



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 124.

An Act to enable the Vestrymen of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, to provide an additional Cemetery or Burial Ground for the said Parish, and to erect a Chapel therein, and also other Buildings and Conveniences for the Residence of a Clergyman, Clerk, and Sexton, and for other Purposes relating thereto.

[12th July 1806.]

WHEREAS the Burial Grounds of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, are not sufficiently large and extensive, and it is expedient that an additional Piece of Ground should be provided, in order to be appropriated for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein; and also other Buildings and Conveniences for the Residence of a Clergyman, Clerk, and Sexton: But as such Piece of Ground cannot be provided, or such Chapel, Buildings, and other Conveniences erected, without the Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Vestrymen of the said Parish of *Saint*

[*Lcc. & Per.*]

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Mary-

35G.3.c.124. *Mary-le-Bone*, and their Successors, appointed by virtue of an Act made in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act for repealing several Acts made in the Eighth, Tenth, Thirteenth, and Fifteenth Years of the Reign of His present Majesty, for regulating the Nightly Watch and Beadles, and for paving, repairing, cleansing, and lighting the Parish of Saint Mary-le-Bone, in the County of Middlesex, and for the better Relief and Maintenance of the Poor thereof, and for divers other Purposes therein mentioned, and for making more effectual Provision for those Purposes*, are hereby authorized and empowered to carry this present Act into Execution, and the several Powers and Authorities hereby given and granted.

Vestrymen to carry Act into Execution.

Vestrymen not to hold a Place of Profit.

May act as Justices.

II. Provided always, and be it enacted, That no Person shall be capable of acting as a Vestryman in the Execution of this Act, during the Time he shall hold any Office or Place of Profit, other than and except the officiating Minister or Ministers for the Time being, or have any Share or Interest in any Contract or Work to be made or done in pursuance of this Act; but it shall and may be lawful for such of the said Vestrymen who shall be in the Commission of the Peace for the County of *Middlesex*, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Vestrymen.

First and subsequent Meetings.

Vestrymen to meet on a Monday.

III. And be it further enacted, That the Vestrymen of the said Parish, or any Seven or more of them, shall, on the First *Monday* immediately after the passing of this Act, meet in the Vestry Room at the Court House in the said Parish, between the Hours of Eleven of the Clock in the Forenoon and One of the Clock in the Afternoon, and shall then proceed in the Execution of this Act, and shall afterwards meet at the Place aforesaid, and between the Hours aforesaid; on the First *Monday* in each and every Month, for the Purpose of carrying this Act into Execution, without any Notice being given to the said Vestrymen of such Monthly Meeting.

Vestrymen may adjourn for a shorter or a longer Space than the next Monthly Meeting, but Notice to be given thereof.

IV. Provided always, and be it enacted, That it shall and may be lawful to and for the said Vestrymen, or any Seven or more of them, to adjourn for any longer or shorter Space of Time than the Monthly Meeting immediately subsequent to the last Meeting, or to any other Place or Places than the Vestry Room at the Court House in the said Parish; but then and in every such Case, Notice of such Adjournment, in Writing or printed, to which Notice the Name of the Clerk to the said Vestrymen shall be affixed, shall be given to or left for such Vestrymen at their last or usual Place or Places of Abode Two Days at the least before such next Meeting.

Further Adjournment of Meetings.

Vestrymen to pay their own Expences.

V. And be it further enacted, That if at any Time or Times it shall so happen that there shall not appear at any Monthly adjourned or other Meeting a sufficient Number of such Vestrymen as are herein enabled to act at such Meeting, then and in every such Case every such Meeting shall be and be deemed to be adjourned to the Monthly Meeting immediately subsequent to such Meeting, and so *toties quoties*; and at all their Meetings such Vestrymen shall pay their own Expences.

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

No Act valid unless at a Meeting.

Majority present at public Meetings may act. Chairman to be appointed.

VII. And be it further enacted, That it shall and may be lawful to and for such Chairman, or to and for any Justice or Justices of the Peace for the County of *Middlesex* then present, to administer an Oath to any Person or Persons, for the more certain Information of the said Vestrymen in any Matter or Business then depending; and if any Person or Persons shall, upon his, her, or their Examination upon Oath before the said Vestrymen, wilfully and corruptly give false Evidence, such Person or Persons so offending, and being thereof duly convicted, shall be, and he, she, and they is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Chairman to administer an Oath.

VIII. Provided always, and be it enacted, That the Proceedings of the Vestrymen at any Meeting to be holden in pursuance of this Act, shall not be valid until approved of, confirmed, and signed by the Chairman at some subsequent Meeting.

Proceedings not valid till confirmed.

IX. And be it further enacted, That fair and regular Entries shall be made, in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Vestrymen, relative to the Execution of this Act, and of the Names of the Vestrymen who shall be present at the respective Meetings, and the same shall, when so approved of and confirmed, be subscribed with the Name of the Chairman of the next Meeting; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Causes, Suits, and Actions touching any thing done in pursuance of this Act.

Entries of Proceedings good Evidence.

X. And be it further enacted, That the said Vestrymen shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Vestrymen, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Vestrymen, but the Clerk to the said Vestrymen for the Time being shall always be deemed Plaintiff

Actions to be in the Name of the Clerk.

Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Vestrymen to appoint Officers and remove them, and allow them Salaries.

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

XI. And be it further enacted, That the said Vestrymen 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 the said Vestrymen shall think proper, and from Time to Time to remove such Officers and Persons respectively as the said Vestrymen 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 Vestrymen shall think reasonable; and the said Vestrymen 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 so to be appointed shall under their Hands, at such Time or Times, and in such Manner as the said Vestrymen shall direct, deliver to the said Vestrymen, 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 Vestrymen, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, when thereunto required by the said Vestrymen, lay his Accounts before the said Vestrymen, 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 Vestrymen 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 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 Vestrymen, or to such Person or Persons as they shall appoint to receive the same, within Seven Days after being thereunto required by the said Vestrymen, 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 Vestrymen respecting the same, then and in every such Case, upon Complaint made by the said Vestrymen, 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 Summons or 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 Con-
fession

fession 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 and 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 Vestrymen for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Vestrymen 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 Vestrymen; but no such Offender 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.

XII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen to enter into any Contract for making, building, keeping in repair the said Chapel, Buildings, and other Conveniences, and the Fence or Fences, Wall or Walls of the said Cemetery or Burial Ground, or furnishing Materials, Matters, or any other necessary Things whatsoever, or for any other Purpose or Purposes in Execution of this Act; but before any such Contract or Contracts shall be entered into Fourteen Days Notice at the least shall be given in some of the public Newspapers printed and circulated in the said County of *Middlesex*, expressing the Intention of 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 Vestrymen at a certain Time and Place in such Notice to be mentioned.

All Con-
tracts to be
advertised.

XIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Vestrymen from Time to Time, and at all Times hereafter, to compound and agree with any Person or Persons on account of any Breach or Nonperformance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper, so as the Sum so compounded and agreed for be not less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract or Contracts, and all Costs, Charges, and Expences, which shall be occasioned thereby.

Vestrymen
may com-
pound with
Persons for
Breach of
Contracts,&c.

Contracts to be signed by the Vestrymen.

XIV. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works shall be completed, and the Penalties to be suffered in case of Nonperformance thereof, and shall be signed by the said Vestrymen present at any Meeting, or any Seven or more of them, and also by the Person or Persons contracting to perform such Works respectively; which Contract or Contracts when executed shall be entered or kept in a Book or Books to be provided for that Purpose by the Clerk to the said Vestrymen.

Vestrymen may contract for Lands and Buildings.

XV. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby empowered and required, as soon as conveniently may be after the passing of this Act, to contract or agree for the absolute Purchase in Fee Simple of any Freehold Lands, Tenements, or Hereditaments, or of the absolute Estate of Inheritance in any Copyhold or Customary Lands, Tenements, or Hereditaments within the said Parish (provided that such Lands so purchased do not exceed Six Acres in the whole), with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, for the Purpose of building and erecting the said Chapel, Buildings, and other Conveniences, and of providing and making the Cemetery or Burial Ground to be built, erected, provided, and made by virtue of this Act; and it shall and may be lawful to and for the said Vestrymen and their Successors to hold such Lands and Premises so purchased without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain.

Bodies Politic, &c. empowered to sell.

XVI. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised in their own Right, and all and every Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Vestrymen to be purchased for the Purpose of building and erecting the said Chapel, Buildings, and other Conveniences, and of providing and making such Cemetery or Burial Ground, to treat, contract and agree with the said Vestrymen for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever, of, in, and to the same, to the said Vestrymen, for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances, which shall be so made by virtue and

in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate, and the same shall be deemed and considered to bar the Dower and Dowery of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

XVII. And be it further enacted, That if there shall be any Money to be paid for any Lands, Tenements, or Hereditaments, purchased by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for or on behalf of any Infant, Lunatic, Idiot, Femes Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* the said Vestrymen, or any Seven or more of them, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase and Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled, to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery,
upon

Application
of Compen-
sation, when
amounting
to 200*l*.

upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where Compensation is less than 200*l.* and exceeds 20*l.*

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

Where less than 20*l.*

XIX. Provided also, and be it enacted, That where such Money so to be paid as aforesaid shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Vestrymen, or any Seven or more of them, shall think fit; or in case of Infancy or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession deemed entitled.

XX. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such

Bank

Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXI. Provided also, and be it enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Vestrymen out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery may order reasonable Expences of Purchases to be paid by the Vestrymen.

XXII. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Lands, Tenements, or Hereditaments, by the said Vestrymen, to the Party or Persons respectively entitled to such Monies, or their Agents, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, and upon the Conveyance in Manner herein-after directed, of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively for whose Use the same shall be paid in, to, or out of such Lands, Tenements, and Hereditaments, shall vest in the said Vestrymen, and their Successors for ever, for the Use and Purposes of this Act.

On Payment of Purchase Money, Premises vested in the said Vestrymen.

XXIII. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, to be made to the said Vestrymen and their Successors, shall be made in the Form or to the Effect following; (*videlicet*),

‘ I *A. B.* of _____ in consideration of the Sum of _____
 ‘ _____ paid by the Vestrymen of the Parish of *Saint* _____
 ‘ *Mary-le-bone*, in the County of *Middlesex*, acting by virtue of an Act of _____
 ‘ Parliament made in the Forty-sixth Year of the Reign of King *George* _____
 ‘ the Third, intituled [*here insert the Title of this Act*], do hereby grant _____
 ‘ and release to the said Vestrymen, and their Successors, all [*here describe* _____
 ‘ [*Loc. & Per.*] _____ 29 N _____ the _____
 ‘ _____ Form of Conveyance.

‘ *the Premises to be conveyed*], and all my Right, Title, and Interest to and
 ‘ in the same and every Part thereof, to hold to the said Vestrymen and
 ‘ their Successors for ever. In witness whereof I have hereunto set my
 ‘ Hand and Seal this Day of
 ‘ in the Year of our Lord .’

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as to and against the Person or Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid, and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and all Estates in Possession, Reversion, Remainder, or Expectancy, the Issue and Issues of such Person and Persons, and every Person claiming or to claim under them respectively, as effectually as Fines and Recoveries would do, if levied or suffered by the Parties interested, and such Parties had been adult and without Impediment; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Vestrymen
 empowered
 to re-sell
 Lands.

XXIV. And whereas the said Vestrymen have purchased Lands and Hereditaments for the Purposes of the said recited Act, not now necessary to be made use of for the Purposes of the said recited Act; be it therefore enacted, That it shall and may be lawful to and for the said Vestrymen, or any Seven or more of them acting in the Execution of the said recited Act and of this Act, to sell and dispose of, and by Indenture or Indentures under their Hands and Seals to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, and Hereditaments, as may have been so purchased, as shall in the Judgment of the Vestrymen of the said Parish, at any of their Meetings to be holden in pursuance of the said recited Act, not be wanted for the Purposes of the said recited Act and of this Act; and upon Payment of the Money which shall arise by or from the Sale or Sales of such Lands, Tenements, and Hereditaments, or any Parts or Parcels thereof, it shall and may be lawful for the Treasurer or Treasurers, Clerk or Clerks for the Time being to the said Vestrymen, to sign and give Receipts for the Money for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Tenements, and Hereditaments shall be sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

Declaring the
 Words
 “Grant, Bar-
 gain, and
 Sale,” to ope-
 rate as Cove-
 nants for the
 Title.

XXV. And be it further enacted, That in all Grants and Conveyances to be made by the said Vestrymen, or any Seven or more of them, under or by virtue and in pursuance of this Act, the Words “Grant, Bargain, and Sale,” shall amount to and be construed and adjudged in all Courts of Judicature, to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the Vestrymen of the said Parish, for themselves and their Successors, and that they the said Vestrymen, notwithstanding any Act done by them, were, at the Time of the Execution of such Grant or Conveyance, seised of the Lands,

Tenements,

Tenements, and Hereditaments thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances for quiet Enjoyment thereof against the said Vestrymen, their Successors and Assigns, and all claiming under them.

XXVI. And be it further enacted, That the Monies arising from the Sale of such Lands, Tenements, and Hereditaments shall be applied and disposed by the said Vestrymen in the Purchase of the Lands, Tenements, and Hereditaments to be purchased by the said Vestrymen for the said Cemetery or Burial Ground, and for carrying the several Purposes of this Act into Execution.

Monies received for Sale of Land to be applied in purchasing other Lands.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen to make use of such Part or Parts of the said Lands, Tenements, and Hereditaments, purchased by them for the Purposes of the said recited Act, as to them should seem right and proper, and to apply the same for the Purpose of such Cemetery or Burial Ground.

Remainder of Ground unsold to be used as Part of the Cemetery, &c.

XXVIII. And be it further enacted, That all the Stones, Brick, Timber, Iron, Lead, and other Materials, bought or procured by Order of the said Vestrymen, for building and erecting the said Chapel, Buildings, and other Conveniences, or for inclosing the said Cemetery or Burial Ground, or for erecting and building any Buildings or other Works to be erected and built thereon by virtue of this Act, shall belong to and be the Property of, and the same is and are hereby vested in the said Vestrymen; and it shall be lawful for the said Vestrymen 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 Chapel or other Conveniences, or the Wall or Walls, Fence or Fences of such Cemetery or Burial Ground, or of any Building or other Works erected, made, or built by virtue of this Act, or any Part or Parts thereof, or the Stones, Timber, Iron, and other Materials thereof, hereby vested in them the said Vestrymen 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 Wall, Fence, Building, 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 Vestrymen of the Parish of *Saint Mary-le-bone*, in the County of *Middlesex*," without particularly stating or specifying the Name or Names of all or any of the said Vestrymen.

Materials for building the Cemetery vested in the Vestrymen.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen to cause such Piece or Parcel of Land so to be purchased by virtue of this Act, to be taken in and inclosed for a Cemetery or Burial Ground, in such Manner and with such Materials as they shall think proper, and also shall and may erect or cause to be erected thereon a Chapel and Vaults, and such other Buildings and Conveniences for the Residence of a Clergyman, Clerk, and Sexton, as the said Vestrymen shall direct; so that the Charges and Expences of purchasing such Land, and of erecting, building, and completing such Chapel, Buildings,

Cemetery to be inclosed.

and

and other Conveniences as aforesaid, do not exceed in the whole the Sum of Twenty thousand Pounds; and such Land, when so inclosed, shall and may be consecrated for a Burial Ground, and also the said Chapel, when built and completed, shall and may be consecrated according to the Usage of the Church of *England*, and shall for ever thereafter be used as an additional Cemetery or Burial Ground and Place of Worship for the said Parish of *Saint Mary-le-bone*.

Penalty on
destroying
Walls or
Monuments.

XXX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously injure, pull, or break down the Fence or Fences, Wall or Walls, or other Inclosure of the said Cemetery or Burial Ground, or any Part or Parts thereof, or break down or destroy any Head or Foot Stone, or Grave Stone or Monument which shall be therein erected, or obliterate or deface any Inscription thereon, every such Person shall, for every such Offence, on being thereof duly convicted before any Justice of the Peace for the said County of *Middlesex*, on the Oath of One or more Witness or Witnesses (which Oath such Justice is hereby authorized and required to administer), forfeit and pay any Sum not exceeding One hundred Pounds; and such Money when so paid shall, in the first Place, be applied to repair the Damage so done, and the Remainder (if any) shall be paid to the Treasurer to the said Vestrymen, to be applied and disposed of for the Purposes of this Act.

A Minister
appointed for
burying the
Dead;

and also for
performing
Divine Ser-
vice.

A Clerk to be
appointed.

XXXI. And be it further enacted, That when the said Ground shall be inclosed and consecrated as aforesaid, the Most Noble *William Henry Cavendish Duke of Portland*, or the Person or Persons for the Time being entitled to the Rectory of the said Parish, and the Advowson of the Church of the said Parish, shall from Time to Time nominate and appoint a Minister of the Church of *England* to officiate in burying the Dead, for Life, or during Pleasure; and that when the said Chapel shall be finished and completed, and consecrated as aforesaid, the said Duke, or such Person or Persons as aforesaid, shall nominate and appoint in like Manner a sufficient Reader to perform Divine Service, and preach in the said Chapel on *Christmas Day*, *Good Friday*, and on the Lord's Day or *Sunday* throughout the Year; and it shall and may be lawful to and for the said Duke, or such Person or Persons as aforesaid, in case it shall seem right and proper to the said Vestrymen, to nominate and appoint in like Manner another Minister of the Church of *England* to be Preacher only in the said Chapel; and it shall and may be lawful to and for the said Duke, or such Person or Persons as aforesaid, and he is hereby authorized and empowered, to nominate and appoint a Clerk and Sexton, with the Consent and Approbation of the said Vestrymen, to officiate in the said Chapel and Burial Ground; and the said Reader, Preacher, Clerk, and Sexton shall have and receive for their respective Salaries such Sum and Sums of Money yearly, as the said Vestrymen shall think fit to appoint and direct.

Pew Opener
or Chapel
Keeper, &c.
to be ap-
pointed.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Minister of the Parish Church of *Saint Mary-le-bone* for the Time being, with the Consent of the said Duke, or such Person or Persons as shall be so entitled as aforesaid, to nominate and appoint a Pew Opener or Pew Openers, Chapel Keeper or Chapel Keepers for the said Chapel, as to the said Minister shall seem right and proper; and from Time to Time, with the like Consent, to remove any such Pew Opener or Pew Openers,
Chapel

Chapel Keeper or Chapel Keepers, and to nominate and appoint another Person in the Room or Stead of every such Pew Opener or Chapel Keeper so removed from his or her Office; and every such Pew Opener and Chapel Keeper shall have and receive for their respective Salaries such Sum and Sums of Money yearly as the said Vestrymen shall think fit and proper.

XXXIII. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Vestrymen at any of their public Meetings to settle and fix the Rates and Fees for Burial of the Dead in the said Cemetery or Burial Ground, and shall and may from Time to Time make such Rules, Orders, and Regulations relative to and concerning Burials, and for keeping the said Chapel and Vaults, and the Wall of the said Cemetery or Burial Ground, and any other Buildings and Conveniences erected thereon, in good and sufficient Repair, and the said Cemetery or Burial Ground in good and decent Order; and may from Time to Time alter and amend the said Rates and Fees, and make such other Rules, Orders, and Regulations in and concerning the Premises, as to the said Vestrymen shall appear reasonable, necessary, and convenient.

Vestrymen
to settle the
Rates and
Fees for
Burials, &c.

XXXIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Vestrymen to reduce the Rate or Fee to be paid to the Minister for the Time being officiating or burying the Dead, for every Burial in the Cemetery or Burial Ground and Vaults to be made by virtue of this Act, to less Sums than are now payable according to the Classes or Divisions of the said Cemetery or Burial Ground for Burials in the present Cemetery of the said Parish, but the same shall be due and payable to and may be demanded and taken by the said Rector or Minister, subject nevertheless to any Agreement which may be entered into between the said Rector or Minister, and the Minister to be appointed to the said intended Chapel.

Fee to be
paid to the
Minister for
Burials.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, if they think proper, to let the Pews or Seats to be erected within the said intended Chapel; and in case the Rent of any such Pew or Seat shall be behind and unpaid for the Space of Twenty-one Days next after the same shall have become due and payable, the said Vestrymen may enter upon and take Possession of such Pew or Seat, and let the same to any other Person or Persons, and may sue for and recover the Rent so in arrear and up to the Time of taking such Possession, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

For letting
Pews, &c.

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, or any Seven or more of them, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the existing Sum of Ten thousand Pounds at any one Time, as they shall judge necessary, for the several Purposes of this Act, upon the Credit of the Rates and Fees arising on account of Burials in the Cemetery or Burial Ground to be made by virtue of this Act, and also on the Rates and Fees arising on account of Burials in any other Cemetery, Burial

Power to
borrow
Money.

Ground, or Vault within the said Parish, and on the Sums of Money received for the Rents of Pews in the said Chapel, and by Writing under their Hands and Seals to assign all or any Part of the said Rates and Fees 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 lawful Interest for the same; and the Charges and Expences of such Assignment (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Vestrymen out of the Money so borrowed, and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Form of
Assignment.

‘ WE of the Vestrymen of the Parish of *Saint Mary-le-*
‘ *bone* in the County of *Middlesex*, acting in pursuance of an Act
‘ passed in the Forty-sixth 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.*
‘ of in the County of 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 be*], his [*or*
‘ *her*] Executors, Administrators, and Assigns, such Proportion of the
‘ Rates and Fees received on account of Burials in the several Cemeteries,
‘ Burial Grounds, and Vaults within the said Parish of *Saint Mary-le-bone*,
‘ and on account of the Rents of Pews in the Chapel to be erected by
‘ virtue of the said Act, as the said Sum of doth or shall bear
‘ to the whole Sum which may at any Time be borrowed or become due
‘ and owing, or be charged upon the Credit of the said Rates and Fees
‘ and Rents; to be had and holden from this Day
‘ of until the said Sum of
‘ with Interest after the Rate of *per Centum per*
‘ *Annum* for the same, shall be fully paid and satisfied. In witness
‘ whereof we the said Vestrymen have hereunto set our Hands and
‘ Seals, the Day of in the Year of our
‘ Lord .’

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

Power of
transferring
Assignments
and Annui-
ties in a pre-
scribed Form.

XXXVII. And be it further enacted, That it shall and may be lawful for the Persons entitled to any of the Securities for the Money to be borrowed upon legal Interest 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; (that is to say),

Form of
Transfer.

‘ I *A. B.* being entitled to the Sum of
‘ secured to *C. D.* and his
‘ Assigns [*or his Executors, Administrators, and Assigns, as the Case*
‘ *may*

‘ *may be*], by virtue of an Assignment, bearing Date the
 ‘ Day of under the Hands and Seals
 ‘ of of the Vestrymen of the Parish of *Saint*
 ‘ *Mary-le-bone*, acting in the Execution of an Act passed in the Forty-
 ‘ sixth Year of the Reign of King *George* the Third, intituled [*set forth*
 ‘ *the Title of this Act*], upon the Credit of the Rates and Fees received
 ‘ on account of Burials in the several Cemeteries, Burying Grounds, and
 ‘ Vaults in the said Parish of *Saint Mary-le-bone*, and of Rents of Pews in
 ‘ the Chapel to be erected by virtue of the said Act, do hereby transfer
 ‘ all my Right and Title in and to the same Sum, and all Interest and
 ‘ other Money now due and arising thereon, unto *E. F.*, his Executors,
 ‘ Administrators, and Assigns. Dated the Day of
 ‘ in the Year of our Lord .’

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

XXXVIII. 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 Rates and Fees arising on account of Burials in the several Cemeteries, Burial Grounds, and Vaults within the said Parish of *Saint Mary-le-bone*, and of Rents of Pews in the said Chapel; be it further enacted, That the said Vestrymen (if there shall be more Creditors than One) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Rates and Fees, 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 Vestrymen in the Presence of the said Vestrymen; and after every such Ballot the said Vestrymen 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 shall be only One Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Vestrymen to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving

Provision for
the Payment
of Creditors
by Ballot.

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.

Money now in Hand may be applied for the Purposes of this Act.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen to apply and dispose of any Sum or Sums of Money now received by them, or in the Hands of their Treasurer, arising from the Rates and Fees for Burials within the several Cemeteries, Burial Grounds, and Vaults, situate within the said Parish, in or towards the Purchase of the Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, and for carrying the several other Purposes of this Act into Execution.

For paying off Debt when the Surplus amounts to 100*l.*, &c.

XL. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered from Time to Time, when and as often as the Surplus of the Rents of the Pews and Seats in the said intended Chapel, and the other Monies received on account of the Rates and Fees for Burials in the said intended Cemetery or Burial Ground, and the other Cemeteries or Burial Grounds of the said Parish, and for Vaults, Tomb Stones, Head Stones, and Foot Stones, shall amount to the Sum of One hundred Pounds or upwards, to pay off and discharge the Money borrowed on the Credit of the said Rents, Rates, and Fees, in such Manner as herein is directed.

Application of the Money.

XLI. And be it further enacted, That out of the first Money to arise by virtue of this Act, or out of the Monies already received by the said Vestrymen for Burials within the several Cemeteries or Burial Grounds and Vaults within the said Parish, the said Vestrymen shall, in the first Place, pay and defray all the Charges and Expences incident to and attending the obtaining and passing this Act; and after Payment thereof, all the Money arising from such Rates and Fees, and such Rents of Pews as aforesaid, and all the Money which may be borrowed by the said Vestrymen by virtue of this Act, shall be applied and disposed of for and towards carrying the several other Purposes of this Act into Execution.

Disposing of Surplus Money after Payment of Debt, &c.

XLII. And be it further enacted, That if at any Time or Times hereafter all the Money which shall have been borrowed by virtue of this Act shall be paid off and discharged, and the Monies arising from the Rents of the Pews in the said Chapel, and the Rents and Fees received on account of Burials within the several Cemeteries, Burial Grounds, and Vaults within the said Parish, shall be more than sufficient for the paying and discharging the several annual Sums and Salaries to be paid by this Act, and all the Costs, Charges, and Expences attending the Execution thereof, then and in such Case it shall and may be lawful to and for the said Vestrymen to apply or cause to be applied such Overplus Monies to such parochial Purposes as the said Vestrymen shall think right and proper, and as shall in their Judgment be for the Use and Benefit of the Parishioners of the said Parish,

Parish ; any thing herein contained to the contrary in anywise notwithstanding.

XLIII. And be it further enacted, That all Penalties or Forfeitures by this Act 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 if within Five Days next after such Distress shall be made the said Penalties or Forfeitures shall not be paid, together with the reasonable Charges and Expences of making, removing, and keeping such Distress, the Goods and Chattels so distrained shall be appraised and sold, or such Part thereof as shall be sufficient to satisfy and pay the said Penalties and Forfeitures, together with all reasonable Costs, Charges, and Expences of making such Distress, and removing, keeping, and selling the same, and the Overplus (if any) of the Monies arising by such Distress and Sale shall be returned upon Demand to the Party or Parties whose Goods and Chattels shall be so distrained and sold; and such Penalties and Forfeitures, when recovered (if not herein directed to be otherwise applied), shall be paid to the Treasurer to the said Vestrymen, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, City, 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 Seven Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Recovery of Penalties.

XLIV. 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),

‘ B E it remembered, That on this	Day of	Form of Conviction.
‘ in the Year of our Lord	<i>A. B.</i> is con-	
‘ victed before	of His Majesty’s Justices of the Peace for the	
‘	of having [<i>as the Offence shall be</i>], and I [<i>or we</i>] the	
‘ said	do adjudge him [<i>her or them</i>] to forfeit and	
‘ pay for the same the Sum of	. Given under my	
‘ Hand and Seal [<i>or our Hands and Seals</i>] the Day and Year afore-		
‘ said.’		

XLV. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Judgment 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

[*Loc. & Per.*]

29 P

be

Appeal.

be holden for the County or Place within which the Matter of Appeal shall arise next after the Expiration of Three Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Twenty-one 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 Vestrymen, and forthwith 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 or 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 Order 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 Orders or Determinations of the said Justices shall be final, binding, and conclusive on all Parties, to all Intents and Purposes whatsoever.

Distress not
unlawful for
Want of
Form.

XLVI. 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.

Proceedings
not to be
quashed for
Want of
Form, or
removable by
Certiorari.

XLVII. 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 removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

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

XLVIII. 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, Twenty-one Days before such 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 be lawful 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 Judgment shall be made and

given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

XLIX. 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 *Middlesex*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, 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. Limitation of Actions.

L. Provided always, That nothing herein contained shall operate to lessen or alter the Right or Title of the said *William Henry Cavendish Duke of Portland*, or the Person or Persons for the Time being entitled to the said Rectory and Advowson, to the Ecclesiastical Dues, Oblations, and Obventions belonging thereto, or to remove and displace, at his or their Will or Pleasure, the present or any future Minister of the said Parish, or the Minister and the Sexton or Clerk, or any of them, for the Time being, of the Chapel to be erected by virtue of this Act. Saving the Right of the Duke of Portland.

LI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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