



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 100.

An Act for rebuilding the Parish Church of *All Saints*, in the Town of *Lewes* in the County of *Suffex*, and for repairing the Tower thereof.

[10th July 1805.]

WHEREAS the Parish of *All Saints*, in the Town of *Lewes* in the County of *Suffex*, is large and populous, and the Church thereof is in a very ruinous and decayed State, so that Divine Service cannot with Safety be performed therein, and the said Church is also much too small for the Accommodation of the Inhabitants of the said Parish, and the Tower of the said Church is also greatly out of Repair, and it is therefore expedient that the said Church should be taken down and rebuilt upon a more enlarged Scale, and that the Tower thereof should be substantially repaired; but as such useful and necessary Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Rector and Churchwardens of the said Parish of *All Saints* for the Time being, *James Hutchins* Clerk, *Peter Guerin Crofts* Clerk, Sir *Henry Blackman* Knight, *John Fuller* of *Catsfield-House*, *Charles Gilbert*, *Henry Jackson*, *John Martin Cripps*, *John Hoper*, *William Franklin Hick*, *Francis Whitfeld*, and *Jacob Elton*, Esquires, *William Atwood*, *Harry Bull*, *William Crockford*, *John Chatfield*, *Robert Dunn*, *William Fuller*, *John Fuller*,
[Loc. & Per.] 21 F

Fuller, Thomas Johnston, Arthur Lee, Richard Lamb, William Madgwick, Charles Pitt, Thomas Rickman, Samuel Snasball, William Tapsfield, Chatfield Turner, George Verrall, Thomas Woollgar, Frederick Willard, Nehemiah Wimble, and George Wille, Gentlemen, and their Successors, nominated or appointed by virtue of this Act, shall be and they are hereby declared to be Trustees for rebuilding and enlarging the said Church, and for repairing the Tower thereof, and for otherwise carrying this Act into Execution.

No Act of the Trustees valid unless at a Meeting.

II. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at some Meeting to be holden in pursuance of this Act (except as is herein excepted); and that all the Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Five; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as may be herein excepted); and at every Meeting of the said Trustees a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question, (including the Vote of the Chairman,) then and in every such Case it shall and may be lawful to and for such Chairman to give the decisive or casting Vote.

Power to appoint new Trustees.

III. And be it further enacted, That if any One or more of the said Trustees hereby appointed, (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Offices,) or of their Successors, to be elected in Manner herein mentioned, shall die, refuse, or become incapable to act in the Execution of this Act, or shall cease to be qualified to act as Trustee or Trustees in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Trustees from Time to Time to elect and appoint one other Person to be a Trustee in the Room of each Trustee so dying, refusing, or being incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be signed by the Clerk to the said Trustees for the Time being, and shall be affixed on the Door of the Parish Church of *All Saints* aforesaid Ten Days at least before such Meeting; and every Person so elected a new Trustee as aforesaid shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

Qualification of Trustees.

IV. Provided always, and be it enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless he shall be rated or assessed to the Rate for the Relief and Maintenance of the Poor of the said Parish, at Four Pounds at the least, (save and except the Rector and Churchwardens for the Time being); and if any Person not being so qualified (save and except as aforesaid) shall act as a Trustee in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds to any Person or Persons who shall

due 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, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of any Person or Persons acting as a Trustee or Trustees in the Execution of this Act, though not duly qualified as aforesaid, previous to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual, as if such Person or Persons had been duly qualified to act as a Trustee or Trustees according to the Directions of this Act.

V. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

Trustees may act as Justices except where personally interested.

VI. And be it further enacted, That the said Trustees shall meet at the *Dolphin Inn* in *Leazes*, on the Second *Tuesday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, and shall then and there proceed to carry this Act into Execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be and be deemed to be adjourned to the next Day, (*Sunday, Good Friday, Christmas Day*, and all Days on which Divine Service is ordered by Authority to be celebrated only excepted, and then to the next Day,) and so *toties quoties* until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend and adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there or at any other Place in the said Parish of *All Saints*, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within Twenty-eight Days then following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed on the Door of the Parish Church of *All Saints* aforesaid, at least Ten Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act during such Time as he shall hold any Place of Profit under this Act.

First Meeting of Trustees.

Trustees at their Meetings to pay their own Expences.

VII. And be it further enacted, That if any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day

Meetings on Emergencies.

to

to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Three or more of the said Trustees, mentioning the Time and Place and Purpose of such earlier Meeting, being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

No Order to be revoked unless at a Meeting for the Purpose, nor unless a Majority of the Trustees concur.

VIII. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made, signed by the Clerk to the said Trustees, shall be affixed on the Door of the Parish Church of *All Saints* aforesaid, at least Ten Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

Proceedings to be entered.

IX. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Chairman of such Meeting shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions touching or concerning any Thing done in pursuance of this Act, and such Book or Books shall, at all the Meetings of the said Trustees, be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Rates hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Sixpence, and so in Proportion for any greater or less Number of Words.

Officers to be appointed.

X. And be it further enacted, That the said Trustees, or any Five or more of them, may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and also such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see Occasion, and out of the Monies to be received by virtue of this Act to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer and other Officer for the due Execution of his Office, as they shall think proper; and all such Officers to be

Trustees to take Security from the Treasurer. Officers to account.

be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on *Easter Monday* yearly, or at the First Meeting of the said Trustees then next following, (although not thereunto required by the said Trustees,) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them if approved of; and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath any such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Twenty-eight Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing or neglecting to appear before him, and upon his appearing or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the

County, City, or Place where such Offender shall be or reside, there to remain, without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Trustees are hereby empowered to make and receive,) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction, for want of sufficient Distress by virtue of this Act, for any longer Space of Time than Six Calendar Months.

Making Con-
tracts.

XI. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any of their Meetings, to contract or agree with any Person or Persons for building and erecting the said Church to be built and erected by virtue of this Act, and for repairing the said Tower, and for providing Materials for building, erecting, finishing, and completing the said Church, or for repairing the said Tower, or any Part or Parts thereof respectively, and also for any other Article, Matter, or Thing to be provided by virtue of this Act; and all such Contracts and Agreements, when made and entered into by or between the said Trustees and any other Person or Persons, shall be reduced into Writing at the Expence of the Parties with whom such Contracts or Agreements shall be made, by the said Trustees, and signed by the Parties thereto, and shall be good, valid, and binding, as well upon the said Trustees as upon all other Parties thereto, his, her, and their Executors, Administrators, and Assigns; and the said Trustees shall and may pay or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, to the Person or Persons entitled to receive the same: Provided always, that before any such Contract or Contracts shall be entered into, Ten Days Notice at least shall be given in some publick Newspaper printed and circulated in the said County of *Suffex*, expressing the Purpose of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees at a certain Time and Place in such Notice to be mentioned; and Copies of all Contracts made in pursuance of this Act shall be entered in a Book or Books to be kept for that Purpose, and such Book and Books shall, from Time to Time and at all convenient Times, be open to the Inspection of all and every Person or Persons who shall pay to the Poor Rates in the said Parish, on Payment of Two Shillings and Sixpence to the Clerk or Person in whose Custody the same shall be.

Ten Days
Notice to be
given of
Meetings to
make Con-
tracts.

Contracts to
be entered in
a Book for
Inspection of
Parishioners.

Trustees may
direct the old
Church to be
taken down;

XII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, and they are hereby authorized and empowered to take and pull down or cause to be taken or pulled down the present Church of the said Parish of *All Saints*, and to sell and dispose of the Timber, Stones, Bricks, Iron, Lead, and other Materials of which such Church consists, or any Part or Parts thereof, to any Person or Persons whomsoever, and the Money arising by such Sale shall be applied to the several Purposes of this Act; or it shall and may be lawful to and for the said Trustees, and they are hereby empowered to employ or apply such Timber, Stones, Bricks, Iron, Lead, and other Materials, or any Part

or Parts thereof as to them shall seem right, in erecting and building such new Church to be erected and built by virtue of this Act, or in repairing the said Tower; and the said Trustees shall and they are hereby required to repair, or cause to be put into good and substantial Repair, the said Tower, and the Costs, Charges, and Expences thereof shall be paid out of the Monies to be received, raised, levied, or collected by virtue of this Act.

and repair
the Tower.

XIII. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to erect and build and cause to be erected and built a new Church, adjoining to the said Tower on the North East and South Sides thereof, and such Church shall be built of such Size and Dimensions, and of such Materials, and after such Model, as to the said Trustees, with the Approbation of the Lord Bishop of *Chichester*, shall seem right and proper; and the said Trustees shall make, erect, and set up, or cause to be made, erected, and set up in such Church, such Pews, Seats, Galleries, Bells, Ornaments, and Conveniences as to the said Trustees, with the Approbation of the Lord Bishop of *Chichester*, shall seem right and proper.

New Church.

XIV. And be it further enacted, That when and as soon as the said Church, to be erected and built by virtue of this Act, shall be completely finished and furnished, so as to be rendered fit for the Celebration of Divine Service, the said Church shall be consecrated, and Divine Service after the Rites and Ceremonies of the Church of *England*, the Solemnization of Matrimony, Baptisms, Burials, and all Matters and Things which were and of Right used to be celebrated, solemnized, administered, had, done, and performed in the said present or old Church, shall and may be celebrated, solemnized, administered, had, done, and performed in such and the like Manner in the said new Church to be erected and built by virtue of this Act, and such new Church shall be and be deemed and taken to be the Parish Church of the Parish of *All Saints*, in the Town of *Lewes* in the County of *Suffex*.

New Church
to be consecrated.

XV. And be it further enacted, That the Reverend *Thomas Aquila Dale*, the present Rector, and his Successors Rectors for the Time being, shall be the Rectors of the said Parish in the said new Church, in like Manner as in the said old Church, and the Person or Persons who for the Time being has or have or would have a Right of presenting, nominating, or appointing a Rector to the said old Church, in case the same had not been taken down by virtue of this Act, shall have the Right of Presentation, Nomination, or Appointment to the said new Church upon every future Vacancy or Avoidance; and every such Person to be presented, nominated, or appointed as aforesaid, being duly instituted and inducted, shall be the Rector of such new Church, and shall have and enjoy such and the like Profits, Privileges, Commodities, and other Ecclesiastical Dues and Duties arising within the said Parish, as the present Rector of the said Parish has or ought of Right to have and enjoy.

Rights of the
Rector, and
Right of Pre-
sentation,
preserved.

XVI. And be it further enacted, That all the Stones, Bricks, Timber, Iron, Lead, and Materials of which the present or old Church is constructed or built, and all Stones, Bricks, Timber, Iron, Lead, and other Materials bought or procured by the Order of the said Trustees

Old Church
vested in the
Trustees,
when the new
one is built.

for

for erecting and building such new Church to be erected and built by virtue of this Act, or for repairing the said Tower, shall belong to and be the Property of, and the same is and are vested in the said Trustees; and it shall and may be lawful to and for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment, (as the Case may require) against any Person or Persons who shall steal, take, or carry away, spoil, injure, or destroy the said Church, or the Stones, Timber, Iron, and other Materials thereof, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment, it shall be and be deemed and taken to be sufficient to state generally that the said Church, Article or Articles, Thing or Things, for or on Account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of *the Trustees for building a Church for the Parish of All Saints in the Town of Lewes*, without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Where the Banns shall be published during the Time the Church shall be building.

XVII. And be it further enacted, That all Publications of Banns of Marriage, which by Law are required to be made and published in the said Parish, may be made and published in the Parish Church of *Saint Thomas in the Cliffe*, near the said Town of *Lewes*, in the said County of *Suffex*, until such Time as the said Church to be built and erected by virtue of this Act shall be consecrated as herein directed, and the officiating Minister of the said Parish Church of *Saint Thomas in the Cliffe* for the Time being is hereby authorized and empowered to publish such Banns; and all Publications of such Banns of Marriage so made and published in the said Parish Church of *Saint Thomas in the Cliffe* aforesaid, during the Time of performing Divine Worship therein, shall be as good, valid, and effectual in Law, to all Intents and Purposes whatsoever, as if the same had been made and published in the Parish Church of *All Saints* in the Town of *Lewes* aforesaid, any Law or Statute to the contrary thereof in anywise notwithstanding.

Power to remove Grave-stones and Monuments.

XVIII. And be it further enacted, That such Monuments, Grave Stones and Monumental Inscriptions, as shall be taken down and removed in pulling down the said old Church, shall be preserved and kept by or by the Order of the said Trustees, in such Place or Places as to them shall seem proper; and when and as soon as the said new Church shall be built, or as soon after as conveniently may be, all such Monuments, Grave Stones, and Monumental Inscriptions, shall be replaced and fixed in such Manner as the said Trustees shall think proper, as near to the Place or Places from whence they shall have been respectively removed as conveniently may be.

Pews to be allotted, &c.

XIX. And be it further enacted, That the said Trustees shall, and they are hereby authorized and required to set out, allot, and appoint unto or for the Rector, Minister, or Curate of the said Parish Church for the Time being, One of the Pews or Seats to be built or made in the said intended Church, and One other Pew for the Churchwardens for the Time being of the said Parish; and in the next Place to set out, allot, and appoint such publick Seats or Galleries for the poor Inhabitants of the said Parish as they the said Trustees shall judge necessary; and in the next

next Place to allot, set out, and appoint unto the several Persons who are now lawfully entitled to any Pews, Seats, or Sitings in the present Church, such and so many Pews, Seats, or Sitings in the said new Church as shall respectively be sufficient to accommodate as many Persons as the said Pews, Seats, or Sitings in the present Church will accommodate, and as nearly in the same or like Situations with the old Pews as conveniently and properly may be; which Pews, Seats, or Sitings so to be set out, allotted, and appointed as last before-mentioned, shall be held and enjoyed by the Person or Persons aforesaid, in Lieu and Satisfaction of and for their said several Pews, Seats, or Sitings in the present Church, and for the same Estates and Interests as such Person or Persons was or were entitled in or to their said respective Pews, Seats, or Sitings in the present Church; and after such Allotments and Appointments as aforesaid shall have been made, all the Rest of the Pews, Seats, and Sitings to be made in the said intended Church, shall be let or sold to the Parishioners of the said Parish for the most Money that can be had or gotten for the same, by or under the Authority of the said Trustees, for such Terms or Estates, and under and subject to such Rules, Orders, and Regulations, as the said Trustees shall direct; and that the Produce and Profit of the Sale and Letting of the said Pews, Seats, and Sitings shall be paid to the said Trustees, and be applied for the Purposes of this Act; such Sale being confirmed by a Faculty obtained in the Consistorial Court of the Bishop of the Diocese for the Time being.

XX. Provided always, and be it further enacted, That there shall be no Preference whatsoever with respect to letting or selling the said Pews, Seats, or Sitings, and that in the letting or selling of any such Pews, Seats, or Sitings to or in favour of any of the said Trustees, such Trustee shall be and he is hereby excluded from interfering or giving any Vote or Voice therein, and that no such Letting or Sale shall be in Force until confirmed at the next or at some subsequent publick Meeting to be held in pursuance of this Act by the said Trustees, or any Five or more of them, not being interested as aforesaid.

No Preference to be given in letting or selling the Pews, &c.

XXI. And be it further enacted, That after the said Church shall by virtue of this Act be rebuilt, no Grave or Vault shall at any Time thereafter be made for the Interment or Burial of any Person or Persons whomsoever, in or under the Scite of the said Church, unless the Grave or Vault shall be built on all Sides thereof respectively with Bricks, and arched over with the same Materials; and no such new Vault or Grave shall be sunk or made within the Distance of Four Feet of the Walls, or any of the Pillars or Columns within the said Church, and no such Vault or Grave shall exceed the Depth of Ten Feet from the Surface of the Pavement.

No Vault or Grave to be made in the Church, unless built with Bricks, and arched over.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, or any Five or more of them, and they are hereby authorized and required in each and every Year, until all the Monies to be borrowed, and the Interest thereof and the Annuities to be granted by this Act shall be paid off and discharged, and the several Purposes of this Act carried into Execution, to make at some Meeting, to be holden for that Purpose, (of which Meeting and of the Purpose thereof Notice in Writing, signed by the Clerk to the said Trustees,

An additional Rate to be made as Security for Monies borrowed

Trustees, shall be affixed at the Market-place in the said Town of *Lewes*, Ten Days at the least immediately preceding the same respectively,) such Rate or Assessment, Rates or Assessments, Half yearly or yearly, as will produce in the whole Year, by an equal Pound Rate on the annual Rent or Value of all Buildings or Premises, Lands, Tenements, and Hereditaments chargeable to the Rate or Assessment for the Relief of the Poor of the said Parish of *All Saints*, a Sum sufficient for the Discharge of the Interest of the Money to be borrowed, of the Annuities which may be granted under the Authority of this Act, of the necessary Expences of obtaining and carrying this Act into Execution, and such further Sum as may be deemed expedient towards discharging the Debt which may be incurred under this Act, not exceeding in the Whole the Sum of Two hundred and twenty Pounds in any One Year, on the annual Rent or Value of all Buildings or Premises, Lands, Tenements, and Hereditaments, rateable to the Rate or Assessment for the Relief of the Poor of the said Parish of *All Saints*, (such annual Rent or Value to be from Time to Time ascertained by or according to the respective Rents, or annual Rent or Values at which such Buildings or Premises, Lands, Tenements, and Hereditaments, shall be rated or assessed to the Rate or Assessment for the Relief of the Poor of the said Parish); and such Rate or Assessment shall first be made after the Expiration of One Calendar Month from and after the passing of this Act, and shall be raised, levied, collected, and paid by the Churchwarden or Churchwardens of the said Parish, or by any Collector or Collectors thereof appointed by the said Trustees, to the Treasurer or Treasurers appointed by the said Trustees, and such Rate or Assessment shall be appropriated in paying the Costs, Charges, and Expences of obtaining this Act, and of erecting and building the said Church, and in furnishing, finishing, and completing the same, and in repairing the said Tower, and in paying the Annuities and Interest of the Money borrowed by virtue of this Act, and in otherwise carrying this Act into Execution; and the Overplus of such Rate or Assessment shall, from Time to Time, be applied in Manner by this Act directed, in Discharge of the principal Monies borrowed by virtue of this Act.

Rates not to be reduced without the Consent of Creditors.

XXIII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to reduce the said Rate below the Sum of One Shilling and Sixpence in the Pound in any One Year, whilst any Sum or Sums of Money to be borrowed by virtue of this Act, and which shall have been borrowed at Five Pounds *per Centum* Interest or under, on the Credit of the said Rate, shall be due and owing, without the Consent of the Creditor or Creditors entitled to Two-thirds of the Money so due and owing.

Collectors empowered to levy Rates.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Churchwarden or Churchwardens of the said Parish, or to and for the Person or Persons to be appointed by the said Trustees as Collector or Collectors of the said Rate or Assessment, and he and they is and are hereby authorized and empowered to receive, levy, and collect the same, Half-yearly, Yearly, or otherwise.

Tenants to pay the Whole and

XXV. And be it further enacted, That the several Tenants or Occupiers of such Lands, Houses, Tenements, and Hereditaments so to be rated

rated or assessed as aforesaid, shall and they are hereby required to pay the Whole of such Rate or Assessment on the Premises in his, her, or their Occupation, and every such Tenant or Occupier shall and may deduct out of his or her Rent, payable to his or her Landlord, One-half Part of such Rate or Assessment, and such Landlord is hereby required and directed to allow such Tenant such Payment and Allowance accordingly; and every Tenant and Occupier, paying such Part of the said Rate or Assessment for or upon Account of the Landlord, and producing a Receipt or Receipts for the same, shall be acquitted and discharged of and from so much of his or her said Rent due to his or her Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his or her Rent was or should have been paid or payable.

deduct Half
the Rates out
of the Rents.

XXVI. 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.

Rates where
Houses are
let to several
Families.

XXVII. And be it further enacted, That if any Person shall refuse or neglect to pay the Sum or Sums of Money at which he or she shall be rated or assessed by virtue of this Act, for the Space of Ten Days after the same shall become due and payable as aforesaid, and after Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person, signed by any Churchwarden or Churchwardens of the said Parish, or by any Collector or Collectors of such Money so rated or assessed, then and in every such Case it shall and may be lawful to and for such Churchwarden or Churchwardens, Collector or Collectors of the said Parish 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 Hands and Seals of any Two Justices of the Peace for the said County of *Suffex*, which Warrant such Justices are hereby empowered and required to grant upon Proof made upon Oath (which Oath the said Justices are hereby empowered and required to administer) before them of such Demand and Nonpayment as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels after deducting the reasonable Costs and Charges of such Distress and Sale.

Recovery of
Rates.

XXVIII. And be it further enacted, That every Churchwarden of the said Parish who shall collect or receive any of the Monies arising by any such Rate or Assessment, 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 the said Trustees are hereby empowered to administer,) of all Monies which he shall have collected and received by such Rate or Assessment, and shall pay all the Money collected by such Rate or Assessment in his Custody or Power unto the Treasurer of the said Trustees; 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 such Money in his Custody or Power in Manner herein directed as aforesaid, every such Churchwarden so offending shall for every such Refusal or Neglect forfeit and pay any Sum not exceeding Twenty Pounds; which Penalty, and also all the Money in the Custody or Power of such Churchwarden so due and owing

Churchwar-
dens to ac-
count.

fro

from such Churchwarden 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 County of *Suffex*, which Warrant such Justices are hereby required to give, on Proof of any such Refusal or Neglect, or that any Sum or Sums of Money is or are due and owing from such Churchwarden to the said Trustees for or on Account of such Rate or Assessment, on the Oath (which Oath such Justices are 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 Churchwarden 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) to the Owner of such Goods and Chattels, after the 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.

Power to
borrow Mo-
ney.

XXIX. And be it further enacted, That it shall and may be lawful to and for any Five or more of the said Trustees, from Time to Time, to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the Whole the Sum of Two thousand five hundred Pounds, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the said Rate or Assessment to be made, levied, and collected by virtue of this Act, and by Writing under their Hands and Seals to assign all or any Part of the said Rate or Assessment 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 legal Interest for the same; and the Charges and Expences of such Assignment thereof (to be made as hereafter mentioned) shall be from Time to Time defrayed by the said Trustees out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following:

WE, Five of the Trustees appointed by or in pursuance of an Act of Parliament, passed in the Forty-fifth 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 *A. B.* upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said *A. B.* [*or, to his Trustee or Trustees, as the Case may require*], his Executors, Administrators, and Assigns, such Proportion of the Rate or Assessment 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 Rate or Assessment, to be had and holden from this _____ Day of _____ until the said Sum of _____ with Interest at _____ *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

And all such Assignments shall be numbered, commencing with No. 1. and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be one; and every such Security shall

shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

XXX. And be it further enacted, That in case the said Trustees shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for One Life or Two Lives instead of Assignments as aforesaid, it shall and may be lawful to and for any Five or more of the said Trustees, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant an Annuity or 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 or Annuities to be paid and payable during the natural Life or Lives of every such Contributor or Contributors, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors, at the Time of Payment of his, her, or their Contribution or Purchase Money, so that no such Annuity or Annuities do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in such Cases where the Person for whose Life any such Annuity shall be granted shall be of the Age of Fifty-two or upwards, and the Expence of every such Grant shall be paid by the said Trustees out of the Monies so contributed; and the Grant of every such Annuity or Annuities shall be in the Words or to the Effect following:

Power for Trustees to raise Money by Annuities.

WE, Five of the Trustees appointed by or in pursuance of an Act of Parliament, made in the Forty-fifth Year of the Reign of King George the Third, and intituled [*set forth the Title of this Act*], in Consideration of the Sum of _____ paid by *A. B.* to *C. D.* the Treasurer appointed in pursuance of the said Act, do hereby grant unto the said *A. B.* an Annuity or yearly Sum of _____ to be paid out of the Rate or Assessment to be raised, levied, and collected by virtue of the said Act, which Annuity or yearly Sum of _____ shall be paid to the said *A. B.* or his Assigns, during the Term of his natural Life [*or, as the Case may be, to the said A. B. his Executors, Administrators, or Assigns, during the natural Life of C. D.*] upon the _____ Day of _____ in every Year, during the natural Life of him the said _____ at the _____ the First Payment thereof to be made upon the _____ Day of _____ next ensuing the Date hereof. In Witness whereof we the said Trustees have hereunto set our Hands and Seals, the _____ Day of _____ in the Year _____

And every such Grant shall be good, valid, and effectual in the Law, without any Inrolment or Registry of the Memorial thereof, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Trustees out of the said Rate or Assessment to be raised, levied, and collected by virtue of this Act, according to the Grant of such Annuity.

XXXI. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed

Power of transferring Assignments

2nd Annuities in a prescribed Form.

borrowed upon legal Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, as the Case may be, at any Time, 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:

I *A. B.* being entitled to the Sum of
 [or, an Annuity of _____] secured to *C. D.* and
 his Assigns, or his Executors, Administrators, and Assigns, *as the Case may be*] by virtue of an Assignment [or, Grant of an Annuity] bearing
 Date the _____ Day of _____ under the Hands
 and Seals of Five of the Trustees acting in the Execution of an Act of
 Parliament, made in the Forty-fifth Year of the Reign of King *George*
 the Third, intituled [*set forth the Title of this Act*], upon the Credit of
 the Rate or Assessment granted or payable by the said Act, do hereby
 transfer all my Right and Title in and to the same Sum [or, Annuity]
 and all Interest and other Money now due and arising thereon, unto
E. F. his Executors, Administrators, and Assigns. Dated the
 _____ Day of _____

And a Copy of every Security or Assignment, together with the Number or Numbers thereof, and of every Grant of Annuity which shall be made in pursuance of this Act, and an Extract or Memorial of every Transfer thereof respectively, shall be entered in a Book to be kept for that Purpose by the Clerk to the said Trustees, which Extract or Memorial shall specify and contain the Date, Names of the Parties, and Sums of Money thereby transferred, to which Book 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 the entering of every such Transfer, the said Clerk shall be paid by the Person to whom such Transfer shall be made, the Sum of Five Shillings and no more; and every such Transfer, after Entry thereof as aforesaid, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Provision for the Payment of Creditors by Ballot.

XXXII. And, in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the Rate or Assessment to be raised, levied, or collected by virtue of this Act, 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 Rate or Assessment, 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 as near as may be, and be put into 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 to the said Trustees; and after every such Ballot the said Trustees shall cause Notice, signed by their Clerk, to be given to or left at the last or 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 is only One Creditor to give Three 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, together with the Interest due thereon; and that the same shall be paid on a Day and Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be 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: Provided always, that nothing herein contained shall extend or be construed to extend so as to enable or require the said Trustees to pay off and discharge any Monies lent on the Credit of the said Rate or Assessment by Way of Annuity, until all other the Creditors on the said Rate shall be paid off and discharged; and except the Party or Parties so lending Money by Way of Annuity shall agree, or shall have agreed to accept the Sum or Sums of Money offered or to be offered by the said Trustees, for the Repurchase of such his, her, or their Annuity or Annuities.

Annuitants
not to be paid
off without
their Consent.

XXXIII. Provided always, and be it enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall and may be lawful to and for the said Trustees, from Time to Time, to charge the said Rate or Assessment in Manner aforesaid, with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Power to
borrow Mo-
ney at a lower
Interest to
discharge Se-
curities at a
higher Rate.

XXXIV. And be it further enacted, That all the Money which may be borrowed, advanced, or lent as aforesaid, on the Credit of the said Rate or Assessment, shall be paid to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint, and the same shall be applied and disposed of in paying and defraying the Costs, Charges, and Expences of obtaining this Act, and of erecting and building the said Church, and in furnishing, finishing, and completing the same, and in repairing the said Tower, and in otherwise carrying this Act into Execution.

Application
of Money
borrowed.

XXXV. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons by virtue or in pursuance of this Act, the same may be brought in the Name or Names of their Treasurer or Clerk, or in the Name of any One of the said Trustees on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death or Removal of the Person in whose Name the same shall be brought; but no such Treasurer, Clerk, or Trustee, or any or either of them, shall be subject to the Payment of any Costs or Expences on Account thereof, but all such Costs and Expences shall be defrayed out of the Money arising by virtue of this Act.

Actions to
be brought in
the Name of
the Treasurer
or Clerk, or
One Trustee;

but neither of
them liable
to Costs.

XXXVI. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning

Power for
Inhabitants
to be Wit-
nesses.

cerning the Execution of this Act, no Inhabitant of the said Parish of *All Saints* shall be deemed an incompetent Witness, on Account of his or her being charged with and liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act.

Recovery of Penalties.

XXXVII. And be it further enacted, That all Penalties or Forfeitures by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby 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 the Peace for the County, City, or Place where the Offence shall be committed (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); 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 Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures when recovered (if not herein-before 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 such sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

XXXVIII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or against any Order of Sessions, or any Matter or Thing done in the Execution of this Act, the Form of Conviction shall be in the Words or to the Effect following; that is to say,

Form of Conviction.

‘ **B**E it remembered, That on this _____ Day of _____ in the _____ Year of the Reign of _____ *A. B.* is convicted before _____ of His Majesty’s Justices of the Peace for the _____ of having [*as the Offence shall be*] and I [*or, we*] the said _____ do adjudge him [*her, or them*] to forfeit and pay for the same the Sum of _____ Given under my Hand and Seal [*or, our Hands and Seals*] the Day and Year aforesaid.’

Appeal.

XXXIX. Provided always, 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 Judgement or Determination, or by any Matter or Thing made, given, or done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the _____ County

County or Place within which the Matter of Appeal shall arise, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and within Eight Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

XL. Provided always, and be it enacted, That on any Appeal from any Rate or Assessment to be made for the Purposes of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Assessment with respect to other Persons mentioned in the same; but if upon Appeal from the whole Rate or Assessment it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

Justices may relieve on Appeal against Rates without quashing the whole Assessment.

XLI. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied 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 the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity that shall be afterwards done by the Party or Parties so distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

XLII. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removeable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form or removeable by *Certiorari*.

XLIII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such

Plaintiff not to recover without Notice, or after Tender of Amends.

Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, 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 Judgement shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

XLIV. Provided always, and be it 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 of *Suffex*, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after a 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 discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgement shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same, as any Defendant hath for Costs of Suit in other Cases by Law.

Publick Act.

XLV. 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 others, without being specially pleaded.

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