



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. lxxiii.

An Act for repairing and altering, and taking down and rebuilding, certain Parts of the Parish Church of *Saint John the Baptist, Peterborough*, in the County of *Northampton*. [14th June 1819.]

WHEREAS the Parish Church of *Saint John the Baptist, Peterborough*, in the Liberty of *Peterborough*, in the County of *Northampton* and Diocese of *Peterborough*, and the Tower or Steeple belonging thereto, are very much decayed and out of Repair, and it is necessary to take down and rebuild several Parts of the same, and to repair other Parts thereof: And whereas the Right Reverend Father in God *John*, by Divine Permission, late Lord Bishop of *Peterborough*, in Right of his See, was seised of the Advowson or Right of Patronage of the Vicarage of the said Church; and the Reverend *Joseph Stephen Pratt*, Clerk, is the Vicar of the same: And whereas upon the Representation of the said Vicar and the Churchwardens of the said Church, and several of the principal Inhabitants of the said Parish, lately made to the said Lord Bishop, stating that the said Parish Church, and the Tower or Steeple belonging thereunto, were in a very defective and dangerous State, and that the same had been carefully surveyed and examined by an able and experienced Architect, who had reported, that the Tower or Steeple of the said Church, being in a very defective State on the East and West Sides towards the Base, it was necessary, in order to secure the same, to build up, in solid Brick or Stone Work, the Openings of the Three Gothic Arches, and to turn inverted Archways under the Door Ways, in order

[Local.]

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to obtain as large a Foundation as possible; that it was also necessary to discharge the Weight, as far as practicable, from the Tower; and that the Removal of the Spire, which was covered with Lead, would greatly add to the Security of the Building; and also that to take down the said Spire was a Matter of absolute Necessity, as, from its Height, the lower Part of the said Tower or Steeple appeared to be much affected; that the external Walls and Buttresses of the said Church, and also the interior Arches, forming the Middle Aisle of the said Church, being found incapable of supporting the then present heavy Oak Roofs, and the Lead which covered the same, it was proposed to take off the said Roofs, and to put thereon much lighter Roofs constructed of *Memel* Timber, covering the same with *Welch* Rag Slating, to be put on with Copper Nails; and that the Upper Windows on each Side the Middle Aisle of the said Church were so much decayed as to require new ones, which were proposed to be made much lighter, but preserving their Gothic Character, by which Alteration a greater Portion of Light would be admitted into the said Church; and a Citation being duly issued according to the said Representation, a Licence or Faculty was, on the Twenty-second Day of *October* One thousand eight hundred and eighteen, granted to the said Vicar and Churchwardens, for the several and respective Purposes aforesaid: And whereas pursuant to the said Licence or Faculty, the said Vicar and Churchwardens, by and with the Privity and Approbation of the principal Inhabitants and Payers of Rates of the said Parish, in Vestry assembled, have proceeded in the said Repairs, and in the Progress of such Repairs they have found it necessary to take down and rebuild most of the Columns, and several of the external Buttresses and Walls in and about the said Church; and that it will also be necessary to erect new Pews, Seats, and Galleries, for the Use of the Inhabitants; and divers Sums of Money have been already expended, and Debts incurred to a considerable Amount, and further Sums of Money must necessarily be expended in completing the same: And whereas the Laws now in force for raising Rates for the Repairs of Parish Churches are insufficient for raising the Money wanted for the Purposes aforesaid; and the Inhabitants and Payers of Rates of the said Parish have lately held several Meetings pursuant to public Notice, to take into Consideration the best Mode of carrying into Effect the aforesaid Purposes, and to provide Money sufficient for defraying the Expences incident thereto; and it hath been proposed and agreed, that such Monies shall be raised by Rates and Assessments upon all the Occupiers of Estates in the said Parish, who by Law are liable to be rated and assessed to the Church Rates; but as the Purposes before mentioned cannot be effectually carried into Execution 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 Vicar and Churchwardens of the said Parish for the Time being, and *John Benson, John Boulbee, Benjamin Bull, Thomas Cheshire, John Webb Cole, Thomas Alderson Cooke, William Crisp, John Gates, Feast Goodman, Thomas Goodman, Thomas Goodman junior, James Hoyes, Christopher Jeffery, Thomas Kipling D. D., William Lawrance, John Willan Mewburn, William Morley, Joseph Parsons Clerk, George Platel, Joseph Stephen Pratt Clerk, Charles Pratt Clerk, John Serocold Clerk, Fenwick Skrimshire M. D., William James Smith, William Squire,*

Appointment
of Trustees.

William

William Walcot Squire, William Strong D. D. John Salmon, William Simpson, John Smith, James Dewhurst Sprigge, Morris Tonge, Thomas White, John Whitfed, and their Successors, to be appointed in Manner hereinafter mentioned, shall and they are hereby appointed Trustees for carrying this Act into Execution.

II. Provided nevertheless, and be it further enacted, That no Person (except the Vicar and Churchwardens of the said Parish for the Time being) shall be capable of acting as a Trustee for carrying this Act into Execution, unless he shall at the Time he so acts be in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of One hundred Pounds at the least; or being an Inhabitant or Householder within the said Parish of *Peterborough*, shall in his own Right, or in Right of his Wife, be possessed of or entitled to a Personal Estate of the clear Value of Two thousand Pounds at the least; nor until he shall have taken and subscribed an Oath in the Words or to the Effect following; (that is to say),

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts reposed in me as a Trustee, by virtue of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.

And if any Person (except as aforesaid) shall act as a Trustee for carrying this Act into Execution, contrary to the true Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person who may be so prosecuted or sued, shall prove that he is qualified as aforesaid, or otherwise shall pay the aforesaid Penalty, without any other Proof on the Part of the Prosecutor or Plaintiff, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all such Acts and Proceedings relative to this Act, in which any such Person shall have joined, previously to his being convicted as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual to all Intents and Purposes, as if such Person had been fully qualified according to the Directions of this Act.

III. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act (except as aforesaid), shall remove from *Peterborough*, die, or refuse to act, it shall be lawful for the remaining Trustees, or any Five or more of them, present at any Meeting to be held in pursuance of this Act, to appoint another fit and proper Person, or other fit and proper Persons, being an Inhabitant or Householder, or Inhabitants or Householdors, of the said Parish of *Peterborough*, qualified as aforesaid, to be a Trustee or Trustees in the Place or Places of the Person or Persons so removing from *Peterborough*, dying, or refusing to act as aforesaid; and all and every Person and Persons so appointed (being qualified as aforesaid) shall have the

Qualification
of Trustees.

Oath to be
taken.

Penalty for
acting, not
being quali-
fied.

Acts of Per-
sons not
qualified to
be valid, not-
withstanding
their Con-
viction.

Appoint-
ment of new
Trustees.

the same Power and Authority to act as a Trustee or Trustees, as fully and effectually, to all Intents and Purposes, as the Trustee or Trustees to whose Place or Places he or they shall succeed would have had if living and continuing to act, as if such Person or Persons had been originally appointed a Trustee or Trustees under this Act.

No Person to act while interested.

Trustees who are Justices may act unless interested.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as such Trustee as aforesaid, during the Time of his holding any Office or Place of Profit, or any Share or Interest in any Contract or Work to be entered into or done by virtue or in pursuance of this Act; but it shall be lawful for such of the said Trustees as may be in the Commission of the Peace for the Liberty of *Peterborough*, to act as a Justice or Justices in or in relation to the Execution of this Act (except where he or they shall be interested), notwithstanding his or their being such Trustee or Trustees.

No Act of Trustees to be valid, unless done at a Meeting consisting of Five at the least.

V. And be it further enacted, That no Act of the said Trustees shall be valid, unless the same be done at a Meeting of the Trustees to be held in pursuance of this Act; and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised by any Five or more of them present at any such Meeting, or by the major Part of the Trustees so present, such major Part not being less than Five in Number; and all the Orders and Proceedings of any Five or more of the said Trustees, or of the major Part of the Trustees present at any such Meeting, not being less than Five as aforesaid, shall have the same Effect as if the same were made or done by the whole of such Trustees for the Time being; and if any Diversity of Opinion shall arise at any such Meeting, and the Number of Votes shall be equal (the Vote of the Chairman included), then the Chairman shall have an additional or casting Vote.

First Meeting and Notice of Meetings.

VI. And be it further enacted, That the said Trustees shall meet in some convenient Place in the said Parish of *Peterborough*, on the Second *Monday* after the passing of this Act, and proceed to put the same into Execution; and shall also meet at some such Place, from Time to Time, when they shall find it necessary, for the Purposes aforesaid, Notice of the Time and Place of such subsequent Meetings being given by the Clerk (to be appointed as after-mentioned), to each of the Trustees, by a printed or written Information, to be left at his Dwelling House, at least Forty-eight Hours before the Time of Meeting; and if there shall not appear at the First or any subsequent Meeting, a sufficient Number of Trustees present to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, may adjourn such Meeting to some future Time and Place, of which Notice shall be given as aforesaid.

Appointment of Officers.

VII. And be it further enacted, That it shall be lawful for the said Trustees, at their First or any other Meeting to be held in pursuance of this Act, to appoint a Treasurer, and such other Officers, Person or Persons, as may be by the said Trustees deemed necessary for any of the Purposes of this Act; and it shall also be lawful for the said Trustees, at any such Meeting as aforesaid, from Time to Time to remove such Treasurer, and other Officer or Officers so to be appointed, or any or either of them, and appoint others in their Places, as and when they shall think fit; and also by and out of the Monies to be received under the Powers of this Act,

Act, to allow and pay, or cause to be paid, such Salaries, Allowances or other Compensations to such Officer or Officers, as they the said Trustees shall deem reasonable; and the said Trustees shall, and they are hereby required to take such Security from every Treasurer and other Officers to be appointed as aforesaid, as they shall deem sufficient.

VIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint or to continue the Person who may be, or who has been appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint or continue the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing this Act; and in case any Person shall act in both Capacities as Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Clerk not be
Treasurer,
and vice
versa.

IX. And be it further enacted, That the said Trustees shall, and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said Church, and of the several Articles, Matters, and Things for which any 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 Creditor or Creditors of the Rates, without Fee or Reward; and the said Trustees and Creditors shall or may take Copies 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, or shall not permit the said Trustees, or such Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in Manner by this Act directed.

Accounts to
be kept of
Receipts and
Disburse-
ments.

X. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, in which fair and regular Entries shall be made of all Acts, Orders, and Proceedings relative to the Execution of this Act, and in which shall be written the Trustees Oath of Qualification, to be subscribed by them severally, before they shall proceed to act as aforesaid; and all Entries in such Book or Books, being signed by the Chairman of any such Meeting or Meetings as aforesaid, or by the Majority of the Trustees present thereat, such Majority not being less than Five, shall be deemed Originals, and shall be produced and read in Evidence in all Causes, Suits, and Actions touching any Thing done in pursuance of this Act; and such Book or Books shall, at all the Meet-

Books to be
provided, and
regular En-
tries made.

ings of the said Trustees, be open to the Inspection of all and ever they said Trustees, and of the Creditors on the Rates and Assessments herein-after mentioned, and to the Payers of Rates of the said Parish and other Persons interested therein.

No Order to be revoked at a subsequent Meeting, unless Ten Days Notice be given, nor unless a greater Number of Trustees attend.

Trustees to proceed in Repairs.

XI. And be it further enacted, That no Order, Appointment, or Proceeding made or had at any Meeting of the said Trustees in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be held for that express Purpose, after Ten Days previous Notice given to or sent by the Clerk to the said Trustees, specifying the Alteration or Revocation intended to be made; nor unless a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding intended to be altered or revoked was made, and shall concur therein.

XII. And be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby required, immediately after the passing of this Act, or as soon after as they conveniently can, to proceed in the Repairs and other Works already begun, according to the said Licence or Faculty, and by and with the Consent of the Lord Bishop of the Diocese to do such other Repairs and Works in and about the said Parish Church, as is herein-after directed, and as they the said Trustees shall think necessary, so that the said Church and Tower, and also all Buildings, Rooms, Walls, and Fences, be well and substantially repaired on the Scite of the present Church, Tower, Buildings, Walls, and Fences; and shall cause such Galleries, Reading Desk, Pulpit, Pews, Seats, Bells, Clocks, Chimes, Organ, Ornaments, and other Conveniences, as they the said Trustees, with the Consent and Approbation of the said Bishop, shall deem proper and requisite to be made and provided; and shall also cause the Church Yard adjoining to the said Church to be levelled, regulated, drained, and fenced round, and convenient Walks, Ways, and Passages made therein, thereto, and therefrom, in such Manner as they the said Trustees, with the like Consent and Approbation of the said Bishop, shall think proper; and for those Purposes to contract and agree with the Person or Persons already or heretofore employed, or any other Person or Persons they may think fit.

Organ, and Salary to an Organist.

XIII. And whereas several of the Inhabitants of the said Parish, by a voluntary Subscription amongst themselves, have lately purchased an Organ, which is intended to be erected and put up in the said Church, so soon as the Repairs are finished; be it therefore further enacted, That it shall and may be lawful for the Vicar and Churchwardens of the said Parish for the Time being to allow a reasonable Salary to an Organist, to be appointed for the said Church by the Vicar and Churchwardens of the said Parish, out of the Church Rates to be collected for the Time being in the said Parish, in such Manner, and payable at such Times, as they shall think proper, not exceeding Twenty-five Pounds *per Annum*.

Old Materials, &c. to be vested in Trustees.

XIV. And be it further enacted, That the legal Property in the Materials that have been or may be taken down of the said Church, and in all other Materials, Goods, Chattels, and Effects already purchased, or which the said Trustees shall or may purchase or procure for any of the Purposes of this Act, shall be deemed and taken to be vested in the said Trustees

and their Successors, subject to the Provisions herein contained; and that in all Actions, Suits, and other Proceedings relating thereto respectively, it shall be sufficient to state generally, that the Property of and in the said Materials, Matters, or Things, or any of them (as the Case may require) are or is the Property of the Trustees for repairing the Parish Church of *Saint John the Baptist in Peterborough*, without specifying the Names of the said Trustees.

XV. And be it further enacted, That in all Actions, Causes, Suits, Bills, Complaints, Indictments, Prosecutions, Trials, or Proceedings at Law, to be had, brought, prosecuted, or defended in pursuance of this Act, the said Trustees may sue and be sued in the Name or Names of their Treasurer or Clerk, and no such Action or Proceeding shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names, or by or against whom the same shall be brought or defended, or by the Act of such Treasurer or Clerk, without the Consent of the said Trustees; but that the Treasurer or Clerk for the Time being of the said Trustees, shall always be deemed the Plaintiff or Defendant (as the Case may be), in every such Action, Suit, or other Proceeding: Provided always, that the Treasurer or Clerk in whose Name or Names any Action, Suit, or other Proceeding as aforesaid shall be commenced, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event, or in consequence of any such Action, Suit, or other Proceeding as aforesaid, he or they shall be put unto, or become chargeable with, by reason of being so made Plaintiff or Defendant as aforesaid.

Actions to be brought in the Name of the Clerk or Treasurer.

XVI. And be it further enacted, That such of the Monuments and Grave Stones in and near to the said Church, as it may be necessary to remove in order to carry this Act into Execution, and are not already removed, shall or may be removed by or at the Discretion of the said Trustees, or any Five or more of them; and those already removed, and all others that may be removed, shall be preserved in such Place and Manner as the said Trustees shall think proper; and when the said Church shall be repaired, all such Monuments and Grave Stones shall be replaced therein, or in the said Church Yard, in such Situation and Manner as the said Trustees shall think proper, due regard being had to the Requests of the Relations or Representatives of those to whose Memories the said Monuments and Grave Stones were originally set up, and to the Provisions herein-after contained in respect to the Alterations of Monuments and Grave Stones in the said Church and Church Yard.

Power to remove Monuments and Grave Stones in the Church, and replace them.

XVII. And be it further enacted, That no Grave or Vault shall be made, opened, or allowed for the Interment of any Body or Bodies within or under the said Church, or within Three Feet from any of the Outside Walls or Buttresses of the said Church, or of the Foundation of the Pillars or of the Tower, except only such Vault or Vaults as is or are already made within the said Church, and not filled with Bodies, and which said last-mentioned Vault or Vaults shall not be enlarged or altered, and shall be opened only for the necessary Repairs thereof, or for the Interment of any of the Relatives of the deceased Person or Persons for whom such Vault or Vaults was or were originally made; and that every

How Interments may be made in the Church and Church-yard.

Corse.

Corpse to be interred in any Vault or Vaults within the said Church, shall, previously to such Interment, be inclosed in a Leaden or other Metallic Coffin; and also that no Coffin shall be placed in the said Church or Church Yard, or either of them, at a less Distance than Four Feet from the Surface of the Ground, unless such Coffin shall be placed in a Vault arched over.

Survey of the
Plan of the
late Pews
and Sitings.

XVIII. And whereas previous to the Commencement of the Repairs of the said Church and Tower as aforesaid, a Survey and Plan of the same was made and taken according to a proper Scale, denoting the Situation, Form, and Dimensions of the several Pews and Seats and Sitings therein, as well those in the Body or Ground Floor of the said Church as those in the Galleries, and in which said Survey and Plan all ancient Inscriptions, Initials, or Characters, in, upon, or near to any of the said Pews or Seats, were particularly noticed and copied, and all and singular the Plates of Brass, Iron, or other Metal, and the Partitions, Boards, Tables, or other Things, on which any such Inscriptions, Initials, or other Characters were written, printed, or cut, carefully removed and deposited in a Place of Safety; be it therefore further enacted, That the said Trustees, or any Five or more of them, shall, at their First or some subsequent Meeting to be held pursuant to this Act, examine the said Survey and Plan, and when they shall be satisfied with the Accuracy thereof, shall certify the same by subscribing their Names thereto; and after the said Survey and Plan shall have been so certified as aforesaid, the same shall be deposited in the Parish Chest for the Use of the said Trustees, and shall be considered as true and accurate; and the same, as also the said Plates, Boards, and other Things, shall, when necessary, be produced and referred to, and admissible as Evidence, in the Allotment of Pews and Sitings in the said Church as after mentioned; and in case any Disputes or Differences shall arise, touching or in anywise relating thereto, all such Disputes and Differences shall be settled and adjusted by the said Trustees, or any Five or more of them.

Survey and
Plan to be
signed by
Trustees;

and to be
admissible as
Evidence.

Allotment of
Pews and
Seats.

XIX. And be it further enacted, That when and so soon as the said Trustees shall have made, erected, and set up such Pews and Seats in the said Church and the Galleries in the same as before directed, they shall and they are hereby required to set out and allot to the several Persons respectively who were entitled by Prescription, Licence, or Faculty to any Pews, Seats, or Sitings in the said Church, before the Commencement of the said Repairs, such Pews, Seats, or Sitings as they the said Trustees shall in their Discretion adjudge a fair and proper Compensation for such Pews, Seats, and Sitings to which they are entitled as aforesaid; and shall in the next Place, allot and appropriate a Part of the remaining Pews, Seats, or Sitings, not exceeding in the whole Twelve Sitings, for the Use of the Churchwardens for the Time being, and also for Strangers, as to them the said Trustees shall seem proper; and as to the Residue and Remainder of such Pews, Seats, and Sitings, which shall not be allotted as aforesaid, the same shall be vested in the Vicar and Churchwardens of the said Parish for the Time being, to be by them from Time to Time assigned or set out for the Use of the Inhabitants of the said Parish, during such Time as they shall continue Inhabitants, and resort to the said Church; and when and as often as the Person or Persons for whose Use such last-mentioned Pews, Seats, and Sitings shall be

be assigned and set out as aforesaid, shall die or remove from the said Parish, or discontinue his, her, or their Attendance at the said Church, then to assign and set out such of the Pews, Seats, or Sittings as may be so vacant, for the Use of other of the Inhabitants of the said Parish in Manner aforesaid; but the assigning and setting out such last-mentioned Pews, Seats, and Sittings, shall in no case vest any Ownership or Property therein in the Person or Persons to whom the same may be assigned or set out; any thing in this Act contained, or any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding.

XX. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, with the Consent and Approbation of the Bishop of the Diocese, shall and they are hereby required to make, erect, and provide, or cause to be made, erected, and provided, in some Part of the Body or Aisles of the said Church, or of the Galleries thereof, Benches or open Sittings sufficient to accommodate Six hundred Persons at the least, to be set apart for the free Use, Convenience, and Benefit of the Poor, and of all other Persons of what Degree soever, who shall resort to the said Church, and who may not be provided with other Accommodations; and also with such Consent and Approbation as aforesaid, to erect and provide a sufficient Number of Benches or open Sittings for the Use of the Boys and Girls respectively for the Time being, belonging to the Charity and *Sunday* Schools of the United Church of *England* and *Ireland* Establishment within the said Parish; and that such Benches or Sittings so to be made, erected; and provided as aforesaid, shall be marked or designated by suitable Inscriptions to be from Time to Time set up in some conspicuous Part of the said Church near thereto; and such Benches and Sittings, when they shall have been so erected and built, and appropriated as aforesaid, shall for ever thereafter be free Sittings, and be used for the Purposes only for which the same were so erected and appropriated, but subject to such Regulations as the said Churchwardens, with the Consent of the Bishop of the Diocese for the Time being, shall find necessary, and shall from Time to Time be repaired when necessary, by the Churchwardens for the Time being of the said Parish of *Saint John the Baptist, Peterborough*, out of the Churchwardens Parish Rates.

Trustees to provide Sittings for the Poor, and for Charity Schools.

XXI. And be it further enacted, That for preserving Uniformity in the Pews or Seats of the said Church, no Person or Persons who shall become entitled to any One or more of the said Pews or Seats, or any Part or Parts thereof, shall be permitted to paint or line the same, or raise the same higher than the other Pews or Seats, or make any Alteration in or Addition thereto, that may alter the Uniformity of the Pews or Seats in the said Church.

Uniformity in Pews to be preserved.

XXII. And be it further enacted, That when the Repairs of the said Church shall be completely finished as is herein directed, the said Trustees, or any Five or more of them, shall and they are hereby required to cause a Plan or Plans of the Inside of the said Church to be made, denoting the Situation, Form, and Dimensions of the several Pews and Seats, and also of the Benches and open Sittings in the Body, Aisles, and Galleries of the said Church, with proper References and Remarks; and also to cause the several Pews or Seats in the said Church to be numbered, and the

When Church is finished, a Plan of the Inside to be made.

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several

several Numbers of the said Pews or Seats to be painted on the respective Doors thereof, and to be entered into a Book or Books, and therein shall distinguish and point out the Name and Names of the Person or Persons to whom any such Pews, Seats, or Sitings shall be allotted, in lieu of other Pews, Seats, or Sitings to which they were entitled by Prescription, Licence, or Faculty as aforesaid; which said Plan or Plans, and Book or Books shall be signed by the said Trustees, or any Five or more of them, and shall be deposited in the Parish Chest, and shall be open to the Inspection of all Persons interested in the said Pews or Seats, at all reasonable Times, without Fee or Reward; and which said Plan or Plans and Book or Books, so signed by the said Trustees, or any Five or more of them as aforesaid, shall from Time to Time and at all Times hereafter be admitted and allowed in all Courts whatsoever as good and legal Evidence, and shall be binding and conclusive upon and amongst all and every the Parties interested in the said Pews or Seats.

Pews to be opened.

XXIII. Provided always, and be it further enacted, That it shall and may be lawful for the Vicar and Churchwardens for the Time being of the said Parish, to employ a proper Person or Persons to open all or any of the Pews and Seats in the said Church, that at the End of the Second Lesson may happen to be unoccupied, and to admit such Persons resorting to the said Church therein, as may be in want of such Accommodation.

Power to borrow Money.

XXIV. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, from Time to Time as Occasion shall require, to borrow and take up at Interest (such Interest not exceeding the Rate of Five Pounds *per Centum per Annum*), any Sum or Sums of Money they shall think necessary for the several Purposes of this Act, not exceeding in the whole the Sum of Seven thousand Pounds, upon the Credit of the Rate or Rates, Assessment or Assessments to be made, levied, and collected, by virtue of this Act; and by Writing under their Hands and Seals, or the Hands and Seals of any Five or more of them, to assign all or any Part of such Rates or Assessments to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with Interest for the same, and the Charges and Expences of such Assignment thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Form of Assignment.

WE, _____ of the Trustees, appointed by or in pursuance of _____ Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] in Consideration of the Sum of _____ advanced and lent by _____ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said _____ or to his or her Trustee or Trustees (as the Case may require), his or her Executors, Administrators, and Assigns, such Proportion of the Money to be raised under the said Act, and of the Rates or Assessments to be raised, levied, and collected, by virtue of the said Act, as the said Sum of _____ doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the said Rates or Assessments,

Assessments, to be had and holden from this Day of
 until the said Sum of with Interest after the Rate of
per Centum per Annum for the same, shall be repaid and
 satisfied. In Witness whereof we the said Trustees have hereunto set
 our Hands and Seals, the Day of in the Year
 of our Lord

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

XXV. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed as aforesaid, and their respective Executors, Administrators, or Assigns, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following; (that is to say),

Power of transferring Assignments, and prescribed Form.

I being entitled to the Sum of secured
 to and his Assigns, [or, his Executors, Administrators,
 and Assigns, as the Case may be], by virtue of an Assignment bearing
 date the Day of under the Hands and Seals
 of of the Trustees acting in the Execution of an Act
 passed in the Fifty-ninth Year of the Reign of King George the Third,
 intituled [here set forth the Title of this Act] upon the Credit of the
 Produce of the Rates or Assessments granted or made payable by the
 said Act, do hereby transfer all my Right and Title in and to the same
 Sum, and all Interest and other Money now due and owing thereon,
 unto his Executors, Administrators, and Assigns.
 Dated this Day of in the Year of our
 Lord

And a Copy of every Security or Assignment, together with the Number or Numbers thereof, which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in such Book or Books to be kept for that Purpose by the Clerk to the said Trustees, which Extract or Memorial shall specify or contain the Date, Name of the Parties, and Sums of Money thereby transferred, and to which Book or Books any Person interested shall at all reasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for entering of every such Transfer the said Clerk shall be paid by the Person or Persons to whom such Transfer shall be made, the Sum of Five Shillings and no more for every such Transfer; and after such Entry made thereof as aforesaid, the Person to whom the Transfer shall be made, and his, her, or their Executors, Administrators, and Assigns, shall be entitled to the Benefit of the Security thereby transferred.

XXVI. And

Provision for
Payment of
Creditors by
Ballot.

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

Application
of the Money
borrowed or
received.

XXVII. And be it further enacted, That the Money which shall be borrowed, advanced, or lent as aforesaid, shall be paid to the Treasurer to the said Trustees, or to such Person or Persons as they shall appoint, and the same shall be applied and disposed of in manner following; (that is to say), in the First Place, in paying and defraying the Costs, Charges, and Expences incident and attendant upon, applying for, obtaining and passing this Act, and then in repairing and completing the several Repairs and other Works herein-before mentioned or referred to, and by this Act directed and required to be done and completed.

Rates to be
made.

XXVIII. And in order to raise Money sufficient for carrying the several Purposes of this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and required, in each and every Year, until the Principal and Interest of the Money borrowed as aforesaid shall have been fully paid off, to make at some Meeting or Meetings to be holden for that Purpose, (of which Meeting or Meetings, and of the Purpose thereof, Notice in Writing signed by the Clerk to the said Trustees, shall be given in Manner herein-before prescribed, and also affixed on One of the outer Doors of the said Church, Fourteen Days at the least immediately preceding the same respectively) a Rate or Rates, Assessment or Assessments, on the Occupiers of all Houses, Buildings, Lands, Tenements and Hereditaments,

ditaments, who are by Law liable to the Payment of Church Rates within the said Parish, not exceeding One Shilling and Sixpence in the Pound in any One Year, on the full Annual Value of all such Houses, Buildings, Lands, Tenements, and Hereditaments within the said Parish, and the First of such Rate or Rates, Assessment or Assessments shall be made within Three Calendar Months from and after the passing of this Act, and shall be raised, levied, collected and paid to the Treasurer, by the Collector or Collectors to be appointed by the said Trustees, and applied for the Purposes of this Act, in the Manner herein mentioned.

XXIX. And be it further enacted, That the said Rate or Rates, Assessment or Assessments shall be payable Half-yearly (*videlicet*) on the First Day of *August*, and the First Day of *February* in each Year, the First Payment thereof to be made on the First Day of *August* next after the passing of this Act, and the same shall be payable and paid to the Collector or Collectors to be appointed by virtue of this Act; and that it shall be lawful for such Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered to receive, levy, and collect the same accordingly.

Rates how payable.

XXX. And be it further enacted, That every Person being Landlord or Tenant, who shall let his or her House in separate Apartments, or ready furnished to a Lodger or Lodgers, by the Year or by any less Term than a Year, shall for the several Purposes of this Act be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly.

Rates where Houses are let to several Families.

XXXI. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed by virtue of this Act, for the Space of Ten Days next after the same shall become due and payable as aforesaid, and Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person or Persons, signed by any Collector or Collectors, of the Amount of such Rates, then and in every such case it shall be lawful for the Collector or Collectors, to be appointed as aforesaid, and he and they is and are hereby respectively authorized and required to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hand and Seal, or Hands and Seals, of One or more of the Justices of the Peace for the said Liberty of *Peterborough*, which Warrant such Justice or Justices is and are hereby empowered and required to grant, after having first issued a Summons under his or their Hand or Hands for such Person or Persons to appear before him or them, and having heard the Matter in a summary Way, or upon the Contempt or Non-appearance of the Person or Persons summoned, and due Proof made upon Oath of the Service of such Summons, and of such Refusal or Neglect as aforesaid (which Oath the said Justice or Justices is and are hereby empowered and required to administer), rendering the Overplus (if any), upon Demand, to the Owner of such Goods and Chattels, after deducting the Amount of the said Rates or Assessments and of all Arrears thereof, and the reasonable Costs and Charges of such Distress and Sale.

Recovery of Rates.

[Local.]

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XXXII. And

Collectors to
account for
Rates.

XXXII. And be it further enacted, That every Person or Persons who shall be appointed to collect or receive any of the Monies arising by any such Rate or Assessment, shall, as often as thereunto required by the said Trustees, or any Five or more of them, deliver in Writing under his Hand or their Hands, to the said Trustees, or unto such Persons as they shall appoint, a true and perfect Account in Writing of all Monies which he or they shall have collected and received by such Rate or Assessment, and shall pay all the Money collected by such Rate or Assessment in his or their Hands, Custody, or Power, unto the Treasurer to the said Trustees; and if any such Collector or Collectors shall refuse or neglect to receive the Sums to be rated and assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody, or Power, in Manner herein directed, every such Collector or Collectors so offending shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Twenty Pounds, which Penalty, and also the Money in the Hands, Custody, or Power of such Collector or Collectors, so due and owing from such Collector or Collectors to the said Trustees, for or on account of such Rate or Assessment, shall and may be levied and recovered by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the said Liberty of *Peterborough*, which Warrant such Justices are hereby required to give, on Proof of any such Refusal or Neglect, or on Proof that any Sum or Sums of Money is or are due and owing from such Collector or Collectors to the said Trustees, for or on account of such Rate or Assessment, on the Oath or Oaths (which Oath or Oaths such Justices, or any or either of them, are and is hereby empowered to administer) of any credible Witness or Witnesses, directed to any Person or Persons whomsoever, by Distress and Sale of the Goods and Chattels of the Collector or Collectors so refusing or neglecting, or from whom any Sum or Sums of Money shall be so due and owing, for or on account of such Rate or Assessment as aforesaid, rendering the Overplus (if any) upon Demand, to the Owner of such Goods and Chattels, after deducting such Penalty; and the Sum or Sums of Money as shall appear to be so due and owing to the said Trustees, for or on account of such Rate or Assessment, and the Costs and Charges of such Distress and Sale, or the Sum or Sums of Money so due and owing from such Collector or Collectors, shall be paid by the Surety or Sureties for such Collector or Collectors; or in case of Refusal and Neglect of Payment of such Surety or Sureties, shall be recovered from such Surety or Sureties, by the said Trustees, by an Action or Actions of Debt, to be commenced and prosecuted agreeable to the Directions of this Act.

Inhabitants
not incompetent
Witnesses.

XXXIII. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant or Payer of Rates of the said Parish shall be deemed to be incompetent to give Evidence, on account of his or her being charged with or liable to pay, or having paid any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Application
of the Monies
arising from
Rates.

XXXIV. And be it further enacted, That the Sums of Money arising from the Rates, Assessments, and Penalties to be made, collected, and recovered under the Provisions of this Act, shall be applied in paying to or reimbursing the Churchwardens of the said Parish for the Time being, all such

such Charges and Expences as shall be sustained by them in the future Repairs of the said Church, and in the Execution of their Office and Duty as such Churchwardens, and in Payment of the Salary to the Organist as before provided for; and then in Payment of the Interest of the Money that may be borrowed as aforesaid, and remaining due on the Credit of this Act; and afterwards in Payment and Discharge of the Principal Money, not less than Five Pounds for every Sum of One hundred Pounds in each and every Year, on the aggregate Amount of the Principal Money which may be borrowed under the Authority of this Act, until the whole Principal Money, and all Interest to grow due in respect thereof, shall be fully paid and satisfied; such Payments of the Principal Money to be made according to the Directions herein contained.

XXXV. And be it further enacted, That so soon as the Repairs and Improvements to the said Church are finished and completed, according to the Directions herein contained, and the Principal Monies borrowed, and the Interest to grow due thereon, are fully paid off and discharged, together with the Expences of the said Trustees in executing the several Purposes of this Act, the Rates hereby authorized to be raised, and the several Powers and Authorities granted by this Act in respect thereof, and every Clause, Article, Matter, and Thing herein contained relating thereto, shall cease, determine, and end. Rates when to cease.

XXXVI. Provided always, and be it further enacted, That in case any Person or Persons shall advance or lend, or pay any Money for or towards defraying the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid such Money with lawful Interest for the same, from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act; any thing herein-before contained to the contrary thereof in anywise notwithstanding. Money advanced to be repaid with Interest.

XXXVII. And be it further enacted, That all Penalties and Forfeitures by virtue of this Act, or of the Powers thereof, imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of Peace for the Liberty of *Peterborough* (which Warrant such Justice is hereby empowered to grant), upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath, which Oath the said Justice is hereby empowered and required to administer; and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Expences of making, keeping, and selling the said Distress; and such Penalties and Forfeitures when recovered (if not herein directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit the Offender or Offenders to the Common Gaol or House of Correction in and for the Liberty of *Peterborough*, there to remain without Recovery of Penalties.
Bail

Bail or Mainprize for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Appeal as to Rates, &c.

XXXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, or any Judgment or Determination, or other Matter or Thing made, given, or done in pursuance of this Act (except the Power of setting out and assigning Pews, Seats, and Sittings as herein directed, and vested in the Trustees and in the Vicar and Churchwardens respectively as aforesaid) it shall and may be lawful for him, her, or them to appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the Liberty of *Peterborough*, who are hereby empowered to examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal in a summary Way, such Appeal being made within Two Calendar Months next after the Cause of Complaint shall have arisen, and the Person or Persons so appealing giving Ten Days Notice at least in Writing of his, her, or their Intention of appealing, and of the Matter and Cause thereof, to the Clerk of the said Trustees, and within Three Days after such Notice entering into a Recognizance before a Justice of the Peace of the said Liberty, with Two sufficient Sureties conditioned to try such Appeal; and such Justices, upon the Hearing and Determination of the Matter of such Appeal, shall and may, and are hereby required to award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination in the Premises shall be conclusive to all Intents and Purposes whatsoever.

Proceedings not to be removed into any of the Courts at Westminster.

XXXIX. 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 any Thing done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or removed or removable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Distress not to be unlawful for want of Form.

XL. And be it further enacted, That when any Distress shall be made for the Recovery of any Money payable under or 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 committed by the Party or Parties so distraining; and that no Plaintiff shall recover in any Action or Actions, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have been guilty of such wrongful Proceedings, before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where Defendants are allowed to pay Money into Court.

XLI. And

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

Limitation
of Actions.

XLII. Provided always, and be it further enacted, That all and every the said Trustees herein named and herein-after to be chosen, shall at all Times for ever be amply and fully indemnified, from and out of the Monies to arise and be received by virtue of this Act, of and from all Costs, Charges, Damages, and Expences, which they or any of them, or their Treasurer or other Officers for the Time being as aforesaid, shall or may sustain or be put unto for or by reason of any Action, Suit, or other Proceeding, which may be had, sued, commenced or prosecuted against them, or any or either of them, for any Act, Matter, or Thing which may be by them, or any of them, done in or about the Execution of this Act and the Trusts hereby in them reposed.

Indemnity to
Trustees.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall take away, change, diminish, prejudice, impeach, or defeat any Estate, Right, Title, Interest, Property, Privilege, or Jurisdiction of the Lord Bishop of *Peterborough*, or his Chancellor, or of the Archdeacon of *Northampton* for the Time being, or any Right, Title, Claim, or Demand of the said Lord Bishop as Patron, or of the Vicar of the said Parish for the Time being, of, in, or to the said Parish Church and Church Yard with the Appurtenances, or to any Tithes, Mortuaries, Offerings, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Benefits, or Advantages arising within the same Parish, but the same shall be received and enjoyed, paid and payable, in the same Manner as they would or ought to have been in case this Act had not been passed.

Saving of
Rights to the
Bishop and
Archdeacon,
and the
Patron and
Vicar of Pe-
terborough.

XLIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his and their Heirs, Successors, Executors, and Administrators (other than those meant and intended to be barred and destroyed by this Act) all such Estates, Rights, Titles, and Interests, as they, every or any of them, had and enjoyed before the passing of this Act, or could or might have had or enjoyed in case this Act had not been passed.

General
Saving.

[Local.]

r8 U

XLV. And

1642

59° GEORGII III. *Cap.* lxxiii.

Public Act.

XLV. 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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