



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 4.

An Act for taking down and rebuilding the Body of the Parish Church of *Chertsey*, in the County of *Surrey*; and for repairing the Tower thereof, and building a Vestry Room near or adjoining to the said Church. [22d March 1806.]

WHEREAS the Parish of *Chertsey*, in the County of *Surrey*, is large and populous, and the Body of 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 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 at present there is no Vestry Room within the said Parish: And whereas it is expedient that the Body of the said Church should be taken down and rebuilt upon a more enlarged Scale, and Galleries erected therein; and that the Tower thereof should be substantially repaired; and that a Vestry Room should be built for the Accommodation of the Inhabitants, when assembled in Vestry: But as such useful and necessary Purposes cannot be effected without raising a considerable Sum of Money to defray the Expences thereof, which cannot be done without the Aid and Authority of Parliament; may it therefore please Your Majesty that in 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
[Loc. & Per.] U Par-

Trustees.

Parliament assembled, and by the Authority of the same, That Sir Joseph Mawbey Baronet, Sir Richard Onslow Baronet, Sir John Saint Aubyn Baronet, the Right Honourable Charles James Fox, John Wightwick, Edmund Boehm, Richard Clark the Elder, Robert Porter, Henry Chazoner, Robert Kirkpatrick Escott, John Stonard Clerk, William Sutton Porter, Thomas La Coste, George La Coste, Charles Pratt Living, Thomas Day, Thomas Swayne, William Varnden, Joseph Sparrow, John Giles, John Johnson the Elder, George Johnson the Elder, Thoma: Willatts, Richard Wapshott the Younger, John Wapshott, Jacob Giles, James Living, John Brown, John Yalden, Benjamin Elcock, William Edmead, George Johnson the Younger, the Vicar, Curate, and the Churchwardens of the said Parish of Chertsey, for the Time being respectively, shall be and they are hereby appointed Trustees for taking down, rebuilding, and enlarging the Body of the said Church, erecting Galleries therein, and repairing the Tower thereof, and for building a Vestry Room, and for otherwise carrying this Act into Execution.

No Act of
Trustees valid
unless at a
Meeting.

Majority em-
powered to
act.

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 ap-
point 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 their Successors, to be elected in Manner herein-mentioned, shall die, refuse, or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful 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 Chertsey aforesaid, or on the Market House of Chertsey 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.

IV. 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.

V. And be it further enacted, That the said Trustees shall meet at the *Swan Inn* in *Chertsey* aforesaid, on the Second *Saturday* next after the passing of this Act, or as soon after as conveniently may be, and shall proceed to carry this Act into Execution; and in case none of the said Trustees shall attend at 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 so as to 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 *Chertsey*, 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 Fourteen 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 *Chertsey* aforesaid, or on the Market House of *Chertsey* 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 (except for the Room and Fire where such Meetings shall be held, which shall be paid by the Churchwardens of the said Parish for the Time being, out of the Church Rates, and be allowed in their Accounts.)

First Meeting of Trustees.

Trustees their Meetings to pay their own Expences.

VI. And be it further enacted, That if after 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 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 Five or more of the said Trustees mentioning the Time, Place, and Purpose of such earlier Meeting, being given to him or left at his 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 Three 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 an Adjournment.

Meetings on Emergencies.

VII. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Trustees to be holden in pursuance

No Order to be revoked, unless at a

Meeting for
the Purpose,
nor unless a
Majority of
the Trustees
concur.

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, be affixed on the Door of the Parish Church of *Chertsey* aforesaid, or on the Market House of *Chertsey* 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 or Proceeding was had or made.

Proceedings
to be entered.

VIII. 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 any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy so had, not exceeding Seventy-two Words, the Sum of One Shilling, and so in proportion for any greater or less Number of Words.

Trustees to
appoint Of-
ficers,

and remove
them,

and allow them
Salaries,

Trustees to
take Security
from the Treas-
urer.

Officers to ac-
count.

IX. And be it further enacted, That the said Trustees 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 Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as 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 so to 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, when 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 afore-
said

said 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 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 Ten 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 and raised by virtue of this Act shall remain due from such Officer, such Justice may, and he is hereby authorized and required upon Non-payment 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 Twelve Calendar Months.

X. And be it further enacted, That it shall be lawful 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 and Galleries therein to

Making Contracts.

[Loc. & Per.]

X

be

Contracts to
be reduced in-
to Writing:

be built and erected by virtue of this Act; and for repairing the said Tower, and for building the Vestry Room; and for providing Materials for building, erecting, finishing, and completing the same respectively, or any Part or Parts thereof respectively; and also to confirm all such Contracts as may have been entered into previous to the passing of this Act, and generally to make and do all such Orders, Matters, and Things, as they shall think proper and necessary fully and effectually to carry this Act into Execution; 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 by the said Trustees, and signed by the Parties thereto, and shall be good, valid, and binding, as well upon the said Trustees and their Successors to be elected in Manner aforesaid 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.

Trustees may
may direct
the Body of
old Church to
be taken
down and sell
old Materials;

XI. And be it further enacted, That it shall be lawful 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 Body of the present Church of the said Parish of *Chertsey*, 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 be lawful 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 Body of the said Church to be erected and built by virtue of this Act, or in repairing the said Tower, or in building the said Vestry Room; and the said Trustees shall and they are hereby required to repair, or cause to be put in good and substantial Repair the said Tower, and to build the Vestry Room, and the Costs, Charges, and Expences thereof respectively shall be paid out of the Monies to be received, raised, levied, or collected by virtue of this Act.

and repair
the Tower.

New Church.

XII. And be it further enacted, That the said Trustees shall and they are hereby authorized and required to erect and build, or cause to be erected and built, a new Body to the said Church adjoining to the said Tower on the East Side thereof, and the same 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 the Diocese, 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 Conveniencies, as to the said Trustees with such Approbation as aforesaid shall seem right and proper.

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

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

for erecting and building such new Body to the said Church, and Vestry Room to be erected and built by virtue of this Act, shall belong to and be the Property of, and the same is and are hereby vested in, the said Trustees; and it shall be lawful 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 rebuilding the Body of the Parish Church of *Chertsey*, in the County of *Surry*," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

XIV. 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 of *Chertsey*, may be made and published in the Church of the adjoining Parish of *Thorpe*, in the said County of *Surry*, until such Time as the said Body of the said Church to be built and erected by virtue of this Act shall be completed as herein directed; and all Publications of such Banns of Marriage so made and published in the said Parish Church of *Thorpe*, during the Time of performing Divine Worship therein, and all Marriages solemnized therein, shall be as good, valid, and effectual in Law to all Intents and Purposes whatsoever, as if such Banns had been made and published and such Marriage had been solemnized in the Parish Church of *Chertsey* aforesaid, any Law or Statute to the contrary thereof in anywise notwithstanding.

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

XV. And be it further enacted, That the several Monuments, Grave-stones, and monumental Inscriptions as shall be taken down and removed in taking down the said Body of the said 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 Body of the said 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, on or as near to the Place or Places from whence they shall have been respectively removed as conveniently may be.

Power to remove Grave-stones and Monuments.

XVI. And be it further enacted, That when the said new Body of the said Church shall be rebuilt and finished, and such Seats or Pews as are intended to be erected therein shall be completed, the said Trustees are hereby authorized and required to allot and appoint the several Seats and Pews therein to the several Persons who are now legally entitled by Faculty or Prescription to Pews or Seats in the said Parish Church; and such Pews or Seats shall be made convenient to accommodate as many Persons as the Pews or Seats which such Person or Persons is or are now legally entitled to, and then the said Trustees shall, and they are hereby authorized, empowered,

Allotments of Pews.

empowered, and required to appropriate the Residue of the Pews or Seats in the said new Church for the Use of such of the other Inhabitants of the said Parish as to the said Trustees shall appear to have the best Claim or Right thereto, and in such Manner and subject to such Regulations as they shall direct and appoint.

Power to sell
or let Seats to
be built in new
Galleries.

XVII. Provided always, and be it further enacted, That in order to defray in Part the Expences of carrying this Act into Execution, it shall be lawful for the said Trustees to sell all and every, or any of the new Seats or Pews to be erected and built in the Galleries of the North and South Sides of the said Church by virtue of this Act, to any Person or Persons having or being entitled to any Estate, or being resident in the said Parish, or to let the same, for any Term or Number of Years not exceeding Twenty-one Years, and for such Price or Prices as can be reasonably had for the same, and that the Receipt or Receipts of the said Trustees shall be good and sufficient Discharge and Discharges to the Purchaser or Purchasers thereof; and immediately after such Receipt or Receipts shall be given to such Purchaser or Purchasers, the Pews or Seats so purchased by him, her, or them, shall by virtue of this Act become vested in him, her, or them, and his, her, and their respective Heirs and Assigns, in Fee Simple, without any further or other Conveyance, Assurance, Instrument, or Writing whatsoever; and the Money arising from such Sale or Sales shall be paid to the said Trustees to be by them applied in defraying Part of such Expences as aforesaid; and the Money to arise by letting such Pews and Seats shall be paid by the Person or Persons taking the same to the Churchwardens of the said Parish for the Time being, to be by them applied in Aid of the usual Church Rates.

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

XVIII. And be it further enacted, That after the new Body of the said Church shall by virtue of this Act be rebuilt, no Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever in or under the Scite of the said Church, unless the Grave or Vault shall be built on all Sides thereof respectively with Bricks or Stone, and arched over with the same or like 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 Vault or Grave shall exceed the Depth of Seven Feet from the Surface of the Pavement, and that no Corpse shall be interred in the Churchyard within Five Feet of the exterior Walls of the said Church.

An additional
Rate to be
made as Secu-
rity for Mo-
nies borrowed.

XIX. And be it further enacted, That it shall be lawful 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, shall be affixed on the Door of the Parish Church of *Chertsey* aforesaid, or on the Market House of *Chertsey* aforesaid, Ten Days at the least immediately preceding the same respectively) a Rate or Assessment not exceeding Four Shillings in the Pound in any one Year on the full annual Rent or Value
of

of all Houses, Buildings, or Premises, Lands, Tenements, and Hereditaments, rateable to the Rate or Assessment for the Relief of the Poor of the said Parish of *Chertsey* (such annual Rent or Value to be from Time to Time ascertained by or according to the respective Rents, or annual Rents or Values at which such Houses, Buildings, or Premises, Lands, Tenements, and Hereditaments, shall be rated or assessed 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 to be appointed by the said Trustees, to the Treasurer or Treasurers appointed by the said Trustees; and such Rate or Assessment shall in the first Place be appropriated in paying the Costs, Charges, and Expences of obtaining this Act, and then of erecting and building the said Body of the said Church, and in furnishing, finishing, and completing the same, and in repairing the said Tower, and in building the Vestry Room, and in paying the Annuities and Interest of the Money to be borrowed under or 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.

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

Rates may continue in force for several Years.

XXI. And be it further enacted, That it shall be lawful for the Churchwarden or Churchwardens of the said Parish, or 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 accordingly.

Collectors empowered to levy Rates.

XXII. And be it further enacted, That the several Tenants or Occupiers of such Lands, Houses, Tenements, and Hereditaments so to be 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 and 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, her, or their said Rent, due to his, her, or their Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his, her, or their Rent was or should have been paid or payable.

Tenants to pay the whole, and deduct half the Rates out of the Rents.

[*Loc. & Per.*]

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XXIII. And

Rates where
Houses are
let to several
Families.

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

Recovery of
Rates.

XXIV. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay the Sum or Sums of Money at which he, she, or they shall be rated or assessed by virtue of this Act, for the Space of Five Days next after the same shall become due and payable as aforesaid, after Demand in Writing made thereof and delivered to or left at the usual Place of Abode of such Person or Persons, 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 be lawful 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 or more Justices of the Peace for the said County of *Surrey*, 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 Non-payment as aforesaid, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale.

Churchwardens to account.

XXV. And be it further enacted, That every Churchwarden of the said Parish, and every other Person or Persons to be appointed Collector or Collectors as aforesaid, 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 Persons as they shall appoint, a true and perfect Account in Writing, 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 or Collector 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 or Collector so offending shall, for every such Refusal or Neglect, forfeit and pay any Sum not exceeding Forty Pounds, nor less than Ten Pounds, which Penalty and also all the Money in the Custody or Power of such Churchwarden or Collector so due and owing from such Churchwarden or Collector 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 *Surrey*, 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

from such Churchwarden or Collector to the said Trustees for or on account of such Rate or Assessment, on the Oath or Oaths (which Oath or Oaths 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 or Collector so refusing or neglecting, or from whom any Sum or Sums of Money shall be so due and owing for or on Account of such Rate or Assessment as aforesaid, rendering the Overplus (if any) upon Demand to the Owner of such Goods and Chattels, after deducting such Penalty, and the Sum or Sums of Money as shall appear to be so due and owing to the said Trustees for or on Account of such Rate or Assessment, and the Costs and Charges of such Distress and Sale.

XXVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them from Time to Time to borrow Power to borrow Money. and take up at Interest such Sum or Sums of Money, not exceeding in the Whole the Sum of Six thousand Pounds, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the 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 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 Trustees out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following (that is to say)

WE, Five of the Trustees appointed by or in pursuance of an Act, Form of Assignment.
 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
 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 bor-
 rowed 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 after the
 Rate of _____ *per Centum per Annum* for the same,
 shall be fully paid and satisfied. In Witness whereof we the said Truf-
 tees 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

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 for
Trustees to
raise Money
by Annuities.

XXVII. And be it further enacted, That in case the said Trustees shall think it advisable or more advantageous for the Purposes of this Act to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives instead of Assignments as aforesaid, it shall be lawful for the said Trustees or any Five or more of them, 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 of every such Contributor, or the natural Life of such Person or Persons as shall be nominated by and on the Behalf of such Contributor at the Time of Payment of his or her Contribution or Purchase Money, and either with or without Benefit of Survivorship as the said Trustees shall think proper, so that no such Annuity do exceed the Rate of Twelve Pounds for every One hundred Pounds for a Year; and the Expence of every such Grant of Annuities shall be paid by the said Trustees out of the Monies so contributed; and the Grant of every such Annuity shall be in the Words or to the Effect following, (that is to say)

Form of the
Grant of
Annuity.

WE, _____ of the Trustees appointed by
or in pursuance of an Act passed in the Forty-sixth Year of the
Reign of King George the Third, intituled, An Act [set forth the Title
of this Act] in Consideration of the Sum of
paid by A. B. [or if intended to be granted with Benefit of Sur-
vivorship, by E. F. G. H. &c.] to C. D. the Treasurer appointed in
pursuance of the said Act, do hereby grant unto the said A. B. and his
Assigns [or if by Survivorship, unto the said E. F. G. H. &c. and to the
Survivors and Survivor of them] an Annuity or yearly Sum of
_____ to be paid out of the Rates or Assess-
ments 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.] [or if by Survivorship, unto
and among them the said E. F. G. H. &c. and the Survivors and Sur-
vivor of them] 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 of our

Lord

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

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 Rates or Assessments to be raised, levied, and collected by virtue of this Act, according to the Grant of such Annuity, free from all Deductions whatsoever.

XXVIII. And be it further enacted, That it shall be lawful for the Persons entitled to any of the Securities for the Money to be borrowed 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; that is to say,

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 _____ of the Trustees 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 or Assessments granted or made 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 _____ in the Year _____ of our Lord _____

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 or Books 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, 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 Five Shillings 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 or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

XXIX. 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 or Assessments 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 Rates or Assessments, of which

[*Loc. & Per.*]

Z

Part

Power of transferring Assignments and Annuities in a prescribed Form.

Form of Transfer

Provision for the Payment of Creditors by Ballot.

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, in the Presence of 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 shall be only One Creditor to give Six Calendar Months Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid, and every such Notice shall express the Sum to be paid off with 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 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 several 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 Purchase of such his, her, or their Annuity or Annuities.

Annuitants
not to be paid
off without
their Consent.

Power to bor-
row Money
at a lower
Interest to
discharge
Securities
at a higher
Rate.

XXX. Provided always, and be it further 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 be lawful 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.

Application
of Money
borrowed.

XXXI. 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 Body of the said Church; and in furnishing, finishing, and completing the same; and in repairing the said Tower, and in building the Vestry Room, and in otherwise carrying this Act into Execution.

XXXII. And

XXXII. 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 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.

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

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

Indemnity to Trustees.

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

Power for Inhabitants to be Witness.

XXXV. 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 Monies 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 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 or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months

Recovery of Penalties.

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.

XXXVI. 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 our Lord _____
 ‘ *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.

XXXVII. 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 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 Fourteen 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 Five 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 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 to all Parties, to all Intents and Purposes whatsoever.

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

XXXVIII. Provided always, and be it further 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 let aside the same, then and

and in such Case the said Justices shall and may order a new Rate or Assessment to be made in the Manner herein directed.

XXXIX. 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.

XL. And be it further enacted, That no Order, Verdict, Judgement, 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.

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

XLI. 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 Ten 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 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 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.

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

XLII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act after the Expiration of Six Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Surrey* and not elsewhere; and if any such Action or Suit shall be brought before Ten Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinued

Limitation of Actions.

[*Lcc. & Per.*]

A a

tinue

tinue 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 Double 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.

XLIII. 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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