



ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

Cap. xxviii.

An Act for repairing and altering the Parish Church of *Saint George the Martyr*, in the County of *Middlesex*, and for making further Provision for the Rector of the said Parish. [21st May 1816.]

WHEREAS the Parish Church of *Saint George the Martyr*, in the County of *Middlesex*, is much out of Repair, and not sufficiently commodious for the Inhabitants of the said Parish, and will therefore require a considerable Sum of Money to be expended in repairing and altering it: And whereas the said Parish Church is one of the Fifty Churches directed to be built by an Act made in the Tenth Year of the Reign of Queen Anne, intituled *An Act for enlarging the Time given to the Commissioners appointed by Her Majesty, pursuant to an Act for granting to Her Majesty several Duties on Coals, for building Fifty new Churches in and about the Cities of London and Westminster, and Suburbs thereof, and other Purposes therein mentioned; and also for giving the said Commissioners further Powers for better effecting the same; and for appointing Monies for rebuilding the Parish Church of Saint Mary Woolnoth in the City of London*, and by reason of the imperfect Agreement entered into between the Parish of *Saint Andrew Holborn*, and the said Parish of *Saint George the Martyr*, at the Time of the intended Separation of the Two Parishes, and from other Causes, Doubts have arisen, whether (as the said Parish of *Saint George the Martyr* is by Law established) there is any Power in the Select Vestry and Churchwardens, or in any other Body or Bodies, Person or Persons within the said Parish, to levy Rates upon the said Parish for defraying the Expences of the Repairs of the said Church,

[Local.]

or for any other Purpose to which Church Rates are by Law applicable: And whereas Rents have been usually paid for the Pews in the said Church by Persons occupying the same, which Pew Rents have been from Time to Time applied in Payment of the necessary Expences of keeping the said Church in Repair, and for various other Purposes, which ought to have been provided for by the Parish at large; but the same are inadequate to meet the Expences which are at present necessary, and there is no other Fund for that Purpose; and it is also doubtful whether such Pew Rents are recoverable at Law: And whereas the present Provision for the Support of the Rector of the said Parish consists of the Rent of an old Messuage or Dwelling House, and of a Tenement producing together annually the net Sum of Sixty Pounds, after deducting Repairs, and the Rector has in addition to the Rectory House of the Parish, the Fees from Christenings, Marriages, and Funerals, producing annually about the Sum of One hundred and eight Pounds, the Sum of Fifty-one Pounds produced from Easter Offerings, and an uncertain Payment of One hundred and fifty Pounds produced from the Pew Rents, making together the Sum of Three hundred and sixty-nine Pounds; and that at the Time of consecrating the Church, it was declared by the Inhabitants of the said Parish, that One hundred Pounds *per Annum* should be paid out of the Pew Rents, until other Provision should be made by Parliament; that no such Provision has been made, and that the only Addition to that One hundred Pounds is the Sum of Fifty Pounds, added by the Select Vestry on the Ninth Day of *February* One thousand eight hundred and nine, which Two Sums constitute the One hundred and fifty Pounds above mentioned: And whereas it is expedient that some more effectual Provisions should be made, for repairing and altering, and keeping in Repair the said Parish Church, and for raising Money for those Purposes, and for levying Rates to defray the Expences of such Repairs and Alterations, and for Payment of the Monies to be raised for those Purposes, and the Interest thereof, and also for meeting the other necessary Expences of the said Parish; and that some Remedy should be provided for the Recovery of the aforesaid Rents when in Arrear; and it is also expedient that some better Provision should be made for the Rector of the said Parish; but the said Objects cannot be obtained without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Rector and Churchwardens of the said Parish of *Saint George the Martyr* for the Time being, *Sir Richard Richards* Knight, One of the Barons of His Majesty's Court of Exchequer; *Sir Digby Mackworth* Baronet, *John Best*, *James Brown*, *John Booth*, *Samuel Collingridge*, *Richard Critchett*, *Thomas Combe*, *Henry Clay*, *Henry Edward Church*, *Thomas Denman*, *Thomas Farrar*, *William Gatty*, *James Gordon*, *John Hall*, *Thomas Hartcup*, *Henry Jackson*, *James Lewis*, *George Law*, *George Moody*, *Thomas Marston*, *Joseph Newsam*, *John Richardson*, *Joseph Roberts*, *George Revely*, *Robert Rawlings*, *Matthias Archibald Robinson*, *John Stevenson*, *Godfrey Sykes*, *William Watson*, *James Trower*, *George Boon Roupell*, *George Tenant*, *John W. Warren*, *Robert Baldwin*, *Francis Benjamin Bedwell*, *Rowland Stevenson*, *John Heath*, *Richard H. Solly*, and *Ambrose Humphreys*, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Trustees appointed.

II. And be it further enacted, That when any of the Trustees named in or appointed by or in pursuance of this Act, shall die, or refuse or be disabled to act, or shall cease to be an Inhabitant of the said Parish, or be disqualified to act as a Trustee or Trustees under the Provisions herein expressed, it shall be lawful for the surviving or remaining Trustees, or any Seven or more of them, at any Public Meeting, to be specially summoned for that Purpose, in Manner hereby directed, for appointing any earlier Meeting after any Adjournment, to elect, nominate and appoint some other Person or Persons to be a Trustee or Trustees for the Purposes of this Act, in the Room of every or any Trustee so dying or refusing or being disabled to act, or ceasing to be an Inhabitant; and the Person or Persons so chosen and appointed shall and may and he and they is and are hereby authorized and empowered to act in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample Manner, as the Trustees herein-before named and appointed are by this Act authorized and empowered.

Manner of
appointing
new Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees under this Act, or any Seven or more of them, and they are hereby required to meet together at the Place used for the Meeting of the Vestry of the said Parish of *Saint George the Martyr*, or in any other convenient Place within the said Parish, on the Second *Tuesday* after the passing of this Act, or as soon after as conveniently may be, between the Hours of Ten and Two of the Clock on that Day; and the said Trustees, or any Seven or more of them, so assembled, shall and may proceed to put this Act in Execution, and then, from Time to Time afterwards, may adjourn themselves to meet, or may meet according to the Summons hereinafter directed to be given, at such Time or Times, and Place or Places within the said Parish, as such Trustees, or any Seven or more of them, shall think proper and convenient: Provided always, that reasonable Notice of all such Adjournments or Meetings in Writing, or printed, and signed by the Vestry or other Clerk to the said Trustees for the Time being, shall be given to or left for the Trustees resident within the said Parish, at their last or usual Places of Abode; and if there shall not appear at any Meeting to be appointed as aforesaid, a sufficient Number of Trustees to act at such Meeting, or to adjourn to another Day, then and in either of such Cases, the said Clerk shall and is hereby required to adjourn such Meeting, and to summon the Trustees to meet at the Place where the last Meeting was appointed to be held, within Fifteen Days next after the Day on which such Meeting was to have been held as aforesaid (such Summons to be in Writing, or printed and signed by the Clerk to the said Trustees, and to be delivered to such Trustees at their last or usual Place of Abode, within a reasonable Time before such Meeting); and in case the said Clerk shall happen to die before such Summons shall issue, or shall neglect to issue such Summons, then the Churchwardens for the Time being of the said Parish shall and may, and they are hereby required to issue such Summons within Seven Days from the Time the said Trustees ought to have been summoned by the said Clerk in Manner aforesaid: Provided always, that the said Trustees, or any Seven or more of them, shall during such Time as any of the Powers or Authorities given to them in or by virtue of this Act shall exist or continue, meet and assemble for the Purposes of this Act, or some or One of them, Once at least within every Three Calendar Months: Provided also, that no Act, Matter, or Thing to be done in pursuance

Meetings of
the Trustees.

fuance or Execution of this Act, or in anywise relating thereto, shall be valid or effectual, unless the same shall be done at some such Meeting to be holden as aforesaid: Provided nevertheless, that at each and every such Meeting the Trustees shall respectively pay their own Expences.

Seven
Trustees to
be a Quorum
for executing
the Act.

Chairman.

IV. And be it further enacted, That all and every the Powers, Acts, Matters, and Things by this Act directed or authorized to be done or executed by the said Trustees, shall and may be done and executed by or before any Seven or more of them, and every Question shall be determined by a Majority of the Votes of the Trustees present at every such Meeting as aforesaid, and such Determination shall be as valid and of as full force as if done or executed by or before all the said Trustees; and the Rector of the said Parish of *Saint George the Martyr*, if present, and in his Absence One of the Churchwardens of the said Parish, shall be Chairman at every Meeting held under this Act; and in case the Rector and Churchwardens shall respectively be absent, then the Trustees present at every Meeting shall, before they proceed to Business, elect One of the Trustees then present to be Chairman of such Meeting; and if at any Meeting a Question shall be put to the Vote, and there shall happen to be an equal Number of Votes for and against the Question (including the Vote of the said Chairman) then and in every such Case it shall be lawful for the said Chairman, and he is hereby required to give another and the casting or decisive Vote, which shall determine the Question.

Proceedings
to be entered
in a Book.

V. And be it further enacted, That all the Acts, Orders, Resolutions, and Proceedings of the said Trustees, relative to the Execution of this Act, and the Names of the Trustees who shall be present at their respective Meetings, shall be entered by the said Clerk for the Time being in a Book or Books to be provided and kept for that Purpose, and signed by the Chairman presiding thereat, and all such Entries being so signed shall be deemed Originals, and shall and may be produced and read in Evidence in all Courts and Places whatsoever; and all which Acts, Orders, Resolutions, and all other the Proceedings of the said Trustees, shall from Time to Time and at all convenient Times be open to the Inspection and Perusal of all Person and Persons interested in the Rates and Assessments to be made and imposed under and by virtue of this Act, without any Fee or Reward; and on the *Tuesday* in Easter Week in every Year the Accounts and Proceedings of the said Trustees up to that Time, shall be audited by the Churchwardens of the said Parish, who are hereby required to sign the same, and also verify such Accounts upon Oath, such Oath to be from Time to Time administered by some Justice or Justices of the Peace for the said County of *Middlesex*.

Trustees
being Justices
may act as
such.

VI. And be it further enacted, That all such Trustees appointed or to be appointed under or by virtue and for the Purposes of this Act, as are or shall be Justices of the Peace, may act as Justices notwithstanding their being Trustees (except in Cases where they may be personally interested) and that in all Cases where any Justice or Justices of the Peace is or are hereby authorized to do any Act, Matter, or Thing, it shall be lawful to or for such Trustee or Trustees, being such Justice or Justices, to execute the same in such Way and Manner as he or they might have done, if he or they had not been a Trustee or Trustees under this Act.

VII. And

VII. And be it further enacted, That it shall be lawful for the said Officers to be appointed. Trustees from Time to Time to appoint a Clerk and a Collector of the Money to be raised under or by virtue of this Act, and such other Officers and Servants as they shall think necessary (taking such Security as they the said Trustees shall think sufficient, from such Clerk and Collector, or other Officer and Servant, for the faithful Discharge of the Duties of his or their Office or respective Offices) and shall and may from Time to Time remove such Clerk or Collector, or other Officers or Servants, and appoint others in the Room and Stead of such of them as shall be so removed, or shall die or discontinue, or resign his or their Office or Offices, or be incapable of performing the same; and that such Trustees shall and may out of the Monies to be raised under this Act, pay or cause to be paid to all and every or any of such Clerk and Collector, and other Officers or Servants, such Salaries or Allowances as they the said Trustees shall judge a reasonable Compensation for his or their Trouble and Services.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required and directed from Time to Time to cause the said Parish Church of *Saint George the Martyr*, and the Walls, Roof, Gates, and Fences thereof, to be well and substantially repaired, altered and improved, and (if necessary and practicable) a new Gallery or Galleries to be built, or the present Gallery or Galleries to be enlarged, in such Manner as they the said Trustees shall or may deem proper or necessary, so that the same may be put and kept in complete and substantial Repair, and made and continued as far as may be, fit for the commodious Reception and Accommodation at all Times of the Inhabitants of the said Parish resorting to the said Parish Church; and a Proportion of such new Gallery or Galleries, not being less than Two Thirds of the Number of Persons which such Gallery or Galleries may be fitted up to contain, shall be appropriated as free Seats for any Persons desirous of using the same, without any Payment whatever for the Use of such Seats. The Church to be repaired.

IX. And be it further enacted, That from and after the passing of this Act, the Right and Property of and in all and every the Materials, Pavements, Lamps, Irons, Posts, Stones, Timbers, and Things used or to be used in and about the said Parish Church, in repairing or altering the same as aforesaid, shall be and the same respectively are hereby vested in the Churchwardens of the said Parish for the Time being. Materials vested in Trustees.

X. And be it further enacted, That the said Trustees, at any of their Meetings to be held in pursuance of this Act, shall and may contract or agree with any Person or Persons for the doing of any Work or Works in pursuance and Execution of this Act, or for providing and furnishing proper Materials for such Works, or for any other of the Purposes aforesaid, all which Contracts shall be reduced into Writing, and signed by the Parties contracting with the said Trustees, and by the Chairman, and Seven or more of the Trustees present at the Meeting at which such Contract shall be agreed to, and shall contain sufficient Penalties for the Non-performance thereof, and the said Trustees may take such Security from the Contractors for the due Performance of such Contracts as to them shall seem necessary and sufficient; and it shall be lawful for the said Trustees to cause the Works to be done in pursuance of any such Contract Trustees may contract, &c.

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or Contracts, to be surveyed or examined by One or more Person or Persons to be for that Purpose appointed by them; and if the same shall appear not to be performed according to such Contract or Contracts, and the Surveyor or Surveyors, or Person or Persons examining the same, shall report to the said Trustees to that Effect at any of their Meetings, the said Trustees may cause One or more Action or Actions to be brought in the Name of their Clerk, in any of His Majesty's Courts of Record at *Westminster*, against the Party or Parties liable thereto, for the Recovery of the Penalty or Penalties contained in such Contract or Contracts, or otherwise, for the Recovery of such Damages as the Case may require; and upon the due Performance of any such Contract or Contracts, it shall be lawful for the said Trustees at any Meeting or Meetings to be holden as aforesaid, to give such Orders as may be necessary or proper for Payment out of the Monies to be raised under the Powers and Directions of this Act, of any Sum or Sums of Money which shall or may be, or become payable upon or by virtue of such Contract or Contracts: Provided always, that no Work shall be done, and no Materials shall be supplied, under any of the Provisions, or for any of the Purposes of this Act, if the same shall be to the Amount or Value of Fifty Pounds or upwards, unless the same shall be contracted for according to the Directions in this Act contained: Provided always, that before any such Contract or Contracts as aforesaid shall be entered into, Twenty-one Days Notice at least, shall be given in Two or more of the Daily Newspapers, expressing the Purpose of every such Contract or Contracts, and the Time and Place at which Proposals for the same are to be made, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose; and Copies of all Contracts made in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose, and such Book and Books shall from Time to Time and at all convenient Times, be open to the Inspection of all and every Person or Persons interested in the Rates or Assessments to be made or imposed in pursuance of this Act, on Payment of One Shilling to the Clerk or Person in whose Custody the same shall be.

And no Work to the Amount of 50l. to be done without a Contract.

Notice to be given before Contracts entered into.

Trustees, their Clerk, and Churchwardens not to be interested in Contracts, &c.

on Penalty of 500l.

XI. And be it further enacted, That no One or more of the said Trustees, or their Clerk, nor any Churchwarden of the said Parish of *Saint George the Martyr*, nor any Person in any Manner connected in Business as Partner with any such Trustee, Clerk, or Churchwarden, shall hold any Contract or Engagement, or enjoy any Place of Profit or Advantage created by this Act (excepting the Right of such Clerk to the Emoluments of his Clerkship) or be beneficially employed, or in any Manner interested or concerned directly or indirectly, in doing any Work, or in supplying any Materials under the Directions of this Act; and in case any Trustee, Clerk, or Churchwarden, shall hold any Contract, or enjoy any Place of Profit or Advantage created by this Act (other than as aforesaid) or shall be in any Manner beneficially employed or concerned, directly or indirectly, as aforesaid, every such Trustee, Clerk, or Churchwarden, shall forfeit and pay the Sum of Five hundred Pounds, together with full Costs of Suit, to any Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record by Action of Debt, or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlane shall be allowed, and One Moiety of such Penalty when recovered shall be paid to the Person

or Persons who shall sue for the same, and the other Moiety shall be paid to the said Trustees or to their Clerk, towards the Expences of putting this Act into Execution; and any Trustee or Trustees so convicted, shall be absolutely disqualified from acting any longer as a Trustee or Trustees, and no Trustee interested in any such Contract, Matter, or Thing as aforesaid, shall vote in any Question touching or concerning the same.

XII. And for making a better Provision for the Rector of the said *Parish of Saint George the Martyr*, be it further enacted, That from and after the passing of this Act, all and singular the Pews in the said *Parish Church of Saint George the Martyr*, shall be and the same are hereby vested in the Churchwardens of the said Parish and their Successors; and that it shall and may be lawful for them from Time to Time, and they are hereby required (under the Direction of the said Trustees) to demise or let the said Pews respectively, or any Part or Parts thereof, except the appropriated Free Seats for the Use of the Poor of the said Parish, for any Term not exceeding One Year, at such Rents and upon such Conditions in all respects as shall be thought fit, and shall be ordered and directed by the said Trustees in that Behalf (subject only to the Proviso hereinafter contained for giving a Preference to the Parishioners in the letting of the said Pews) and to receive and take such Rents or other Profits or Emoluments, so as that the Rents of the said Pews shall form a sufficient Fund for the defraying the Expences and paying the Sums of Money by this Act directed to be paid thereout and charged thereon, and to take and receive such Rents or other Profits and Emoluments as shall be reserved for the said Pews respectively, or shall arise from the letting thereof.

XIII. Provided always, and be it further enacted, That the said Churchwardens for the Time being do and shall, by and out of the Rents and Profits or Emoluments of the said Pews, from Time to Time pay all Expences incurred on account of Pew Openers at the said Church, and after Payment thereof, and of the Expences of collecting such Rents out of the Produce of the said Rents, pay unto the Rector of the said Parish of *Saint George the Martyr* and his Successors, for his and their own Use and Benefit annually in each Year, by Two equal Payments at *Midsummer* and *Christmas* in each Year, the net Sum of Four hundred Pounds of lawful Money of *Great Britain*, free and clear of all Deduction or Charges whatever, and the Surplus or Residue of such Pew Rents shall go and be applied to such Purposes as the Pew Rents have heretofore been applied, or as Church Rates.

XIV. And be it further enacted, That in case any Rent or Rents to be payable for any such Pew or Pews in the said Parish Church of *Saint George the Martyr* as aforesaid, or any Part thereof, shall be in arrear and unpaid (in the Whole or in Part) by the Space of Twenty-eight Days next over or after any Day or Days on which the same shall become due and payable, then and in such Case, and so often as the same shall happen, it shall be lawful for any One Justice of the Peace for the said County of *Middlesex*, upon the Complaint of the Churchwardens of the said Parish, or any One of them, to summon and convene before any Two or more of such Justices of the Peace, any Person from whom such Rent or Rents shall or may be due and payable, and in arrear and unpaid as aforesaid, and to examine upon Oath (which Oath the said Justices are hereby empowered to administer)

Appeal.

nister) into the Merits of the said Complaint; and if the Party or Parties complained against shall not appear before such Justices, or if he, she, or they shall appear and not shew good Cause to the contrary, it shall be lawful for such Two or more Justices of the Peace, by Order under their Hands and Seals, to direct the Payment of what shall or may appear to them to be due for such Rent or Rents; and upon Refusal or Neglect of any Party or Parties to pay according to such Order, it shall and may be lawful for any One of such Justices, by Warrant under his Hand and Seal, to levy the Money thereby ordered to be paid, together with the Amount of such Costs and Charges, by Distress and Sale of the Goods of such Defaulter or Defaulters, his or their Executors or Administrators, rendering only the Overplus to him or her, the necessary Charges of distraining being thereout in the first Place deducted and allowed by the said Justices; and any Person finding himself or herself aggrieved by any Order made by Two or more such Justices as aforesaid, may appeal to the next General Quarter Sessions to be held for the said County, and the Justices of the Peace there present or the major Part of them, shall proceed finally to hear and determine the Matter, and to reverse the said Order, if they shall see cause; and if the Justices then present, or the major Part of them, shall find cause to affirm the Order made by the first Two or more Justices, the same shall be decreed by Order of the Sessions with Costs against the Appellant, to be levied by Distress and Sale of the Goods and Chattels of the said Party Appellant: Provided always, that in case any such Appeal be made as aforesaid, no Warrant of Distress shall be granted until after such Appeal shall have been determined.

Persons not
Parishioners
to quit their
Pews;

and Pews
not to be in
future let to
Persons not
Parishioners
without
Notice.

XV. Provided always, and be it further enacted, That as soon as conveniently may be after the passing of this Act, Notice in Writing shall be given to all and every Persons and Person holding or occupying Pews or Sitings in the said Parish Church of *Saint George the Martyr*, and not being Inhabitants or an Inhabitant of the said Parish, to quit the Pews or Sitings now occupied by them or him, at or before the Expiration of Three Calendar Months from the Date of such Notice; and as and when the Pews or Sitings in the said Church, or any of them, shall pursuant to such Notice as aforesaid, or otherwise from Time to Time become vacant, the same shall not be let or demised to any Person or Persons, not being at the Time of such letting or demising an Inhabitant or Inhabitants of the said Parish, until Notice in Writing of the Intention to let such Pews or Pew shall have been affixed on the principal Doors of the said Parish Church during the Performance of Divine Service, on Two *Sundays* at the least before any such letting shall take place, in order that any Inhabitant or Inhabitants of the said Parish desirous of having a Pew or Pews, or any Sitting or Sitings in the said Church, may have an Opportunity of applying for the same; and in case such Notice as last mentioned shall be given, and no Person being an Inhabitant of the said Parish shall have applied for or be willing to take the same, on the Terms required by the Churchwardens for the Time being, then and in such Case it shall be lawful for the Pew or Pews, or Sitting or Sitings, as to which such Notice as aforesaid shall have been given, to be let or demised to any Person or Persons, on such Terms as aforesaid, not being an Inhabitant or Inhabitants of the said Parish: Provided also, that the Inhabitants of the said Parish shall have a Preference in the Use and Occupation of the Free Seats in the Gallery or Galleries of the said Church; and it shall be lawful

lawful for the said Trustees to make any such Regulation as may be necessary for preventing the Exclusion of the Inhabitants of the said Parish in the Use of such Free Seats, by any other Person not being an Inhabitant thereof.

XVI. And be it further enacted, That in case any Person or Persons to whom Notice to quit shall be given as aforesaid, shall refuse or neglect to comply with such Notice, or in case any Person or Persons, being an Inhabitant or Inhabitants of the said Parish of *Saint George the Martyr*, now holding or who shall or may hereafter hold any Pew or Pews, Sitting or Sittings in the said Church, shall remove out of the said Parish, or in case Default shall be made in Payment of the Rent or Rents which shall be payable in respect of any such Pew or Pews, Sitting or Sittings (in Part or in the Whole) for the Space of Thirty Days next after the same Rent or Rents shall have become due and payable (the same having been during that Time demanded by some Person or Persons legally authorized in that Behalf) then and in either of the said Cases it shall and may be lawful for the said Churchwardens, or any Person or Persons acting by their Authority and Direction, at any Time after such Refusal or Neglect, Removal, ceasing to occupy, or Default as aforesaid shall have happened, to take actual Possession of the Pew or Pews, Sitting or Sittings thenceforth occupied by such Person or Persons so refusing or neglecting to quit, or so removing or making Default as aforesaid, and the same Person or Persons respectively, and his, her, and their Family or respective Families, from thenceforth to exclude from such Pew or Pews, Sitting or Sittings, notwithstanding any Demise or Demises which shall have been made to such Person or Persons respectively; and then and in either of the said Cases, the Pew or Pews, Sitting or Sittings, of which Possession shall be so taken, shall and may be afterwards let and demised to any other Person or Persons, according to the Regulations of this Act in all Respects.

Persons quitting the Parish, or ceasing to occupy, or not paying Pew Rents, to be excluded from their Pews.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required, to raise by the granting and Sale of Life Annuities, to any Person or Persons, either by way of Simple Annuity or by way of Tontine, upon any Two or more Lives, and the Survivor of them, or by way of Loan upon Bonds, to be entered into or given by or by the Order and Direction of the said Trustees any Sum or Sums of Money not exceeding in the Whole the Sum of Five thousand Pounds, to be applied in or towards the Costs, Charges, and Expences to be incurred in or about, or relating to the repairing the said Church, and the Walls, Roof, Gates, and Fences thereof, and the building of a new Gallery or new Galleries, or altering of the present Galleries, or any Part thereof, according to the Directions of this Act; and for the several Purposes aforesaid, or any of them, it shall and may be lawful for any Person or Persons whomsoever, to contribute, advance, and pay into the Hands of the said Trustees, or such Person as they may appoint to receive the same, any Sum or Sums of Money, either for the absolute Purchase of any Annuity or Annuities, Share or Shares in any Tontine or Tontines, or by way of Loan; and such Annuities shall be paid and payable by the said Trustees, at the House or Houses, Office or Offices of the Clerk to the said Trustees, or in such other Place or Places as the said Trustees shall appoint for that Purpose, Half-yearly, during the natural Life or Lives of the Person or Persons for whose Life or Lives such Annuity shall be granted, and a proportional Part of each such Annuity

Manner of raising Money for the Purposes of this Act.

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shall

shall and may (if so stipulated and agreed) be paid from the last Half-yearly Day of Payment thereof to the Day of the Death of the Person on whose Life such Annuity shall be payable; and the Interest of the Money to be so borrowed on Bond as aforesaid shall be paid and payable by the said Trustees, at or in the same Place or Places, unto the Persons advancing the same, and their respective Executors, Administrators and Assigns, by equal Half-yearly Portions or Payments, until the Principal of the Money so borrowed shall be paid from or out of such Rates as aforesaid, when and as the same shall amount to a sufficient Sum to discharge any One or more of such Bond or Bonds.

Rate of Annuities.

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

Trustees to pay all Outgoings.

XIX. And whereas all Expences attending the Church have been heretofore paid out of the Monies produced by letting of the Pews; be it therefore further enacted, That from and after the passing of this Act, the said Trustees shall bear, pay, and discharge all such Expences and Outgoings relating to the said Church (save and except such Expences as may any way relate to the said Pews as aforesaid) from and out of the Money to be produced by the Rates hereby imposed.

Manner of paying off Bonds.

XX. And in order that no Preference may be given to any of the Persons who may advance or lend any Money by Bond, upon the Credit of the Rates and Assessments to be made under this Act; be it further enacted, That the said Trustees shall cause the Numbers of all the Bonds in force, of which One or more shall be intended to be paid off, to be written upon

upon distinct Pieces of Paper of an equal Size ; and all such Papers shall be rolled up in the same Manner as nearly as may be, and put into a Box or Wheel, and the Number or Numbers of the said Bonds shall be drawn separately out of such Box or Wheel by the said Clerk for the Time being in the Presence of the said Trustees, or any Seven or more of them, at some or One of their Meetings ; and such Bonds shall be paid off and discharged according to the Rotation in which the Numbers thereof shall be drawn at every such Ballot, beginning with the First, and proceeding progressively to the Second, Third, Fourth, Fifth, and every other Number drawn, as far as the Money then in the Hands of the said Trustees will extend to pay ; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk, to be given to or left at the usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, signifying to such Creditor or Creditors, that at the End of Six Calendar Months, to be computed from the Day of giving or leaving such Notice, the said Trustees intend to pay such Sum or Sums of Money as shall be expressed in such Notice, and the Interest due thereon, at a Place therein also to be mentioned ; and the Interest of the Principal Money so to be paid off, shall from and after the End of the said Six Calendar Months cease and be no longer payable, unless such Money shall be demanded pursuant to such Notice and not paid ; but the principal Money in respect whereof such Notice shall be given, and also the Interest due at the Expiration of such Notice, shall nevertheless be payable on Demand.

XXI. And be it further enacted, That all and every the Annuity and Annuities to be granted and secured under or by virtue of this Act, shall be so granted by a Writing on Parchment or Vellum, and shall be executed by the said Trustees, in the Words or to the Effect following ; (*videlicet*),

‘ **WE**, [*insert Names and Descriptions of Trustees*] Seven of the Trustees appointed by and acting under an Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*] do, by virtue of the said Act, and in Consideration of the Sum of _____ paid to us by _____ before the Sealing and Delivery of these Presents (as appears by the Receipt indorsed hereon) grant and secure unto the said _____ his [*or her or their*] Executors, Administrators, and Assigns, an Annuity of _____ out of the Rates made or assessed, and to be made or assessed by the Trustees of or acting under the said Act, for the Purposes therein mentioned ; which said Annuity shall be paid to the said _____ his [*or her*] Executors, Administrators, and Assigns [*or, to the said _____ and the Survivors and Survivor of them*] upon the _____ Day of _____ and the _____ Day of _____ in every Year, by equal Half-yearly Payments, during the natural Life, and up to the Day of the Death of _____ [*or, of the said _____ and the Survivor of them*] ; and the first Payment thereof shall be made upon the _____ Day of _____ now next ensuing. In Witness whereof, we have hereunto set our respective Hands and Seals, the _____ Day of _____ in the Year of our Lord _____ Witness _____

Form of
Grant of
Annuity and
Bond secur-
ing Money
borrowed.

And

And also, that all and every the Sum and Sums of Money to be advanced, lent, and paid to, or to the Order of the said Trustees, upon the Credit of this Act or Bond, Security shall be secured by a Bond written on Parchment or Vellum, under the Hand and Seal of the Clerk of the said Trustees; and every such Bond shall be signed in the Margin thereof, by Seven or more of such Trustees, and shall be in the Words or to the Effect following; (*videlicet*),

‘ **KNOW** all Men by these Presents, That the Trustees appointed by
 ‘ and acting under an Act passed in the Fifty-sixth Year of the Reign
 ‘ of King George the Third, intituled [*here set forth the Title of this Act*]
 ‘ and their Successors, are held and firmly bound to in
 ‘ the Sum of to be paid to him [*or her*] the said
 ‘ or to his [*or her*] certain Attorney, Executors, Administra-
 ‘ tors, or Assigns. In Witness whereof, the Clerk of the
 ‘ said Trustees, and by Order, hath hereunto set his Hand and Seal,
 ‘ this Day of in the Year of our Lord

‘ **THE** Condition of the above written Obligation is such, That if the
 ‘ above named
 ‘ his [*or her*] Executors, Administrators or Assigns, shall, under and ac-
 ‘ cording to the true Intent and Meaning of the above-mentioned Act of
 ‘ Parliament, be well and truly paid the full and just Sum of
 ‘ this Day advanced and lent by him [*or her*] the
 ‘ said upon the Credit of the said Act, together with the Interest
 ‘ for such Sum of whilst the
 ‘ same shall remain unpaid, after the Rate of *per*
 ‘ *Centum per Annum*, by equal Half-yearly Portions or Payments, then
 ‘ this Obligation is to be void.

‘ Signed and sealed in the Presence of

All which Grants or Securities shall be and are hereby declared to be good, valid and effectual, according to the Purport, true Intent and Meaning thereof respectively; and all and every the Annuities and Annuity so to be purchased and secured under or by virtue of this Act as aforesaid, and all and every the Sum and Sums of Money to be borrowed and taken up on Bond upon the Credit of this Act, and the Interest thereof, shall be and the same are and is hereby charged upon and made payable, from Time to Time, out of the Monies arising by or from the Rates and Assessments by this Act directed to be made; and all and every the Contributor or Contributors, or Lender or Lenders of any Money upon the Credit of this Act, duly paying the Consideration or Purchase Money for any such Annuities or Annuity, or otherwise advancing or lending any Money as aforesaid, or such Person or Persons as he, she or they shall appoint his, her, or their respective Executors, Administrators, or Assigns, shall have, receive, take, and enjoy, and be entitled by virtue of this Act to have, receive, take and enjoy the respective Annuities or Annuity so to be purchased, and the Principal and Interest of the other Monies so to be advanced and secured as aforesaid, out of the said Rates or Assessments by this Act appropriated or appointed for the Payment thereof; and all and every Purchaser and Purchasers of such Annuity or Annuities, and other Person or Persons so advancing Money as aforesaid, and his, her and their respective

respective Executors, Administrators and Assigns, shall have a good, sure, perfect, absolute, and indefeasible Estate, Right and Interest, in and to the said Annuities so to be by them respectively purchased, and in and to the said other Monies so to be advanced as aforesaid, according to the Tenor and true Meaning of this Act.

XXII. And be it further enacted, That all and every Person and Persons to whom any such Annuity or Annuities shall be so granted and secured as aforesaid, and his, her and their Executors, Administrators, and Assigns, shall and may by Indorsement on his, her, or their respective Securities, and executed in the Presence of any One of the said Trustees, or of their Clerk, or the officiating Clergyman of the Parish or Place where the Party making such Assignment shall reside at the Time of making such Assignment, assign or transfer his, her, or their Right to the Annuities thereby respectively secured, in the Words or to the Effect following; (*videlicet*),

‘ I Do hereby transfer the within written Security and the Annuities [*or*
 ‘ Annuity] thereby granted or secured, unto
 ‘ Executors, Administrators, or Assigns. Witness my Hand
 ‘ and Seal this Day of in the Year
 ‘ of our Lord

‘ Witness

And the Lender or Lenders of such other Monies as aforesaid, and his, her, and their Executors, Administrators, and Assigns, shall and may by Assignment under their respective Hands and Seals, attested as aforesaid, and to be indorsed on their respective Bonds, also assign and transfer any of such Bonds and the Monies thereby respectively secured, to any Person or Persons whomsoever, in the Words or to the Effect following; (*videlicet*),

‘ I Do hereby transfer the within written Bond, with all my Right and
 ‘ Title to the Principal and Interest thereby secured, unto
 ‘ Executors, Administrators, and Assigns. Witness
 ‘ my Hand and Seal, this Day of in the Year
 ‘ of our Lord

‘ Witness

All which Assignments or Transfers respectively shall be produced and notified to the Clerk of the said Trustees, within Three Calendar Months after the Date thereof, who shall cause an Entry of such Transfers or Assignments to be made in the Book or Books hereinafter directed to be kept for entering the said Annuities or Securities, containing the Dates, Names of Parties, and the Sums of Money or Annuities therein mentioned to be assigned and transferred, for which the said Clerk shall be paid the Sum of Ten Shillings and no more; and after such Entry shall be made, every such Assignment or Transfer shall be deemed to pass the legal Property of and in such Annuity or Security as shall be thereby assigned, and entitle such Assignee, and his, her or their Executors, Administrators and Assigns, to the full Benefit thereof; and such Assignee may in like Manner assign and transfer again, and so *toties quoties*: Provided always, that no Annuity to be granted and secured under this Act shall be paid or recoverable, unless (upon the Demand of each Half-yearly Payment thereof) the Person for whose Life the same shall have been so granted and

[*Local.*]

7 A

secured,

No Annuity to be paid or recoverable, unless a proper Certificate is produced.

secured, shall personally appear before the Clerk to the said Trustees (to whom the Person or Persons entitled to such Annuity or Annuities shall then produce or cause to be produced the original Security or Securities for the same) or in case of his or her Non-appearance, the Person or Persons entitled to receive such Annuity, or his, her, or their Agent or Agents, shall produce such Security or Securities, and a Certificate to the said Clerk of the Life of such *Cestuique Vie*, signed by the officiating Minister of the Parish wherein he or she shall be residing upon the Day when such Annuity became due, or such other Evidence as shall be satisfactory to the said Trustees (if such *Cestuique Vie* shall be then in the United Kingdom of *Great Britain and Ireland*) and in case any such *Cestuique Vie* shall not be within the said United Kingdom, then such other good and sufficient Proof of his or her being living upon the Day when each Half-yearly Payment of the said Annuity or Annuities shall respectively become due, shall be produced to the said Clerk as shall be satisfactory to the said Trustees.

Names of
Annuitants
and Bond
Creditors to
be entered in
a Book.

XXIII. And be it further enacted, That there shall be provided and kept by the said Trustees, in the Office of the Clerk to the said Trustees, a Book or Books in which shall be fairly written in Words at length the Names and proper Additions of all such Persons who shall be the Purchasers of any such Annuity or Annuities as aforesaid, and of all Persons who shall have lent any Monies on the Credit of the said Rates and Assessments, to which Book or Books it shall be lawful for the said respective Purchasers or Persons lending any Money on the Credit of the said Rates and Assessments, their respective Executors, Administrators or Assigns, and to and for every Person or Persons who shall be liable to pay any Rates or Assessments to be made by virtue or in pursuance of this Act, from Time to Time and at all seasonable Times, to have Recourse and to inspect the same, without Fee or Reward.

Trustees may
borrow Mo-
ney at a
lower Interest
to pay off
Sums secured
at a higher
Rate of Inter-
est.

XXIV. Provided always, and be it 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 and may be lawful to and for the said Trustees from Time to Time to borrow and take up such Sum or Sums of Money as they shall think proper, at such lower Rate of Interest as aforesaid, and to pay off and discharge the Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Securities in other Cases.

Rates to be
made.

XXV. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required (by Writing under the Hand of any Seven or more of them) from Time to Time to make an Assessment or Assessments, Rate or Rates, upon all and every Person and Persons who do or shall inhabit, hold, use, occupy, possess, or enjoy any Lands, Grounds, Houses, Shops, Warehouses, Vaults, Coach-houses, Cellars, Stables, Gardens, Tenements, and Hereditaments within the said Parish of *Saint George the Martyr* (for any Term or Time not exceeding One Year upon each or any one such Rate or Assessment) in any Sum of Money not exceeding Sixpence in the Pound by the Year, of or upon the Annual Rent or Value of such Lands, Grounds, Houses, Shops, Warehouses, Vaults, Coach-houses, Cellars, Stables, Gardens, Tenements and Hereditaments (at which the same shall be assessed to the Poor Rate)

Rate) and to order and direct the Collector or Collectors to be appointed in pursuance of this Act, to demand, collect, and receive from the Occupiers of such Lands, Grounds, Houses, Shops, Warehouses, Vaults, Coach-houses, Cellars, Stables, Gardens, Tenements and Hereditaments, such Rates and Sums of Money as shall be so assessed or rated as aforesaid, either by Half-yearly or Quarterly Payments; all which Rates and Assessments so to be made and collected, and all other Monies to arise and come to the Hands of the said Trustees, by virtue of this Act, are hereby vested in the said Trustees and their Successors, and the said Rates and Assessments shall commence upon or take place from such Day or Time as the said Trustees shall by any Writing under their Hands direct or appoint; and such Rates and Sums of Money shall be applied to all such Purposes as Church Rates are by Law applicable, and also in paying a competent Salary to a Clerk and Organist, and keeping the Organ of the said Church in Repair, and in procuring and providing and keeping in good Condition any Fire Engine, Fire Buckets or Ladder, or such other Articles of a like Description as may be deemed by the said Trustees necessary and useful for the said Parish.

XXVI. And whereas there are divers Houses in the said Parish of *Saint George the Martyr*, which are let to several Persons occupying different Apartments therein, and other Houses are let ready furnished to Lodgers, whereby the Payment of the said Rates or Assessments hereby authorized to be made may be evaded; be it therefore further enacted, That every Person or Persons, whether Landlord or Landlords, Tenant or Tenants, who shall let his, her, or their House or Houses in separate Apartments or ready furnished to a Lodger or Lodgers, shall, for the Purposes of this Act, and may be rated and assessed as the Occupier or Occupiers thereof, and shall be liable and subject to the Payment of the several Sums so respectively rated and assessed, in the same Manner as if he, she, or they was or were the actual Occupier or Occupiers thereof.

For collect-
ing Rates on
divided
Houses.

XXVII. And be it further enacted, That in case any Person shall remove out of or from, or quit the Possession of any House, Building, Tenement, Ground or Hereditament, within the said Parish of *Saint George the Martyr*, before any Rate or Assessment charged thereon by virtue of this Act shall be paid; or if any Person shall enter into the Occupation of any House, Building, Tenement, Ground or Hereditament, out of or from which any other Person shall have so removed before Payment of any such Rate or Assessment, or which at the Time of rating or assessing the same shall be empty or unoccupied, then the Person so removing out of or from or quitting the Possession, and the Person entering into the Occupation of any such House, Building, Tenement, Ground or Hereditament, shall be respectively liable to the Payment of every Rate or Assessment, in Proportion to the Time such Person or Persons possessed or occupied the same respectively, in like Manner as if the Person or Persons so removing or quitting as aforesaid had remained in the Possession or Occupation of such House, Building, Tenement, Ground or Hereditament, or the Person or Persons so entering into the Occupation thereof had been originally rated or assessed, which Proportion (in case of Dispute) shall be ascertained by any Two of His Majesty's Justices of the Peace for the said County of *Middlesex*: Provided always, that this Act, or any Thing herein contained, shall not alter, affect, or make void any Covenant or Agreement

For appor-
tioning Rates.

Not to alter
any Agree-
ment between
Landlord and
Tenant.

Agreement between Landlord and Tenant, relating to or concerning the Payment of any Rates or Assessments within the said Parish.

Making good
Monies lost
by Insol-
vency.

XXVIII. And be it further enacted, That in case any of the Monies to be collected or payable for Payment of any Annuitant or Annuitants, his, her, or their Assignee or Assignees, or other Person or Persons lending or advancing any Money by virtue of this Act, his, her, or their Executors, Administrators or Assigns, or for any of the Purposes of this Act, shall be lost or irrecoverable by Insolvency or Default of any Collector or otherwise, the said Trustees shall and may make a new and additional Rate or Assessment, Rates or Assessments, for supplying and making good such Deficiencies, and the Charges occasioned by or on account of the same, which shall be collected and levied in Manner aforesaid.

Recovery of
Rates.

XXIX. And be it further enacted, That in case any Person or Persons charged with any Rate or Assessment made or to be made by virtue of this Act, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*, and he and they are hereby authorized and required, from Time to Time to summon, by Writing under his or their Hand and Seal, or Hands and Seals, all and every Person and Persons so charged, and who shall have so refused or neglected to pay as aforesaid (on Oath being made before such Justice or Justices by the Collector of such Rates or Assessments for the Time being, of his having attended upon or at the last or usual Place of Abode of such Person or Persons then intended to be summoned, and having personally or otherwise demanded or requested Payment of the Rate or Rates of such Person or Persons having so refused or neglected to pay the same) to appear before such Justice or Justices at a Time and Place to be mentioned in such Summons (Service by such Collector, or any of the Constables of the said Parish of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their last or usual Place of Abode, to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summon or Summons, or if he, she, or they do or shall attend, and shall not make it appear to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Assessment, Rates or Assessments, all and every the Person and Persons who shall have been so summoned, shall pay as well such Rate or Assessment, Rates or Assessments, as the reasonable Costs and Charges attending such Summons; and in all Cases where the said Rate or Assessment, Rates or Assessments, Costs and Charges, shall not be paid upon the Return of such Summons, it shall be lawful for any One or more of such Justices, and he and they is and are hereby authorized and required (on Oath being made before him or them of the due Service of such Summons or Summonses as aforesaid, or on such Service being admitted by the Party or Parties summoned) to grant a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, authorizing and directing such Collector, or any Constable or Constables of the said Parish of *Saint George the Martyr*, to levy all such Rates or Assessments, and all Arrears thereof, and the Expence of the Summons, Warrant, and Levy by Distress of the Goods and Chattels of the Party so neglecting and refusing, which shall be found either in the said Parish or elsewhere,

elsewhere, or of any other Goods or Chattels which shall be found upon the Premises, in respect whereof the said Rates or Assessments so unpaid shall be made; and if within Five Days next after any such Distress shall be so made, the said Rates or Rate, Assessments or Assessment, and Arrears, Costs, and Charges attending the said Summons and Warrant, and of such Distress, and keeping Possession of such Goods and Chattels, shall not be paid and satisfied, it shall be lawful for such Collector, Constable or Constables, to cause the said Goods and Chattels, or so much thereof as shall be sufficient, to be sold to pay the said Rates or Rate, Assessments or Assessment, together with such Arrears, Costs, Charges, and Expences as aforesaid, returning the Overplus of the Money arising by such Sale, and the Goods and Chattels remaining unsold (if any) to the Owner or Owners of the said Goods and Chattels respectively, on Demand thereof made by him, her, or them.

XXX. And whereas it may happen, that several Persons liable to and who may be rated and assessed with any Rate or Assessment under the Provisions of this Act, and before the Payment of the Sum or Sums rated on them respectively, may quit and leave their Dwelling-houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements or Hereditaments, and remove out of the said Parish; be it therefore further enacted, That when any Person or Persons who hath or have been so rated and assessed shall quit or be about to quit his, her, or their Houses, Shops, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements or Hereditaments, before he, she or they shall have paid such Rate or Rates, Assessment or Assessments, and shall afterwards refuse to pay the same when due and demanded by the Collector authorized and appointed to receive the same as aforesaid; then and in every such Case, it shall and may be lawful to and for the said Collector (Oath being made by him, that he hath cause to suspect that such Person or Persons is or are removing, or hath or have removed his, her or their Goods and Chattels) by Warrant under the Hand and Seal, or Hands and Seals, of any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex* (which Warrant such Justice or Justices is or are hereby authorized and required to grant); and in case such Person or Persons shall have removed, such Warrant being first backed and countersigned by some Magistrate of the County, City or Liberty to which such Person or Persons shall have removed (which Warrant such Magistrate is hereby required to back or counter-sign) to distrain the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the said Rates or Assessments, or any of them, and to sell the same, rendering the Overplus (if any) after having deducted the reasonable Costs, Charges and Expences attending such Distress and Sale, upon Demand, to the Owner or Owners of such Goods and Chattels respectively.

For Recovery
of Rates
from Persons
removing out
of the Parish.

XXXI. And be it further enacted, That in order to avoid the Loss which frequently happens by Tenants or Occupiers of Houses, Tenements, or Hereditaments quitting and removing from the same before the Quarter Day on which the Rates or Assessments charged by virtue of this Act on the said Houses, Tenements, or Hereditaments shall become due and payable, it shall and may be lawful to and for the Collector to be appointed as aforesaid, to demand and receive Twenty-one Days before every such

Rates to be
collected
Twenty-one
Days before
Quarter-day.

[*Local.*]

7 B

Quarter

Quarter Day, or at any other subsequent Time, the respective Rates and Assessments which would be due and payable on such Quarter Day, and in case of Non-payment thereof, to enforce the Payment of such Rates and Assessments in the same Manner, and with the same Powers, as in the Case of the Non-payment of such Rates and Assessments upon or after the Quarter Day on which the same would have become due and payable.

Poor Rates
to be inspect-
ed by the
Clerk to the
Trustees.

XXXII. And be it further enacted, That it shall and may be lawful to and for any Clerk, Receiver or Collector to be appointed by the said Trustees in pursuance of this Act, or any other Person or Persons to be appointed by the said Trustees for that Purpose, at all convenient Times to inspect the Books of Assessments or Rates of the Poor, or Land Tax, for the United Parishes of *Saint Andrew Holborn* and *Saint George the Martyr*, for better ascertaining the Rates and Assessments to be raised and levied by virtue of this Act, and to take Copies thereof (if necessary) at the Expence of the said Trustees.

Application
of certain
Fees payable
to Church-
wardens in
aid of the
Rates.

XXXIII. And whereas the Churchwardens of the said Parish of *Saint George the Martyr* are entitled to receive certain Proportions of the Fees payable on all Burials within the said Parish, and certain other Monies have customarily been paid to them for the Use of the Church of the said Parish, and there is now some, and may hereafter probably be a considerable Surplus in the Hands of the Churchwardens for the Time being, of the Money which hath arisen and may arise from such Proportions of the said Fees and Payments, and which after Payment of the Debts now due in respect of the said Church, and the decent and proper Repairs of the said Church, and the Salaries, Gratuities, and other Expences usually payable thereout, is not applicable to any specific Use or Purpose; Be it therefore enacted, That the Churchwardens for the Time being of the said Parish shall from Time to Time, with the Consent of the said Trustees, or any Seven or more of them, at any Meeting to be from Time to Time held pursuant to this Act, when such Surplus Money shall exceed the Sum of One hundred Pounds, pay over such Surplus exceeding the same Sum of One hundred Pounds, unto the Trustees appointed or to be appointed under or by virtue of this Act, to be applied by them in aid of the Rents, Rates and Assessments hereby directed to be raised, according to the true Intent and Meaning of this Act, and to be applied to the like Purpose as such Rents, Rates and Assessments are made applicable by this Act.

Collector to
account.

XXXIV. And be it further enacted, That the Collector to be appointed by the said Trustees, under and by virtue of this Act, to collect or receive any Money for or on account of the said Rates or Assessments, or otherwise, for the Purposes aforesaid, shall from Time to Time, as often as he shall be thereunto required by the said Trustees, deliver in Writing under his Hand to the said Trustees on Oath, a true and perfect Account of all such Sum or Sums of Money as he hath received, collected, or levied by virtue of this Act, or which shall have been rated or assessed as aforesaid and not received, and of the Payment or Application thereof by him, and of all other Matters and Things relating to his said Office, together with proper Vouchers for verifying such Accounts from Time to Time, and shall also from Time to Time, when thereunto required by the said Trustees, or any Seven or more of them, deliver in all Books, Papers, and

Vouchers

Vouchers relating thereto, and shall pay unto the said Trustees, or to such other Person or Persons as they shall by any Writing under their Hands authorize and empower to receive the same, all such Monies as shall be in his Hands; and in case any such Collector shall at any Time, without having received such Notice or Requisition, have in his Hands any Sum or Sums of Money above the Sum of Fifty Pounds to be collected by virtue of this Act, for the Space of Ten Days, without paying over the same to the said Trustees, or to such Person or Persons as they shall have directed or appointed to receive the same, every such Collector shall for every such Neglect or Omission forfeit any Sum not exceeding Fifty Pounds to be recovered by Action in any of His Majesty's Courts of Record at *Westminster*, in the Name of the Clerk to the said Trustees for the Time being, in which Action no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and in case any such Collector as aforesaid shall neglect or refuse to account in Manner aforesaid, or to deliver such Books, Papers and Vouchers as aforesaid, then any Two Justices of the Peace for the said County of *Middlesex* shall and may, and are hereby required upon Complaint thereof, to examine and enquire of and concerning such Neglect or Refusal, as well by the Confession of the Party himself as by the Oath or Oaths of One or more credible Witness or Witnesses; and if any such Collector shall be convicted of such Neglect or Refusal before such Justices of the Peace, then the said Justices shall, upon Conviction, commit the Person or Persons so offending to the County or any other Gaol, there to remain without Bail or Mainprize, until he or they shall have made and delivered a true and perfect Account, and shall also have delivered all such Books and Papers remaining in his or their Hands as aforesaid; and in case any such Collector as aforesaid shall refuse or neglect to pay any such Sum or Sums of Money so collected or received by him, under or by virtue of this Act, and which shall remain in his Hands as aforesaid, it shall be lawful for any Two of the said Justices, by Warrant under their Hands and Seals, directed to such Person or Persons as the said Trustees shall appoint, to levy such Sum or Sums of Money, by Distress and Sale of the Goods and Chattels of such Collector, rendering the Surplus (if any) on Demand, after the Charges of such Distress and Sale are deducted and paid unto such Collector; and for want of sufficient Distress to commit or cause such Collector to be detained in the said County or other Gaol, by Warrant under the Hands and Seals of Two or more of the said Justices, until he shall have paid over all the Monies in his Hands, or have compounded for the same to the Satisfaction of the said Trustees, and shall have paid such Composition Money in Manner aforesaid; which Composition the said Trustees are hereby authorized and empowered in their Discretion to make and accept accordingly: Provided always, that no such Collector shall, for want of sufficient Distress, be detained in Prison by virtue of this Act for more than Six Calendar Months.

XXXV. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Clerk for the Time being, to be appointed under this Act, and that no Action or Suit which may be brought by or against the said Trustees, or any of them, in relation to this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, but the Clerk for the Time being shall

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

shall always be deemed Plaintiff or Defendant in every such Action or Suit, as the Case may be: Provided always, that all and every such Clerk shall be re-imburfed out of the Monies to be raised by virtue of this Act, all such Costs, Damages, and reasonable Expences, as he or they shall be put unto or become charged or chargeable with by reason of his or their being so made Plaintiff or Defendant as aforesaid.

Inhabitants
may be Wit-
nesses.

XXXVI. And be it further enacted, That no Inhabitant or Inhabitants of the said Parish of *Saint George the Martyr* shall be deemed to be incompetent to give Evidence in any Action, Suit, Complaint, Prosecution or Proceeding so to be had, conducted, made, prosecuted, or carried on under the Authority of this Act, by reason of his, her, or their being such Inhabitant or Inhabitants as aforesaid.

Appeal to
the Sessions.

XXXVII. Provided always, and be it further enacted, That if any Person or Persons shall find himself, herself or themselves aggrieved by any Order, Direction or Appointment of the said Trustees, or by Means of any Rate or Assessment to be made under or by virtue of this Act, or any Order or Conviction of One or more Justice or Justices of the Peace, in any Question or Matter arising under this Act, it shall and may be lawful to and for such Person or Persons to appeal to the next General Quarter Sessions of the Peace to be held in and for the County of *Middlesex*, before the Justices then and there assembled; and such Justices are hereby authorized and empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties, but so as that such Appeal shall be made within Four Calendar Months next after the Cause of Complaint shall have arisen, and that the Person or Persons so appealing shall first give or cause to be given Fourteen Days Notice at least in Writing of his or her Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Clerk to the said Trustees for the Time being, and within Three Days after such Notice enter into a Recognizance before some Justice of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal at the then next General Quarter Sessions, and to abide the Order of, and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices upon the hearing and finally determining the Matter of such Appeal, shall and may and they are hereby directed and required, to award such Costs to the Parties appealing or appealed against as they shall think proper, and the Determination of such Justices in or concerning the Premises shall be conclusive and binding upon all Parties, to all Intents and Purposes whatsoever.

Limitation of
Actions.

XXXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or by virtue of this Act, until Twenty Days Notice shall be given thereof in Writing to the Clerk to the said Trustees, nor after sufficient Satisfaction or Tender hath been made to the Party or Parties aggrieved, or after Two Calendar Months next after the Fact committed, for which such Action or Actions, Suit or Suits shall be so brought; and every such Action which shall be brought, shall be laid and tried in the County where the cause

Cause of Action shall have arisen, and not in any other County or Place, and the Defendant or Defendants in such Actions or Suits, and every of them, shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty Days Notice thereof was given as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuit, or suffer a Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions, Judgment shall be given for the Defendant or Defendants therein, then and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs, in any other Cases by Law.

XXXIX. And be it further enacted, That where any Distress shall be made for any Money 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 any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall afterwards be done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action or Actions for any such Irregularity, Trespass, or other Proceedings, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, 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.

Distress not to be unlawful for want of Form.

Plaintiff not to recover if Tender of Amends made.

XL. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Proceedings not to be quashed for want of Form.

XLI. And be it further enacted, That all the Costs, Charges, and Expences of preparing, obtaining, and passing this Act, and all other Charges incident or relating thereto, shall be borne, paid, and defrayed out of the first Monies which shall be raised under or by virtue of this Act.

Paying Expences of the Act.

[Local.]

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XLII. And

Public Act.

XLII. 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, without being specially pleaded.

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