



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. vii.

An Act for making better Provision for the Support and Maintenance of the Rector of the Parish of *Saint Olave*, in the Town and Borough of *Southwark*; and for providing a more convenient Rectory or Parsonage House for the said Rector.

[17th March 1817.]

WHEREAS the Parish of *Saint Olave*, in the Town and Borough of *Southwark*, is an ancient Parish and Rectory; and the King's most Excellent Majesty, in Right of His Crown, is Patron of the said Rectory; and the Reverend *William Greene* is the present Rector of the said Parish: And whereas the Provision for the Support of the Rector for the Time being of the said Parish is, and from Time immemorial hath been, certain ancient pecuniary Payments in Money, for or in lieu of Tythes, the greater Part of which consist of a certain Sum paid for each House by the Tenant or Occupier thereof, and others of the said Payments are divers Sums in gross, paid by divers Owners of several entire Estates within the said Parish, together with *Easter Offerings*, amounting in the whole to the annual Sum of Two hundred and thirty Pounds or thereabouts, and Surplice Fees, which are of uncertain Amount: And whereas the said Provision is insufficient for the suitable Support and Maintenance of the said Rector, and it is therefore expedient that better Provision should be made for the Support and Maintenance of the said Rector, in lieu of all Tythes, Moduses, Compositions for Tythes, *Easter Offerings*, and Oblations, and all other

[*Local.*]

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Claims

Claims whatsoever (exclusive of Surplice Fees) : And whereas the Rectory or Parsonage House of and belonging to the said Parish, being greatly dilapidated and out of Repair, and inconveniently situated, is totally unfit for the Residence of the Rector of the said Parish, and it is therefore expedient that in the lieu and stead thereof another House should be purchased, or provided, as and for a Rectory or Parsonage House, for the Residence of the Rector of the said Parish and his Successors, Rectors of the said Parish for the Time being : And whereas 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 the Rector and Churchwardens and Overseers of the Poor of the said Parish of *Saint Olave, Southwark*, for the Time being, *James Atkinson, William Aspin, Thomas Bunney, Moses Benton, Henry Cracklow, Solomon Davies, Thomas Farncomb, Joseph Jones, Isaac Milner, Thomas Palmer, John Stratton, Thomas Stafford, William Smith, William Salkeld, William Sharp, Thomas Van, and Henry Woodbine*, and their Successors to be appointed as herein-after mentioned, shall be and they are hereby appointed Trustees for carrying this Act into Execution.

Trustees
appointed.

For appoint-
ing new
Trustees.

II. And be it further enacted, That when any Trustee named in or appointed by or in pursuance of this Act, shall die, or refuse or be disabled or disqualified to act, or shall cease to be an Inhabitant of the said Parish, 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 herein-after directed for appointing any earlier Meeting after any Adjournment) to elect, nominate, and appoint some other Person to be a Trustee for the Purposes of this Act, in the room of any Trustee so dying, or refusing or being disabled or disqualified to act, or ceasing to be an Inhabitant ; and the Person and 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 if he and they had been by this Act particularly named a Trustee or Trustees for carrying this Act into Execution.

First Meet-
ing, and Ad-
journments.

III. And be it further enacted, That it shall be lawful for the Trustees for executing this Act, or any Seven or more of them, and they are hereby empowered and required, to meet together at the Vestry Hall of the said Parish, or in any other convenient Place within the said Parish, on the Second *Monday* after the passing of this Act, or as soon after as conveniently may be ; 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 and from Time to Time afterwards may adjourn to meet, or may meet according to the Summons herein-after 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, and Two Days Notice of all such Adjournments or Meetings, in Writing or printed, and signed by the 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 respective 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 (Two Trustees being hereby declared to be sufficient for the Purpose of Adjournment only), then and in either of such Cases the said Clerk shall and he 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 Seven 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 respectively at their last or usual respective Places of Abode Two Days before such Meeting); and in case the said Clerk shall 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 Two Days from the Time the said Trustees ought to have been summoned by the said Clerk in Manner aforesaid: Provided always, that no Act, Matter, or Thing to be done by the said Trustees in the Execution of this Act shall be valid or effectual, unless the same shall be done at some Meeting to be holden in pursuance and according to the Directions of this Act.

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 any 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, 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 respectively shall 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 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; and at each and every Meeting to be held in pursuance of this Act, the Trustees shall respectively bear and pay their own Expences.

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 Clerk for the Time being to the said Trustees, 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 Books, Acts, Orders, Resolutions, and all other the Proceedings of the said Trustees, shall from Time to Time, and at all convenient Times, be open

Proceedings
at Meetings.

Books of
Proceedings
to be kept.

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 Once in every Year the Accounts and Proceedings of the said Trustees up to the Time, shall be audited by Five of the Inhabitants of the said Parish, who are chosen annually, according to ancient Custom, by a general Vestry of the said Parish, on *Easter Tuesday*, to be Auditors for examining all the Parish Accounts.

Trustees being Justices may act as such.

VI. And be it further enacted, That all 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.

Appointing Officers.

VII. And be it further enacted, That it shall be lawful for the Trustees for carrying this Act into Execution, from Time to Time to appoint a Treasurer and a Clerk, and a Collector or Collectors 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 Treasurer and Collector or Collectors or other Officers and Servants, for the faithful Discharge of the Duties of his or their Office or respective Offices, and duly accounting for and paying over all Monies which shall come to their Hands respectively, under the Provisions of this Act), and shall and may from Time to Time remove any such Clerk, Collector, or other Officers or Servants, and appoint others in the Room and Stead of such of them as shall be so removed, or as shall die or discontinue or resign his or their Office or Offices, or be incapable of performing the same; and that the said 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 Treasurer, Clerk, Collector, and other Officers or Servants, such Salaries or Allowances as they the said Trustees, or any Seven or more of them, shall judge a reasonable Compensation for his or their Trouble and Services.

A certain annual Sum to be paid to the Rector in lieu of Tythes, &c.

VIII. And be it further enacted, That for the Purpose of making an adequate Provision for the Rector of the said Parish for the Time being, the annual Sum of Six hundred Pounds shall, from and immediately after the passing of this Act, be paid under the Provisions of this Act to the Rector and his Successors, Rectors of the said Parish for the Time being, by Four equal Quarterly Payments; (that is to say), on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March*, in each and every Year, or within Forty Days after each of the said Days respectively; and such Payments shall be made out of the Rates to be assessed and raised as herein-after mentioned, and shall be paid, taken, and received in lieu and in full Recompence and Satisfaction of and for all Tythes and Compositions or Payments for Tythes and *Easter Offerings*, and for all Obventions and Oblations due or payable to such Rector, the first Payment to begin and be

be made on such of the said Days as shall first happen after such Rate or Assessment made.

IX. Provided always, and be it further enacted, That the said yearly Sum so to be paid shall not extend or be construed to extend to deprive the present Rector or his Successors of his or their Right to the due and accustomed Fees, commonly called *Surplice Fees*, or of any such voluntary Donations as may at any Time be given to him or them by the said Parishioners, all which may be demanded and received, and shall be paid in like Manner as if this Act had not passed.

Rector's
Right to
Surplice Fees
not to be pre-
judiced.

X. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby directed, authorized, and empowered to contract or agree for the absolute Purchase in Fee Simple of any Freehold Land and Hereditaments, with a Messuage or Tenement thereupon erected, within the said Parish, as to them may seem proper and suitable for the Residence of the Rector of the said Parish, and his Successors Rectors of the said Parish (such House and Premises to be of such Size and Dimensions, and in such Place within the said Parish, as to the said Trustees, or any Seven or more of them, may seem proper and right), and to pay for the same out of the Monies to be raised under the Powers of this Act, provided that such Sum shall not exceed the Sum of One thousand five hundred Pounds Sterling; and upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Land, Messuage, or Tenement, and Premises, and upon the Conveyance thereof, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively for whose Use the same shall be paid, shall vest in the said Rector, and his Successors Rectors of the said Parish.

Trustees em-
powered to
contract for
the Purchase
of Freehold
Heredita-
ments for the
Residence of
the Rector.

XI. And be it further enacted, That it shall be lawful for all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and to and for all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics, and all other Trustees whatsoever, not only for and on behalf of themselves, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femmes Covert who are or shall be seized in their own Right, and to and for all Persons whether Tenants for Life, in Tail, General or Special, or for Years determinable on any Life or Lives; and to and for all and every Person and Persons whomsoever who are or shall be seized, possessed of or interested in any Messuage or Tenement, Land, Ground, or Hereditaments within the said Parish, which may be deemed proper and convenient to be purchased as aforesaid, as or for the Purpose of the said Rectory House and Premises, or being otherwise incapable of selling the same, and making a good Title thereto in Fee Simple, under the Restrictions and Regulations herein-after mentioned, to contract and agree with the said Trustees for carrying this Act into Execution, or any Seven or more of them, for the absolute Sale thereof, or of any Part or Parts thereof, and by Indenture or Indentures, duly sealed and delivered, and inrolled in the Court of Chancery in Manner required by Law for Conveyance of Lands in Mortmain, absolutely to convey the same to the Rector

Corporations,
&c. empow-
ered to sell
and convey.

[Local.]

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of

of the said Parish for the Time being and his Successors for ever, as and for the Residence or Rectory or Parsonage House of the said Rector and his Successors; and such Deed or Deeds being executed and inrolled as aforesaid, shall as effectually and absolutely bar all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy in the Hereditaments so conveyed, as if such Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Spiritual or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, had an absolute Estate in Fee Simple in such Messuage or Tenement, Lands, Grounds, and Hereditaments.

Directions
for applying
Purchase
Money, if
amounting
to 200l.

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

or Hereditaments so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

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

Where less than 200l. and exceeding 20l.

XIV. Provided also, and be it further enacted, That where such Money so agreed to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased for the Purposes of this Act, in such Manner as the Trustees for carrying this Act into Execution or any Seven or more of them shall think fit; or in case of Infancy, Idiocy or Lunacy, then such Monies shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where less than 20l.

XV. And be it further enacted, That the Certificate and Certificates to be given by the said Accountant General, together with the Receipt and Receipts of one of the Cashiers of the Bank of *England*, to be thereunto annexed and therewith filed in the Register Office of the said Court of Chancery, of the Payment into the Bank of *England* by the Trustees for carrying this Act into Execution of their Purchase Money, or an Office Copy or Office Copies of the same Certificates and Receipts, shall from Time to Time and at all Times be and be deemed and taken to be a good and sufficient Discharge to such Trustees, their Successors, Heirs, Executors, Administrators, and Assigns, for so much of the said Purchase Monies for which such Certificate or Certificates and Receipt or Receipts as aforesaid shall respectively be given; and that after the filing of such Certificate or Certificates and Receipt or Receipts as aforesaid, the said Trustees, their Successors, Heirs, Executors, and Administrators, shall be and is and are hereby absolutely acquitted and discharged of and from the

The Trustees under this Act indemnified in paying Purchase Money into Court.

the same Monies, and shall not be answerable or accountable for any Loss, Misapplication or Non-application thereof, or of any Part thereof.

Provision
where Questions shall
arise touching
the Title to
Money paid
into the Bank.

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

Till House is
purchased, an
Allowance
for Rent is to
be paid to the
Rector.

XVII. Provided always, and be it further enacted, That until such Land, Messuage, or Tenement and Premises shall be so purchased, there shall be paid to the said Rector, so long as he shall be a resident Householder in the said Parish, in each and every Year, the further Sum of Seventy-five Pounds, by Two equal Half-yearly Payments, on the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in every Year, over and above and in addition to the aforesaid annual Sum of Six hundred Pounds, to be raised and collected in such and the same Manner as is by this Act directed of and concerning the said Sum of Six hundred Pounds.

For disposing
of the present
Rector's
House.

XVIII. And be it further enacted, That when and so soon as a new Rectory or Parsonage House shall have been purchased and provided, and the Conveyance thereof shall have been inrolled under the Powers and Provisions of this Act, such new Rectory or Parsonage House, and the Site and Ground thereof, and of the Yard or Premises thereto belonging (if any) shall thereupon and from thenceforth be and become, and for ever remain vested in the Rector of the said Parish for the Time being, and shall thereupon and from thenceforth be and the same is and are hereby declared to be settled and applicable to the same Uses and no other, as the present Rectory or Parsonage House is settled or applicable, and the Rector of the said Parish for the Time being shall be subject to the like Rules and Ordinances, and shall be entitled to the like Rights and Privileges, in respect of the new Rectory or Parsonage House and Premises, as he is or might be subject to or entitled to in respect of the present Rectory or Parsonage House; and after such Conveyance and Inrolment as aforesaid, it shall be lawful for the said Trustees or any Seven or more of them, and they are hereby authorized and empowered (by
and

and with the Consent and Approbation of the King's most Excellent Majesty, as Patron of the said Rectory, to be testified by any Warrant under the Hands of the Commissioners of His Majesty's Treasury for the Time being, or of any Three or more of them, and by and with the Consent and Approbation of the Lord Bishop of the Diocese for the Time being, to be testified by Writing under his Hand and Seal) to take down or cause to be taken down the present Rectory or Parsonage House, and to convert and apply the Site and Ground thereof to and for such Use and Purpose or Uses and Purposes, or to let or sell or dispose of the same, and to sell or dispose of the Materials of such House, in such Manner as to the said Trustees shall seem proper, and to pay and defray all Costs and Charges attending the same out of the Rates by this Act authorized to be assessed and raised; and after such Conveyance and Inrolment as aforesaid, it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to bring or cause to be brought in the Name of their Clerk for the Time being, any Action or Actions, or to prefer or cause to be preferred and prosecuted any Bill or Bills of Indictment against any Person or Persons who shall, without Right, keep Possession of the said present Rectory or Parsonage House or Appurtenances, or who shall break down or damage, steal or take away the Materials thereof, or of any Part or Parts thereof, or who shall disturb them the said Trustees, or their Tenants or Agents or Servants, in the Possession thereof; and in all Actions and Proceedings whatsoever, whether Civil or Criminal, it shall be sufficient to state the same to be the Property of the Trustees for carrying into Execution an Act passed in the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act for making better Provision for the Support and Maintenance of the Rector of the Parish of Saint Olave, in the Town and Borough of Southwark, and for providing a more convenient Rectory or Parsonage House for the said Rector*, without naming or otherwise describing the said Trustees; and in all or any such Civil or Criminal Proceedings, no Person or Persons, being a Trustee, Clerk, Treasurer, Collector, Officer or Servant of or employed by the said Trustees, or by any of their Officers, or an Inhabitant of the said Parish, or paying or being liable to pay any Rate to be assessed by virtue of this Act, shall be incompetent to give Testimony or Evidence therein by reason of being a Trustee, Clerk, Treasurer, Collector, Officer, Servant, or Inhabitant, or of being so employed, or of paying or being liable to pay as aforesaid.

XIX. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required, from Time to Time to borrow or 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 or Direction of the said Trustees, such Sum or Sums of Money, not exceeding in the whole the Sum of One thousand five hundred Pounds, as may from Time to Time be necessary for the Purposes of defraying the Costs, Charges, and Expences to be incurred in or about or relating to the building or purchasing or providing a House and Premises for the Residence of the said Rector and his Successors, Rectors of the said Parish; and it shall be lawful for any Person or Persons whomsoever to contribute, advance, and pay into the Hands of the said Trustees, or to such

Power to borrow Money for providing a Residence for the Rector.

[Local.]

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Person

Person as they or any Seven or more of them shall appoint to receive the same, any Sum or Sums of Money, either for the absolute Purchase of an 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 of 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 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.

XX. 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 or Rates 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 Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

Manner of
paying off
Bonds.

XXI. 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,

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 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; unless the Holders of any of the Bonds shall consent to waive the Privilege or Advantage arising from such Ballot, or unless any Holder of any Bond so drawn shall decline to have his or their Bond or Bonds then paid off, then any other of the said Bonds may be paid off according to the Rotation aforesaid, 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.

XXII. 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*),

Form of
Grant of An-
nuity, and
Bonds secur-
ing Money
borrowed.

WE of the Trustees acting in Execution of an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act [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 acting in Execution of the said Act, and 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 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

we have hereunto set our respective Hands and Seals, the
 Day of in the Year of our Lord

Witness.

And 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 on 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 for executing an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act* [*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, Administrators, 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 according 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 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 Executors, Administrators, and Assigns, shall have a good, sure, perfect, absolute, and indefeasible Estate, Right, and Interest, in and to the

ance, 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.

XXIV. 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.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Persons paying Rates.

XXV. And be it further enacted; That the said Trustees shall and they are hereby required to provide and keep, or to order and direct to be provided and kept by their Clerk for the Time being, a Book or Books, in which Book or Books such Clerk shall enter, or cause to be entered, true and regular Accounts of all Sums of Money received, paid, laid out, and expended under the Powers and Provisions of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Trustees or any of them, and of any Person or Persons who shall be liable to pay any Rates or Assessments to be made by virtue or in pursuance of this Act, without Fee or Reward; and the said Trustees and Persons shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Clerk shall refuse to permit the said Trustees or such Persons or any of them to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be levied and recovered in like Manner as is hereinafter provided for Recovery of the Rates under this Act.

Trustees may borrow Money at a lower Interest, to pay off Sums secured at a higher Rate of Interest.

XXVI. 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 be lawful 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

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.

XXVII. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, and they are hereby authorized and required, once in every Year, or oftener if they shall think proper, (by Writing under their Hands) 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 Land, Ground, Messuage, House, Shop, Wharf, Warehouse, Vault, Coachhouse, Stable, Cellar, Building, Yard, Garden, Tenement, or Hereditament, or any Lands, Grounds, Messuages, Houses, Shops, Wharfs, Warehouses, Vaults, Coachhouses, Stables, Cellars, Buildings, Yards, Gardens, Tenements, or Hereditaments, within the said Parish, (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 Nine-pence in the Pound by the Year of or upon the annual Rent or Value of such Lands, Grounds, Messuages, Houses, Shops, Wharfs, Warehouses, Vaults, Coachhouses, Stables, Cellars, Buildings, Yards, Gardens, Tenements, and Hereditaments, (at which the same respectively shall be assessed to the Poor 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, Messuages, Houses, Shops, Wharfs, Warehouses, Vaults, Coachhouses, Stables, Cellars, Buildings, Yards, Gardens, Tenements, and Hereditaments, such Rates and Sums of Money as shall be so assessed or rated as aforesaid, either by yearly or Half-yearly Payments; all which Rates and Assessments so to be made and collected 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 for the Purposes of this Act, (that is to say) in the First Place, in defraying the Costs, Charges, and Expences of obtaining and passing this Act; and in the next Place, in Payment of the several Sums hereinbefore directed to be paid to the said Rector for the Time being and his Successors, and of all incidental Expences attending the Execution of this Act; and in paying the said Annuities so to be granted upon the Credit of the said Rates and Assessments, or of the Interest of the Money so to be borrowed upon Bond as aforesaid, and in Payment and Discharge of the Principal Monies to be secured by such Bonds respectively.

Rates to be made.

XXVIII. And be it further enacted, That such Rate or Assessment so to be made as aforesaid shall be confirmed and allowed by and under the Hands and Seals of Two of His Majesty's Justices of the Peace, acting in and for the Town and Borough of *Southwark*; and all such Sum and Sums of Money so assessed shall be paid to the Collector or Collectors to be appointed by virtue of this Act; and such Collector and Collectors shall and he and they is and are hereby required to receive and collect such Rate or Assessment, and pay the same to the said Trustees or to their Treasurer; and the said Trustees or such Treasurer are and is hereby required to pay thereout to the Rector for the Time being the said Sum of Six hundred Pounds; in Manner hereinbefore mentioned; and the

Rates to be confirmed by Justices.

Surplus

Surplus or Remainder of the Monies so collected and paid, shall be by the said Trustees or such Treasurer forthwith paid to the Overseers of the Poor of the said Parish for the Time being, and applied in Aid of the Poor Rates.

For collect-
ing Rates on
divided
Houses.

XXIX. And whereas there are divers Houses in the said Parish which are let to several Persons occupying different Apartments therein, and other Houses are let ready furnished to Lodgers, whereby the Payment of the 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, be deemed and taken to be, and shall 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.

Landlords
may com-
pound with
Trustees.

XXX. Provided also, and be it further enacted, That where the Yearly Rent or Value of any such House, Tenement, or Hereditaments shall not exceed Fifteen Pounds, or where any House, Tenement, or Hereditaments shall be let to any Weekly or Monthly Tenants, or in separate Apartments, furnished or unfurnished, and the Rents thereof shall become payable and be collected at any shorter Period than One Year, then and in every such Case it shall and may be lawful to and for the said Trustees or any Seven or more of them (if they shall think proper) to compound with the Landlord or Landlords, Owner or Owners, Lessee or Lessees of all or every or any such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, within the said Parish, for the Payment of the Rate or Rates, Assessment or Assessments, to be made by virtue of this Act, at such a reduced Yearly Rental as the said Trustees or any Seven or more of them shall think reasonable, so as no such House or Houses, Tenement or Tenements, Hereditament or Hereditaments, be rated at less than Two Third Parts of the Rack Rent at which the same shall be let, or of the Annual Value of the said Premises respectively; and the Landlord or Landlords, Owner or Owners, Lessee or Lessees of all such Houses, Tenements, or Hereditaments as shall not exceed the Yearly Value of Fifteen Pounds, or as shall be let to Weekly or Monthly Tenants, or in separate Apartments, furnished or unfurnished, and from whence the several Rents thereof shall become due and be collected at any shorter Period than One Year, is and are hereby required to enter into such Composition with the said Trustees, or any Seven or more of them; and in case such Landlord or Landlords, Owner or Owners, Lessee or Lessees, shall refuse to enter into such Composition, he, she, or they shall from thenceforth be deemed and taken to be the Occupier or Occupiers of such Premises, and shall thereupon be rated to, and from Time to Time shall pay or cause to be paid, the Rates or Assessments charged upon their respective Premises by virtue of this Act, according to a fair and equal Assessment, unto the Person or Persons appointed by the said Trustees to collect the said Rates, and who is and are hereby authorized and empowered to receive and collect the same, and upon Non-payment thereof, to levy the same by Distress and Sale of the Goods and Chattels of the Landlord or Landlords, Owner or Owners, Lessee or Lessees

Leffees of the refpective Premifes aforefaid wherever they may be found; and of the Perfon or Perfons inhabiting the fame refpectively, in like Manner as any Rate or Affeffment may be raifed, levied, or collected by virtue of this Act: Provided always, that no Lodger or Lodgers, or Inhabitant or Inhabitants, of any Houfe let in Lodgings or feparate Apartments, fhall at any Time be required to pay or be fubject or liable to pay, nor to have his, her, or their Goods or Chattels diftrained for any greater Sum, for or towards the Difcharge of any fuch Rate or Rates, than the Amount of the Rent actually due from fuch Lodger or Lodgers, or Inhabitant or Inhabitants.

XXXI. And be it further enacted, That in cafe any Perfon fhall remove out of or from or quit the Poffeffion of any Houfe, Building, Tenement, Ground, or Hereditament within the faid Parifh, before any Rate or Affeffment charged thereon by virtue of this Act fhall be paid; or if any Perfon fhall enter into the Occupation of any Houfe, Building, Tenement, Ground, or Hereditament out of or from which any other Perfon fhall have fo removed before Payment of any fuch Rate or Affeffment, or which at the Time of rating or affeffing the fame fhall be empty or unoccupied, then the Perfon fo removing out of or from or quitting the Poffeffion, and the Perfon entering into the Occupation of any fuch Houfe, Building, Tenement, Ground, or Hereditaments, fhall be refpectively liable to the Payment of every Rate or Affeffment in Proportion to the Time fuch Perfon or Perfons poffeffed or occupied the fame refpectively, in like Manner as if the Perfon or Perfons fo removing or quitting as aforefaid had remained in the Poffeffion or Occupation of fuch Houfe, Building, Tenement, Ground, or Hereditament, or the Perfon or Perfons fo entering into the Occupation thereof had been originally rated or affeffed; which Proportion (in cafe of Difpute) fhall be afcertained by the faid Trustees or any Seven or more of them.

Occupiers quitting, or coming in, to pay proportionably.

XXXII. Provided always, and be it further enacted, That this Act or any Thing herein contained fhall not alter, affect, or make void any Covenant or Agreement between Landlord and Tenant relating to or concerning the Payment of any Rates or Affeffments within the faid Parifh.

Agreements between Landlord and Tenant not to be impeached.

XXXIII. And be it further enacted, That if any Perfon or Perfons fhall refuse or neglect to pay fuch Sum or Sums of Money as fhall by the Authority and for the Purpofes of this Act, be affeffed upon him, her, or them, then and in every fuch Cafe it fhall and may be lawful for any One or more of His Majesty's Juftices of the Peace, acting in and for the Town and Borough of *Southwark*, and he and they is and are hereby authorized and required from Time to Time (on Oath being made to him or them by the Collector or Collectors of the fame fo to be appointed as aforefaid, of his or their having attended upon or at the laft or ufual Place of Abode of fuch Perfon or Perfons then intended to be fummoned, and having perfonally or otherwife demanded or requested Payment of the Rate or Rates of fuch Perfon or Perfons then intended to be fummoned, and having perfonally or otherwife demanded or requested Payment of the Rate or Rates of fuch Perfon or Perfons having refused or neglected to pay the fame, and which Oath fuch Juftice or Juftices is and are hereby authorized and empowered to adminifter), to fummon the Perfon or Perfons

For enforcing Payment of Rates.

[Local.]

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so refusing or neglecting, by Notice in Writing under his or their Hand and Seal or Hands and Seals, 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 (without sufficient Excuse) refuse or neglect to attend at the Time and Place mentioned in such Summons or Summonses, or if he, she, or they do and 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 and may be lawful to and for any One or more such Justices, and they are hereby authorized, empowered, 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 issue a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, authorizing and directing such Collector or Collectors, or any Constable or Constables of the said Parish, 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 such Person or Persons so neglecting or refusing, which shall be found in the said Parish, or elsewhere, or of any other Goods or Chattels which shall be found on 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 or Collectors, 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.

For Recovery
of Rates from
Persons re-
moving out of
the Parish.

XXXIV. And whereas it may happen that several Persons liable to and who may be rated and assessed with any Rates or Assessments 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, Wharfs, 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, Wharfs, Warehouses, Coach-houses, Stables, Cellars, Vaults, Buildings, Tenements, or Hereditaments, before he, she, or they shall

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, by Warrant under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices of the Peace acting in and for the Town and Borough of *Southwark* (which Warrant such Justice or Justices is or are hereby authorized and required to grant, on Oath being made by such Collector 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, and which Oath such Justice or Justices is or are hereby empowered to administer, 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 countersign), 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.

XXXV. And be it further enacted, That every Collector and Collectors of such Rate or Assessment to be appointed by virtue of this Act for the Purposes aforesaid, and every Treasurer who shall be appointed for the Purposes of this Act, shall from Time to Time produce the said Rates, and render a true and perfect Account in Writing under their respective Hands, of all the Monies which he or they and each of them shall have received, collected, or levied by virtue of this Act, or which shall have been rated or assessed as aforesaid and not received, to the Trustees for the Time being, when thereunto required; and shall pay over to the said Trustees for the Time being, or to such Person or Persons as they or any Seven or more of them shall by any Writing under their Hands authorize and empower to receive the same, all such Sum and Sums of Money as shall be in his or their Hands. Collectors to account.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees to sue and be sued in the Name of their Clerk for the Time being; 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 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 reimbursed 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. Trustees may sue and be sued in the Name of their Clerk.

XXXVII. Provided always, and be it further enacted, That in case any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment, or any Order or Conviction of One or more Justice Appeal to Sessions.

Justice or Justices of the Peace, in any Question or Matter arising under this Act, or by any Thing done in pursuance of or contrary to the Provisions of this Act, then and in every such Case it shall and may be lawful to and for such Person or Persons to appeal to the Justices of the Peace, at their next General Quarter Sessions of the Peace, to be holden for the said Town and Borough of *Southwark*; and the said Justices at such Sessions assembled are hereby authorized and required to summon and examine Witnesses upon Oath, and to hear and determine the Complaint or Complaints of the Person or Persons so aggrieved, provided that such Person or Persons so appealing hath or have given Notice in Writing of his, her, or their Intention to make such Appeal, and of the Matter or Cause thereof, to the Clerk to the said Trustees for the Time being, Fourteen Days before such Quarter Sessions, and shall at the same Time have entered into a Recognizance with one sufficient Surety, before One of His Majesty's Justices of the Peace acting in and for the Town and Borough of *Southwark*, to prosecute such Appeal at the next 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 the said Justices at such Quarter Sessions may, after hearing and determining the said Appeal, make such Order therein, and award such reasonable Costs to either Party, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and such Order or other Proceedings of the said Justices shall be final and conclusive to and upon all Parties.

Justices may
amend Rates.

XXXVIII. And be it further enacted, That on any Appeal from any Rate or Rates, Assessment or Assessments, to be made for the Purposes of this Act, the Justices at such General Quarter Sessions shall and may amend the same, if they shall so think proper, in such Manner as may be necessary for giving Relief to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, aggrieved, without quashing or altering such Rate or Rates, Assessment or Assessments, with respect to any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, mentioned in the same; but if upon Appeal from the whole Rate or Rates, Assessment or Assessments, 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 Rates, Assessment or Assessments, to be made in Manner herein directed.

Limitation
of Actions.

XXXIX. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any Thing done in pursuance or by virtue of this Act, or of any of the Powers hereby given, or in any ways in relation to the Premises, until Twenty Days Notice shall have been thereof given in Writing to the Clerk to the said Trustees, nor after Satisfaction or Tender of Amends shall have been made; and every such Action or Suit shall be commenced or brought within the Space of Three Calendar Months next after the Cause of Complaint shall arise and not afterwards, and shall be laid and brought in the County or Place

Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon; and if the Matter or Thing shall appear to be done in pursuance or under or by virtue of this Act, or that such Action or Suit was brought before Twenty Days Notice being given as aforesaid, or after the Time hereinbefore limited in that Behalf, or shall be brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or shall 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, the Defendant or Defendants shall and may recover Treble Costs, and have and be entitled to the like Remedy for the same as any Defendant or Defendants hath or have in other Cases by Law.

XL. And be it further enacted, That when 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 unlawful for Want of Form.

Plaintiff not to recover if Tender of Amends made.

XLI. Provided always, and be it further enacted, That in all such Actions or Suits, no Inhabitant or Inhabitants of the said Parish whose Evidence may be necessary, shall be deemed an incompetent Witness, by reason of his, her, or their being charged with and paying any of the Rates or Taxes within the said Parish, or being such Inhabitant or Inhabitants as aforesaid.

Inhabitants may be Witnesses.

XLII. Provided always, and be it further enacted, That nothing in this Act contained shall in anywise defeat, lessen, or prejudice the Right, Title, or Interest of His Majesty, His Heirs or Successors, as Patron of the said Rectory; but that His Majesty, His Heirs and Successors, shall have and enjoy the Right of Patronage and Presentation to the said Rectory as fully, freely, and effectually as before the passing of this Act, or as if this Act had not been passed.

Not to affect His Majesty's Right as Patron.

[Local.]

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XLIII. And

Public Act.

XLIII. 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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