



ANNO QUINQUAGESIMO

# GEORGI II. REGIS.

\*\*\*\*\*

## Cap. 44.

An Act for further enlarging the Church Yard of the  
Parish of *Paddington* in the County of *Middlesex*.  
[18th April 1810.]

**W**HEREAS by an Act passed in the Twenty-eight year of the 28 G. 3. c. 74.  
Reign of His present Majesty, intituled, *An Act for rebuilding the*  
*Parish Church of Paddington in the County of Middlesex, and for*  
*enlarging the Church Yard of the said Parish;* and by another Act passed in  
the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act* 33 G. 3. c. 43.  
*for enlarging the Powers of and rendering more effectual an Act made in the*  
*Twenty-eighth Year of His present Majesty, intituled, "An Act for rebuilding*  
*" the Parish Church of Paddington in the County of Middlesex, and for*  
*" enlarging the Church Yard of the said Parish;"* certain Persons therein  
named and their Successors were appointed Trustees for carrying the several  
Purposes of the said recited Acts into Execution: And whereas the Popu-  
lation of the said Parish of *Paddington* hath lately much increased and is  
likely still further to encrease, and it is expedient that the Church Yard  
of the said Parish should be further enlarged: 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 Trustees named  
and appointed in and by the said recited Acts, and their Successors,  
elected or to be elected in the Manner in the said recited Acts directed,  
and who for the Time being shall be Trustees for carrying the said Acts  
into Execution, shall be and they are hereby appointed Trustees for the  
Purposes mentioned in this Act.

Appointment  
of Trustees.

[*Loc. & Per.*]

12 K

II. And

Trustees em-  
powered to  
contract for  
the Purchase  
of Land.

II. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or any Five or more of them, to contract and agree with any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or with any Feoffees in Trust, Executors Administrators, Husbands, Guardians, or Committees of or for Lunatics or Idiots, who shall be or be deemed to be the Owner or Owners, Proprietor or Proprietors, or otherwise interested in any Grounds or Hereditaments within the said Parish and adjacent to the Church Yard thereof, which the said Trustees shall judge necessary and proper to be purchased for the Purposes mentioned in this Act, for the absolute Purchase of any Quantity of such Ground, not exceeding Three Acres in the whole, with or without Buildings thereon; and that the Monies to be paid for the Purchase thereof shall be by their Treasurer paid out of any Monies which may come to his Hands by virtue of this Act, to the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, entitled thereto, or shall be laid out and disposed of by him in the Bank of *England*, in the Manner by this Act directed, as the Case may be.

Corpora-  
tions, &c.  
empowered  
to sell and  
convey.

III. And be it further enacted, That it shall and may be lawful to and for all Bodies Politick, Corporate and Collegiate and for all Corporations whether Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots, and all other Trustees whomsoever, not only for and on behalf of themselves, but also for and on behalf of their *Cestuique* Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves; and also to and for all Femes Covert, who are or shall be seised in their own Right, and to and for all Persons whether Tenants for Life in Tail general or special, or for Years determinable on any Life or Lives, and to and for all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Ground or Hereditaments within the said Parish, and adjacent to the Church Yard thereof, to treat and agree with the said Trustees for the Purposes mentioned in this Act, or any Five or more of them, for the absolute Sale of any Piece or Pieces of such Ground not exceeding Three Acres in the whole, with or without any Buildings thereon, and to convey the same to the said last-mentioned Trustees, or any Five or more of them, and their Successors, for the Purposes mentioned in this Act; and that all Contracts, Agreements, 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, be good, valid and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons, conveying or intending to convey the same, but also to convey all Right, Title, Estate and Interest, Use, Property, Claim and Demand whatsoever, of the said several and respective *Cestuique* Trusts, and all other Persons claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever to the contrary thereof notwithstanding; and all Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons whomsoever, are and shall be hereby indemnified for what they shall do by virtue of or in pursuance of this Act.

V. And

IV. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Ground or Hereditaments purchased by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politick, Corporate or Collegiate, or to any Feoffee in Trust, Executors, Administrators, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant; Idiot, Lunatic, Feme Covert or other *Cestuique* Trust, or to any Person whose Lands 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 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 Trustees, for the Purposes mentioned in this Act; 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 Ground and Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debtor Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, 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 or Hereditaments which shall be so purchased as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undertermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall by Order of the said Court 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 mean Time, 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 Ground or Hereditaments so to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Direction for applying the Purchase if 200l. or upwards.

V. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Grounds or Hereditaments purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and 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 Grounds or Hereditaments so purchased, or of his her or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy or Idiocy, to be signified in Writing under their respective

Where less than 1.200 and exceeding 1.20.

Hands,

Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the said High Court or Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 by Five or more of the said Trustees for the Purposes mentioned in this Act; such Nomination and Approbation to be signified in Writing under Hands of the nominating and approving Parties; in order that such Principal Money and the Dividends arising thereon, may be applied in any Manner hereinbefore directed, so far as the case be applicable, without obtaining or being required to obtain the Directions or Approbation of the Court of Chancery.

Where less  
than 20l.

VI. Provided also, and be it further enacted, That where such Monies so agreed to be paid as last before-mentioned, 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 Ground or Hereditaments so purchased taken or used for the Purposes of this Act, in such Manner as the said Trustees or any Five or more of them shall think fit; or in case of Infancy, Idiocy 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.

Provision  
where Questions shall  
arise touching  
the Title to  
Money so to  
be paid into  
the Bank.

VII. Provided always, and be it further 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 Ground or Hereditaments, or of any Estate, Right, Title, or Interest in any Ground 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 Annuities, the Person or Persons who shall have been in Possession of such Ground 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 Ground or Hereditaments according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends and 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 Ground and Hereditaments, or to some Estate or Interest therein.

The Court  
of Chancery  
may order  
reasonable  
Costs of Pur-  
chases to be  
paid by the  
Trustees.

VIII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Ground 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, or into the Bank of *England*, in the Name and with the Privity of the Accountant-General of that Court, and to be applied in the Purchase of other Ground or Hereditaments to be

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 Trustees, or their Treasurer, out of the Monies to be received by virtue or in pursuance of this Act; who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

IX. And be it further enacted, That, upon Payment of the Money so contracted or agreed to be paid for the Purchase of such Ground or Hereditaments by the said Trustees, or any Five or more of them, to the Person or Persons respectively entitled to such Monies, or their Agent, or upon Payment thereof into the Bank of *England* for the Purposes of being disposed of in Manner hereinbefore directed; and upon a Conveyance or Conveyances of such Ground or Hereditaments being duly executed by the Person or Persons entitled thereto, or interested therein, or by his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy or Idiocy, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand, both at Law and Equity of the Person or Persons for whose Use the same shall be paid, and of the Person and Persons who shall have executed such Conveyance or Conveyances in, to, or out of such Ground or Hereditaments, shall vest in the said Trustees and their Successors for ever, for the Use and Purposes, and subject to the Provisions of this Act.

Upon Payment of the Purchase Money, and Execution of a Conveyance,

Ground to vest in the Trustees and their Successors.

X. And be it further enacted, That the said Trustees shall, when and so soon as any such Purchase shall be made and completed by virtue of this Act, cause the Ground and Hereditaments so to be purchased as aforesaid, or such Part thereof as they shall judge necessary, to be inclosed and fenced in with a good and proper Fence, and laid open to the Church-Yard of the said Parish, and shall do all other Things necessary and proper for making such Ground fit and convenient for the Burial of the Dead.

Trustees to inclose the Ground.

XI. And be it further enacted, That the said Grounds and Hereditaments, or a sufficient Part thereof, when inclosed, shall be consecrated for the Burial of the Dead, according to the Usage of the Church of *England*, and shall for ever thereafter be used as and for an Addition to the Church-Yard of the said Parish.

Ground to be consecrated.

XII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Trustees for the Purposes mentioned in this Act, or any Five or more of them, to agree for, sell, dispose of, and absolutely convey so much (if any) of the said Ground and Hereditaments as shall not by them be deemed necessary for such Addition to the said Church-Yard, to any Person or Persons whomsoever, his, her, or their Heirs, Executors, Administrators, and Assigns, for the best Price or Prices that can reasonably be had and obtained for the same, and to sign and give Receipts for such Purchase Money as shall be so agreed upon; and that all or any such Sales, Agreements, Conveyances and Receipts, shall be good and valid in the Law to all Intents and Purposes whatsoever.

Trustees empowered to sell or let any of the surplus Ground.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Purposes mentioned in this Act, or any

Trustees authorized to raise a further

[Loc. & Per.]

12 L

Five

Sum, not exceeding 2500l. upon the Credit of the Burial-Fees, Rents, and Assessments.

Five or more of them, and they are hereby authorized and empowered to raise and secure for the Purposes of this Act, by the Ways and Means in the said recited Acts, or one of them, prescribed, any further Sum or Sums of Money not exceeding in the whole the additional Sum of Two thousand five hundred Pounds, over and above the several Sums of Money heretofore raised by virtue of the said recited Acts, upon the Credit of the Burial Fees, Rents, Rates and Assessments to be received and made by them or their Treasurer by virtue of the said recited Acts, or this Act; and that all Annuities to be granted, and all Monies to be borrowed by virtue of this Act, together with the Interest thereof, shall be, and they are hereby charged upon the said Fees, Rents, Rates, and Assessments, in Addition to, and with the Annuities granted and Monies raised by virtue of the said recited Acts, any Matter, Clause, or Thing in the said recited Acts, or either of them, to the contrary thereof in any wise notwithstanding.

Trustees empowered to grant Annuities.

XIV. Provided always, and be it further enacted, That for or towards raising the said Sum not exceeding Two thousand five hundred Pounds, it shall and may be lawful to and for the said Trustees, or any Five or more of them, to grant and pay any Annuity or Annuities, or any Sum or Sums of Money, by way or in the Nature of an Annuity or Annuities, to any Person or Persons who shall purchase the same at any Rate not exceeding Twelve Pounds for every One hundred Pounds by the Year, for and during the Life of any one Person who, at the Time of granting the same, shall be aged Seventy Years or upwards; and not exceeding Eleven Pounds for every One hundred Pounds by the Year, for and during the Life of any one Person who, at the Time of granting such Annuity or Annuities, shall be aged Sixty-three Years or upwards; and not exceeding Ten Pounds for every One hundred Pounds by the Year for and during the Life of any one Person who, at the Time of granting the same, shall be under the Age of Sixty-three Years; the said recited Acts, or this Act, or any Matter, Clause, or Thing therein or herein contained to the contrary thereof in any wise notwithstanding.

All Monies to be paid to the Treasurer, and with any Balance in his Hands, to be applied for the Purposes of this Act.

XV. And be it further enacted, That all and every Sum and Sums of Money which shall be borrowed or raised by way of Annuity or otherwise by virtue of this Act, shall be paid into the Hands of the Treasurer to the said Trustees; and that the same, together with any Balance which may be in his or their Hands, or due to him or them under or by virtue of the said recited Acts at the Time of passing this Act, shall be applied by the said Treasurer to and for the Purposes of this Act.

Trustees to set apart not less than 1000l. yearly, for paying off the Debt.

XVI. Provided always, and be it further enacted, That the said Trustees for the Purposes mentioned in this Act shall, and they are hereby required from Time to Time, under the Authority of the said recited Acts, to make and sign such Rates or Assessments not exceeding in the whole One Shilling and Sixpence in the Pound in any One Year, of the yearly Rent or Value of the Lands, Tenements and Hereditaments within the said Parish, as with the Fees and Rents to be received by them or their Treasurer shall enable them (after Payment of all Annuities and Interest of Monies borrowed and to be borrowed by them, and all other Sums chargeable on them), to save and set apart yearly and every Year the Sum of One hundred Pounds at the least, for the Purposes of paying off  
and

and discharging the Principal Sums of Money so borrowed and to be borrowed by virtue of the said recited Acts, and of this Act; and that the Sum and Sums so to be set apart shall, in the first Place, be applied for and towards the Payment of the Monies borrowed under or by virtue of the said recited Acts; and after Payment and Discharge of all such Monies, then for and towards the Payment of the Monies to be borrowed by virtue of this Act.

The present Creditors to have the Priority in Payment.

XVII. And be it further enacted, That the said recited Acts, and all and every the Powers, Provisions, Authorities, Articles, Clauses, Penalties, Forfeitures, Rules, Methods, Directions, Regulations, Matters, and Things therein contained or prescribed, and not hereby varied or altered, shall be and continue in full Force and Effect, and shall be applied and extended, and construed, deemed, and taken to apply and extend to this Act, as fully and effectually to all Intents and Purposes, as if the same had severally and respectively been repeated or re-enacted in the Body of this Act.

The Powers and Provisions of former Acts continued and applied in this Act.

XVIII. Provided always, and be it enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any such Rate or Rates, or by any Matter or Thing done in pursuance of this Act, or of the said recited Acts, then, and in every such Case, he, she, or they may appeal to the next General or Quarter Session of the Peace to be holden for the said County of *Middlesex*, which shall happen next after the Expiration of Thirty Days after the Cause of Complaint shall have arisen; such Appellant or Appellants first giving, or causing to be given, Ten Days Notice at least of such Appeal, and of the Matter thereof, to the Party or Parties appealed against, and within Two Days next after such Notice, entering into a Recognizance in the Sum of Twenty Pounds before some Justice of the Peace for the said County, conditioned for prosecuting such Appeal, and to abide the Order thereon, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Session; and the said Justices assembled at such General or Quarter Session, upon due Proof of such Notice being given and of entering into such Recognizance, shall hear and determine the Matter of such Appeal in a summary Way, and award such Costs to the Party appealing or appealed against as they the said Justices shall think proper, and also to order and award such Satisfaction to be made to the Party injured as they shall think reasonable.

Appeal to General or Quarter Sessions.

XIX. And be it further enacted, That all Charges and Expences incident to the obtaining and passing this Act shall be paid by the said Trustees for the Purposes of this Act, or their Treasurer, out of the first Monies which may come to their or his Hands by virtue of the said recited Acts or this Act.

The Costs of this Act how to be paid.

XX. 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.

Publick Act.

