



ANNO QUADRAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 62.

An Act for the more effectually repairing the Parish Church of *Dagenham*, in the County of *Essex*.
[11th June 1803.]

WHEREAS some Time in or about the Year One thousand seven hundred and ninety-eight, the Roof, with the Middle Aisle, Tower, and great Part of the Outer Walls of the Parish Church of *Dagenham*, in the County of *Essex*, fell down; and although the Parishioners have expended, by Rates and the Produce of One Brief, upwards of Two thousand Pounds, the said Church is now in such a State as to be unfit for the Performance of Divine Worship therein, the Tower, Roof, and external Walls only having been erected: And whereas for the completing the other necessary Repairs and Requisites of the said Church, it will require a considerable Sum of Money to be raised, which cannot be done 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 Vicar of the said Parish for the Time being, *John Gas-* Trustees.
coyne
[Loc. & Per.] 13 O

Power to appoint new Trustees, on Death, Refusal to act, or Removal.

No Trustees to act being interested.

First Meeting.

To appoint a Treasurer and other Officers.

Trustees to hold Quarterly Meetings.

Power for Trustees to call other Meetings.

coyne Fanshaw, John Hopkins Dare, John Tyler, Christopher Tyler, Esquires; William Ford, James Armstrong, Robert Brittain, John Burley, Phæbus Grigg, Henry Hunsdon, Thomas Twysford, John Biggs, Lancelot Tuck, and the Churchwardens of the said Parish for the Time being, shall be and they are hereby appointed Trustees for the repairing of the said Church, and putting this Act into Execution; and that when any One or more Trustee or Trustees herein-before named, or to be appointed as herein-after mentioned (except such Persons as are declared to be Trustees by virtue of their Situation or Office), shall die, or refuse to act, or shall remove out of the said Parish of *Dagenham*, the surviving or remaining Trustees shall, at any Meeting to be held as herein-after mentioned, appoint One or more of the Inhabitants of the said Parish, or Occupiers of Lands therein, in the room or place of such Trustee or Trustees so dying, refusing to act, or removing as aforesaid; and every such Trustee so to be appointed shall have full Power in all Things to carry this Act into Execution, as if he had been appointed a Trustee in and by this Act: Provided always, that no Person shall act as a Trustee as aforesaid, who shall be interested in any Contract, or enjoy any beneficial Employment under this Act.

II. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish on the Second *Tuesday* after the passing of this Act, or as soon after as conveniently may be, to put this Act in Execution, and shall and may adjourn from Time to Time as they shall think proper; and at which First Meeting, or any future Meeting, it shall be lawful for the said Trustees to appoint One or more Treasurer or Treasurers, and also to appoint and employ such other Person or Persons as may be necessary for the Purposes of this Act, and shall and may take such Security as they shall think proper from such Treasurer or Treasurers, and from Time to Time at any future Meeting, may remove such Treasurer or Treasurers, or other Persons so to be appointed as aforesaid, as they shall think proper, and appoint others in the room or ~~stead of any such Officer so removed, or dying, or declining to act;~~ and the said Trustees may, out of the Monies to be raised under or by virtue of this Act, make such Allowance to such Person or Persons respectively, as they shall judge a reasonable Compensation for their respective Trouble and Services.

III. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and required to hold Four Quarterly Meetings in the Year, on the Days following; (that is to say) on the First *Tuesday* in the several Months of *June, September, December,* and *March*, in every Year; and the said Trustees, or any five or more of them, although not assembled at a Meeting, shall and may at their Discretion, and they are hereby authorized and empowered, by Writing under their Hands, to direct the Clerk to call any other Meetings of the said Trustees for carrying this Act into Execution; and the said Clerk shall give Notice thereof in Writing, specifying the Purpose of such Meeting, to be left for the said Trustees at their respective usual Places of Abode, at least Three Days previous to such intended Meetings; and that at all Meetings the said Trustees shall defray their own Expences.

IV. And

IV. And be it further enacted, That the said Trustees shall and may, and they are hereby authorized and empowered, at any such Meetings to be held as aforesaid, to give Orders for all and every such Reparations of the said Church, and of such Parts of the Chancel thereof, as shall be necessary in consequence of the falling down of Part of the said Church as aforesaid, and for making such Pews, Seats, Galleries, and other Requisites and Conveniencies therein; and for doing such other Matters and Things relative to the said Church, as they shall think proper; and to make any Contract or Contracts with any Person or Persons effectuating the same, and also to confirm all such Contracts as may have been entered into, and generally to make and do all such Orders, Matters, and Things as they shall think proper and necessary, fully and effectually to carry this Act into Execution; provided that no Act, Order, or Resolution of the said Trustees shall be valid, unless done or made at some publick Meeting to be held pursuant to this Act; and at all such Meetings the Acts, Orders, and Resolutions of the major Part of the Trustees present (the Number of Trustees present at such Meeting not being less than Five) shall have the same Force and Effect as if done or made by all the said Trustees; and that where at any Meetings the Number of Voices shall be equal, the Chairman, to be appointed at each such Meeting, shall have a Second and the casting Voice.

Power for Trustees to order Repairs, make Contracts, etc.

No Act valid, unless at a publick Meeting.

Chairman to have the casting Voice.

V. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees, with or without the Consent of the Vicar and Churchwardens at the Vestry of the said Parish of *Dagenham*, to make any Alteration in the ancient Situation or Dimensions of the Communion Table, or in the ancient Situation of the Pulpit or Reading Desk, or in the Decorations of the Walls of the Chancel or Church, without the Licence or Faculty of the Ordinary first had and obtained.

No Alteration to be made in the Situation of the Communion Table, etc. without Licence of the Ordinary.

VI. And, for the more speedy raising Money for the Purposes of this Act, be it further enacted, That it shall and may be lawful for the said Trustees, and they are hereby empowered, from Time to Time, if they shall think it adviseable, to raise all or any Part of the Money necessary for the Purposes of this Act, by granting Annuities for Lives; and the said Trustees are hereby authorized and empowered, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Trustees, any Sum or Sums of Money for the absolute Purchase of any Annuity, to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor, and either with or without Benefit of Survivorship, as the said Trustees shall think proper; so that no such Annuity do exceed the Rate of Twelve Pounds for every One hundred Pounds for a Year; and the Grant of every such Annuity shall be in the Words or to the Effect following; (*videlicet*),

Money to be raised by Annuities.

“WE, of the Trustees appointed by or in pursuance of Form of Grant.
 “an Act made in the Forty-third Year of the Reign of King George
 “the Third, intituled, [*set forth the Title of this Act*] in Consideration of
 “the Sum of paid by A. B. [*or, if intended to be*
 “granted with Benefit of Survivorship, by C. D., E. F., &c.] to the
 “Treasurer

' Treasurer or Treasurers appointed in pursuance of the said Act, do hereby
 ' grant unto the said *A. B.* and his [*or her*] Assigns [*or if by Survivor-*
 ' *ship*, unto the said *C. D., E. F., &c.* and to the Survivors and Survivor
 ' of them] an Annuity or yearly Sum of _____ out of the
 ' Rates or Assessments arising by virtue of the said Act, which Annuity or
 ' yearly Sum of _____ shall be paid to the said *A. B.* or his
 ' [*or her*] Assigns, [*or, if by Survivorship*, unto and among them the said
 ' *C. D., E. F., &c.* and the Survivors and Survivor of them] at or upon
 ' the _____ Day of _____ in every Year, during
 ' _____ and the First Payment thereof shall be made
 ' upon the _____ Day of _____ next ensuing
 ' the Date of these Presents.

' In Witness whereof we have hereunto set our Hands and Seals the
 ' _____ Day of _____ in the Year of our Lord

And every such Grant shall be good, valid, and effectual in the Law; and
 every Annuity so to be granted as aforesaid shall be and is hereby charged
 upon, and shall be payable and paid free from all Deductions out of the
 said Rates or Assessments.

Or Part there-
of upon Bonds.

VII. Provided always, That in case the said Trustees shall think it ad-
 viseable to raise all or any Part of the Money necessary for the Purposes of
 this Act, upon Bonds, and to pay off the same by Instalments, then it
 shall and may be lawful for the said Trustees, and they are hereby
 authorized and empowered, at any Time or Times to borrow, for the
 Purposes of this Act as aforesaid, such Sum or Sums of Money as they
 shall think proper, at Interest at Five *per Centum per Annum*; and the
 Money so to be borrowed, together with all Interest for the same, shall
 be and is hereby charged upon and shall be payable out of the said Rates
 or Assessments: Provided always nevertheless, that in case all the Money
 which shall be required for the Purposes of this Act shall be borrowed
 upon Bond, the same shall be borrowed and raised upon Bonds of One
 hundred Pounds each, to be executed by the said Trustees, or any Five
 or more of them; but if the said Money which shall be raised by virtue
 of this Act, shall be borrowed in Part upon Annuity or Annuities, and
 in Part upon Bonds, then such Part not borrowed upon Annuity or Annuities,
 shall be borrowed upon Bonds of Fifty Pounds each, to be executed by the
 said Trustees in Manner aforesaid; and they the said Trustees are hereby
 required, at their Meeting to be held in the Vestry Room of the said Parish
 on the First *Tuesday* in the Month of *June*, to pay off and discharge the
 Sum of One hundred Pounds at the least, Part of the Principal Money
 which shall have been so borrowed upon Bonds as aforesaid, if the whole
 Sum to be raised by virtue of this Act, shall have been borrowed upon
 Bonds as aforesaid, otherwise pay off and discharge the Sum of Fifty
 Pounds in Manner aforesaid, if Part is borrowed upon Annuity or An-
 nuities and Bonds, and which shall then remain due upon the Credit of this
 Act.

Manner of
paying off
Bonds.

VIII. And, that no Preference may be given in paying off such Bonds,
 be it further enacted, That the said Trustees shall at their Meeting to be
 held in the Vestry Room of the said Parish, on the First *Tuesday* in the
 Month of *December* in every Year, cause the Numbers of all the said
 Bonds which shall be due and owing to the Creditors on the said Rates

or

or Assessments, to be written on separate Slips of Paper or Parchment, and put separately into a proper Wheel or Box to be provided for that Purpose; and so many Numbers of the said Bonds shall be then and there drawn out by the Clerk, in the Presence of the said Trustees, as shall make up the Sum then intended to be paid off; which Numbers shall be then read by the Clerk, and delivered to the Chairman of the Meeting, who shall cause the same to be entered by the Clerk in the Minutes of such Meeting; and that Three Months Notice under the Hand of the said Clerk shall be given to the Person who shall be entitled to the Bond so drawn out, or shall be left at his or her last or most usual Place of Abode, that his or her Bond, and the Interest due thereon, will be paid off, and that at the Expiration of the said Three Months, to be computed from the Day of such Notice given or left as aforesaid, all Interest on such Bond shall cease and determine.

IX. And be it further enacted, That an Entry or Memorial of all Grants and Bonds made for securing the Money borrowed by virtue of this Act, and all Assignments or Transfers thereof, expressing in Words at Length the Names, Surnames, Additions, Places of Abode, and other Descriptions of all such Persons as shall from Time to Time be entitled to such Grants and Bonds, shall be entered by the Clerk to the said Trustees in a Book to be provided for that Purpose; and that it shall be lawful for any Person entitled to any of the said Grants and Bonds, his or her Executors, Administrators, or Assigns, at any Time or Times, by Writing under his or her Hand, to assign or transfer such Grants and Bonds by Indorsement on the Back thereof, in the Presence of One Witness, to any Person whomsoever; and all such Assignments and Transfers, after they shall be respectively made and entered as aforesaid, shall entitle the Persons to whom they shall be respectively made, their respective Executors, Administrators, and Assigns, to the Benefit of all such Grants and Bonds assigned and transferred as aforesaid.

‘ I *A. B.* do hereby transfer the within Mortgage Bond [*or Grant of Annuity*] and all my Right and Title in and to the Principal Money and Interest [*or Annuity*] and all Arrears now due thereon thereby secured, unto *C. D.* his, [*or her*] Executors, Administrators, and Assigns. Dated the Day of
 ‘ Witnesses

Form of Transfer.

X. Provided nevertheless, That no greater Sum in the Whole than Four thousand Pounds shall be raised by Loan or Mortgage, and by the Sale or granting of Annuities as aforesaid; and that before any such Money shall be borrowed or Annuity granted, Fourteen Days Notice shall be given in One or more of the Provincial Newspapers, signifying the Intention of borrowing such Money or granting such Annuities.

XI. And, in order to raise Money to defray the Expences of carrying this Act into Execution, be it further enacted, That it shall and may be lawful to and for the Churchwardens of the said Parish for the Time being, by the Order and Direction of the said Trustees, and they are hereby required from Time to Time whensoever they the said Trustees shall find it necessary, in the usual and accustomed Manner, to rate and assess all Persons who do or shall inhabit or occupy any Lands, Houses, or other Tenements or Hereditaments within the said Parish, in any Sum of Money not exceeding the Rate of One Shilling and Sixpence in the
 [Loc. & Per.] 13 P Pound

Rates to be made.

Pound in any One Year, of the yearly Value of such Lands, Houses, or other Tenements or Hereditaments, as the same shall be assessed to the Church Rates of the said Parish; and that the Monies to arise from such Rates or Assessments shall be and are hereby vested in the said Trustees for the Purposes of this Act, and shall be collected by the Churchwardens of the said Parish for the Time being; and the Money so to be collected shall from Time to Time be paid by the respective Churchwardens into the Hands of the Treasurer or Treasurers to the said Trustees; and such Rates shall take place and become payable from the passing of this Act, and continue for and during such Time as any of the Monies to be borrowed or Annuities to be granted upon the Credit of this Act, as hereinbefore is mentioned, shall remain owing or have Continuance, and no longer.

Rates may continue in force for several Years.

XII. Provided always, That the Rate or Assessment to be made as aforesaid, in or for any Year, shall continue in force, and shall be collected and recovered in or for every subsequent Year, until the Churchwardens of the said Parish for the Time being shall, by the Order and Direction of the said Trustees, make a new Rate or Assessment by virtue of this Act, in like Manner as if the Churchwardens, by the Directions aforesaid, had made such Rate or Assessment in and for every subsequent Year.

Rates where Houses are let to several Families.

XIII. 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, or for 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.

Recovery of Rates.

XIV. And be it further enacted, That if any Person shall refuse or neglect to pay the Sum or Sums of Money which he or she shall be rated or assessed by virtue of this Act, for the Space of Fourteen Days after the same shall become payable as aforesaid, and after Demand in Writing delivered to or left at the usual Place of Abode of such Person, then and in every such Case it shall and may be lawful for any Churchwarden of the said Parish, and he is hereby authorized and required, to levy the same by Distress and Sale of the Goods and Chattels of every Person refusing to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the County of *Essex*; which Warrant such Justices are hereby empowered and required to grant, upon Proof made before them upon Oath of such Demand and Non-payment as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale: Provided always, that such Justices may grant any Warrant of Distress as aforesaid, and may do any other Act as Justices in the Execution of this Act, notwithstanding they may or shall be Trustees for putting this Act in Execution.

Power for Trustees to act, being Justices.

Churchwardens to account.

XV. And be it further enacted, That every Churchwarden of the said Parish who shall collect or receive any of the Monies arising by the said Rates or Assessments, shall, as often as thereunto required by the said Trustees, deliver in Writing under his Hand to the said Trustees, or unto such Person as they shall appoint, a true and perfect Account, and shall verify the same on Oath (which Oath any One of the said

said Trustees is hereby empowered to administer), of all Money which he shall have collected and received, and shall pay unto the Treasurer or Treasurers all the Monies in his Hands; and if any such Churchwarden shall refuse or neglect to collect and receive the Sums to be rated and assessed by virtue of this Act, or to account for the Money in his Hands as aforesaid, he shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Fifty Pounds; which Penalty, and also the Money in the Hands of any such Churchwarden, and which he shall refuse or neglect to pay as aforesaid, shall and may be levied and recovered by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Essex*, directed to any Person or Persons, by Distress and Sale of the Goods and Chattels of the Person refusing or neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after the Charges of such Distress and Sale are deducted and paid.

XVI. And be it further enacted, That all and every the Monies to be raised and received by virtue of this Act shall be applied in the First Place in paying and defraying the Charges and Expences of obtaining and passing this Act, and the Remainder from Time to Time, in carrying the same into Execution, and in paying the Interest of the Principal Monies so to be borrowed as aforesaid, yearly or otherwise, as they the said Trustees shall think fit, and in paying the Annuities to be granted as aforesaid (if any); all such Payments to be made by the Treasurer or Treasurers, by Order under the Hands of the said Trustees; and the said Treasurer or Treasurers shall from Time to Time, when required by the said Trustees, deliver and give in a particular, true, and perfect Account in Writing, under his or their Hand and Hands, to the said Trustees, and verify the same on Oath (which Oath any One of the said Trustees is hereby empowered to administer) of all such Monies, which he or they shall have respectively received and paid by virtue of this Act, and shall from Time to Time, when thereto required by the said Trustees, by Notice in Writing under their Hands, pay all such Monies as shall be in his or their Hand or Hands to the said Trustees, or to such other Person or Persons as they shall by Writing under their Hands authorize to receive the same.

Application
of Monies
raised.

XVII. And be it further enacted, That all the Surplus Monies which shall from Time to Time remain in the Hands of the said Treasurer or Treasurers, after such Payments made as aforesaid, shall, under the Direction of the said Trustees, be laid out and invested in Government Securities, at Interest, in the Names of the Vicar of the said Parish for the Time being, and any Four or more of the said Trustees; and the accumulating Interest and Dividends thereof shall from Time to Time be laid out and invested in like Manner, and so from Time to Time until thereby or otherwise a sufficient Fund shall be raised whereby to pay off and discharge all Monies so to be borrowed as aforesaid, and the Interest thereof, and all Expences and Charges attending the Execution of this Act.

Surplus Mo-
nies to be in-
vested in the
Funds.

XVIII. Provided always, and be it further enacted, That it shall and may be lawful for the said Trustees, in case they shall think proper (instead of investing or putting out such Surplus Monies at Interest as aforesaid), to apply

Power to pay
off Securities.

apply the same in Payment and Discharge of the Monies so to be borrowed as aforesaid, as far as the same will extend and occasionally accrue.

Trustees may sue and be sued in the Names of their Treasurers.

XIX. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of the Treasurer or Treasurers for the Time being to be appointed under this Act; and that no Action that may be brought by or against the said Trustees or any of them, in relation to this Act, in the Name of their Treasurer or Treasurers, shall abate or be discontinued by the Death or Removal of such Treasurer or Treasurers or either of them, or by his or their Act, without the Consent of the said Trustees, but the Treasurer or Treasurers for the Time being shall always be deemed Plaintiff or Plaintiffs, or Defendant or Defendants in every such Action or Actions, as the Case may be: Provided always, that every such Treasurer or Treasurers shall be reimbursed out of the Monies to be raised by virtue of this Act, all such Costs, Charges, Damages, and Expences, as by the Event of any such Action or Proceeding, he or they shall be put unto, or shall have become charged or chargeable with, by reason of his or their being so made Plaintiff and Plaintiffs, or Defendant and Defendants.

No Persons shall be buried in the Church unless the Graves shall be built with Brick, and arched over.

XX. And be it further enacted, That after the said Church shall by virtue of this Act be put into Repair, no Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Scite of the said Church, unless the same shall be built on all Sides with Brick, and arched over with the same Materials; and so as no Vault or Grave be sunk or made within Six Feet of the Wall, or any of the Pillars or Columns within the said Church; and that the same do not exceed the Depth of Seven Feet from the Surface of the Pavement; and that no Corpse shall be interred in the Church Yard within Six Feet of the exterior Walls of the said Church.

Allotment of Pews.

XXI. And be it further enacted, That when the said Church shall be repaired and finished, and such new Seats or Pews as are intended to be erected therein shall be completed, the Vicar and Churchwardens of the said Parish for the Time being, and the said Trustees, are hereby authorized and required (acting therein nevertheless in Subordination, and Subject to the Jurisdiction and Controul of the Ordinary) to allot and appoint the several Seats and Pews therein to the several Persons who now are entitled to Seats or Pews in the said Parish Church, to accommodate as many Persons as the Pews or Seats which such Person or Persons is or are now entitled unto, and to appropriate the Residue of such Pews for the Use of such other of the Inhabitants of the said Parish as in their Discretion appear to have the best Right or Claim thereto; saving nevertheless and without any Prejudice to the Right of any Person or Persons who now is or are entitled to any Seat or Pew in the said Church, by virtue of any Faculty or Prescription: Provided always, that for the better Preservation of Uniformity in the Pews or Seats of the said Church, no Person entitled to any Seat or Pew by Faculty or Prescription, shall have his or her Seat or Pew in the Place where the same now stands, in case the same shall not be consistent with the Uniformity of the Seats or Pews intended to be erected by the Authority of this Act; but in such Case
such

such Person or Persons shall be entitled to One or more Seat or Seats or Pew or Pews, as near as can be to the Place where such Seat or Pew now stands, and the same shall for ever after be deemed and taken as the Seat or Pew of such Person or Persons; and also for the Purpose of preserving such Uniformity, no Person entitled to any Seat or Pew in the said Church, shall be permitted to affix any other Lining thereto, or to paint the same of any other Colour, than shall be directed by the said Trustees.

XXII. And be it further enacted, That the old Materials which shall arise from the Alterations or Reparations of the said Church, shall be and the same are hereby vested in the said Trustees, and they shall have full Power and Authority, and they are hereby authorized and empowered to sell and dispose of the same, or such Part thereof as they shall think fit; and that the Money arising by such Sale shall be applied for the Purposes of this Act.

Trustees empowered to sell old Materials.

XXIII. And be it further enacted, That every Inhabitant of the said Parish of *Dagenham* shall and may and is hereby declared to be a competent Witness in any Action, Suit, Information, Complaint, Prosecution, or Proceeding to be had, made, prosecuted, or carried on under the Authority of this Act, in such and the same Manner as such Person could or might have been in case he had been resident in any other Parish or Place.

Inhabitants to be Witnesses.

XXIV. And be it further enacted, That all Acts, Orders, Resolutions, and Proceedings of the said Trustees, shall be entered and signed by the said Clerk in a Book or Books to be kept for that Purpose, which Book or Books may be produced and read in Evidence in all Courts and Places whatsoever; and that all Receipts, Payments, Debts, Credits, and Minutes of Contracts, made by or with the Artificers or Workmen employed or to be employed in or about the repairing of the said Church, or any Matter or Thing relating thereto, shall be fairly written in One or more Book or Books to be kept for that Purpose, and to be from Time to Time and at all convenient Times, open to the Inspection and Perusal of any Person or Persons who shall be liable to pay any Rates or Assessments by virtue of this Act.

Acts, etc. of Trustees to be entered in a Book.

All Receipts, Payments, and Minutes of Contracts, to be also entered in a Book.

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

Indemnity to Trustees.

XXVI. And be it further enacted, That no Order, Conviction, Judgment, Warrant, or other Proceeding to be had or made in pursuance of this Act, shall be quashed or vacated for Want of Form; and that in

Proceedings not to be quashed for want of Form.

all Cases where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed to be unlawful, nor shall the Party or Parties making the same be deemed a Trespasser or Trespassers *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by any such Irregularity shall and may recover Satisfaction for the Special Damages in an Action upon the Case; but no Plaintiff shall recover in any Action for any such Irregularity, Trespass, or other wrongful Proceeding, by virtue of this Act, if before such Action is brought Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall commit or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding; 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 or Actions, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit; whereupon such Proceedings, Order, and Judgement shall be made and given in and by such Court, as in other Actions wherein the Defendant is allowed to pay Money into Court.

Appeal to the
Quarter
Sessions.

XXVII. And be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Matter or Thing done in pursuance of this Act, and not appertaining to the Jurisdiction of the Ordinary in that Behalf to redress, it shall be lawful for such Persons to appeal to the Justices of the Peace at any Quarter Sessions to be holden for the County of *Essex*, who are hereby authorized and empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of such Appeals, such Appeal being made within Three Calendar Months next after the Cause of Complaint shall have arisen, and the Person or Persons appealing giving Ten Days Notice at the least in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Churchwardens for the Time being of the said Parish, and within Three Days next after such Notice entering into Recognizance before One of the Justices of the Peace for the said County of *Essex*, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order of such Sessions, and pay such Costs as shall be made and awarded therein by the Justices at such Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, and they are hereby authorized and required to award such Costs to the Party or Parties appealing or appealed against, as they shall think proper; and their Determination in the Premises shall be final and conclusive to all Intents and Purposes.

Limitation of
Actions.

XXVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance or under Colour of this Act, until Twenty-one Days Notice shall be given of the Cause thereof in Writing to the Treasurer of the said Trustees for the Time being, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed for which such Action or Suit shall be brought; and every such Action shall be brought, laid, and tried in the County where such Action shall arise; and the Defendant or Defendants in
such

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

XXIX: And be it further enacted, That this Act shall be deemed, **Publick Act.** taken, and allowed in all Courts of Justice as a publick Act; and all Persons are hereby required to take Notice thereof as such, without the same being specially pleaded.

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