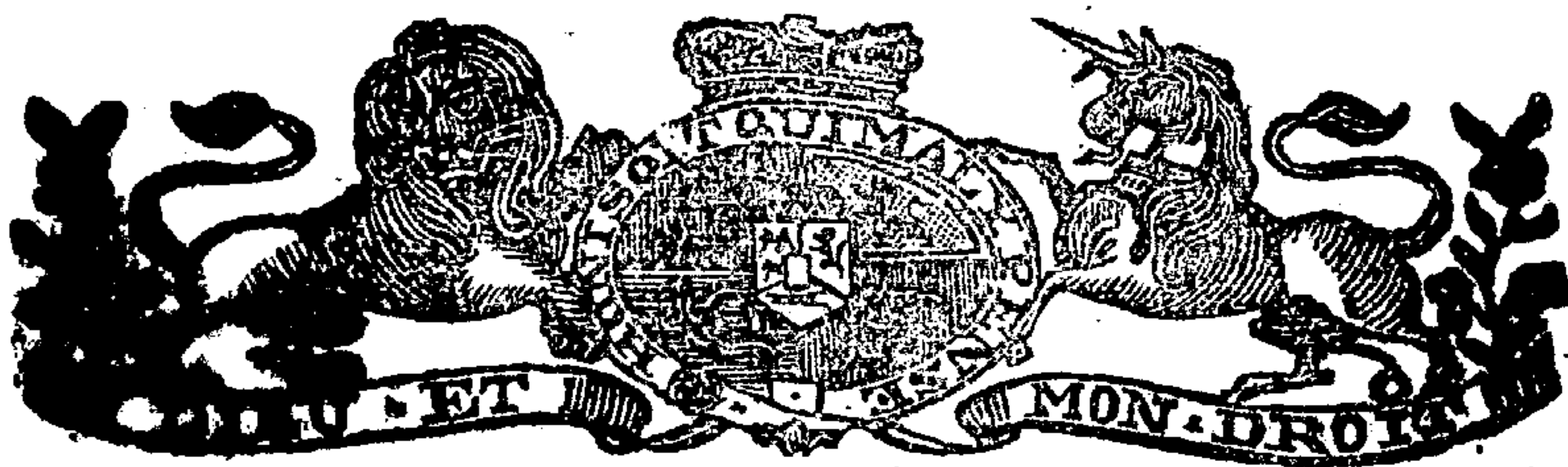




ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xcvi.

An Act for building a new Church, and also a Workhouse, in the Parish of *Bathwick*, in the County of *Somerset*.
[29th June 1815.]

WHEREAS the Parish Church of *Bathwick*, in the County of *Somerset*, is in so ruinous and decayed a State, that Divine Worship has not been performed therein for a considerable Time : And whereas the Population of the said Parish has very considerably increased ; and it is necessary, for the Accommodation of the Parishioners and their Families, that the said Church should be taken down, and a new one built on an enlarged Scale, in a more eligible Situation in the said Parish : And whereas there is not a proper and commodious Workhouse in the said Parish for the Reception and Employment of the Poor, who are become extremely numerous ; but as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, May it therefore please your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the Trustees hereinafter named, and their Successors, to accept and take from any Person or Persons who shall or may be seized thereof in Fee-Simple, the Piece of Ground on which the Foundation of the New Church is now laid, not exceeding One Acre, and also any Pieces or Parcels of Land or Ground for building thereon the said Workhouse, not exceeding in the whole Half an Acre, and which Pieces or Parcels of Land or Ground, when so accepted and taken, shall from thenceforth be vested in the said Trustees and their Successors, without their being subject or liable to the Penalties or Forfeitures of Mortmain,

[Local.]

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to

Trustees may
take Land
for building
Church and
Workhouse.

to the Use, Intent, and Purpose that the said new Church and Workhouse may be erected or built thereon; and the said Church when so built and completed on the Site where the Foundation thereof is already laid, shall be set apart, consecrated, and dedicated to and for the Service of Almighty God as a Place of Divine Worship, and shall be called and taken to be the Parish Church of *Saint Mary's* in *Bathwick*, and after the Consecration thereof shall be used for those Purposes respectively, according to the Usages, Rites, and Ceremonies of the Church of *England* for ever.

Trustees to pay Expences of preparing for the Erection of a Church.

II. Provided always, and be it enacted, That it shall and may be lawful for the said Trustees, or any Seven or more of them, to pay and discharge out of any of the Monies to arise by virtue of this Act, all or any Charges and Expences which may have been incurred in preparing the Ground, and laying the Foundation on the said Piece or Parcel of Ground as aforesaid.

Trustees.

III. And be it further enacted, That the Patron and Rector of the said Parish Church of *Bathwick* for the Time being, the Reverend the Archdeacon of *Bath*, the Rector of *Bath*, the Reverend the Master of *Saint John's* Hospital in the City of *Bath* for the Time being, the Churchwardens for the Time being of the said Parish, Sir *William Watson* Knight, the Reverend *Joseph Townsend*, *Edward Atkinson*, *Edward Barlow*, *Alexander Erskine*, *Thomas Farrant*, *Wyndham Gooden*, *John Leaper Newton*, *Robert Preston*, *John Rye*, *Charles Tibbetts*, *George Williams*, *John Beak*, *Thomas Cottell*, *James Christie*, *George Evill*, *James Goodridge*, *Thomas Gibbons*, *Robert Offer*, *William Price*, *William Snaylem*, *Edward Tucker*, *William Willsher*, *Jeremy Willsher*, *Walter Harris*, *Thomas Kirkham*, *Love Parry Jones*, *James Bird*, *James Petrie*, the Reverend *Edward Greenfield*, *Samuel Ward*, Sir *John Trevelyan* Baronet, the Reverend *John Methuen Rogers*, the Reverend *Richard Huntley*, *Charles Semple*, *William Henry Pigou*, *Henry Haffy*, *John Gartside*, *John Kerie*, and *Thomas Ball*, and their Successors, to be nominated or appointed by virtue of this Act, shall be and they are hereby declared to be Trustees for building the said new Church and Workhouse, and otherwise carrying this Act into Execution.

Trustees not acting for One Year to be disqualified.

IV. Provided always, and be it further enacted, That if any Trustee appointed by or elected in pursuance of this Act shall neglect or refuse to act as a Trustee in the Execution of this Act for the Space of One Year after such Appointment or Election, such Trustee so neglecting or refusing shall from thenceforth be disqualified and be incapable of acting as a Trustee in the Execution of this Act.

Power to appoint new Trustees.

V. And be it further enacted, That if any One or more of the said Trustees hereby appointed, (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Offices,) or their Successors, to be elected in Manner hereinafter mentioned, shall not reside in the Parish for the Space of Two Years, or shall die, or shall refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint One other Person to be a Trustee in the Room of each such Trustee so ceasing to reside in the said Parish as aforesaid, or dying or refusing or becoming incapable of acting, and

and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on the Door of the Parish Church of *Bathwick* aforesaid, Ten Days at least before such Meeting, and every Person so elected a new 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: Provided always, that no Person shall be capable of acting as a Trustee in the Execution of this Act (unless in the Power of giving Notice of the first Meeting under this Act, as herein prescribed, and of administering the following Oath, which any of the Trustees hereinbefore named are empowered to administer,) until he shall have taken an Oath to the following Effect:

Trustees to
take an Oath

‘ I A. B. do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me as a Trustee, by virtue of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King George the Third, intituled [*here set forth the Title of this Act.*]

Form of
Oath.

So help me GOD.’

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall be in any Manner interested in any Contract or Agreement, directly or indirectly, or enjoy any Employment of Profit under this Act, or derive any Profit from the same, or from any Building or Work which shall be executed by virtue of this Act, or in Cases where he shall be personally interested, and that no Person shall be capable of acting as a Trustee, or holding any Place of Profit under this Act, during the Time he shall sell Wine, Ale, Beer, or Spirituous Liquors by Retail, and if any Person so rendered incapable shall presume to act, he shall for every Offence forfeit and pay the Sum of Fifty Pounds, to be recovered by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, in any of His Majesty’s Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager at Law, nor more than One Impar lance shall be allowed, One Moiety whereof shall be paid to the Person or Persons who shall inform or sue for the same, and the other Moiety shall be paid to the Treasurer to the said Trustees, and applied to the Purposes of this Act.

Trustees in-
capable of
acting when
interested in
any Contract.

VII. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall, in his own Right, or in the Right of his late or present Wife, be seized or possessed of Lands, Tenements, or Hereditaments, being Freehold, Copyhold, or Leasehold for a Life or Lives, or a Term of Years determinable on a Life or Lives, or for an absolute Term for or exceeding Fifty Years, either together or separately of the clear Yearly Value of Sixty Pounds over and above all Incumbrances, or shall be possessed of or entitled to a Personal Estate of One thousand Pounds over and above the Amount of his Debts, nor until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath in the Words or to the Effect following; (that is to say)

Qualification
of Trustees.

‘ I A. B.

‘ I *A. B.* do swear, that I am truly and *bonâ fide* in my own Right, [*or*,
 ‘ in the Right of my late or present Wife,] in the actual Possession and
 ‘ Enjoyment of Lands, Tenements, or Hereditaments, being Freehold,
 ‘ Copyhold, or Leasehold for a Life or Lives or a Term of Years de-
 ‘ terminable on a Life or Lives, or for an absolute Term for or exceed-
 ‘ ing Fifty Years, either together or separately of the clear Yearly
 ‘ Value of Sixty Pounds over and above all Incumbrances, [*or*, in Pos-
 ‘ session of or entitled to a Personal Estate of the Value of One thousand
 ‘ Pounds over and above the Amount of my Debts.]

‘ So help me GOD.’

And each and every Trustee shall and he is hereby required (after taking this Oath and the said Oath before directed,) to sign and subscribe his Name upon a Roll or Rolls of Parchment to be provided for that Purpose, with the said Oaths written thereon, and such Roll or Rolls shall be always kept with the Books of the Proceedings of the said Trustees; and if any Person not being qualified as aforesaid shall presume to act contrary to the true Intent and Meaning of this Act, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed, and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty without any other Proof or Evidence on the Part of the Prosecution than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of any of the Offences before mentioned, shall notwithstanding such Conviction be as valid and effectual as if such Person had been qualified according to the Directions of this Act, or had not been guilty of such Offence.

Trustees may
act as Justices
except where
personally
interested.

VIII. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace may act as such within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except in such Cases where he or they shall be personally interested.

First Meeting
of Trustees.

IX. And be it further enacted, That the said Trustees shall meet in a certain Room in the said Parish called the Police Office, appropriated to the Use of the Commissioners appointed by virtue of an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for paving, steaming, cleansing, watering, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and Public Places within the Parish of Bathwick, in the County of Somerset, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein*, within Fourteen Days after the passing of this Act, or as soon as conveniently may be, between the Hours of Ten of the Clock in the Forenoon, and Twelve of the Clock at Noon, and proceed to put this Act in Execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be and be deemed to be adjourned to the next Day, (*Sunday, Good Friday, Christmas Day*, and all Days on which Divine Service is ordered by

by Authority to be celebrated, only excepted, and then to the following Day,) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend and adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves and appoint their next Meeting to be holden there or at any other Place in the said Parish, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustees or Trustee then present or the Clerk to the said Trustees shall from Time to Time as often as the Case may happen adjourn such Meeting to some other Day within Ten Days then next following, to be holden at the said Place, and the said Clerk shall cause Notice thereof to be given in Manner aforesaid, at least Six Days before the Day to which such Meeting shall be adjourned; but no Act of the Trustees shall be valid unless made or done at some Publick Meeting to be holden by virtue of this Act; and at all such Meetings a Chairman shall and may be appointed, and the Acts, Orders, and Resolutions of the major Part of the Trustees present, (the Number of Trustees present at all such Meetings not being less than Seven) shall have the same Force and Effect as if done or made by all the said Trustees, and that where at any Meetings the Number of Voices shall be equal, the Chairman to be appointed at each such Meeting shall have a second and the casting Voice; and the said Trustees shall at their several Meetings pay their own Expences.

Proceedings
to be at public Meetings
only.

X. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Five or more of the said Trustees, mentioning the Time, Place, and Purposes of such earlier Meeting, being given to him or left at his last or usual Place of Abode,) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Five Days after such Notice, or it shall be lawful for any Five Trustees, without giving any such Order to the Clerk, to give Notice of any such earlier Meeting in Manner aforesaid, and all Proceedings of such Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

Meetings on
Emergencies.

XI. 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 at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, shall be given in Manner aforesaid at least Ten Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in Favour

No Order
to be revoked
unless at a
Meeting for
the Purpose,
nor unless a
Majority of
the Trustees
concur.

[Local.]

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of

of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

Proceedings
to be entered

XII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or 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 being signed by the Chairman of such Meeting shall be deemed original, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act, and such Book or Books shall at all the Meetings of the said Trustees be open and subject to the Inspection of all and every of the said Trustees, and of the Creditors on the Rates and Assessments hereby granted and made payable, and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy so had, not exceeding Seventy-two Words, the Sum of Sixpence, and so in proportion for any greater Number of Words.

Trustees to
appoint
Officers,

and remove
them, and
allow Salaries.

Trustees to
take Security
from the
Treasurer
and other
Officers.

All Officers
to account.

XIII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered and required by Writing under their Hands, in the *Easter* Week in every Year, to appoint a Treasurer or Treasurers, Clerk or Clerks, and also such other Officers and Persons for the Execution of this Act, as the said Trustees shall think proper; and in the intermediate Period, to remove such 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 the said Trustees shall, and they are hereby required, to take sufficient Security from every such Treasurer, and other Officers, for the due Execution of his or their Offices, as they shall think proper, and all such Officers 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 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 or other Officer shall, when thereunto required by the said Trustees, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them if approved of, and all the said Officers so accounting as aforesaid, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or 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

Person or Persons as they shall appoint to receive the same, within Ten Days after having been thereunto required by the said Trustees 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 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 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 and raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment 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 verify the same as aforesaid, or to produce the Vouchers relating thereto, 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 he shall have refused or wilfully neglected to deliver up the same, or give Satisfaction respecting the same as aforesaid, then, and in each and every such Case, such Justice shall 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 give and make a true and perfect Account and Payment as aforesaid, or until he shall compound 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 deliver up such Books, Papers, and Writings, or give 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 sufficient Distress by virtue of this Act for any longer Space of Time than Six Calendar Months.

XIV. And be it further enacted, That it shall be lawful for the said Trustees to cause the present Church, Tower, and Chancel of *Bathwick* to be taken down, and to sell or otherwise dispose of the Materials of the Whole, or any Part or Parts thereof, in such Manner as the said Trustees shall think best, and the Soil or Ground on which the said Church now stands shall from that Time become a Part of the Church Yard, and be thenceforth always used as such.

Power to
take down
the present
Church;

XV. And

and to erect
a new
Church.

XV. And be it further enacted, That the said Trustees shall, with the Approbation of the Bishop of the Diocese, cause a new Church, Chancel, and Tower to be erected and built on the Ground so to be given as aforesaid, with a proper Fence, Wall, or Rails round the same, and shall cause a Vestry Room or Vestry Rooms to be made, and such Pews, Seats, Galleries, Bells, Organ, Ornaments, and all such other Conveniencies as to the said Trustees shall seem necessary to be done, made, and provided therein, and in such Manner as they (with the Approbation of the Bishop as aforesaid) shall think fit and proper for the due Performance of Divine Worship therein.

Plan of
Church to be
approved of
by the Bishop.

XVI. Provided always, and be it further enacted, That the Plan of the said new Church, and of the Arrangement of the Interior thereof, shall be laid before the Bishop of the Diocese and be approved by him previous to the same being carried into Execution by the said Trustees, so as the Expence of the same do not exceed the Sum of Four thousand Pounds.

And also a
Workhouse,
&c. for the
Accommo-
dation of the
Poor.

XVII. And be it further enacted, That the said Trustees shall also cause a Workhouse, with suitable Out-buildings and other Conveniencies thereto, for the Use of the Poor of the said Parish, to be erected on any Ground in the said Parish which shall be given and conveyed in Fee Simple by any Person or Persons to the said Churchwardens and Overseers of the Poor for the Time being of the said Parish for that Purpose; and shall provide and make such Offices, Yards, Gardens, Appendages, Ways, and Passages thereto, as they the said Trustees shall deem to be fit and proper for the Use and Accommodation of such Poor, and shall cause the Whole thereof to be walled or fenced round.

Legal Pro-
perty in the
Workhouse,
and in the
Materials of
the old
Church, and
all Goods,
&c. vested in
the Trustees.

XVIII. And be it further enacted, That the legal Property of and in all Materials of the said old Church, Tower, and Chancel, while remaining unfold or undisposed of, and also all the Goods, Chattels, and Effects for the said new Church, during the building and erecting thereof and no longer, and also all the other Goods and Chattels, of whatever Nature or Kind, which the said Trustees shall or may purchase or procure for any of the Purposes of this Act, shall be deemed and taken to be vested in the said Trustees and their Successors, subject to the Provisions herein contained; and that all Actions, Suits, or other Proceedings relating thereto respectively, shall be brought and prosecuted, or defended in the Name of the Clerk to the said Trustees, or in the Name of any One of the said Trustees for the Time being, and in all or any of such Actions, Suits, or other Proceedings, it shall be sufficient to state generally, that the Property of and in the Buildings, Ground, Materials, Matters, or Things aforesaid, or any of them (as the Case may require), are or is the Property of the Trustees for building the Parish Church of *Bathwick*, and Workhouse, without specifically naming all or any of the said Trustees: Provided always, that every such Clerk or Trustee in whose Name any Action, Suit, or other Proceeding shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, and Expences as such Clerk or Trustee shall be put to or become chargeable with by Reason of his being so made Plaintiff or Defendant therein: Provided always, that when the said Church, Tower, and Chancel shall be built and completed, the same, and the Ground on which the same shall be

be erected, shall be vested in the Rector of the Parish of *Bathwick* for the Time being for ever: Provided also, that the legal Property of the said Workhouse when completed, and the Ground on which the same may be built, shall be vested in the Churchwardens and Overseers of the Poor of the said Parish of *Bathwick* for ever.

XIX. And be it further enacted, That it shall be lawful for the said Trustees to contract or agree, and they are hereby directed and required to contract or agree with any Person or Persons for the taking down the said old Church and Chancel, and for erecting, building, and completing of the said new Church, Chancel, and Tower, and every Thing relating thereto, and for finishing the same for Divine Worship, and for building such Workhouse or other Buildings, with suitable Out-buildings and Conveniences and wall or fence round the same, and for all other Works authorized by this Act, or any of them, and generally to make and do all such Orders, Matters, and Things as they shall think proper and necessary touching the same respectively, and all such Contracts and Agreements shall be reduced into Writing, and signed by the Parties contracting: Provided always, that before any such Contract or Contracts shall be entered into, Thirty Days Notice, at the least, shall be given in all the Newspapers printed and circulated in the City of *Bath*, and in one at least of the Newspapers printed and circulated in the City of *Bristol*, and also in the Place where Divine Worship shall be exercised in the said Parish, expressing the Purpose of every such Contract, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees at a certain Time and Place in such Notice to be mentioned; and the said Trustees in making all such Contracts shall, and they are hereby required in all Cases to give the Preference to all Tenders or Offers that shall appear to them most advantageous to the said Parish: Provided also, that such Contracts shall be entered in a Book to be provided for that Purpose and shall be open at all seasonable Times to the Inspection of all Persons who shall pay the Rates hereby imposed, upon Payment of the Sum of Two Shillings and Sixpence to the Clerk to the said Trustees.

Trustees to contract for the Building of the Church and Workhouse.

XX. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptisms, and all other Matters and Things which were and of right used to be celebrated, solemnized, administered, had, done, and performed by the Rector or Curate for the Time being in the said old Church, shall and may be celebrated, solemnized, administered, had, done, and performed in the like Manner in the Parish Church of *Saint Michael* in the City of *Bath*, until such Time as the said Church so to be built shall be completed and finished and rendered fit for the Celebration of Divine Service therein, and that all Publications of Banns of Marriage, which by Law are required to be made and published in the said Parish of *Bathwick*, may be made and published in the said Church of *Saint Michael* until such Time as the said new Church to be built by virtue of this Act shall be completed, finished, and rendered fit for Divine Service as herein directed; and all Publications of such Banns of Marriage so made and published in the said Church, during the Time of performing Divine Worship therein, and all Marriages solemnized therein, shall be as good, valid, and effectual in the Law to all Intents and Purposes what-

Where Divine Service and Banns shall be performed and published, during the Time the Church shall be rebuilding.

[Local.]

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soever,

toever, as if such Banns had been made and published, and such Marriages had been solemnized in the Parish Church of *Bathwick* aforesaid, any Law or Statute to the contrary thereof in anywise notwithstanding.

Power to remove Monuments in the old Church,

XXI. And be it further enacted, That the several Monuments and Monumental Inscriptions which are now affixed to, adjoin, or are near to the said old Church, and shall be taken down and removed when the old Church is taken down, shall be preserved and placed by the said Trustees in such Place or Places as to them shall seem most proper, and shall be again placed and fixed as near to the Situation or Situations from whence they shall have been respectively removed as can possibly be done, and in a Manner the most respectful to the Memory of the Persons who are there interred.

Allotments of Pews.

XXII. And be it further enacted, That when the said new Church shall be built, and such Pews or Seats as are intended to be erected therein shall be completed, the Reverend *Peter Gunning*, the Rector of the said Parish, shall elect and chuse a Seat or Pew for himself and Family, and that then the said Trustees are hereby authorized and required to allot and appoint a proper and suitable Pew or Seat in the said Church for the Use of the Churchwardens of the said Parish for the Time being; and next, the said Trustees shall and they are hereby required to give and allot to every Parishioner, who has already subscribed and undertaken to pay or shall hereafter subscribe or undertake to pay for the Purchase of a Seat or Pew in the said new Church the Sum of One hundred Pounds towards the erecting and building of the said new Church, a Pew or Pews therein capable of containing Eight Persons; and to every Parishioner who shall in like Manner subscribe and undertake to pay for the Purchase of a Seat or Pew the Sum of Fifty Pounds, a Pew or Pews in the said Church capable of containing Four Persons; and that the Order of Succession in which the several Subscribers of equal Sums shall take their several Pews, shall be ascertained and determined by the Priority of their Subscriptions in the List of Subscribers for building the said new Church in the Possession of the Churchwardens of the said Parish; and the said several Pews and Sitings shall be the absolute Property in Fee Simple of the several Persons to whom the same shall be so allotted, their Heirs, Executors, Administrators, or Assigns: Provided always, that no Person shall be capable of holding any such Pew or Sitting in the said Church who shall not be a Parishioner of the said Parish.

If any such Proprietor of a Pew shall cease to reside in the said Parish, and remove to a Place more than Five Miles Distance, Trustees shall repay him such a Sum for such Pew as

XXIII. Provided also, That if any Person who shall become the Proprietor of any of the said Pews as aforesaid shall quit his or her 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 or her Pew in the said Church, then upon due Proof thereof made to the said Trustees, it shall and may be lawful for them out of any of the Monies arising by virtue of this Act to pay to him or her a fair and equitable Sum for the same, not exceeding Three-fourth Parts of the Money which he or she shall have subscribed or given as aforesaid; and after the said Rector and Churchwardens, and the several Subscribers or Donors shall have been provided with Pews as aforesaid, the said Trustees shall appro-

appropriate the Residue of the Pews and Seats in the said new Church for the Use of such of the other Inhabitants of the said Parish as to the said Trustees shall appear to have the best Claim or Right thereto, and in such Manner and subject to such Rents and Regulations as they shall direct or appoint, without any Favor or Partiality to any Person or Persons whatsoever: Provided always, that the said Trustees shall cause to be made, erected, and provided in some Part of the Body and Gallery of the said Church, open Seats or Sitings for Three hundred Persons at least, to enable them to sit and kneel commodiously, for the Ease, Convenience, and Benefit of the Poor, and of all other Persons of what Degree soever who may be entitled to resort to the said Church, and whose Circumstances may render them unable to pay for such Accommodations, and that no Rent or other Consideration shall be paid or demanded of any Person or Persons whatsoever for the Use or Occupation of any of the last mentioned Pews or Seats in the said Church, and that all the Pews in the said Church shall be painted or marked with different Numbers, Letters, or Figures to distinguish the same.

shall be thought equitable, not exceeding three fourths of the Sum he may have subscribed.

Seats for the Poor.

XXIV. And be it further enacted, That no Grant, Bargain, Sale, or Assignment made by the Owners or Proprietors of any Pew or Seat in the said Church, shall be good or available to the Person or Persons purchasing or taking under the same, until a Memorandum or Entry in Writing of the Alienation or Change of Property of or in such Pew or Seat shall be first made and entered in a Book to be kept by the said Trustees for that Purpose; nor until a Memorandum shall be indorsed and signed by the Clerk to the said Trustees upon the Back of the Deed, Instrument, or Probate of the Will conveying or devising the same, signifying that such Entry has been made as aforesaid, but that until such Entry and Indorsement shall be made as aforesaid, the said Pew or Seat shall be considered as the Property of the former Proprietor thereof, his or her Heirs, Executors, or Administrators respectively, according to the Tenure thereof, to all Intents and Purposes whatsoever, and all such Entries and Indorsements as last aforesaid shall be from Time to Time made and written by the Clerk to the said Trustees, who shall be paid the Sum of Five Shillings and no more for every such Entry and Indorsement, by the Person taking under such Grant, Bargain, Sale, or Assignment, or requiring such Entry and Indorsement to be made as aforesaid.

Memorandum of Sales to be entered in a Book.

XXV. And be it further enacted, That after the said new Church shall have been built and finished, it shall not be lawful for any Person or Persons whomsoever, to make or cause to be made any Alteration in any of the said Pews or Seats, without the Consent and Approbation of the major Part of all and every of the said Trustees for the Time being, and of the Bishop of the Diocese, in Writing, for that Purpose first had and obtained; and in case any Person or Persons shall make or cause to be made, any such Alteration as and without such Consent as aforesaid, all his, her, or their Estate, Right, and Interest of and in the Pew and Seat so altered, shall become absolutely forfeited to the said Trustees, who shall and may thereupon let or sell the same to any Person or Persons, freed and discharged of and from all such Estate, Right, and Interest, as last aforesaid: Provided always, that when the said intended new Church and Chancel shall be built, and in all Respects completed

No Alteration to be made in Pews without the Consent of the major Part of the Trustees.

and

and finished, and Divine Worship performed therein, the Powers of the said Trustees shall cease as to the Disposal, Letting, and Regulating the Seats or Sitings in the said Church, and the same shall be from that Time disposed of, let, and regulated by the Rector and Churchwardens of the said Parish for the Time being in the Manner directed by this Act, but under the Controul of the Bishop of the Diocese as is by Law required, so that fair and reasonable Rents be obtained for all and every such Pews or Sitings as are not otherwise disposed of by the Provisions of this Act, and such Rents be applied in Manner hereinafter mentioned.

No Person to be buried, nor any Grave or Vault to be allowed under the Scite of the Church or Ground adjoining.

XXVI. And be it further enacted, That in case the said new Church shall by virtue of this Act be built and completed upon the said Piece or Parcel of Ground so to be given as aforesaid, no Person shall be buried or interred, nor shall any Grave or Vault at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Scite of the said Church or the Ground adjoining the same.

When old Tower is taken down a new one to be erected in new Church Yard.

XXVII. And be it further enacted, That as soon as the said old Tower shall be taken down, the said Trustees shall, with the Approbation of the Bishop of the Diocese, cause the Chapel or Building, now standing in the New Church Yard or Burying Ground in the said Parish, to be enlarged and raised to a proper Height, and a Bell sufficiently large for the Use of the Parish to be placed therein, to be tolled or rung as often as Occasion requires, on the Death of any of the Inhabitants or the Burial of the Dead.

Rates to be made.

XXVIII. And in order to raise Money sufficient for carrying the several Purposes of this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required in each and every Year, until all the Monies necessary to build the said Church and Workhouse, and all the Monies to be borrowed under and by virtue of this Act, and the Interest thereof, shall be paid off and discharged, to make at some Meeting to be holden for that Purpose, (of which Meeting or Meetings, and of the Purpose thereof, Notice in Writing, signed by the Clerk to the said Trustees, shall be affixed in the Manner before prescribed by this Act, Fourteen Days at the least immediately preceding the same respectively,) a Rate or Rates, Assessment or Assessments, on the Occupiers of all Houses, Buildings, Lands, 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 all such Houses, Buildings, Lands, Tenements, and Hereditaments, within the said Parish; and such Rate or Rates, Assessment or Assessments, shall be made after the Expiration of Two Calendar Months, from and after the passing of this Act, and shall be raised, levied, collected, and paid by any Collector or Collectors to be appointed by the said Trustees to the Treasurer or Treasurers appointed by the said Trustees, to be applied for the Purposes of this Act, in the Manner hereinafter mentioned: Provided always, that the Sums to be raised for the Purposes of this Act (exclusive of the Money to be received for the Sale of Pews or from voluntary Contributions, or by the Sale of the Materials of the present Church,) shall not in the whole exceed the Sum of Five thousand Pounds, together with such further Sum as may be necessary for

the Payment of the Interest upon the said Sum of Five thousand Pounds, or such Part thereof as may have been borrowed, and also together with such Sum as shall have been expended in the procuring and passing of this Act.

XXIX. And be it further enacted, That the said Rate or Rates, Assessment or Assessments shall be payable Quarterly, at *Midsummer, Michaelmas, Christmas, and Lady Day*; the first Payment thereof to be made at *Michaelmas* One thousand eight hundred and fifteen. Rates to be payable Quarterly.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Trustees to reduce the said Rates or Assessments below such a Sum in the Pound, in any One Year, as will be necessary to secure to all and every the Creditors the full Payment of the Interest which may be due to them respectively, by Half-Yearly Payments, for all such Sum or Sums of Money as they may have lent or advanced to the said Trustees on the Credit of the said Rates or Assessments by virtue of this Act, whilst any Sum or Sums of Money so lent and advanced shall be due and owing, without the Consent of the Creditor or Creditors entitled to the Money so due and owing. Rates not to be reduced without the Consent of the Creditors.

XXXI. Provided always, and be it further enacted, That the Rate or Assessment so to be made as aforesaid, in or for any Year, shall continue in force, and shall be collected and recovered in or for every subsequent Year until the said Trustees shall make a new Rate or Assessment by virtue of this Act, in like Manner as if they had made such Rate or Assessment in and for every subsequent Year. Rates may continue in force for several Years.

XXXII. And be it further enacted, That it shall be lawful for the Person or Persons to be appointed by the said Trustees as Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered to receive, levy, and collect the same accordingly. Collectors to collect Rates.

XXXIII. And be it further enacted, That if any Person being one of the People called Quakers shall be assessed to any Rate that shall be made under this Act, it shall be lawful for the said Trustees and they are hereby required to compute and ascertain what Proportion of the Whole of such Rate is for or in respect of the building and completing of the said new Church, and what Proportion of the same is for or in respect of the building of the said Workhouse, and according to such Proportions to fix and determine what Part of the Assessment on such Quaker shall be for or in respect of each of the said Two Purposes, and the Collector to be appointed as aforesaid shall thereupon make the Demand upon such Quaker for such Two Parts separately: Provided always, that either Part of such Assessment may and shall be recovered by the same Means and under the same Authority, and also may and shall be appealed against in the same Manner, as the whole of such Assessment might have been if it had not been so divided. Quakers to be assessed separately for Church and Workhouse.

XXXIV. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments or ready furnished to a Lodger or Lodgers by the Year, or for any less Term than *[Local.]* Rates where Houses are let to several Families.

a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Recovery of
Rates.

XXXV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed by virtue of this Act for the Space of Fourteen Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof and delivered to and left at the usual Place of Abode of such Person or Persons signed by any Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall be lawful for such Collector or Collectors to be appointed as aforesaid, and he and they is and are hereby respectively authorized and required to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said County of *Somerset*, which Warrant such Justices are hereby empowered and required to grant, upon Proof made upon Oath (which Oath the said Justices are hereby empowered and required to administer) before them of such Demand and Non-payment as aforesaid, rendering the Overplus, if any, upon Demand to the Owner of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale.

Power to
compound
for Rates in
certain Cases.

XXXVI. Provided always, and be it further enacted, That the said Trustees may, if they think proper, compound or agree to accept less than the full Amount of the Rates imposed on any Dwelling House, Cottage, or Tenement, or other Premises within the said Parish, the Annual Value whereof respectively in their Judgment shall not exceed Five Pounds, so as not less than One-half Part of the full Amount of any such Rate be taken in respect thereof.

Rates to be
kept separate.

XXXVII. And be it further enacted, That a Book or Books shall be provided by the said Trustees, in which the Account of the Rates to be made by virtue of this Act shall be kept separate and distinct from all other Rates in the said Parish, and shall be intituled 'Rates made by virtue of an Act for building a new Church and Workhouse at *Bathwick* in the County of *Somerset*.'

Power to
borrow
Money.

XXXVIII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds, in such Manner as they shall judge necessary for the several Purposes of this Act, over and above the Expences of obtaining and passing this Act, upon the Credit of the said Rate or Rates, Assessment or Assessments to be made, levied, and collected by virtue of this Act, and by Writing under their Hands and Seals, or the Hands and Seals of any Seven or more of them, to assign all or any Part of the said Rates or Assessments, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with lawful Interest for the same, and the Charges and Expences of such Assignment thereof (to be made as hereinafter mentioned) shall be from Time to Time defrayed by the said Trustees

Trustees out of the Money so borrowed, and every such Assignment shall be in the Words or to the Effect following; (that is to say)

WE, of the Trustees appointed by or in pursuance of Form of
an Act passed in the Fifty-fifth Year of the Reign of King George Assignment.
the Third, intituled [*here set forth the Title of this Act*] in Con-
sideration of the Sum of
advanced and lent by A. B. upon the Credit and for the Purposes of
the said Act, do hereby grant and assign unto the said A. B. [or, to his
or her Trustee or Trustees, *as the Case may require*,] his or her Execu-
tors, Administrators, and Assigns, such Proportion of the Rates or Assess-
ments to be raised, levied, and collected by virtue of the said Act, as the
said Sum of doth or shall bear to the whole Sum
which may at any Time be borrowed, or become due and owing, or be
charged upon the Credit of the said Rates or Assessments, to be had and
holden from this Day of until
the said Sum of with Interest after the Rate of
per Centum per Annum for the same, shall be repaid
and satisfied. In Witness whereof we the said Trustees have hereunto set
our Hands and Seals, the Day of in the Year of
our Lord

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an Arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators and Assigns to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

XXXIX. And be it further enacted, That it shall and may be lawful for the Persons entitled to any of the Securities granted as aforesaid, by Writing under his, her, or their Hand and Seal or Hands and Seals indorsed thereon, to transfer the same to any Person or Persons in the Words or to the Effect following; *videlicet*, Power to assign or transfer any of such Securities.

I do hereby transfer and assign the within Mortgage, Form of
and all my Right and Title in and to the Principal Money and Interest Transfer and
and all Arrears now due thereon, and all Interest and future Assignment
Payments that may hereafter become due and payable in respect to the of Securities.
same, and which are thereby secured, unto
Executors, Administrators, and Assigns. Dated this
Day of in the Year of our Lord

And a Copy of every Security or Assignment, together with the Number or Numbers thereof, which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer or Assignment thereof respectively, shall be entered in a Book or Books to be kept for that Purpose by the Clerk to the said Trustees, which Extract or Memorial shall specify or contain the Date, Names of the Parties, and Sums of Money thereby transferred, and to which Book or Books any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person or Persons to whom Copies of Securities and Memorials of the Assignments thereof to be kept and entered in a Book.

whom such Transfer shall be made, the Sum of Five Shillings and no more, and every such Transfer, after such Entry thereof as aforesaid made, shall entitle the Person to whom the Transfer or Assignment shall be made, and his or her Executors, Administrators, and Assigns, to the full Benefit of the Security thereby transferred or assigned.

Provision for
the Payment
of Creditors
by Ballot.

XL. And in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rates or Assessments to be raised by virtue of this Act, be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Number of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, and all such Papers shall be rolled up in the same Form as near as may be, and put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Trustees in the Presence of the said Trustees; and after such Ballot the said Trustees shall cause Notice signed by their Clerk to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there shall be only one Creditor, or Two or more Joint Creditors, to give Six Calendar Months Notice to such Creditor or Joint Creditors of the Intention of the said Trustees to pay him, her, or them as aforesaid, and every such Notice shall express the Sum to be paid off with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid, and the Interest of the Principal Money so to be paid off shall from and after the Day to be so specified cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notices, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand.

Power to
borrow
Money at
lower Interest
to discharge
Securities at
a higher
Rate.

XLI. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Trustees from Time to Time to charge the said Rates or Assessments in Manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying of Assignments or Securities.

Application
of Money
borrowed.

XLII. And be it further enacted, That the Money arising from the Sale of the Materials of the present Church, and the Subscriptions or Donations as aforesaid, and from the Rents of Pews or Seats in the said Church, and also from the several Rates and Assessments to be made under the Authority of this Act, and all the Money which may be borrowed, advanced, or lent as aforesaid on the Credit of the said Rates or Assessments, shall be paid to the Treasurer or Treasurers to the

faid Trustees, or to such Person or Persons as they shall appoint; and the same shall be applied and disposed of in paying and defraying the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and taking down the present Church, and building the said new Church, and in finishing and completing the same, for the due Performance of Divine Worship therein, and for building the said Workhouse, and in otherwise carrying this Act into Execution; and that when and as soon as all the Monies allowed to be raised or to be borrowed by virtue of this Act, and the Interest of such Money so to be borrowed, shall be paid off and discharged, and the several Purposes of this Act shall be carried into Execution, the Rates and Assessments granted by this Act shall cease, and be no longer paid or payable.

XLIII. Provided always, and be it further enacted, That if any Person or Persons shall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, such Person or Persons shall be repaid such Money, with lawful Interest for the same from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act, any Thing hereinbefore contained to the contrary thereof in any wise notwithstanding.

Persons advancing Money to be repaid with Interest.

XLIV. And be it further enacted, That it and shall may be lawful to and for the said Trustees from Time to Time to lay out and invest in Government Funds or Securities, in the Name of the Rector of the said Parish for the Time being; and Four of the Trustees under this Act, such Part of the Money arising by virtue of this Act as shall at any Time exceed the Interest on the Securities granted for Money borrowed, and the necessary Expences of this Act, and to sell and dispose of the same when they shall think proper, and apply the Produce thereof towards discharging the Money so borrowed.

Trustees may apply Surplus Money.

XLV. Provided always, and be it further enacted, That all and every the Trustees hereinbefore named, and their Successors to be appointed as hereinbefore mentioned, shall from Time to Time, and at all Times hereafter, be amply and fully indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, Charges, Damages, and Expences, which they or any of them, or their Treasurer or Clerk as aforesaid, shall and may sustain or be put unto for or by Reason of any Action, Suit, or other Proceedings which may be had, sued, commenced, or prosecuted against them, any or either of them, for any Matter or Thing which may be by them respectively legally done in or about the Execution of this Act and the Trusts reposed in them under the same.

Indemnity to Trustees.

XLVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to accept and receive voluntary Contributions from any Person or Persons, and shall apply the same for and towards the Purposes of this Act, in such Manner as they shall think proper.

Voluntary Contributions may be received.

XLVII. And be it further enacted, That if any Person or Persons shall place or lay any Rubbish, Stones, Soil, Manure, Litter, Compost, or Dung, in or against the said new Church when built, or in or against the Rails or Fence surrounding the same, or shall permit or suffer the same to

Preventing Nuisances near the Church.

[Local.]

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be

Rate or Rates, Assessment or Assessments, or any Judgment or Determination, or by any Matter or Thing made, given, or done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Fourteen Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Clerk to the said Trustees, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place with sufficient Sureties conditioned to try such Appeal, and abide the Order or Award of the said Court thereon, and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties, or otherwise as they the said Justices shall judge proper, and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable, and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive to all Parties to all Intents and Purposes whatsoever; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices may award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

LII. Provided always, and be it further enacted, That on any Appeal from any Rate or Assessment to be made for the Purpose of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rates or Assessments 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 Assessment.

LIII. 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 Proceedings 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 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.

LIV. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts

Proceedings not to be quashed for want of Form or removeable by *Certiorari*.

of Record at *Westminster* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

Plaintiff not
to recover
without No-
tice or after
Tender of
Amends.

LV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action, to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Ten Days before such Action shall be commenced of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the 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 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.

Limitation
of Actions.

LVI. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance of this Act, after the Expiration of Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County where the cause of Action shall arise and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Not to affect
the Right of
the Incum-
bent.

LVII. Provided also, 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 intended new Church, and the Ground adjoining the same, and also as to giving and allotting Seats or Pews in the said intended new Church, to those who may subscribe and pay towards the Costs and Charges of erecting the said intended new Church, as is hereinbefore expressed and declared.

Public Act.

LVIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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