant to the Provisions of the former Act vested in the Trustees of this Act and their Successors.

V. And be it further enacted, That all such Estate or Interest, if any, as is or at the Time of the passing of this Act shall be vested in the Trustees of the said recited Act in any Ground or Hereditaments purchased under the Provisions of the same Act, shall immediately after the passing of this Act be and the same is hereby vested accordingly in the Trustees of this Act, and the same Ground and Hereditaments shall for ever thereafter be used as and for an Addition to the Burial Ground of the same Parish, and for the Purposes thereof.

Existing Annuities to continue charged and payable as heretofore.

VI. And be it further enacted, That all Annuities which have been charged upon or made payable out of the Rates by the said recited Act authorized or directed to be received, taken, or paid, and which shall be subsisting at the Time of the passing of this Act, shall remain and be charged upon and payable out of the Rates by this Act authorized or directed to be received, collected, taken, or paid.

VII. And

VII. And be it further enacted, That the Clerks, Collector, and other Officers, except the Treasurer, nominated or appointed by virtue of the said recited Act, shall hold and enjoy their several and respective Offices, and receive the respective Salaries, Gratuities, and Allowances annexed thereunto, until he or they shall be removed therefrom respectively by the Trustees acting by virtue of this Act; and every such Officer shall be subject to the like Pains and Penalties, and Power of Removal, and to the like Rules and Regulations, as if he had been nominated or appointed under or by virtue of this Act.

Old Officers
to continue.

VIII. And be it further enacted, That the Rector, Curate, and Churchwardens for the Time being of the said Parish, together with *Thomas Beach, John Bryan Courthope, William Gibbs, Simon Hawks, George Ravens Pearson, James White, Joseph Cristall, Charles Carter, James Dummelow, Richard George Woodruff, Walter Brooks, John Small Sedger, John Small Sedger the younger, Robert Augustus Morgan, David Waters, George Hawks, William Skeggs, Thomas Simson, John Beatson, Thomas Stokes, Jonas Rowley*, and their respective Successors, to be elected as herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into execution.

Trustees
appointed.

IX. And be it further enacted, That when and as often as any of the Trustees hereby appointed, (save and except such Persons as are hereby constituted Trustees by virtue of their respective Offices,) or their Successors to be elected in manner herein-after mentioned, shall die, or shall refuse or become incapable to act in the Execution of this Act, it shall be lawful for the Inhabitants of the said Parish in Vestry assembled to elect and appoint another fit Person (being a rated Inhabitant of the said Parish) to be a Trustee in the Room of every such Trustee so dying, or refusing or becoming incapable to act; and every Person so elected a Trustee as aforesaid shall be and is hereby empowered to act in the Execution of this Act to all Intents and Purposes in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected, or as if he had been named and appointed a Trustee in this Act.

For appoint-
ing new
Trustees on
Vacancies.

X. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at a public Meeting to be holden in pursuance of this Act, and Notice of the Time and Place of such Meeting, signed by the Clerk for the Time being to the said Trustees, specifying the intended Business of such Meeting, shall be affixed on the principal Door of the Parish Church of *Saint Mary Rotherhithe*, Seven clear Days at least before the Day of such Meeting; and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the Trustees present at such their several Meetings, or of the major Part of them, shall have the same Force and Effect as if the same were made or

No Act of
Trustees
valid unless
done at a
Meeting;

Five to be a
Quorum.

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done

done by all the Trustees for the Time being; and at every Meeting of the said Trustees a Chairman shall be appointed, and whenever it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) it shall be lawful for the Chairman to give a Second or casting Vote; and the said Trustees shall at all their Meetings bear and pay their own Expences.

First and other Meetings of the Trustees.

XI. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish on the Second *Monday* next after the passing of this Act between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and proceed to carry this Act into execution; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purposes of carrying this Act into execution, from Time to Time adjourn the same, and at the same Time, or subsequently, appoint their next Meeting to be holden there, or at any other Place within the said Parish that to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if at any such Meeting there shall not be a sufficient Number of Trustees present to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, may adjourn such Meeting to some other Day within Ten Days then next following, to be holden at the same Place, and Notice thereof shall be given in manner aforesaid at least Seven Days before the Day to which such Meeting shall be adjourned.

No Order to be revoked at any subsequent Meeting, except on Ten Days Notice given.

XII. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act shall be revoked or altered at any subsequent Meeting, unless Notice specifying the Revocation or Alteration intended to be proposed, signed by the Clerk to the said Trustees, shall be given in manner aforesaid at least Ten Days before such subsequent Meeting, nor unless an equal or greater Number of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, nor unless a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting at which such Order, Appointment, or Proceeding was had or made.

Books of Proceedings to be provided.

XIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or proper Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books shall be signed by the Trustees making the same, or by the Chairman of the Meeting on their Behalf; and the said Book or Books, and also the Book or Books herein-after directed to be kept for registering Grants of Annuities, and Assignments or Transfers thereof, and Assignments by way of Mortgages or Transfers thereof, of the Rates to arise by virtue of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

XIV. And

XIV. And be it further enacted, That the said Trustees shall and they are hereby required also to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended under the Powers and Provisions of this Act, and of the several Articles, Matters, and Things for which such 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, and any Creditor or Creditors of the Rates, without Fee or Reward; and the said Trustees and Creditors, or any of them, shall and may take Copies of or Extracts from such Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Trustees, or such Creditors, or any of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay for each and every Offence any Sum of Money not exceeding Five Pounds, to be levied and recovered in like Manner as is herein-after mentioned with respect to Money due and owing from any Officers to be appointed under this Act, and when recovered to be applied towards the general Purposes of this Act.

Accounts to
be kept.

XV. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, and all such other Officers and Persons for the Execution of this Act as the said Trustees shall think proper, and from Time to Time to remove such Officers (including the present Officers) and Persons respectively as the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and all such Officers and other Persons so to be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall when thereunto required pay all such Money as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, when thereunto required by the said Trustees or any Five or more of them, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and if any such Officer shall refuse or neglect to make and render any such Account as aforesaid, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons

Trustees may
appoint
Officers.

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as they shall appoint to receive the same, within Fourteen Days after having been thereunto required by the said Trustees or any Five or more of them, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Trustees respecting the same, then and in any such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons or Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods and Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto in his Possession or Power, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and that he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice may commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given and made a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof to the said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction for Want of such sufficient Distress, by virtue of this Act, for any longer Space of Time than Three Calendar Months.

Security to
be taken
from the
Treasurer.

XVI. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office, and, if they shall think proper, may also take such Security from any Collector or
other

other Officer to be continued or appointed under or by virtue of or for the Purposes of this Act.

XVII. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or 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 continue or appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the Trustees for executing this Act; 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 Her Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign or Protection, nor more than One Imparlance, shall be allowed.

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

XVIII. And be it further enacted, That the said Trustees may sue and be sued for or concerning any thing relating to the Execution of this Act in the Name of their Treasurer or Clerk, or in the Name of any One of the said Trustees on behalf of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names the same shall be brought or defended, or by his or their Act, but the Treasurer or Clerk for the Time being to the said Trustees, or the Successor of the Trustee in whose Name any Action or Suit shall be so brought, shall always be deemed the Plaintiff or Defendant in every such Action or Suit, as the Case may be: Provided always, that all and every the Trustees herein named, and their respective Successors to be appointed as herein-before mentioned, and the respective Officers of the said Trustees, shall from Time to Time and at all Times hereafter be 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 shall and may sustain or be put unto for or by reason of any Action, Suit, or other Proceeding which may be commenced, sued, prosecuted, or had by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act, unless such Action, Suit, or other Proceeding shall arise or be occasioned by his or their wilful Neglect or Default; and the Amount of such Costs, Charges, Damages, and Expences shall be and be considered as a Lien and Charge upon the Monies which shall then be or thereafter be in the Hands of the Treasurer for the Time being, and shall be payable and paid thereout accordingly prior and in preference to all other Charges and Payments to which such Monies are to be subject under or by virtue of this Act; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

Trustees may sue and be sued in the Name of their Treasurer or Clerk, or of any one of the Trustees.

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Funeral
Rates.

XIX. And be it further enacted, That from and after the passing of this Act the several Funeral Rates herein-after mentioned shall be paid, collected, and levied within the said Parish; that is to say, the Sum of Four Pounds Eighteen Shillings and Sixpence of lawful Money of *Great Britain* for every Person above the Age of Sixteen Years who shall be buried in any Vault or Grave within the Church of the said Parish, or either of the said Churches called *Trinity Chapel, Christ Church, and All Saints* respectively, or any other Church or Chapel which shall hereafter be consecrated in the said Parish according to the Usage of the Church of *England* (the Chancel only of every such Church or Chapel excepted), being Forty Shillings more than the ancient and customary Rate payable before the passing of the said recited Act for such or a like Burial; and the Sum of Two Pounds Fifteen Shillings for every Person under the Age of Sixteen Years who shall be buried in any Vault or Grave within any of such Churches or Chapels as aforesaid (excepting only as aforesaid), being Twenty Shillings more than the ancient and customary Rate payable before the passing of the said recited Act for such or a like Burial; and the Sum of Nineteen Shillings for every Person above the Age of Sixteen Years who shall be buried in any Churchyard or Burial Ground in the said Parish, consecrated according to the Usage of the Church of *England* (excepting only in any Part of such Churchyards or Burial Grounds respectively which already is or at any Time hereafter shall be set apart for the Use of the Poor of the said Parish), being Six Shillings and Eight-pence more than the ancient and customary Rate payable before the passing of the said recited Act for such or a like Burial; and the Sum of Nine Shillings and Sixpence for every Person under the Age of Sixteen Years who shall be buried in any such Churchyard or Burial Ground as aforesaid (excepting only in any Part thereof set apart for the Use of the Poor as aforesaid), being Three Shillings and Four-pence more than the ancient and customary Rate payable before the passing of the said recited Act for such or a like Burial: Provided always, that the Sum of Three Shillings and Four-pence shall be paid for the Interment of any Person above the Age of Sixteen Years, and the Sum of One Shilling and Eight-pence for the Interment of any Person under the Age of Sixteen Years, in any Part which has already been or shall hereafter be set apart of or in any such Churchyard or Burial Ground as aforesaid for the Interment of the Poor of the said Parish, being the customary Rates for such or like Burials respectively before the passing of the said recited Act.

Sums to be
paid for toll-
ing Bells.

XX. And be it further enacted, That when any of the Bells of the said Parish Church, or of any other Church or Chapel consecrated or which shall hereafter be consecrated in the said Parish according to the Usage of the Church of *England*, shall be required to be rung or tolled on the Occasion of the Death or Burial of any Person in the said Parish, there shall be paid the following Sums for the same; (that is to say,) for the Eighth or Seventh Bell the Sum of Fifteen Shillings, for the Sixth or Fifth Bell the Sum of Seven Shillings and Sixpence, for the Fourth, Third, or Second Bell, the Sum of Three Shillings and Sixpence, and for the First or only Bell, if there shall be but One Bell, the Sum of One Shilling.

XXI. And

XXI. And be it further enacted, That for the Head and Foot Stone erected to any Grave within any Churchyard or Burial Ground within the said Parish consecrated or to be consecrated as aforesaid, there shall be paid the Sum of Two Pounds Thirteen Shillings, being the Sum of Twenty Shillings more than the customary Rate payable before the passing of the said recited Act for such or a like Erection; and for every flat Stone placed over any Vault within such Churchyard or other Burial Ground, the Sum of Six Shillings and Two-pence *per* Foot superficial, being the Sum of One Shilling and Two-pence *per* Foot superficial more than the customary Rate payable before the passing of the said recited Act for the same or a like Stone; and for every flat Stone which shall be placed over any Grave within such Churchyard or other Burial Ground the Sum of Four Shillings and Ten-pence *per* Foot superficial, being the Sum of Ten-pence *per* Foot superficial more than the customary Rate payable before the passing of the said repealed Act for the same or a like Stone.

Sums to be paid for Grave Stones.

XXII. And be it further enacted, That whenever any Person, not being an Inhabitant of the said Parish, and not paying the Parish Rates within the same, shall be interred in any Vault or Grave within any such Church or Chapel as aforesaid (the Chancel only excepted), or in any such Churchyard or other Burial Ground as herein-before mentioned, there shall be chargeable and be paid double the Amount of the Rates by this Act made payable for the Interment as aforesaid of any Person being an Inhabitant of the said Parish.

Double Rates to be paid in respect of Burials of Persons not being Inhabitants of the Parish.

XXIII. And be it further enacted, That the Rates authorized to be received and collected in manner herein-before mentioned shall be and the same are hereby vested in the said Trustees for the Purposes of this Act; and in case of the Nonpayment of any such Rates the same may be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the County of *Surrey*, returning the Overplus (if any), upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

Rates vested in the Trustees, and recoverable by Distress.

XXIV. And be it further enacted, That in case at any Time or Times hereafter the increased or additional Funeral and other Rates herein-before made payable shall be more than sufficient for the Purposes of this Act, then and in such Case and so often it shall be lawful for the said Trustees, subject and without Prejudice to the Charges and Incumbrances upon the said Rates which shall be from Time to Time subsisting, but with the Consent in Writing of the Bishop of the Diocese wherein the said Parish is situated, and of the Patron or Patrons of the said Rectory, and of the Rector for the Time being of the said Parish, to order and direct that, until the said Trustees shall make some further or other Order to the contrary, all or any of the said increased or additional Rates shall be reduced to such Extent, not being less than the Rates payable before the passing of the said recited Act, as the said Trustees shall think advisable.

Rates may be reduced to a certain Extent if more than sufficient for the Purposes of the Act.

XXV. And

In case the Rates should be insufficient, the Deficiency to be made good by the Churchwardens out of the Church Rate.

XXV. And be it further enacted, That in case the Rates herein-before mentioned and made payable shall at any Time or Times hereafter be insufficient for the Payment of the Annuities which shall for the Time being be payable under this Act, and of the Interest of such Sum or Sums of Money as shall or may be raised by Mortgage or Assignment of the Rates aforesaid, by virtue of the Powers for that Purpose herein-after contained, or of any such Costs, Damages, and Expences as herein-before mentioned and directed to be a Charge on the Monies in the Hands of the Treasurer for the Time being, then and in such Case and so often as the same shall happen the said Trustees, at some Meeting to be held under this Act, shall, by Writing under their Hands or the Hands of any Five of them, require the Churchwardens for the Time being of the said Parish of *Saint Mary Rotherhithe* to pay to them the said Trustees or to their Treasurer, out of the Church Rates of the said Parish, such Sum or Sums of Money as shall be requisite to make good such Deficiency, and the Churchwardens for the Time being are hereby authorized and required to pay the Sum or Sums accordingly; and the said Churchwardens are hereby empowered and required to make a Church Rate or Rates or to enlarge (as they may think advisable) the Church Rate or Rates in or for the said Parish, and to raise, levy, and collect thereby any Sum or Sums of Money which they shall have paid or shall be required to pay for or towards making good any such Deficiency as aforesaid, over and above the Sums of Money which they are or may be by Law authorized to raise for the Repairs of the Church or Churches of the said Parish and other Purposes to or for which the Church Rates may be legally applied in the said Parish; and all Sum and Sums of Money which shall be paid by the said Churchwardens, or any of them, to the said Trustees or the Treasurer, in pursuance of this Act, shall be allowed in their respective yearly Accounts: Provided always, that nothing in this Act contained shall authorize or empower the Churchwardens of the said Parish to raise and levy under any of the Powers in this Act a Church Rate or Church Rates for the Purpose of repairing or improving, cleansing or lighting the Parish Church of *Saint Mary*, or the Two Churches or Chapels called *Trinity Chapel* and *Christ Church* respectively, or any other Church or Chapel hereafter to be consecrated in the said Parish, or for defraying any Expences attending the Performance of Divine Service in any such Church or Chapel as aforesaid,

For Recovery of such Rates.

XXVI. And be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties who shall be rated or assessed to any Church Rate of the said Parish, whether an enlarged Rate or not, shall refuse or neglect to pay the same for the Space of Ten Days after a personal Demand thereof made by the Churchwardens for the Time being of the said Parish, or any of them, or any other Person or Persons authorized to collect the same, on a Demand in Writing under the Hands of the said Churchwardens, or any of them, or any other Person or Persons as aforesaid, left at the last or most usual Place of Abode of such Person or Persons, or on the Premises for which such Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties shall be rated or assessed, or any Part thereof, or if the Churchwardens for

the Time being of the said Parish shall refuse or neglect to pay any Sum or Sums of Money, which shall be required by the said Trustees to be paid to them or their Treasurer for the Purposes of this Act, for the Space of Twenty-one Days next after the Day appointed for the Payment thereof, then and in every such Case it shall be lawful for such Churchwardens, or any of them, or other Person or Persons aforesaid, or for the said Trustees, or their Collector, by their Order, (as the Case may require,) by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices for the said County of *Surrey*, (which Warrant such Justice or Justices is and are hereby authorized and required to grant upon due Proof on Oath or Confession made before him or them of the Demand and Nonpayment of such Rate or Assessment, or of such other Sum or Sums of Money as last aforesaid, and which Oath such Justice or Justices is and are hereby authorized and required to administer,) with the Assistance of some Constable or Peace Officer, to enter into any Dwelling House or Buildings, Lands and Premises, in the Occupation of the Person or Persons, Body or Bodies Politic or Corporate, or other Party or Parties so refusing or neglecting to pay such Rate or Assessment or such other Sum or Sums of Money as aforesaid, and there to distrain the Goods and Chattels which shall be found therein, and the Distress so taken to impound, keep, and detain; and if the full Amount of the Monies so distrained for shall not be paid within Five Days after such Distress shall be made, together with the Costs and Charges incurred about the same, then such Churchwardens or any of them, and other Person or Persons as aforesaid, or the said Trustees or their Collector as aforesaid (as the Case may require), are and is hereby authorized to sell the Goods and Chattels so distrained, or such Part thereof as will be sufficient to pay the full Amount of the said Rate or Assessment, or such other Sum or Sums of Money as aforesaid, together with the Costs and Charges of the said Warrant, and of making, keeping, and selling such Distress, returning the Overplus (if any) of the Money arising by such Sale to the Owner or Owners of such Goods and Chattels, on Demand; or otherwise it shall be lawful for the said Churchwardens or any of them, or other Person or Persons as aforesaid, or for the said Trustees or their Collector as aforesaid, (as the Case may require,) to recover any or any Part of any such Rate or Assessment or any such other Sum or Sums of Money as aforesaid so due and payable by virtue of this Act, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*, wherein no Essoign or Protection, nor more than One Imparlance, shall be allowed.

XXVII. And be it further enacted, That every Warrant of Distress issued under the Authority of this Act, for Nonpayment of any Church Rate of the said Parish, or of any Sum or Sums required by virtue of this Act from the Churchwardens of the said Parish, may be in the Words or to the Effect following; (that is to say,) Warrant of Distress.

‘ County of *Surrey* } To the Churchwardens [or To the Collec-
 ‘ to wit. } tor of the Funeral Rates] of the Parish
 ‘ of *Saint Mary Rotherhithe* in the said County.

‘ WHEREAS now or late of
 ‘ within the said Parish of *Saint Mary Rotherhithe*, has been
 ‘ required as directed by an Act passed in the Year of
 [Local.] X ‘ the

‘ the Reign of Her Majesty Queen *Victoria*, intituled [*here set out*
 ‘ *the Title of this Act*], to pay the Sum of _____ as or for
 ‘ a Church Rate in respect of _____ [or for or towards making
 ‘ good the Deficiency of certain Rates and Monies raised under the
 ‘ Authority of the said Act], and hath refused or neglected to pay
 ‘ the said Sum: These are therefore in Her Majesty’s Name to will
 ‘ and require you or either of you forthwith to levy the said Sum of
 ‘ _____ by Distress and Sale of any Goods and Chattels
 ‘ belonging to the said _____ or of any Goods and Chattels
 ‘ which shall be found in any Premises in the Occupation of the
 ‘ said _____ (such Goods and Chattels being kept for the
 ‘ Space of _____ Days before the same are sold,) rendering
 ‘ to the said _____ the Overplus, if any there be, the rea-
 ‘ sonable Charges of this Warrant and of such Distress and Keeping
 ‘ and Sale having been first deducted, and if no sufficient Distress
 ‘ can be had or taken, that then you certify the same to me [or us]
 ‘ forthwith; and I [or we] hereby strictly charge and command all
 ‘ and singular the Constables, and others Her Majesty’s Peace
 ‘ Officers for the said County, to be aiding and assisting in all Things
 ‘ relating to the Premises. Given under my Hand and Seal [or our
 ‘ Hands and Seals] this _____ Day of _____ in the Year
 ‘ of our Lord _____

And the reasonable Costs and Charges attending such Warrant, Distress, Keeping, and Sale shall, in case of Dispute, be settled and ascertained by any One or more of Her Majesty’s Justices of the Peace for the said County of *Surrey*.

Trustees
may borrow
Money on
the Credit of
the Rates to
the Extent of
2,000*l.*

XXVIII. And in order to enable the said Trustees more effectually to carry the Purposes of this Act into execution, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby empowered, from Time to Time and so often as they shall think it necessary or expedient, to borrow and take up at Interest by way of Mortgage such Sum or Sums of Money as they may deem proper for all or any of the Purposes of this Act upon the Credit of the said Rates to be made, levied, and collected by virtue of this Act; and in the event of the same Sum or Sums of Money or any Part thereof being repaid by the said Trustees, to borrow and take up at Interest in like Manner any other Sum or Sums of Money, and so *toties quoties*, and to assign all or any Part of the same Rates to or in Trust for such Person or Persons as shall advance or lend any Money thereon, as a Security for the Principal Money to be advanced or lent, and Interest for the same; and the Charges and Expences of every such Assignment to be made as herein-after mentioned shall be defrayed from Time to Time by the said Trustees out of the Monies which shall be borrowed: Provided nevertheless, that the said Rates shall not at any one Time be charged with any greater Sum than Two thousand Pounds.

Form of
Mortgage.

XXIX. And be it further enacted, That every such Assignment by way of Mortgage shall be in the Words or to the Effect following; (that is to say,)

‘ **WE** _____ of the Trustees acting in the Execution of an
 ‘ Act passed in the _____ Year of the Reign of Her Majesty
 ‘ Queen *Victoria*, intituled [*here set out the Title of this Act*], in
 ‘ consideration

have Liberty to inspect and make Copies of or Extracts from the same without Payment of any Fee or Reward; and such Entry or Memorial shall specify, in the Case of any such Mortgage or Transfer of Mortgage as aforesaid, the Date thereof, the Names of the Parties thereto, and the Amount of Principal and Interest Monies thereby secured or transferred, and, in the Case of any such Grant or Transfer of Annuity, the Date thereof, the Names of the Parties thereto, and the Amount and Duration of the Annuity thereby granted or transferred; and for the entering as aforesaid of any such Security, or Grant or Transfer of any Mortgage or Annuity, the said Clerk shall be paid by the Transferee the Sum of Five Shillings and no more; and every such Transfer, after the entering thereof as aforesaid, shall entitle the Person or Persons to whom such Transfer shall be made, and his or her Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred, without any Registry or Enrolment of the same.

XXXIII. And for preventing any improvident Grants of Annuities, be it further enacted, That the Amount of every Annuity to be granted by virtue of this Act shall be regulated according to the Price of the Three Pounds *per Centum* Consolidated Bank Annuities at the Time of granting the same, in the Manner and at a Rate not exceeding by more than One Eighth the Rate prescribed by an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to enable the Commissioners for the Reduction of the National Debt to grant Life Annuities and Annuities for Terms of Years.*

For preventing improvident Grants of Annuities.

10 G. 4. c. 24.

XXXIV. And be it further enacted, That no Person in whom any such Mortgage as aforesaid, or any Annuity which shall be granted under this Act, shall for the Time being be vested, shall, as against any other Person in whom any other such Mortgage or any other Annuity which shall be granted under this Act shall for the Time being be vested, have or be entitled to, by virtue or in respect of the Mortgage or Annuity so vested in him as aforesaid, any Preference or prior Right or Claim against or upon the Rates arising under this Act or any Part thereof, by reason of Priority of Date of the same Mortgage or of the Grant of the same Annuity, or on any other Account whatsoever.

Mortgagees or Annuitants not to have Preference by Reason of Priority of Date.

XXXV. And be it further enacted, That (except as hereafter provided) all Sums of Money which shall be raised by the said Trustees on the Credit of the said Rates by way of Mortgage or Annuity as aforesaid, and all Monies which shall arise from the several Rates herein-before made payable or authorized to be levied or collected, and all Monies by this Act directed to be applied to the general Purposes thereof, and all other Monies which shall come to the Hands of the said Trustees under or by virtue of this Act, shall be applicable and be applied by the said Trustees as follows; that is to say, in the first place, in Payment of all Costs, Charges, and Expences of or relating to the obtaining and passing of this Act; secondly, and with Priority, in Payment of the Annuities or Annuity granted under the said recited Act, and which shall for the Time being be subsisting; thirdly, in Payment of any Annuities or Annuity which shall be

Application of Monies.

[Local.]

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granted

granted under this Act, and shall for the Time being and from Time to Time be subsisting, and of the Interest due upon or in respect of any such Assignment or Assignments by way of Mortgage as herein-before mentioned; and then in Payment of any other Debts, Sums of Money, Costs, Damages, or Expences whatsoever, (including all Salaries, Gratuities, and Allowances to the Treasurer, Clerk, Collector, and other Officers for the Time being employed by the said Trustees,) (excepting only Principal Monies secured by any such Mortgages or Mortgage as aforesaid,) due or payable for the Time being from or by the said Trustees, by virtue of or in connexion with this Act or any of the Powers or Provisions herein contained; and in each and every Year in which any Residue or Surplus shall remain of the several Monies aforesaid, after answering the several Purposes aforesaid, such Residue or Surplus shall (but subject to the Proviso respecting the same herein-after contained) be paid over by the said Trustees to the Treasurer of the said Parish, to the Intent that the same may be applied by the Churchwardens of the said Parish, according to the Direction of the Inhabitants of the same Parish in Vestry assembled, for or towards all or some or one of the Purposes herein-after mentioned, (*videlicet,*) the defraying the Expences of keeping in Repair, enlarging, and improving all or any of the Churchyards or Burial Grounds now established or which shall hereafter be established in the said Parish according to the Usage of the Church of *England*, and of keeping in repair and improving the present Church of the said Parish, and the said Two Churches or Chapels called *Trinity Chapel* and *Christ Church* respectively, and any other Churches or Chapels which shall hereafter be consecrated in the said Parish according to the Usage of the Church of *England*, or any or either of the said Churches and Chapels, and of cleaning and lighting all or any or either of such several Churches or Chapels, or for any other Purpose relating thereto, or in any way connected with the Performance of Divine Service therein: Provided always, that no Monies which shall have been raised under the Authority of this Act by way of Mortgage or Annuity shall be applied or applicable for defraying the Expences of keeping in repair or improving any such present or future Church or Chapel as aforesaid, or of cleaning or lighting any such Church or Chapel, or for any other Purpose connected with the Performance of Divine Service therein.

Providing
a Sinking
Fund.

XXXVI. Provided always, and be it further enacted, That in each and every Year from and after the Thirty-first Day of *December* One thousand eight hundred and forty, whilst and so long as any such Assignment or Assignments by way of Mortgage as aforesaid shall be subsisting, the said Trustees may and shall, in each and every Year in which the Residue or Surplus of the Monies mentioned in the last preceding Clause, and thereby directed to be paid to the Treasurer as aforesaid, shall amount to or exceed the Sum of Fifty Pounds, set apart and retain the Sum of Fifty Pounds; and in each and every Year in which such Residue or Surplus shall not amount to the Sum of Fifty Pounds shall set apart and retain the whole of the same, as and for a Sinking Fund, to be applied according to the Rules and Provisions in that Behalf herein-after contained, for the Purpose of paying off any such Mortgages or Mortgage as aforesaid; and such Sinking Fund shall be invested in the Purchase, in the Names of Four of the Trustees of

this Act, whereof the Rector for the Time being of the said Parish shall be One, of Three *per Centum per Annum* Consolidated Bank Annuities, and shall be accumulated and improved in the Way of Compound Interest until the same shall be of sufficient Amount to pay off the Principal Sums secured as aforesaid, or any One of them, at which Time the same shall be so applied in paying any and such One of the said Debts, to be determined in the Manner herein-after mentioned; and such Sinking Fund shall not be applicable or infringed upon for any other Purpose or in any other Way whatsoever.

XXXVII. And in order that no Preference may be given to any of the Persons who shall have advanced or lent Money on Assignments by way of Mortgage upon the Credit of the said Rates, be it enacted, That the said Trustees, if there shall be more Mortgage Creditors than One, shall cause the Number or Numbers of all Assignments made or granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates, and of which Part shall be then intended to be paid off, to be written on distinct Pieces of Paper of the same Sort and Size; and all such Papers shall be rolled up as nearly as possible in the same Form, and shall be put into a Box or Wheel, and the Number or Numbers of such Assignments shall be drawn separately out of such Box or Wheel by the Clerk to the said Trustees, and the Assignment or Assignments represented by the Number or Numbers which shall be first drawn by the said Clerk shall be the Security or Securities to be paid off; and after every such Drawing as aforesaid the said Trustees shall cause a Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Persons or Person who shall be entitled to the Monies so to be paid off pursuant to such Drawing, and when there is only One Creditor shall give Six Months Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Amount of the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and at a Place specified in such Notice at the Expiration of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid; and the Interest in respect of the Principal Money to be paid off shall, from and after the End of Six Calendar Months from the Day of giving or leaving such Notice as aforesaid, cease and be no longer payable, unless such Monies shall be demanded pursuant to such Notice and not be paid; but the Principal Monies in respect whereof such Notice shall be given, and also the Interest thereof to the End of the said Six Calendar Months, shall nevertheless be payable on Demand.

Securities to
be paid off
by Lot.

XXXVIII. Provided always, and be it further enacted, That if the said Trustees or any other Person or Persons shall think themselves, himself, or herself aggrieved by reason of any Order, Judgment, or Determination, or by any Matter or Thing, made, given, or done in pursuance or in the Execution of this Act, the said Trustees or such Person or Persons may appeal to the First General or Quarter Sessions of the Peace to be holden for the County or Place within which such Matter of Appeal shall arise next after the Expiration of One

Power of
Appeal to
the Quarter
Sessions.

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

Distress not unlawful for Want of Form.

XLII. And be it further enacted, That no Order, Judgment, or Determination, nor any other Proceeding made, done, or had under or by virtue of this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by Certiorari or any other Writ or Process into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

No Proceeding to be vacated for Want of Form, or removeable by Certiorari.

XLIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Party or Parties, for any thing done in pursuance of this Act, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceeding, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

No Plaintiff to recover after Tender of sufficient Amends.

XLIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any respect to abridge, oppose, or control the ordinary Jurisdiction of the Lord Bishop of the Diocese for the Time being in and over the said Parish of *Saint Mary Rotherhithe*, or over the Minister or Churchwardens thereof, or in, over, or relative to any Matter or Thing respecting the said Parish, Minister, or Churchwardens: Provided also, that the Rector, Clerk, Sexton, and other Officers for the Time being of the said Parish of *Saint Mary Rotherhithe* shall continue entitled to and receive all such Fees, Dues, and Emoluments in respect of the Burial Grounds belonging to the said Parish as they respectively were entitled to receive at the Time of or immediately before the passing of this Act.

Jurisdiction of the Bishop of the Diocese not to be affected.

XLV. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to deprive the Rector, Clerk, Sexton, and other Officers of the said Parish, or to deprive the Ministers or Incumbents for the Time being, or the Clerks, Sextons, and other Officers of any such other

Saving Rights of Rector, Clerk, Sexton, &c.

[Local.]

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Church

Church or Chapel in the said Parish as aforesaid, of the Fees, Dues, and Emoluments which they or any of them are or is or shall or may be respectively entitled to receive in respect of Interments in the present or future Burial Places of the said Parish, and which do or shall appertain or are or shall be incident to their Offices respectively, but the same shall be received and enjoyed by them respectively as fully and effectually to all Intents and Purposes as if this Act had not been passed.

Rector empowered to grant Building Leases for Terms not exceeding Ninety-nine Years.

XLVI. And be it enacted, That it shall be lawful for the present Rector of the said Parish of *Saint Mary Rotherhithe*, and his Successors, Rectors for the Time being of the same Parish, at any Time or Times after such Endowment as herein-before mentioned shall have been duly made and perfected, with the Consent in Writing of the Bishop for the Time being of the Diocese wherein the said Parish is or shall be situated, and of the Patron or Patrons of the said Rectory, by Deed duly executed, to demise or lease all or any Part of the Glebe Lands belonging to the said Rectory, and which are specified in the Schedule to this Act, for any Term or Number of Years not exceeding Ninety-nine Years, for the Purpose of erecting any Messuage or Messuages or other Buildings of such Class or Description as shall be thought proper and be agreed upon, with Power also to lay out and appropriate any Part or Parts of the Ground which shall be thereby respectively demised or leased as or for a Yard or Garden, or for any other Convenience to be held, occupied, or enjoyed with any such Messuage or Messuages, Building or Buildings; so that every such Demise or Lease be made to take effect in Possession, and not in Reversion or by way of future Interest, and that no Fine, Premium, or Foregift be taken for the granting thereof; and that on every such Demise or Lease there be reserved and made payable unto such Rector, and his Successors, Rectors, or the Rector for the Time being of the said Parish, during the Term thereby created, the best yearly Rent (to be payable in half-yearly Portions) which at the Time of the granting of such Lease, and, Regard being had to the Nature and Circumstances of the Case, shall be reasonably obtainable, excepting that, if such Rector shall think it advisable, a smaller or a nominal Rent may be reserved and made payable for or during the first Year or the first Two Years of such Term; and so that the Lessee or Lessees in every such Lease do thereby covenant with such Rector, and his said Successors, for the due Payment of the Rent reserved by such Lease, and for erecting such Messuage or Messuages, Building or Buildings as aforesaid, and keeping the same in good Repair and Condition during the said Term thereby granted; and so that in every such Lease or Demise a Condition of Re-entry be reserved in case of Nonpayment of the Rent thereby reserved for a Time to be therein respectively limited; and so that the Lessee or Lessees to be named in every such Lease do execute a Counterpart thereof.

Public Act.

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

The

The SCHEDULE to which this Act refers.

	Description of the Property.	In whose Occupation.
1	Water-side and Land-side Premises containing about a Quarter of an Acre, adjoining the Church-yard of the Parish Church, and bounded on the South by Church Street and on the North by the River Thames - - - - -	Messrs. Hubbard and Sharplin.
2	About Two Acres Three Roods and Thirty-three Perches of Land, on which are various small Houses and Sheds and Summer-houses, the greater Part occupied as Garden Ground, bounded on the West and South by the Mill Pond, on the North by Paradise Street, and on the East by a Common Sewer	Freeman, Hollis, and others.
3	About Two Acres Three Roods and Twenty-one Perches on Land known as Jamaica Level, bounded on the West by the Blue Anchor Turnpike Road and the Mill Pond, and on the North, South, and East by the Mill Pond - - - - -	Newbery, Booth, and others.
4	An Island surrounded by the Mill Pond, containing about Thirty-three Perches, Part of Jamaica Level	Harmer.
5	An Island in Jamaica Level surrounded by the Mill Pond, containing about Twenty-eight Perches -	Jeffery.
6	Two Rope Walks and Garden Ground in Jamaica Level adjoining the Blue Anchor Turnpike Road, containing about Four Acres and One Perch -	Harboord, Richardson, and others.