



ANNO TRICESIMO OCTAVO

# GEORGII III. REGIS.

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## *Cap. 62.*

An Act for authorizing the Trustees therein named, to raise Money by Rates or Assessments, within the Parish of *Saint Peter*, in the Borough and Liberty of *Saint Alban*, in the County of *Hertford*, for the better and more effectually discharging Annuities, heretofore granted to certain Persons who have advanced Money towards repairing the Church belonging to the said Parish. [21st June 1798.]

**W**HEREAS the Parish Church of the Parish of *Saint Peter*, in the Borough of *Saint Alban*, in the County of *Hertford*, being very ancient, and in a ruinous and dangerous State, particularly the Tower Part thereof, it was thought necessary, by a general Vestry of the said Parish, held on the Eleventh Day of *May* One thousand seven hundred and eighty-five, that the said Parish Church should be substantially

Preamble.

[*Loc. & Per.*] 9 2 tially

tially repaired and amended: And whereas *Jane Handley, Francis Foster, Ann Dearman, Elizabeth Dearman, Ann Baldock, Martha Hudgebout, Robert Day, and Mary Hopkins* (now *Mary Bernett*), have advanced considerable Sums of Money to the Inhabitants of the said Parish of *Saint Peter*, in Consideration of being paid certain Annuities during their respective Lives, chargeable upon the Rates and Assessments of the said Parish; which said Sums of Money so advanced, and amounting in the Whole to the Sum of Two thousand seven hundred and ninety Pounds, have been expended in the necessary Repairs of the said Parish Church; and for securing the Payment of such Annuities, the Churchwardens and Overseers of the Poor of the said Parish for the Time being, and other Inhabitants of the said Parish, did, at different Times, by Orders of the Vestries of the said Parish legally assembled, enter into certain Bonds or Obligations: And whereas the said Annuities were regularly paid until on or about the Year One thousand seven hundred and ninety-five, out of the Rates and Assessments of the said Parish, but since that Time the Churchwardens and Overseers have not been able to raise and pay the same, without advancing a Part thereof out of their own private Monies, by reason of the different Appeals which have been made to such Rates or Assessments, whereby several of the said Annuitants, who are poor, aged, and infirm, and have advanced a great Part of their Property in the Purchase of the said Annuities, are very much distressed, and under great Difficulty of supporting themselves: And whereas the Churchwardens and Overseers of the Poor, and many of the principal Inhabitants of the said Parish of *Saint Peter*, who are considerable Payers to the Rates and Assessments thereof, are desirous that the said Annuities (which at this Time amount to the Sum of One hundred and eighty-two Pounds and Ten Shillings *per Annum*) and all Arrears thereof, should be fully paid and satisfied to such of the Annuitants who are now living, by proportionable Assessments upon the Occupiers of Houses, Lands, Tenements, and Hereditaments within the said Parish: But as the same cannot be effected without the Authority of Parliament; may it 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 it shall and may be lawful for the Trustees herein-after nominated and appointed, or any Seven or more of them, to raise and pay to such of the before-named Annuitants who are now living, their respective Annuities as they shall become due and payable, by such Ways and Means as are herein-after mentioned and directed.

For raising  
Money to  
pay Annuities.

For appoint-  
ing Trustees:

II. And, to the End that such Annuities, and all Arrears thereof, may be paid with greater Certainty to the several Annuitants who are now living, during their respective Lives, be it further enacted, That *John Osborn* Esquire, *Thomas Kinder* Esquire, *John Emmett* Esquire, *Thomas Baker* M. D. the Vicar of the Parish of *Saint Peter* for the Time being, *John Kinder, William Kinder, Joseph Bunn, William Hale, William Pocock, William Dearman, James Read, John Hair, and Robert Nicholls*, together with the Churchwardens and Overseers of the Poor of the said Parish

Parish of *Saint Peter* for the Time being, shall be, and they are hereby nominated and appointed Trustees for putting this Act into Execution; and that they, or any Seven or more of them, shall, and they are hereby empowered, by any Writing under their Hands, from Time to Time as Occasion shall require, to make such Rate or Rates, Assessment or Assessments, on all and every Person and Persons who do or shall inhabit or occupy any Houses or Lands, Tenements or Hereditaments, within the said Parish of *Saint Peter*, and who are liable in respect thereof to be rated and pay to the Church Rate of the said Parish, as to the said Trustees, or any Seven or more of them, shall appear necessary for the Purposes of this Act, and to receive and take the Monies arising thereby, and pay and apply the same to and for the Uses and Purposes herein mentioned; and the said Trustees, or any Seven or more of them, are hereby empowered, by Warrant under their Hands and Seals, to authorize and appoint the Receiver and Collector of the Rates and Assessments to be made and collected by virtue of this Act, to levy the said Rates and Assessments upon any Person or Persons liable to pay the same, who after Demand made thereof shall, for the Space of Fourteen Days, neglect or refuse to pay the same, according to the true Intent and Meaning of this Act, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing, and to detain and keep such Goods and Chattels until such Rates or Assessments, with the reasonable Charges of such Distress, shall be paid; and it shall and may be lawful for the Person or Persons so distraining, after the Space of Fourteen Days next after every Distress taken, to sell the Goods and Chattels so distrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after such Rates or Assessments, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted.

Who are to receive and apply the Rates.

Power to distress on Non-payment.

III. And be it further enacted, That the said Trustees, or any Seven or more of them, shall, and they are hereby required to meet in the said Parish Church, on the Second *Monday* next after the passing of this Act, at Eleven of the Clock in the Forenoon, to make the First Rate or Assessment under and by virtue of this Act, and to nominate, chuse, and appoint One substantial Housekeeper, residing within that Part of the Parish of *Saint Peter* which lies within the Borough of *Saint Alban*, and Two substantial Housekeepers, residing within that Part of the Parish of *Saint Peter* which lies within the Liberty of *Saint Alban*, and from Time to Time to appoint others in Cases of Death, Refusal, or Incapacity, to be Receivers and Collectors of such Rates and Assessments as shall be directed to be raised and levied for the Purposes of this Act; and all Persons who by virtue of this Act are charged or chargeable with all or any of the said Rates or Assessments, shall and are hereby required to pay the same to such Receivers or Collectors accordingly (they giving Receipts for the same *gratis*); and the said Trustees, or any Seven or more of them, shall and may, and are hereby empowered to adjourn themselves from Time to Time as they shall see Occasion, and shall and may meet at any Time without Adjournment, giving Seven Days Notice of all such Meetings in the Church of the said Parish; and that the said Trustees shall, at all their Meetings to be had and held in pursuance of this Act, defray their own Charges and Expences.

Trustees when and where to meet.

IV. And

Allowance to  
Collectors.

IV. And be it further enacted, That the Collectors of such Rates and Assessments hereby granted, for collecting the several Sums rated and assessed by virtue of this Act, and for writing Receipts to the Person or Persons of whom they receive the same, shall, upon Collection and Payment thereof as is hereby appointed, have and receive for their Pains in and about the same, the Sum of Three-pence in the Pound on the Amount of the Money to be by them collected, which the said Collectors are hereby empowered to detain out of the same accordingly.

Collectors to  
account.

V. And be it further enacted, That the said Receivers or Collectors so appointed shall from Time to Time pay over all and every of the Sum and Sums of Money by them respectively collected and received, after deducting such Poundage as aforesaid, to such Person or Persons as the said Trustees, or any Seven or more of them, shall, by Writing under their Hands, authorize and empower to receive the same, to be applied as herein is directed; and such Collectors or Receivers shall fairly enter into One or more Books to be kept for that Purpose, all and every Sum or Sums of Money which they and every of them shall have respectively received, collected, or levied by virtue of this Act, or by virtue of any Power or Authority in pursuance thereof, and shall upon Oath, (or Affirmation, being One of the People called *Quakers*), as often as required by the said Trustees, or any Seven or more of them, before One or more Justice or Justices of the Peace for the Liberty or Borough of *Saint Alban*, (which Oath or Affirmation such Justice or Justices is and are hereby empowered and required to administer and take), give a true, exact, and perfect Account in Writing, under their Hands, of all Monies which they shall have collected, levied, received, or paid, by virtue of this Act, for which Oath or Affirmation no Fee or Reward shall be taken.

Allowing an  
Appeal to  
the Quarter  
Sessions.

VI. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, such Person or Persons may appeal to the next General or Quarter Sessions of the Peace, or any Adjournment thereof, to be holden for the Liberty of *Saint Alban*, if the Property of the Appellant or Appellants is situate, lying, or being in that Part of the Parish of *Saint Peter* which lies within the said Liberty, and if it is situate, lying, or being in that Part of the said Parish which lies within the Borough of *Saint Alban*, then to the next General Quarter Session of the Peace, or any Adjournment thereof, to be holden for the said Borough, after the Cause of such Complaint shall arise, such Appellant or Appellants giving or causing to be given Ten Days Notice in Writing to the said Trustees, or any Seven or more of them, of his, her, or their Intention to make such Appeal, and within Eight Days next after such Notice, entering into a Recognizance before some Magistrate for the Liberty of *Saint Alban*, if the Appeal shall be to the Liberty Sessions, but if to the Borough Sessions, then before some Magistrate for the said Borough, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and to pay such Costs as shall be awarded at the same General or Quarter Sessions, or adjourned Sessions of the Peace for the said Liberty or Borough; and the Determination of such

Sessions shall be final, binding, and conclusive; and on all Appeals from the said Rates or Assessments, the said General or Quarter Sessions, or Adjournment thereof, shall amend the same in such Manner only as shall be necessary for giving Relief, without quashing or altering such Rates or Assessments with respect to other Persons mentioned in the same.

VII. And be it further enacted, That the Rates and Assessments hereby directed to be raised and levied as aforesaid, shall cease and determine upon the Death of all and every of the Annuitants herein-before named, and the Payment of all Arrears of their respective Annuities, and the Expences and Charges of obtaining this Act, and putting the same into Execution; any Thing herein contained to the contrary thereof notwithstanding.

Rates when  
to cease.

VIII. And be it further enacted, That all the Costs, Charges, and Expences of passing this Act, and all other Charges incident to the obtaining thereof, or incurred in relation thereto, shall be borne, paid, and defrayed out of the first Monies which shall arise by virtue of this Act.

Charges of the  
Act how to  
be paid.

IX. And be it further enacted, That no Rates or Assessments, nor any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order to be made, or any other Matter or Thing to be done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

Proceedings  
not to be  
quashed for  
Want of  
Form.

X. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in relation to the Premises, then and in every such Case the Action shall be commenced within Six Calendar Months after the Fact committed, and not afterwards, and shall be brought in the County, City, or Place where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to be so done, or if any such Action or Suit shall be brought after the Time before limited for bringing the same, or shall be brought in any other County, City, or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and if upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover full Costs, and have the like Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases by Law.

Limitation of  
Actions.

General Issue;

Full Costs.

[*Loc. & Per.*]

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XI. And

Publick Act.

XI. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

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