



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 134.

An Act for providing a Chapel of Ease and an additional Burial Ground for the Parish of *Saint Mary Islington* in the County of *Middlesex*.

[31st May 1811.]

WHEREAS the Inhabitants of the Parish of *Saint Mary Islington*, in the County of *Middlesex*, have of late Years considerably increased, and are likely to continue so to do: And whereas the Parish Church of the said Parish is too small and insufficient for the Accommodation of the Inhabitants of the said Town; and it would be of great Utility and Advantage to the said Inhabitants if a Chapel of Ease was erected, and an additional Burial Ground provided, for the Use of the said Parish; but as the same cannot be effected 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 Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *Saint Mary Islington* for the Time being, and their Successors, together with the Reverend *William Parker*, *John Nichols*, *William Palmer*, *Charles Innes*, *Edward Flower*, *Thomas Griffith*, *William Robert Henry Brown*, *Robert Wilkinson*, *John Morgan*, *Robert Abbot*, *George Wolgffang Widt*, *John Blount*, *John Knight*, the Reverend *Joseph Patten Rose*, *Richard Laycock*, *Æneas Barkly*, *Samuel Rhodes*, *Samuel Fish*, *Edward Wigan*, *Thomas Sedgwick*, and *Philip Western Wood*, and their Successors, to be elected in manner herein-after mentioned, shall be and they are hereby appointed Trustees for the several Purposes

Trustees.

[Loc. & Per.]

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herein-

herein-after mentioned during such Time only as they shall continue to act and be resident Householders within the said Parish; and if at any Time hereafter (before the Trusts of this Act shall be completed) the Number of Trustees appointed by this Act shall, by Death, Refusal to act, or Removal out of the said Parish, be reduced to Twenty-one including the said Vicar and Churchwardens, it shall and may be lawful for the surviving Trustees to elect, of the Inhabitants of the said Parish who shall respectively be in the Occupation of Lands or Tenements within the said Parish of the yearly Value of Thirty Pounds or upwards, or be *bond fide* worth in Real or Personal Estate One thousand Pounds, or the Amount thereof, so many new Trustees as, together with the surviving Trustees, will make up the Number in the Whole Twenty-seven, and that the Trustees so elected, and every of them, shall and may act under the Authority and in the Execution of this Act, as fully as if they had been appointed Trustees in and by this Act; but that no Trustee appointed for putting this Act into Execution shall be capable of taking or holding, or be concerned or interested in any Contract for doing or performing any of the Works by this Act directed to be done and performed.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (unless in giving Notice of the First Meeting, and of administering the following Oath, which any of the Trustees herein-before named are empowered to administer) until he shall have taken an Oath to the following Effect:

Trustees  
Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me as a Trustee, by virtue of an Act passed in the Fifty-first Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*].  
‘ So help me GOD.’

Meetings of  
Trustees.

III. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish of *Saint Mary Islington* within One Month next after the passing of this Act, for the Purpose of carrying this Act into Execution, and shall and may then, and from Time to Time, adjourn their Meetings as they shall think proper; and that they may also meet at any Time for the Purpose of carrying this Act into Execution (without any Adjournment), upon Notice being given by their Clerk, by the Direction of the Vicar or Churchwarden, or any Five of the said Trustees, Three Days at the least before every such Meeting; and that all Acts and Proceedings of any Five or more of such Trustees, being a Majority of them assembled at any of their Meetings, shall be as valid and binding as if all the Trustees had been present, and had concurred therein; and the said Trustees at all their Meetings shall pay their own Expences; and all such Trustees as are or may be Justices of the Peace may act as such in the Execution of this Act; and in all Cases where the Trustees, or any Justice or Justices of the Peace, are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees and Justices respectively, and they are hereby respectively required, to administer such Oath.

Adjourn-  
ment.

IV. Provided always, and be it further enacted, That if at any Meeting to be holden by virtue of this Act a sufficient Number of Trustees shall

not attend to act, that then the Trustee or Trustees present, or the Clerk to the said Trustees, shall adjourn such Meeting to the Place where the same was appointed to be held to that Day Seven-night next after the Day on which such Meeting was appointed, giving such Notice as is before directed to be given in Cases of Special Meetings.

V. And be it further enacted, That every Question, whereon a Difference of Opinion shall arise, shall be determined by the Majority of Votes of the Trustees present at every Meeting at which such Difference shall arise; and the Trustees present shall, at every Meeting before they proceed to Business, elect One of the Trustees then present to be Chairman at such Meeting; and if, at any Meeting of the said Trustees, any Question shall be put to the Vote, and there shall happen to be an equal Number of Votes for and against the Question, then the Chairman shall have a Second or casting Vote, which shall determine such Question.

Decision of Questions.

VI. And be it further enacted, That the said Trustees for the Time being shall sue and be sued in the Name of their Treasurer or Clerk for the Time being, and that no Action or Suit so brought or commenced shall abate or be discontinued by the Death of the said Treasurer or Clerk, or by any Act of the said Treasurer or Clerk, without the Consent of the said Trustees, but that such Treasurer or Clerk for the Time being shall be always deemed Plaintiff or Defendant in every such Action or Suit, as the Case shall happen: Provided always, that every such Treasurer or Clerk in whose Name any such 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 made Plaintiff or Defendant therein.

Trustees may sue in the Name of the Treasurer or Clerk.

VII. 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, Collector or Collectors, 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 said 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 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 Purposes, 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

Appointment of Officers.

thereunto required by the said Trustees, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of, and all the said Officers so accounting as aforesaid, shall upon Oath 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 Seven 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 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 Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, 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 as can be found sufficient to answer and satisfy the Deficiency, 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 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.

Trustees  
may purchase  
Land.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, Corporation or Corporations

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 Lands or Grounds or Hereditaments within the said Parish, which the said Trustees shall judge necessary and proper to be purchased for the Purpose of erecting the said Chapel thereon, and providing an additional Burial Ground for the Use of the said Parish, and for other Purposes of this Act, not exceeding in the Whole Eight Acres, and to pay for the same such Sum or Sums of Money as shall be agreed upon by the said Trustees and the Person interested therein, out of the Monies to be raised by virtue of this Act; as herein-after mentioned.

IX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, and Collegiate, and for all Corporations, whether Aggregate or Sole, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics and 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, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, and themselves; and also to and for all Femmes 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 is or are or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments within the said Parish, to treat and agree with the said Trustees for carrying this Act into Execution for the absolute Sale of any Pieces or Parcels of Land, with or without any Buildings thereon, not exceeding in the Whole Eight Acres, and to convey the same to the said Trustees and their Successors, for the Purposes mentioned in this Act; and that all Contracts, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act, and it shall and may be lawful to and for the said Trustees 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.

Incapacitated  
Persons may  
sell Land.

X. 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 Trustees, or for the Purchase of any Estate or Interest therein, to the Party or Persons respectively entitled to such Money or Monies, such Person or Persons shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Surrenders, Assignments, and Assurances in the Law to the said Trustees and their Successors, in Trust for the Purposes hereby intended; and upon the Conveyance of such Lands, Tenements, and Hereditaments, all the

On Payment  
of Money  
Premises to  
be conveyed.

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 Trustees and their Successors for ever, for the Uses and Purposes of this Act; which Conveyances, Surrenders, Assignments, and Assurances may be in the Form following; that is to say,

Form of  
Conveyance.

‘ I *A. B.* of \_\_\_\_\_ in consideration of the Sum of  
‘ \_\_\_\_\_ paid by the Trustees of the Chapel of Ease  
‘ belonging to the Parish of *Saint Mary Islington* in the County of *Mid-*  
‘ *dlesex*, acting by virtue of an Act of Parliament made in the Fifty-first  
‘ 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 Trustees, and  
‘ their Successors, all and all my Right, Title, and Interest to and in the  
‘ same, and every Part thereof, to hold to the said Trustees 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 \_\_\_\_\_

Premises to  
vest in Trus-  
tees.

XI. And be it further enacted, That immediately after the Execution of such Conveyance, the Trustees acting under and by virtue of this Act shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having an Estate in the Premises had actually conveyed the same by Lease and Release, Bargain and Sale enrolled, Feoffment with Livery of Seisin, Fine, Common Recovery, Surrender, or any other Conveyance or Assurance in the Law whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Credit such Payment shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons, and every Person claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Directing  
Application  
of Money  
if amounting  
to 200l.

XII. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments 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 Feoffees in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands and Hereditaments are limited in strict and other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed 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 Trustees acting in the Execution of this Act, or any Five or more of them, to the Intent that such Money shall be placed, under the Direction and with the Approbation of the said Court, to be signified by an Order  
made

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, and Hereditaments, in the Purchase or 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, and 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 or 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 said Court upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Reduced Bank Annuities or Three Pounds *per Centum* Consolidated Bank Annuities; and in the meantime, and until the same Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said 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 to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XIII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, and 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, that then and in all such Cases the same shall, at the Option of such Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* 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 any Five or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Monies, 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 of the Court of Chancery.

Application of Money when less than 200l. and amounting to 20l.

XIV. Provided

When less  
than 20l.

XIV. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next 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 Lands, Tenements, and Hereditaments so purchased 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.

In case of  
not making  
out Titles,  
&c.

XV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Trustees, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any  
Question shall  
arise touching  
the Title, the  
Person in  
Possession  
deemed the  
Owner.

XVI. 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 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



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.

XVII. 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 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 Trustees 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.

XVIII. And whereas the said Trustees under the Provisions of this Act may purchase Lands, Tenements, and Hereditaments which may be found not necessary for the Purposes thereof; be it therefore enacted, That it shall be lawful for the said Trustees, or any Five or more of them, acting in the Execution 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, or Hereditaments as may have been so purchased, as shall in the Judgment of the said Trustees of the said Parish at any of their Meetings to be holden in pursuance of this Act not be wanted for the Purposes of this Act; and upon Payment of the Money which shall arise from or by the Sale or Sales of such Lands, Tenements, or Hereditaments, or any Part or Parts thereof, it shall and may be lawful for the Treasurer or Treasurers, Clerk or Clerks for the Time being to the said Trustees, to sign and give Receipts 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, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received; and such Person or Persons shall not be afterwards answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

Trustees may resell Lands.

XIX. And be it further enacted, That the Monies arising from the Sale of such Lands, Tenements, and Hereditaments, shall be applied and disposed of by the said Trustees for carrying the several Purposes of this Act into Execution.

Money received to be applied to the Purposes of the Act.

Trustees may  
build the  
Chapel.

XX. And be it further enacted, That it shall and may be lawful to and for the said Trustees to erect and build, or cause to be erected and built, a Chapel, with Vaults under the same for the Burial of the Dead, and a Chancel or Place proper for administering the Sacrament of the Lord's Supper, and also for a Font for the Administration of Baptisms, and a Vestry Room adjoining thereto, according to such Plan or Model, Elevation and Section, and of such Dimensions and Materials, and in such Manner, as they the said Trustees shall agree upon and direct at some Meeting to be particularly called for that Purpose; and in such Plan no Alteration shall afterwards be made, without the Consent of Five of the said Trustees at the least; and the said Trustees shall cause such Pews, Seats, and Galleries, and such Ornaments and Conveniencies, to be made, erected, and set up in the same Chapel, as they the said Trustees shall or may deem proper or necessary; and also it shall and may be lawful for the said Trustees to enclose, or cause to be enclosed, a sufficient Quantity of the Ground which they are hereby enabled to purchase for a Cemetery or Burial Ground thereto, either adjoining the said Chapel or adjacent thereto, in such Manner, and with such Materials, as they may think proper; and such Chapel, when built and completed, shall and may be consecrated according to the Rites and Ceremonies of the Church of *England*, and the said Ground, when inclosed, shall and may be consecrated for a Burial Ground, and such Chapel and Burial Ground shall for ever thereafter be used as a Chapel of Ease and additional Cemetery or Burial Ground to the said Parish of *Saint Mary Islington*; and the said Trustees and their Successors shall and are hereby required, at all Times, to keep the said intended Chapel, Buildings, and Vaults so to be erected in good and proper Repair and Condition.

Trustees may  
contract.

XXI. And be it further enacted, That it shall and may be lawful for the said Trustees to contract with any Person or Persons for building and erecting such Chapel, and supplying the same with Pews, Seats, Bells, Clocks, and other Furniture, and to contract with any Person or Persons for providing proper Materials for all or any of the Purposes aforesaid, or for doing any of the Works authorized by this Act; and all Contracts and Agreements made and entered into by and between the said Trustees, at any of their Meetings to be held in pursuance of this Act, and any Person or Persons whomsoever, relating to any Act, Matter or Thing to be done and performed in Execution of any of the Powers hereby granted, shall be reduced and put into Writing, and signed by the Parties thereto, and shall specify the Work to be done, the Price to be paid, the Time within which the same shall be completed, the Quality of the Materials to be used, and the Penalties for Nonperformance thereof; and the Trustees may take such Security from the Contractors for the due Performance of such Contract as to them shall seem necessary; and the said Trustees may, if they think it necessary, cause the Works to be done in pursuance of such Contracts to be surveyed; and if the same shall appear not to be performed according to such Contract, the Surveyor shall report the same to the Trustees at any of their Meetings to be held in pursuance of this Act, and the said Trustees may cause an Action at Law, or Suit in Equity, to be brought against the Party or Parties refusing or having neglected duly to perform his or their Contract, for Recovery of the Penalty contained in such Contract, or for a specific Performance thereof, as to the said Trustees shall seem most advisable, in the same Manner as in any other Case of Contracts or Agreements between any other Persons whomsoever.

XXII. And be it further enacted, That it shall and may be lawful to and for the said Trustees to compound and agree with any Person or Persons against whom they shall bring or cause to be brought any Action or Actions, Suit or Suits for the Recovery of any Penalty or Penalties contained in any Contract or Contracts; or any Part or Parts thereof, or in anywise relating thereto; for such Sum or Sums of Money as they shall think proper, so as the Sum compounded for and agreed upon be not less than the Amount of the Injury or Damage sustained by the Breach or Non-performance of such Contract or Contracts; and the Costs, Charges, and Expences which shall have been occasioned thereby, and all and every the Sum and Sums which shall be received in consequence of such Composition, shall be applied for or towards all or any or such of the Purposes of this Act, for or towards which the Whole of such Penalty, if recovered, would have been applicable.

Trustees may compound for Penalties incurred under Contract.

XXIII. And be it further enacted, That all the Brick, Stones, Timber, Iron, Lead, and all other Materials bought and procured by Order of the said Trustees, for building and erecting the said Chapel and other Conveniencies thereto; or for inclosing the said Cemetery or Burial Ground, 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 referring 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 Conveniencies, 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 Trustees 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 Trustees of the Parish of *Saint Mary Islington* in the County of *Middlesex*," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Vesting Materials in Trustees.

XXIV. And be it further enacted, That the said Chapel, and every Minister officiating therein, for the Time being, shall be subject in all respects to the ordinary Ecclesiastical Jurisdiction by Law established; and it shall and may be lawful to and for the Lord Bishop of *London* for the Time being, and he is hereby authorized and empowered to consecrate the said Chapel and Burial Ground, to be for ever thereafter a Chapel of Ease and additional Cemetery or Burial Ground to the said Parish Church of *Saint Mary Islington* aforesaid; and Divine Service shall be from Time to Time for ever after performed in the said Chapel, according to the Rites and Ceremonies of the Church of *England* as by Law established.

Chapel subject to Ecclesiastical Jurisdiction.

XXV. And be it further enacted, That after the said Chapel shall have been consecrated in manner aforesaid, it shall and may be lawful to and for the Reverend *George Strahan* Doctor in Divinity, the present Vicar of the said Parish of *Saint Mary Islington*, or the Vicar of the said Parish

Appointment of Minister.

Parish for the Time being, and he is hereby empowered and required to nominate, under his Hand and Seal, to the Lord Bishop of *London* for the Time being, a fit Person (being in Priest's Orders) who shall have taken a Degree in one of the Three Universities of *Oxford*, *Cambridge*, or *Dublin*, to be licensed to the perpetual Curacy of the said Chapel; and upon every Occasion of every future Vacancy the said *George Strahan*, or the Vicar of the said Parish of *Saint Mary Islington* for the Time being, shall in like Manner nominate some fit Person, qualified as aforesaid, to be licensed as aforesaid; and upon Failure of every such Nomination, the Right of Nomination for that Turn shall lapse to the Lord Bishop of *London* for the Time being, and to the Metropolitan, and to the Crown, successively, according to the Course of Law in Cases of Presentative Benefices; and the Right of Nomination to the said Chapel may be sued for and recovered, and the Incumbency thereof shall cease and be determined in like Manner as if the Curacy of the said Chapel was a Presentative Vicarage.

Minister's  
Salary.

XXVI. And be it further enacted, That for the Maintenance and Support of the Minister or Curate of the said Chapel for the Time being, the said Trustees shall, by and out of the Fees to be received and the Rates directed to be made under and by virtue of this Act, yearly and every Year, well and truly pay or cause to be paid to such Minister or Curate for the Time being, his Executors or Administrators, any Sum not less than One hundred and fifty Pounds *per Annum* of lawful Money of *Great Britain*, without any Deductions or Abatements whatsoever, by Four even and equal Quarterly Payments, that is to say, *Midsummer*, *Michaelmas*, *Christmas*, and *Lady Days*, in every Year, the First Payments to be made on such of the said Days as shall first and next happen after his Appointment, with usual Powers of recovering the same in Default of Non-payment thereof.

Disposal of  
charitable  
Collections.

XXVII. And be it further enacted, That all Donations at the Sacrament and all charitable Collections made at the said Chapel, or paid to the said Minister or Curate, shall be forthwith paid to the Vicar of the said Parish for the Time being, to be by him and the Senior Churchwarden for the Time being distributed among the poor and necessitous, and most deserving Objects of Charity in the said Parish, as heretofore.

Minister's  
Duty.

XXVIII. And it is hereby further enacted, That the Curate or Minister of the said intended Chapel for the Time being shall and he is hereby required on every *Sunday* Morning and Afternoon throughout the Year, and on every *Christmas Day* and *Good Friday* in every Year, and on Days to be appointed by Authority for Public Fasts or Thanksgivings, to read in the Morning in the said Chapel the Prayers prescribed in the Book of Common Prayer or Common Liturgy of the Church of *England*, and shall on every *Sunday* throughout the Year, as well in the Morning as in the Afternoon, and also on every *Christmas Day* and *Good Friday*, and on Days to be appointed by Authority for Public Fasts or Thanksgivings, preach a Sermon in the Morning in the said Chapel, and shall on every *Christmas Day*, *Easter Day*, *Whitsunday*, and on not less than one other *Sunday* in every Month, after Morning Service performed, administer the Holy Sacrament in the said Chapel; and in case such Minister shall be prevented or hindered by Sickness, or other reasonable Cause, from performing the Duties above respectively required, or any of them, then and in every such Case he shall

shall find and provide some other qualified Minister to do and perform the same respectively.

XXIX. And be it further enacted, That no Christening or Churching shall at any Time be solemnized within the Chapel aforesaid without the special Leave of the Vicar first obtained; but each of these Offices shall in every Instance be performed, unless such Leave be obtained, as hitherto usual at the Parish Church; nevertheless, for the Convenience of the Parishioners, the Burial Service may and shall from Time to Time be performed by the Vicar, or his Curate as aforesaid, within the said Chapel, over every Corpse that shall or may be brought thither for the Purpose of being interred within the said Chapel or Cemetery adjoining or belonging thereto.

Christenings,  
Churchings,  
and Mar-  
riages, to be  
performed at  
the Church.

XXX. And be it further enacted, That it shall and may be lawful to and for the Reverend *George Strahan*, the present Vicar of the said Parish of *Islington*, or the Vicar of the said Parish for the Time being, and he is hereby empowered to nominate and appoint a fit and proper Person to be the Clerk of the said Chapel; and upon Occasion of every future Vacancy the said *George Strahan*, or the Vicar of the said Parish for the Time being, shall in like Manner nominate and appoint some proper Person to be the Clerk of the said Chapel, in such and the same Manner as the Vicar for the Time being has heretofore appointed a Clerk to the Parish Church; and the said Clerk shall receive for his Salary such Sum or Sums of Money yearly as the said Trustees shall think proper to direct or appoint.

Vicar to  
appoint the  
Clerk to the  
Chapel.

XXXI. And be it further enacted, That the Vicar, Churchwardens, Clerk, and Sexton of the said Parish for the Time being, shall respectively, from Time to Time, have, receive, take, and enjoy the like Burial Fees, Dues, and Profits, from or in respect of the Burials, Monuments, Tombs, or other Stones to be had, erected, or placed within the said intended Chapel, Burial Ground, and Vaults, as are now payable to the said Vicar, Churchwardens, Clerk, and Sexton, for or in respect of the Burials or Monuments, Tombs, and other Stones within the present Church or Burial Ground of the said Parish; or such other Rates, Fees, and Dues with respect to the Burials, and the erecting the Monuments, Tombs, and other Stones within the said intended Chapel, Burial Ground, and Vaults, as may hereafter from Time to Time be ordered, settled, and established by the Vicar, Churchwardens, and the rest of the Trustees, or any Five or more of them, with the Approbation of the Ordinary of the Diocese for the Time being.

Vicar, &c.  
to receive  
like Dues as  
in the Church  
and Church  
Yard.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, to borrow of and from any Person or Persons, any Sum or Sums of Money necessary for the Purposes of this Act, at as low a Rate of Interest as the same can conveniently be procured, not exceeding in the Whole the Sum of Thirty thousand Pounds, which Monies so to be borrowed, and the Interest thereof, are hereby charged upon, and shall be payable from Time to Time out of the Fees and Sums of Money which shall be received by the said Collector or Collectors for the Time being on account of the Burials in the said Burial Ground, but subject nevertheless to such Payments and Outgoings as aforesaid, and out of the Rates and Assessments to be made in pursuance

Trustees  
may borrow  
Money.

or by virtue of this Act, as herein-after mentioned; and for securing the Repayment of the Money so to be borrowed, and the Interest thereof, the said Trustees, or any Five or more of them, shall and may, by Writing under their Hands and Seals, and attested by Two or more credible Witnesses, assign over the same Fees, Sums and Sum of Money, Rates and Assessments, to the Person or Persons advancing and lending such Money; which Assignments shall be in the Form or to the Effect following; that is to say,

Form of  
Assignment.

‘ WE of the Trustees appointed by and in  
 ‘ pursuance of an Act of Parliament made in the Fifty-first Year of  
 ‘ the Reign of King *George* the Third, intituled *An Act* [*here set forth*  
 ‘ *the Title of this Act*], in consideration of the Sum of  
 ‘ advanced and lent by of  
 ‘ to us, upon the Credit and for the Purposes of the said Act, do hereby  
 ‘ assign unto the said Executors, Administrators,  
 ‘ and Assigns, the Fees and Sums of Money payable on account of the  
 ‘ Burials in the Burial Ground or Vaults belonging to the Chapel of Ease,  
 ‘ and also out of the Rates and Assessments made and to be made in pur-  
 ‘ suance or by virtue of the said Act, to hold unto the said  
 ‘ Executors, Administrators, and Assigns, until the said Sum of  
 ‘ together with Interest for the same, after the Rate  
 ‘ of *per Centum per Annum*, to be paid Half-yearly, shall be fully  
 ‘ paid and satisfied. In witness whereof we have hereunto set our Hands  
 ‘ and Seals, the Day of in the Year of our  
 ‘ Lord

And every such Assignment shall be good, valid, and effectual in the Law for the Purposes thereby intended; 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, 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.

For granting  
Annuities.

XXXIII. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and empowered from Time to Time, when they shall judge necessary, by Writing under their Hands and Seals, to grant Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Trustees, or into the Hands of their Treasurer for the Time being; 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 Contributor, or the natural Life of such Person as shall be nominated by or on behalf of such Contributor at the Time of Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Twelve Pounds for One hundred Pounds for a Year, and so that the whole Money to be raised by the granting of Annuities as aforesaid do not exceed the whole Sum intended to be raised for the Purposes of this Act; and the Grant of every such Annuity shall be in the Words or to the Effect following:

WE of the Trustees appointed by Form of Grant of Annuity.  
 or in pursuance of an Act of Parliament made in the Fifty-first  
 Year of the Reign of King George the Third, intituled *An Act* [*here set forth the Title of this Act*], in consideration of the Sum of  
 paid by  
 to the Treasurer appointed in pursuance of the said Act, do  
 hereby grant unto the said Executors, Admini-  
 strators, or Assigns, an Annuity or yearly Sum of  
 of the Fees and Sums of Money payable on account of Burials in the  
 Burial Ground or Vaults in the Chapel of Ease; and also out of the  
 Rates and Assessments made and to be made in pursuance or by virtue  
 of the said Act; which Annuity or yearly Sum of  
 shall be paid to the said Executors, Admi-  
 nistrators, and Assigns, at upon the Four  
 most usual Quarterly Days of Payment in every Year during the natural  
 Life of and the First Payment thereof shall be  
 made upon the next ensuing the Date of these Presents.  
 In witness whereof we have hereunto set our Hands and Seals, the  
 Day of in the Year of our Lord

And every such Grant shall be good, valid, and effectual in the Law, without any Enrolment or Registry of the Memorial thereof in the High Court of Chancery, or elsewhere, except as herein-after excepted, any Law or Statute to the contrary thereof in anywise notwithstanding; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid out of the Fees, Sums of Money, Rates, and Assessments to be made under and by virtue of this Act; and the Purchaser of every such Annuity, his or her Executors, Administrators, and Assigns, shall have, receive, and be entitled to such Annuity out of the said Fees, Rates, or Assessments, during the Term of the natural Life of the Person for whose Life such Annuity shall be granted; and every such Annuity shall be payable and paid by the Treasurer to the said Trustees at or in the said Parish by equal Quarterly Payments, the First Payment thereof respectively to be made at the Expiration of Three Calendar Months next after the Date of such Annuity or Annuities.

XXXIV. And be it further enacted, That it shall and may be lawful for the Persons entitled to any of the Securities of the Money to be borrowed at Interest as aforesaid, or to be raised by the granting of Annuities as aforesaid, and their respective Executors, Administrators, and 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; which Transfer may be made in the Words or to the Effect following:

Securities may be transferred.

I being entitled to the Sum of Form of Transfer.  
 or any Annuity of secured to  
 and his Assigns, or my 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 a certain Act of Parliament made in the Fifty-first  
 Year of His Majesty King George the Third; intituled *An Act* [*here set forth the Title of this Act*], arising out of the Fees, Rates, or Assessments granted

‘ granted 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 owing thereon, unto Executors,  
 ‘ Administrators, and Assigns. Witness my Hand this Day of

And a Copy of every such 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 all Transfers thereof respectively, shall be entered in a Book kept for that Purpose by the Clerk to the said Trustees, to which Book any Person interested shall at all seasonable Times have Access, and shall have free Liberty to inspect the same without Fee or Reward; and for the entering of every such Transfer the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and after such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, or their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred, without any other Registry or Enrolment whatsoever.

Trustees  
 may make an  
 Assessment.

XXXV. And be it further enacted, That in as much as the Fees or Sums of Money to be payable in respect to Burials or Interments of the Dead in the said new Chapel or Burial Ground will be insufficient to answer the Purposes of this Act, it shall and may be lawful for the said Trustees to make an Assessment or Assessments, Rate or Rates, upon all and every the present and future Tenants and Occupiers of any House, Homestall, Shop, Warehouse, Brewhouse, Coachhouse, Stable, Cellar, Vault, or any Buildings, Lands, Tenements, or Hereditaments, now erected or to be hereafter erected within the said Parish, according to the yearly Rent or yearly improved Value of the Premises, and as the same are ascertained and rated in and by the Poor Rate Books of the said Parish for the Time being, and not exceeding the Sum of Two Shillings and Sixpence in the Pound of the yearly Value of such Buildings, Lands, Tenements, and Hereditaments, and which said Rate or Rates, Assessment or Assessments, shall be paid Quarterly; and the same Rates or Assessments, when received, are hereby vested in the said Trustees in Trust, to be applied by them for the Purposes of this Act, and continue so to do for and during such Time as any of the Monies to be borrowed upon the Credit of this Act shall remain, or any of the Annuities to be granted in pursuance or by virtue of this Act shall have Continuance, and no longer.

Landlords  
 to be rated  
 for Lodging  
 Houses.

XXXVI. And be it further enacted, That all and every Person and Persons, being Landlord or Tenant, who shall let his, her, or their House in separate Apartments, or ready furnished to a Lodger or Lodgers, shall, for the several Purposes of this Act, be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly, and shall be liable and subject to the Payment of the several Sums so rated and assessed; but such Person so renting or occupying any such furnished House or Lodging as aforesaid, shall not be liable and compellable to the Payment of the said Rates or Assessments beyond the Rent actually due in respect of the said Premises; and that such respective Occupier or Occupiers, who shall pay any such Rate or Assessment, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same out of the next  
 Rent



Rent due and payable from him, her, or them to such Landlord or Tenant, and the Receipt for such Payment shall be a sufficient Discharge for such Occupier or Occupiers, to his, her, or their Landlord or Tenant, for so much Money as he, she, or they shall pay, or as shall be levied on him, her, or them in pursuance of this Act: Provided always, that no such Landlord shall be chargeable with or liable to pay for any increased Rent reserved or made payable for or on account of his paying the said Rate or Assessment.

XXXVII. And be it enacted, That when any Person or Persons shall come into and occupy any House or Houses, Homestall or Homestalls, Shop or Shops, Warehouse or Warehouses, Vault or Vaults, Coach-house or Coach-houses, Cellar or Cellars, Stable or Stables, Building or Buildings, or Garden or Gardens, which, or out of or from which any other Person or Persons assessed for the same shall cease to occupy, or shall remove, or which at the Time of making such Rates or Assessments was or were unoccupied or empty, that then and in every such Case, the Person or Persons so ceasing to occupy, or removing from, and every Person and Persons succeeding in the Occupation of, or removing into the same, shall be liable to pay the said Rates or Assessments in Proportion to the Time that such Person or Persons occupied the same respectively, in the same Manner, and under the like Penalties, as if such Person or Persons so removing had not removed, or such succeeding Occupier or Occupiers had been originally rated and assessed in such Rates and Assessments, which Proportion, in case of any Dispute, shall be ascertained by the said Trustees; provided that nothing in this Act shall extend to tax, rate, or assess any Person for any of the Purposes of this Act, or subject any Person to pay any of the Rates and Assessments to be made by virtue of this Act, for any House, Homestall, Shop, Warehouse, Vault, Coach-house, Cellar, Stable, Building, or Garden, during the Time the same shall be unoccupied or empty; any thing herein contained to the contrary notwithstanding.

Payment of Rates for Periods of Occupation.

XXXVIII. And be it further enacted, That this Act, or any thing herein contained, shall not alter, affect, or make void any Covenant or Agreement between Landlord and Tenant, relating to or concerning the Payment of any Rates or Assessments within the said Parish.

Not to make void Contracts.

XXXIX. And be it enacted, That the said Trustees may, if they think proper, compound or agree to accept less than the full Amount of the Rates or Assessments imposed on any Dwelling House or Houses within the said Parish, the annual Value whereof in their Judgment shall not exceed Ten Pounds, so as not less than Two Third Parts of the full Amount of any such Rate be taken.

Trustees may compound for Rates.

XL. And be it further enacted, That in case any Person or Persons charged with any such Rate or Assessment shall refuse or neglect, for the Space of Fourteen Days after Demand made by the Collector or Collectors for the Time being, to pay the Money rated or assessed upon him, her, or them respectively, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County, and he and they is and are hereby authorized and required to summon, by Writing under his or their Hand and Seal, or Hands and Seals, all and every Person and Persons so charged, and who shall have so refused as aforesaid (an Oath being made

Recovery of Rates.

before such Justice or Justices by the Collector or Collectors for the Time being, of his or their having attended upon, or at the Place or Places of Abode of such Person or Persons then intended to be summoned, and having demanded the Rate or Rates of such Person or Persons having so refused or neglected to pay the same), to appear before such Justice or Justices at a Time and Place to be mentioned in such Summons, (Service by such Collector or Collectors, or any of the Constables or Beadles of the said Parish, of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their usual or last known Place of Abode, to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons or Summonses, or if he, she, or they do or shall attend, and shall not make it appear to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Rates, according to this Act, then all and every the Persons and Person who shall have been so summoned, shall pay as well such Rate as the reasonable Costs and Charges of such Summons; and in all Cases where the said Rate or Assessment, Costs and Charges, shall not be paid upon the Return of such Summons, it shall be lawful to and for such Justice or Justices who shall have issued the same, and he and they is and are hereby authorized and required (on Oath being made before him or them of the due Service of such Summons or Summonses as aforesaid) to grant a Warrant or Warrants, under his or their Hand and Seal, or Hands and Seals, authorizing and directing such Collector or Collectors, or any Constable or Constables, Beadle or Beadles of the said Parish, to levy such Rate or Assessment, Rates or Assessments respectively, and all Arrears thereof, and the Expence of the Summons and of the Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either in the said Parish or elsewhere; and if within Five Days next after any such Distress shall be so made, the said Rate or Rates, Assessment or Assessments, and Arrears, and the Costs and Charges of the said Summons and Warrant, and of such Distress, and of keeping such Goods and Chattels, shall not be paid and satisfied, it shall be lawful for such Collector or Collectors, Constable or Constables, Beadle or Beadles, to cause the said Goods and Chattels, or so much thereof as shall be sufficient, to be appraised by One or more Appraiser or Appraisers, and sold to pay the said Rate or Rates, Assessment or Assessments, together with such Arrears, Costs, Charges, and Expences as aforesaid, and the reasonable Charge of such Appraiser or Appraisers for his or their Trouble, returning the Overplus of the Money arising by such Sale (if any) to the Owner or Owners of the Goods and Chattels respectively, on Demand thereof made by him, her, or them.

Recoveries of Rates from Persons removing.

XLI. And be it further enacted, That in case any Person or Persons who may have been rated or assessed by virtue of this Act, shall quit his, her, or their House or Houses, Homestall or Homestalls, Shop or Shops, Warehouse or Warehouses, Coach-house or Coach-houses, Stable or Stables, Vault or Vaults, Cellar or Cellars, Building or Buildings, Garden or Gardens, whereon such Rate or Assessment, Rates or Assessments, shall have been made, before he, she, or they shall have paid the same, and shall afterwards refuse or neglect to pay the same, when demanded of such Person or Persons, or at his, her, or their then Place of Abode, by the said Collector or Collectors, then and in every such Case it shall be lawful

for any One or more of His Majesty's Justices of the Peace for the said County; and he and they is and are hereby required to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals (on Oath being made before him or them by the said Collector or Collectors, of the Person or Persons having been so rated, and of his, her, or their having quitted the Premises aforesaid, and of the said Rate or Assessment having been demanded of or from or at the then Place of Abode of such Person or Persons) authorizing and directing any Constable or Constables, Beadle or Beadles of the said Parish, or of the Parish or Place where such Person or Persons shall then reside, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting, and to sell the same, and such Warrant being countersigned by some Magistrate of the County, City, or Liberty where the Person or Persons shall then reside (if he, she, or they shall have quitted the said Parish, and shall then reside in any other County, City, or Liberty), which Warrant such Magistrate is hereby required to countersign, it shall be lawful for such Constable or Constables, Beadle or Beadles, to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises without having paid his, her, or their Rate or Assessment as aforesaid, rendering the Overplus (if any) after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Summons, Warrant, Distress, and Sale, to the Owner or Owners of such Goods and Chattels respectively: Provided always, that the said Trustees may, if they think proper, sue in any of His Majesty's Courts of Record at *Westminster*, for all or any of the Rates or Assessments to be made under this Act, and for all or any of the Monies which may become payable under or by virtue thereof, in which Action or Suit no Essoign, Privilege, Protection, or Wager of Law, nor more than One Impar lance shall be allowed.

XLII. Provided also, and be it further enacted, That if any Person or Persons who shall think himself, herself, or themselves aggrieved or over-rated by any Rate or Assessment made under this Act, and shall appeal to the Justices of the Peace at the Quarter Sessions to be holden for the said County of *Middlesex*, the said Justices upon hearing such Appeal, where they shall see just Cause of Relief, shall and are hereby empowered to amend such Rate or Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or Assessment, any Law, Statute, or Usage to the contrary thereof notwithstanding.

Justices of  
Peace may  
alter Rates.

XLIII. And be it further enacted, That out of the first Money which shall be received by virtue of or under this Act, or out of the first Money which shall be borrowed or raised upon the Credit thereof, the said Trustees shall pay and defray the Charges and Expences incident and attending the obtaining and passing this Act, and after Payment thereof all the Money which shall arise or come into the Hands of the said Trustees, or their Treasurer, by virtue of this Act, shall be applied for the Purpose of, and in defraying the Costs, Charges, and Expences attending the Execution of this Act, and to or for no other Use or Purpose whatsoever.

Expence of  
Act.

XLIV. And

Proceedings  
to be entered.

XLIV. 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 Rates and Assessments and of all their other 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 Clerk to the said Trustees, 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 the said Trustees, and of all Persons interested therein; and that any of the said Trustees and Persons interested shall and may have and take Copies thereof, paying for every Copy, not exceeding Seventy-two Words, the Sum of Sixpence, and so in Proportion for any greater or less Number of Words.

Vicar's Dues  
to remain as  
at present.

XLV. And be it further enacted, That nothing in this Act contained shall prejudice, impeach or defeat, or be construed to prejudice, impeach, or defeat, the Right, Title, Interest, Claim, or Demand of the Vicar for the Time being of the said Parish, of, in, or to any Offerings, Oblations, Obventions, or other Ecclesiastical Rights, Dues, Benefits, or Advantages arising within the said Parish, and belonging to the said Vicar for the Time being; but the same shall continue in such and the same Manner as they were respectively before the passing of this Act, or would or ought to have been in case this Act had not been made.

Distress not  
unlawful for  
want of Form.

XLVI. And be it further enacted, That when any Distress shall be made for any Money 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 Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the Special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action or Actions for such Irregularity, Trespass, or other Proceeding if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed any such Irregularity, or Trespass, or other wrongful Proceeding before such Action brought; and in case no such Tender shall be made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall think fit, whereupon such Proceeding, 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.

Proceedings  
not to be re-  
moved by  
Certiorari.

XLVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing done or transacted in or relating to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removeable by Certiorari, or any other Writ  
or

or Process whatsoever into any of His Majesty's Courts of Record at Westminster.

XLVIII. And be it further enacted, That if any Person or Persons shall Appeal. find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Trustees, or by Means of the said Rate or Rates, Assessment or Assessments, or any Order or Conviction of one or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to the next General Quarter Sessions of the Peace, to be held in and for the said County of *Middlesex* before the Justices then and there assembled; and they are hereby authorized to summon and examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal, and make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; but so as such Appeal shall be made within Three Calendar Months next after the Cause of Complaint shall have arisen, and so as the Person or Persons appealing shall first give or cause to be given Ten Days Notice at the least in Writing of his, her, or their Intention of Appeal as aforesaid, and of the Matter or Cause thereof, to the Churchwardens for the Time being of the said Parish, or to One of them, and shall, within Three Days next after such Notice, enter into a Recognizance before One of the Justices of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order and Sessions, and pay such Costs as shall be made and awarded thereon; and such Justices, upon hearing and finally determining the Matter of such Appeal, are hereby authorized to award such Costs to the Party or Parties appealing or appealed against, as they shall think proper.

XLIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done in pursuance or under Colour of this Act until Twenty-one Days Notice shall be given thereof in Writing to the said Churchwardens, or one of them, nor after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be brought, or the Cause of such Action or Suit hath arisen; and every such Action shall be brought, laid, and tried in the said County of *Middlesex*, and not in any other County or Place; and the Defendant or Defendants in such Actions and Suits may plead the General Issue, and give this Act, and every or any special Matter in Evidence, at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid; or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer Discontinuance of such Action or Actions, or if upon any Demurrer or Demurrers in such Action or Actions Judgment shall be given for the Defendant or Defendants therein, then and

[Loc. & Per.]

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in

in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same as any Defendant or Defendants may have for his, her, and their Costs in any other Cases by Law.

Public Act.

L. 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.

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