



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 151.

An Act to enable the Vestrymen of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, to build a new Parish Church, and Two or more Chapels; and for other Purposes relating thereto.

[10th June 1811.]

**W**HEREAS the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, is a large Parish, and the Inhabitants thereof very numerous, and the Parish Church and Chapels therein are totally insufficient for their Accommodation; and it would be of great Benefit and Utility to the Inhabitants of the said Parish if a new Church, and Two or more Chapels, were erected and built on some convenient Parts therein, for celebrating Divine Service according to the Rites and Ceremonies of the Church of *England*: And whereas by an Act passed in the Tenth Year of the Reign of His present Majesty, intituled *An Act for building a new Parish Church, and declaring the present Parish Church a Chapel, for making a Cemetery or Church Yard, and for building an House for the Use of the Minister of the Parish of Saint Mary-le-Bone, in the County of Middlesex*: And whereas by one other Act passed in the Twelfth Year of the Reign of His present Majesty, intituled *An Act for amending and rendering more effectual an Act made in the Tenth Year of His present Majesty's Reign, intituled 'An Act for building a new Parish Church, and declaring the present Parish Church a Chapel, for making a Cemetery or*

10G.3.c.112.

12G.3.c.40.

[Loc. & Per.]

37 P

' Church



46G.3.c.124.

*Church Yard, and for building an House for the Use of the Minister of the Parish of Saint Mary-le-Bone, in the County of Middlesex:* And whereas by one other Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act to enable the Vestrymen of the Parish of Saint Mary-le-Bone, in the County of Middlesex, to provide an additional Cemetery or Burial Ground for the said Parish, and to erect a Chapel therein, and also other Buildings and Conveniences for the Residence of a Clergyman, Clerk, and Sexton, and for other Purposes relating thereto;* certain Powers were given and granted to the Vestrymen of the said Parish for the several Purposes in the said recited Acts mentioned and contained: And whereas the Vestrymen of the said Parish have, in Execution of the said last recited Act, purchased a Piece or Parcel of Ground, and inclosed the same with a Wall or Fence, to be appropriated for an additional Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein; but such Piece or Parcel of Ground hath not yet been consecrated, neither has any Church or Chapel been erected or built, or any Residence provided for a Clergyman, Clerk, or Sexton, pursuant to the Powers and Provisions in that Behalf contained in the said recited Acts or any of them: And whereas if the said recited Acts were repealed, and the several Clauses and Provisions therein contained were consolidated and reduced into one Act, it would tend greatly to facilitate the Execution thereof: And whereas, from the great Extent and increasing Population of the said Parish, several Amendments and Alterations have been found wanting in the Provisions of the said Acts, and further Powers are still necessary: 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 from and immediately after the passing of this Act, the said recited Acts, and all and every the Powers, Provisoos, Clauses, Articles, Matters, and Things therein respectively contained, shall be and the same are hereby repealed and made void to all Intents and Purposes whatsoever.

Repeal of former Acts.

Vestrymen under 35 G. 3. empowered to carry this Act into Execution.

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

Vestryman not to hold a Place of Profit;

may act as Justices.

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



County of *Middlesex*, to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Vestrymen.

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

First and subsequent Meetings.

V. Provided always, and be it enacted, That it shall and may be lawful to and for the said Vestrymen or any Seven or more of them to adjourn for a longer or shorter Space of Time than the Weekly Meeting immediately subsequent to the last Meeting, or to any other Place or Places than the Vestry Room at the Court House in the said Parish; but then and in every such Case Notice of such Adjournment, in Writing or printed (to which Notice the Name of the Clerk to the said Vestrymen shall be affixed), shall be given to or left for each Vestryman, at his last or usual Place of Abode, Two Days at least before such Meeting; and all Proceedings of such Vestrymen at such Adjourned Meeting shall be as good and valid as they would have been in case such Vestrymen had met in pursuance of any Weekly Meeting.

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

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

Further Adjournment of Meetings.

Vestrymen to pay their own Expences.

VII. And be it further enacted, That, if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the said Vestrymen should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Vestrymen (an Order in Writing being signed by Seven or more of the said Vestrymen, mentioning the Time, Place, and Purposes of such earlier Meeting being given to him, or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Vestrymen, such Time not being less than Two Days after such Notice; and all Proceedings of such Vestrymen at such earlier Meeting shall be as good and valid as they would have been in case such Vestrymen had met in pursuance of any Adjournment.

Meetings on Emergencies.

VIII. And be it further enacted, That no Act of such Vestrymen shall be or be deemed to be good or valid unless the same be done at some Meeting of the said Vestrymen to be holden in pursuance of this Act; and that all the Powers and Authorities by this Act granted to or vested in

No Act valid unless at a Meeting.



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

in such Vestrymen shall and may from Time to Time be exercised by the major Part of them who shall attend at any Meeting to be holden as is herein directed, the Number of such Vestrymen present at such Meetings not being less than Seven; and all the Orders and Directions of the major Part of such Vestrymen present at such Meetings shall have the same Force and Effect as if the same were made or done by all such Vestrymen for the Time being; and at every such Meeting of the said Vestrymen a Chairman shall and may be appointed, and when and as often as it shall so happen that there shall be an equal Number of Votes upon any one Question (including the Vote of the said Chairman), then and in such Case it shall and may be lawful to and for the said Chairman to give the casting or decisive Vote.

Chairman to  
administer an  
Oath.

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

Proceedings  
not valid un-  
til confirmed  
at a subse-  
quent Meet-  
ing.

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

Entries of  
Proceedings  
good Evi-  
dence.

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

Actions to be  
in the Name  
of the Clerk.

XII. And be it further enacted, That the said Vestrymen shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Vestrymen or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Vestrymen, but the Clerk to the said Vestrymen for the Time being shall always be deemed Plaintiff or Defendant in such Action (as the Case may be): Provided always, that every such Clerk in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act,



Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges, as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

XIII. And be it further enacted, That the said Vestrymen may and they are hereby empowered by Writing under their Hands to appoint during Pleasure a Treasurer or Treasurers, Architect or Architects, Surveyor or Surveyors, Clerk or Clerks, Collector or Collectors, and also such other Officers and Persons for the Execution of this Act as the said Vestrymen shall think proper, and from Time to Time to remove such Officers and Persons respectively as the said Vestrymen shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons, as the said Vestrymen shall think reasonable; and the said Vestrymen shall and they are hereby required to take sufficient Security from every such Treasurer and other Officer, for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall under their Hands, at such Time or Times and in such Manner as the said Vestrymen shall direct, deliver to the said Vestrymen, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Vestrymen, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, when thereunto required by the said Vestrymen, lay his Account before the said Vestrymen, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers so accounting as aforesaid shall upon Oath (which Oath any One of the said Vestrymen is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render, or to verify upon Oath, any such Account, or produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Vestrymen, or to such Person or Persons as they shall appoint to receive the same, within Seven Days after being thereunto required by the said Vestrymen, by Notice in Writing, given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or give Satisfaction to the said Vestrymen respecting the same, then and in every such Case, upon Complaint made by the said Vestrymen, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, 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, without some reasonable or sufficient Excuse, 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

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

Vestrymen to take Security from the Treasurer.

Officers to account.



credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected and raised by virtue of this Act shall remain due from such Officer, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Vestrymen for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Vestrymen are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Vestrymen; but no such Offender shall be detained or kept in such Common Gaol or House of Correction for want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Twelve Calendar Months.

Vestrymen  
may contract  
for the Purchase of  
Lands and  
Buildings.

XIV. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby empowered and required, as soon as conveniently may be after the passing of this Act, to contract and agree for the absolute Purchase of any Lands, Tenements, or Hereditaments within the said Parish (not exceeding Ten Acres in the Whole) with any Body Politic, Corporate, or Collegiate, or any Tenant or Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seized, possessed of, or interested in their own Right, or with any Person or Persons whomsoever who shall be willing to sell the same, for the Purpose of building and erecting a new Parish Church and Steeple, Tower or Dome, and also Two or more Chapels, with other Buildings and Conveniences thereto, and of laying out any Land (as may be thought proper by the said Vestrymen) as may be contiguous to the said Church and Chapels, or any of them, and of making any Roads or Approaches to the said Church and Chapels, or to any of the Cemeteries or Burial Grounds within the said Parish; and also for providing Buildings and other Conveniences for the Residence of a Clergyman, Clerk, and Sexton, in the said intended Cemetery or Burial Ground, as herein-after mentioned; and it shall and may be lawful



to and for the said Vestrymen to hold such Lands, Tenements, and Hereditaments so purchased, without incurring or being subject to any of the Penalties or Forfeitures of the Statutes of Mortmain, or of any other Law or Statute whatsoever to the contrary thereof in anywise notwithstanding: Provided always, that no Sum shall be given for any one Scite for the said Church or Chapels exceeding the Sum of Six thousand Pounds.

XV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms of Years, absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, who are or shall be seised, possessed of, or interested in their own Right, and all and every Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be thought necessary by the said Vestrymen to be purchased for the Purpose of building and erecting the said Church, Chapels, Buildings, and other Conveniences, and for other the Purposes of this Act, and to treat, contract, and agree with the said Vestrymen for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of, in, and to the same, to the said Vestrymen, for the Purposes of this Act; and all Contracts, Agreements, Bargains, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act, shall, without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person and Persons conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons whomsoever claiming or to claim by, from, or under them, and of all Persons entitled in Remainder or Reversion expectant on any such particular Estate; and the same shall be deemed and considered to bar the Dower and Dowens of such Person and Persons, and all Estates Tail, and other Estates in Possession, Reversion, Remainder, or Expectancy; any Law, Statute, or Usage, or any other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Tenants for Life, or in Fee Tail General or Special, or for any Term or Terms of Years absolute or determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act.

Bodies Politic, &c. empowered to sell.

XVI. And be it further enacted, That if any Money shall be paid or agreed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on Behalf of any Infant, Lunatic,

Application of Compensation Money if amounting to 200l.



Lunatic, Idiot, Feme Covert, or other Cestuique Trusts, or any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 Vestrymen for executing 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 Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid affecting the same 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, and Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or 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 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 Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

Application  
of Compensation  
Money,  
when less than  
200l. and not  
less than 20l.

XVII. Provided always, and be it enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, to 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 to 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



Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the said Vestrymen (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XVIII. Provided also, and be it further enacted, That where such Money so agreed 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, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Vestrymen 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.

Application of Compensation if less than 20l.

XIX. 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 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 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 shown 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto according to such Possession only.

XX. 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 Court shall deem reasonable, to be paid by the said Vestrymen out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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



On Payment  
of Purchase  
Money,  
Premises  
vested in the  
said Vestry-  
men.

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

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

Form of Con-  
veyance.

‘ I of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_  
‘ to me paid by the Vestrymen of the Parish of *Saint Mary-  
‘ le-bone*, in the County of *Middlesex*, acting by virtue of an Act passed 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  
‘ Vestrymen and their Successors all [*here describe the Premises to be con-  
‘ veyed,*] and all my Right, Title, and Interest in and to the same and every  
‘ Part thereof, to hold to the said Vestrymen and their Successors for ever.  
‘ In Witness whereof I have hereunto set my Hand and Seal this  
‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And every such Sale, Conveyance, and Assurance so made shall be good, valid, and effectual to all Intents and Purposes whatsoever as to and against the Person or Persons making the same, and his, her, or their *Cestuique* Trusts; and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and construed to bar the Dower and Dowry 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 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, (any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding).

Vestrymen  
empowered  
to sell  
Land.

XXIII. And whereas the said Vestrymen under the Provisions of this Act may purchase Lands, Tenements, or Hereditaments which may be found not necessary for the Purposes thereof; be it therefore enacted, That it shall and may be lawful to and for the said Vestrymen, or any Seven or more of them acting in the Execution of this Act, to sell and dispose of, and by Indenture or Indentures under their Hands and Seals to grant and convey, by way of absolute Sale in Fee Simple, for a Consideration in Money, all or any Part or Parts of the Lands, Tenements, and Hereditaments as may have been so purchased, as shall in the Judgment of the said Vestrymen 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 by or from the Sale or Sales of such



such Lands, Tenements, and 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 Vestrymen, 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, and 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 afterwards be answerable or accountable for any Losses, Misapplication, or Nonapplication of such Purchase Money, or any Part thereof.

XXIV. And be it further enacted, That in all Grants and Conveyances to be made by the said Vestrymen, or any Seven or more of them, under or by virtue and in pursuance of this Act, the Words "Grant, Bargain, and Sell," shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to the Grantee or Purchaser, his, her, and their Heirs, Executors, Administrators, and Assigns, from the Vestrymen of the said Parish for themselves and their Successors, that they the said Vestrymen, notwithstanding any Act done by them, were at the Time of the Execution of such Grant or Conveyance seised of the Lands, Tenements, and Hereditaments thereby granted, bargained, and sold, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Vestrymen, their Successors and Assigns, and all claiming under them.

Declaring the Words, "Grant, Bargain, or Sell," to operate as Covenants for the Title.

XXV. 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 Vestrymen for carrying the several Purposes of this Act into Execution.

Monies received for Sale of Lands, &c. to be applied for the Purposes of this Act.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen from Time to Time and at all Times hereafter to enter into any Contract for making, building, erecting, and keeping in Repair the said Church, Chapels, Buildings, and other Conveniences, and the Fence or Fences, Wall or Walls, Drains or Sewers of the said Piece or Parcel of Ground so purchased by the said Vestrymen, and intended for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, or for furnishing Materials, or any other Matters or Things whatsoever necessary for carrying the several Purposes of this Act into Execution; but, before any such Contract or Contracts shall be entered into, Fourteen Days Notice at the least shall be given in some of the Public Newspapers circulated in the said County of *Middlesex*, expressing the Intention of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Vestrymen at a certain Time and Place mentioned in such Notice.

Vestrymen empowered to enter into Contract for building Church, &c.

XXVII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen from Time to Time and at all Times hereafter to compound and agree with any Person or Persons, on account of any Breach or Non-performance of any such Contract or Contracts, for such Sum or Sums of Money as they shall think proper.

Vestrymen may compound with Persons for Breach of Contracts, &c.

XXVIII. And



Contracts to  
be signed by  
Vestrymen.

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

Burial  
Ground vested  
in the  
Vestrymen.

XXIX. And be it further enacted, That the said Piece or Parcel of Ground so purchased by the said Vestrymen in pursuance of the said recited Act of the Forty-sixth Year of the Reign of His present Majesty, for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, shall be and the same is hereby vested in the said Vestrymen, subject to the Regulations and Provisions in this Act contained, and for the several Purposes thereof, in such and the like Manner as if the same had been purchased in pursuance of the Power and Provisions of this Act.

Materials,  
&c. of  
Church, &c.  
vested in  
Vestrymen.

XXX. And be it further enacted, That all the Stones, Bricks, Timber, Iron, Lead, and other Materials bought or procured, or to be bought or procured by Order of the said Vestrymen, for building and erecting the said Church, Chapels, Buildings, and other Conveniences, and the Wall or Walls, Fence or Fences of such intended Cemetery or Burial Ground, or of any other Buildings or Works to be erected and built by virtue of this Act, shall belong to and be the Property of, and the same is and are hereby vested in the said Vestrymen; and it shall be lawful for the said Vestrymen to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may be), against any Person or Persons who shall steal, take, or carry away, or spoil, injure, or destroy the said Church, Chapels, Buildings, or other Conveniences, or the Wall or Walls, Fence or Fences of such intended Cemetery or Burial Ground, or of any Building or other Works to be erected, made, and built by virtue of this Act, or any Part or Parts thereof, or the Stones, Timber, Iron, and other Materials thereof, hereby respectively vested in them the said Vestrymen as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the said Wall, Fence, Building, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, Bill or Bills of Indictment preferred, is or are the Property of "The Vestrymen of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*," without particularly stating or specifying the Name or Names of all or any of the said Vestrymen.

Vestrymen  
empowered  
to build a  
Church and  
Chapels, etc.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, to cause a Chapel to be built on the Piece or Parcel of Land or Ground so purchased by them for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, and also to cause a Church and Steeple, Tower or Dome, and also Two or more Chapels, to be built on the Lands or Grounds to be purchased or taken by virtue of this Act, or any other Lands or Grounds which may be given



or granted for that Purpose, or on some Part or Parts thereof, of such Sizes and Dimensions, and after such Specifications, Elevations, and Models, and with such Lodges and other Buildings and Conveniences thereto, and in such Manner as the said Vestrymen, shall deem right and proper; and also to erect and set up in the said Church and Chapels, or any of them, such Pews, Seats, Sitings, Benches, Forms, Galleries, Organs, Bells, Ornaments, and other Conveniences, and also to cause such Vaults to be erected and built under the said Church and Chapels, or any of them, and under the said Piece or Parcel of Land so purchased by the said Vestrymen for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, as the said Vestrymen shall deem right and proper; and also to make Roads, and lay out and plant any of the Lands or Grounds that shall or may be made use of for the Purposes of this Act, which may lie contiguous to the said Church and Chapels, or any of them, as they the said Vestrymen shall deem right and proper, and also to build an House for the Residence of the Minister to be appointed, as hereinafter mentioned, for the burying the Dead in the said intended Cemetery or Burial Ground, and also an House for the Residence of the Clerk and Sexton of the Chapel to be erected therein, of such Dimensions and Materials, and in such Manner and with such Conveniences, as they the said Vestrymen shall deem right and proper, so that the Charges and Expences of purchasing such Land and Hereditaments to be taken by virtue of this Act, and of erecting, building, and completing the said Church, Chapels, Buildings, Vaults, and other Works and Conveniences as aforesaid, do not exceed in the whole the Sum of One hundred and fifty thousand Pounds.

XXXII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby directed and required from Time to Time, with the Consent of the Minister and Churchwardens of the Parish for the Time being, to make or cause to be made a Duplicate of the Registers of the said Parish of *Saint Mary-le-bone*; to be authenticated by the Minister and Churchwardens for the Time being of the same Parish, with such Consent as aforesaid, and to be deposited and kept in the Strong Room with the Accounts and Papers belonging to the said Parish, at the Court House thereof.

Duplicate of Registers to be made by Vestrymen.

XXXIII. And be it further enacted, That from and after the passing of this Act, as soon as the said Piece or Parcel of Ground so purchased by the said Vestrymen for a Cemetery or Burial Ground for the said Parish as aforesaid shall have been consecrated for a Burial Ground according to the Rites and Usage of the Church of *England*, the same shall and may for ever thereafter be used as an additional Cemetery or Burial Ground for the said Parish of *Saint Mary-le-bone*; and that when the said Chapels or any of them shall have been built and completed, and the same shall have been consecrated according to the Rites and Usage of the Church of *England*, the same shall for ever thereafter be used as Chapels of Ease for the said Parish of *Saint Mary-le-bone*.

Burial Ground, Church, and Chapels, to be consecrated.

XXXIV. And be it further enacted, That such new Church, when the same shall be built, completed, and consecrated, shall from thenceforth for ever be called and known by the Name of, and to all Intents and Purposes be, the Parish Church of the said Parish of *Saint Mary-le-bone*;

The Church to be called the Parish Church of Saint Mary-le-Bone.

[Loc. & Per.]



and that Divine Service, the Solemnization of Matrimony, Burial of the Dead, and all other Matters and Things whatsoever, which were or of right have been used to be celebrated, solemnized, administered, had, done, or performed by the Minister of the said Parish in the old Church, shall and may be celebrated, solemnized, administered, had, done, and performed in such and the like Manner by the said Minister of the said Parish, and his Successors Ministers of the said Parish for the Time being, in the said new Church and Vaults to be built under the same (any Law, Statute, Custom, or Usage to the contrary notwithstanding.)

The Duke of Portland to appoint the Ministers of the new Church.

XXXV. And be it further enacted, That the Reverend *Luke Heslop*, Doctor of Divinity, the present Minister of the said Parish of *Saint Mary-le-Bone*, and his Successors, shall and they are hereby respectively declared to be Ministers of the said new Church, and that the most Noble *William Henry Cavendish Scott*, Duke of *Portland*, or the Person or Persons for the Time being entitled to the Rectory of the said Parish, and to the Advowson of the Church of the said Parish, and having the Right of nominating and appointing a Minister or Ministers to the said old Church, shall from and after the completing and Consecration of the said new Church have such and the like Estate and Estates, Right, Title and Titles, of and in the said new Church, as he, she, or they respectively now have or might or should have had to the Nomination and Appointment of a Minister or Ministers to the said old Church, and according to his, her, or their Rights and Estates respectively, from thenceforth for ever; and from and after the Death or Avoidance of the present Minister shall and may nominate and appoint upon every Vacancy a fit Person to be Minister of the said new Church, which Person and Persons, and his and their Successors so to be nominated and appointed, shall, after such Nomination and Appointment, be Ministers successively of such new Church, and shall have and enjoy such Oblations, Mortuaries, *Easter Offerings*, Glebes, Tithes, Profits, Commodities, and other Ecclesiastical Dues and Duties arising within the said Parish, as the present Minister ought to have and enjoy, or that any of his Predecessors (Ministers of the said Parish) ought to have had and enjoyed.

The Duke of Portland to appoint Clerk and Sexton to the new Church.

XXXVI. Provided always, and it is hereby further enacted, That the Right of Nomination and Appointment of a Clerk, and also a Sexton, to the said intended new Church, shall from and immediately after the completing and Consecration thereof be and be considered to be for ever thereafter vested in the said Duke of *Portland*, or the Person or Persons for the Time being so entitled as aforesaid, any Law, Custom, or Usage to the contrary notwithstanding.

Fees to the Clerk and Sexton.

XXXVII. And be it further enacted, That the said Clerk and Sexton so to be nominated and appointed shall have such and the like Dues, Fees, Perquisites, and Profits paid and allowed, as now are or have at any Time been lawfully paid or payable or belonging to the present Clerk and Sexton of the present Church, which said Clerk and Sexton shall continue in their respective Places during the Pleasure of the said Duke of *Portland*, or the Person or Persons for the Time being so entitled as aforesaid, except, for some Offence proved to be committed by them or either of them, they shall be displaced by the said Vestrymen, by and with the Consent of the said Duke of *Portland*, or the Person or Persons for the Time being so entitled



titled as aforesaid, who shall in such Case nominate and appoint another Person or Persons properly qualified in the Room or Stead of the Person or Persons so displaced.

XXXVIII. And be it further enacted, That it shall and may be lawful to and for the said Duke of *Portland*, or the Person or Persons for the Time being so entitled as aforesaid, from and after the completing and Consecration of the said intended Church, to appoint from Time to Time, during his, her, or their Pleasure, One Half of the Number of Persons necessary to be employed to open the Pews in the said intended Church, in such and the same Manner as he, she, or they hath or have heretofore usually appointed Persons to open Pews in the said old Church; and that the Minister and Churchwardens of the said Parish for the Time being shall and may appoint the other Half of the Persons so to be employed as aforesaid.

The Duke of Portland may appoint One Half of the Number of Persons to open the Pews in the new Church.

XXXIX. And be it further enacted, That from and after the said intended Church shall be completed and consecrated, the said old Church shall from thenceforth and for ever thereafter be called and known by the Name of, and to all Intents and Purposes be, the Parish Chapel of the said Parish of *Saint Mary-le-Bone*, and that Divine Service, and such other Duties shall be had and performed therein, as the Minister of the said Parish for the Time being shall think fit to direct and appoint, except only the Solemnization of Matrimony and Publication of Banns.

Old Church to be called the Parish Chapel.

XL. And be it further enacted, That the Minister of the said Parish for the Time being shall and may, by and with the Consent of the said Duke of *Portland*, or of the Person or Persons for the Time being so entitled as aforesaid, and of the Vestrymen of the said Parish for the Time being in Vestry duly assembled, nominate and appoint One or Two Assistant Minister or Ministers, in Priests Orders, of the Church of *England*, and of approved Character, and producing the customary Testimonials, and who shall reside in the said Parish, to assist the Minister of the said Parish in the said present Church, by this Act directed to be called the Parish Chapel; and the said Minister of the said Parish for the Time being may, by and with such Consent as aforesaid, remove such Assistant Minister or Ministers; or if such Assistant Minister or Ministers shall die or remove out of the said Parish, then and in either of the said Cases the said Minister of the said Parish for the Time being shall and may, by and with such Consent as aforesaid first had and obtained, from Time to Time appoint One other able Minister in Priests Orders to officiate in the said Parish Chapel in the Room or Stead of the Minister so displaced, or that shall die or remove out of the said Parish.

Ministers to appoint One or Two Assistant Ministers.

XLI. And be it further enacted, That when the said Piece or Parcel of Ground so purchased by the said Vestrymen for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein, shall be consecrated as aforesaid, the said Duke of *Portland*, or the Person or Persons for the Time being so entitled as aforesaid, shall from Time to Time nominate and appoint a Minister of the Church of *England* to officiate for Life, or during Pleasure, in burying the Dead in the said intended Cemetery or Burial Ground, and Vaults underneath the same; and that when the said Chapel to be erected and built on the said Piece or Parcel of Ground so

A Minister appointed for burying the Dead by the Duke of Portland, in the intended Cemetery;

and also for performing Divine Ser-

purchased



vice in the Chapel to be built in the intended Cemetery.

A Clerk to be appointed.

Vestrymen to recommend Ministers of the other Chapels to be built to the Duke of Portland, to be appointed by him.

Ministers of the Chapels to be removed in certain Cases.

Certificate to be delivered by any Clergyman desirous of being a Minister or Lecturer to

purchased by the said Vestrymen as aforesaid shall be finished and completed, and consecrated as aforesaid, the said Duke, or the Person or Persons so entitled as aforesaid, shall nominate and appoint in like Manner a sufficient Reader to perform Divine Service, and preach in the said Chapel, according to the Rubric, throughout the Year; and it shall and may be lawful to and for the said Duke, or the Person or Persons so entitled as aforesaid, in case it shall seem right and proper to the said Vestrymen, to nominate and appoint in like Manner another Minister of the Church of *England* to be Preacher in the said Chapel: And it shall and may be lawful to and for the said Duke, or the Person or Persons so entitled as aforesaid, and he is hereby authorized and empowered, to nominate and appoint a Clerk and Sexton, with the Consent and Approbation of the said Vestrymen, to officiate in the said Chapel and Burial Ground; and the said Reader, Preacher, Clerk, and Sexton shall have and receive for their respective Salaries such Sum and Sums of Money yearly as the said Vestrymen shall think fit to appoint and direct.

XLII. And be it further enacted, That when the said Chapels to be erected and built on the Lands or Grounds to be purchased or taken by virtue of this Act, or any of them, shall be finished and completed, and consecrated as aforesaid, the said Vestrymen shall and may recommend Three Persons, being Ministers of the Church of *England* in Priests Orders, to the said Duke of *Portland*, or to the Person or Persons for the Time being so entitled as aforesaid, to perform the Duties in each of such Chapels; out of which Ministers the said Duke, or the Person or Persons for the Time being so entitled as aforesaid, shall, as soon as conveniently may be, appoint One or Two, if necessary, for each such Chapel; and on the Death or Removal of any of such Ministers out of the said Parish, another Minister of the Church of *England* in Priests Orders shall from Time to Time be recommended and appointed in Manner aforesaid, in lieu or stead of the Minister so dying or removing.

XLIII. And be it further enacted, That whenever the said Vestrymen shall make Complaint to the said Duke of *Portland*, or to the Person or Persons for the Time being so entitled as aforesaid, against any Minister of the said Chapels to be erected and built on the Lands or Grounds to be purchased or taken by virtue of this Act, for Neglect of Duty, or any other just and reasonable Cause, and such Complaint shall upon due Examination be properly substantiated, then and in every such Case the said Duke, or the Person or Persons for the Time being so entitled as aforesaid, shall forthwith remove every such Minister against whom any such Complaint shall have been so substantiated to the Satisfaction of the said Duke of *Portland*, or the Person or Persons so entitled as aforesaid, and another Minister of the Church of *England*, in Priests Orders, shall thereupon from Time to Time be recommended and appointed in Manner aforesaid, in lieu and stead of the Minister so removed as last mentioned.

XLIV. And be it further enacted, That every Person who shall be desirous of filling the Office of Minister in any of the said Chapels to be erected and built on the Lands or Grounds to be purchased or taken by virtue of this Act, or shall be desirous of filling the Office of Lecturer and Reader in the said intended new Church, shall be in Priests Orders, and shall (on making his Application to the said Vestrymen, at any of their Meetings



Meetings to be held in pursuance of this Act) deliver to the Chairman at any of the any of the Chapels. any such Meeting, a Certificate signed by Three Beneficed Clergymen of the Church of *England*, to be authenticated by the Signature of the Lord Bishop of the Diocese where such beneficed Clergyman resided; (*videlicet*),

‘ THAT *A. B.*

*A. M. &c.*

‘ having been personally known to them for the Space of Two Years last past, had conducted himself during that Time honestly, soberly, and piously; nor has he, as far as they know and believe, held, written, or taught any Thing contrary to the Doctrine and Discipline of the Church of *England*.’

Which Testimonials shall be presented to the said Duke of *Portland*, or the Person or Persons for the Time being so entitled as aforesaid, for his, her, or their Approbation.

XLV. And be it further enacted, That every Minister for the Time being of the said Chapels to be erected and built, purchased, or taken by virtue of this Act, shall and he and they is and are required to perform Divine Service, and preach in the said Chapels respectively, according to the Rubric, throughout the Year; and shall on every *Christmas Day*, *Easter Day*, and *Whitsunday*, and on One *Sunday* in every Month throughout the Year, after Morning Service is performed, administer the Holy Sacrament in the said Chapels; and also shall perform such other Duties as the Minister of the said Parish for the Time being shall, with the Consent of the said Vestrymen, think fit to direct or appoint, except the Solemnization of Matrimony and Publication of Banns; and in case any 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 find and provide some other qualified Minister to do and perform the same respectively.

The Duty of Ministers of Chapels.

XLVI. And be it further enacted, That every Minister of the said Chapels to be erected and built or taken by virtue of this Act, and also of the present Church by this Act described to be the Parish Chapel, shall have and receive respectively such Salaries as the said Vestrymen shall think fit to appoint and direct.

Salaries of Ministers of Chapels to be settled by Vestrymen.

XLVII. And be it further enacted, That when the said Chapels to be erected and built, purchased or taken by virtue of this Act, or any of them, shall be completed and consecrated as aforesaid, it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, to nominate and appoint a Clerk to officiate in each of such Chapels, (save and except in the Chapel to be erected in the said intended Cemetery or Burial Ground); and the said Clerks shall have and receive such Salaries respectively as the said Vestrymen shall think fit to direct and appoint.

Clerks of Chapels to be appointed by Vestrymen.

XLVIII. And be it further enacted, That it shall and may be lawful to and for the Minister of the Parish Church of *Saint Mary-le-Bone* for the Time being, with the Consent of the said Duke of *Portland*, or of the Person or Persons for the Time being so entitled as aforesaid, to nominate and appoint a Pew-opener or Pew-openers, Chapel-keeper or Chapel-keepers,

Pew-openers to the Chapels to be appointed by the Minister of the Parish,

[*Loc. & Per.*]

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for



for the said Chapel to be erected and built on the said Piece or Parcel of Ground so purchased by the said Vestrymen for a Cemetery or Burial Place for the said Parish, and for erecting a Chapel thereon as aforesaid; and also to and for the said Minister, with the Consent of the said Vestrymen, to nominate and appoint a Pew-opener or Pew-openers, Chapel-keeper or Chapel-keepers, for the said Chapels to be erected and built on the Lands or Grounds to be purchased or taken by virtue of this Act, as to the said Minister shall seem right and proper; and from Time to Time, with the like Consent, to remove any such Pew-opener or Pew-openers, Chapel-keeper or Chapel-keepers, and to nominate and appoint another Person in the Room or Stead of every such Pew-opener or Chapel-keeper so removed from his or her Office; and every such Pew-opener and Chapel-keeper shall have and receive such Salaries respectively as the said Vestrymen shall think fit to appoint and direct.

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

XLIX. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, at any of their Meetings to be held in pursuance of this Act, to settle and fix the Rates and Fees for Burial of the Dead in the Vaults of the said new Church, and of all and every the Chapels to be erected and built by virtue of this Act, and in the said intended Cemetery or Burial Ground, and in the Vaults under the same; and shall and may from Time to Time make such Rules, Orders, and Regulations relative to and concerning Burials, and for keeping the said new Church, Chapels, and Vaults, and the Vaults of the said Cemetery or Burial Ground, and any other Buildings, Works, and Conveniences to be erected and provided by virtue of this Act, in good and sufficient Repair and Amendment; and may from Time to Time alter and amend the said Rates and Fees, and make such other Rules, Orders, and Regulations in and concerning the Premises as to the said Vestrymen shall appear reasonable, necessary, and convenient.

Fees to Minister for Burials not to be reduced.

L. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Vestrymen to reduce the Rate or Fees to be payable for every Burial in the Vaults of the said new Church and Chapels, and in the said intended Cemetery or Burial Ground, or in the Vaults under the same, to less Sums than are now payable, according to the Classes or Divisions of the said Vaults, Cemetery, or Burial Ground for Burials, in the present Cemeteries of the said Parish; but the same shall be due and payable to and may be demanded and taken by the Person or Persons entitled thereto, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Seats to be set out for the Poor in the Church and Chapels.

LI. Provided always, and be it further enacted, That the said Vestrymen shall set out and appropriate, in the said new Church and Chapels to be erected and built by virtue of this Act, such a Number of Seats for the gratuitous Accommodation of the Poor of the said Parish for the Time being, and also such Number of other Pews or Seats for the Use of the Parishioners of the said Parish, as the said Vestrymen shall think necessary, proper, and convenient.

Vestrymen empowered to let the Pews in the Church, &c.

LII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, if they shall think proper, or any Person appointed by them, to let the Pews or Seats to be erected or placed within the said intended



intended new Church and Chapels, or any of them (save and except the Pews or Seats to be appropriated for the gratuitous Accommodation of the Poor of the said Parish for the Time being as aforesaid, to such Persons only who shall be Inhabitant Householders within the said Parish); and in case the Rent of any such Pew or Seat shall be behind and unpaid for the Space of Twenty-one Days next after the same shall have become due and payable, and demanded, or in case any such Person to whom any such Pew or Seat shall be let as aforesaid, shall cease to be an Inhabitant Householder, then and in every such Case the said Vestrymen, or any Person appointed by them, may enter upon and take Possession of such Pew or Seat, and let the same to any other like Person or Persons as aforesaid; and may sue for and recover the Rent so in Arrear and up to the Time of taking such Possession, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

LIII. And be it further enacted, That all Monumental Stones or Tombs to be erected or placed in the said Piece or Parcel of Ground so purchased by the said Vestrymen, and inclosed for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, shall be laid and placed in such Manner and under such Regulations as the said Vestrymen shall direct.

Monumental  
Stones to be  
placed in  
the intended  
Cemetery as  
Vestrymen  
shall direct.

LIV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously injure, pull, or break down the Fence or Fences, Wall or Walls, or other Inclosure of any of the present Cemeteries or Burial Grounds in the said Parish, or of the said Piece or Parcel of Ground so purchased by the said Vestrymen for a Cemetery or Burial Ground for the said Parish, and for erecting a Chapel therein as aforesaid, or any Part or Parts thereof, or wilfully or maliciously break down or destroy any Head or Foot Stone, or Monument which now are or shall be therein erected or placed, or obliterate or deface any Inscription thereon, every such Person shall for every such Offence, on being thereof duly convicted before any Justice of the Peace for the said County of *Middlesex*, on the Oath of One or more Witnesses or Witnessess, which Oath such Justice is hereby authorized and required to administer, forfeit and pay any Sum not exceeding One hundred Pounds, to be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any such Justice (which Warrant such Justice is hereby empowered to grant upon Confession of the Party, or upon the Evidence of any credible Witnesses upon Oath); and the Overplus (if any) of the Monies arising by such Distress and Sale shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalty and Forfeiture when recovered shall, in the first place, be applied to repair the Damage so done, and the Remainder (if any) shall be paid to the Treasurer to the said Vestrymen, to be applied and disposed of for the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalty and Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Penalty on  
destroying  
the Walls or  
Monuments.

L.V. Pro.



Vestrymen  
empowered  
to appoint  
an Evening  
Lecturer to  
the new  
Church.

LIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, from Time to Time to nominate and appoint an Evening Reader and Lecturer to the said intended Church, and Ministers to the said intended Chapels, for the Performance of an additional Service in such Chapels, with the Consent of the Minister of the said Parish for the Time being; during Pleasure; and every such Minister shall have and receive for his Salary such Yearly Sum and Sums of Money as the said Vestrymen shall think fit to appoint and direct.

Vestrymen  
empowered  
to agree with  
Proprietor of  
Chapels for  
an additional  
Service to be  
done therein.

LVI. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, to contract and agree with any Minister or Ministers, or Proprietor or Proprietors of any Chapel or Chapels in the said Parish, for an additional Service to be performed in any such Chapel or Chapels, and to pay such Yearly Sum and Sums of Money for the performing of such additional Service as the said Vestrymen shall think fit to appoint and direct.

Vestrymen  
empowered  
to purchase  
any Chapels  
in the Parish.

LVII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, at any Time or Times hereafter to contract and agree with any Owner or Proprietor of any of the present Chapels in the said Parish, either for the absolute Purchase thereof, or to lease or rent the same; and that the Monies to be paid in case of the Purchase of any such Chapel or Chapels shall be certified for Payment by the said Vestrymen to their Treasurer, and shall be by him paid out of any Monies which may come to his Hands by virtue of this Act.

Vestrymen  
to appoint  
Ministers to  
any of the  
Chapels to be  
purchased.

LVIII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Vestrymen, by and with the Consent of the Minister of the said Parish for the Time being, and they are hereby authorized and empowered from Time to Time to nominate and appoint a Minister of the Church of *England*, and in Priests Orders, for each and every of the said Chapels which shall or may be so purchased or rented by the said Vestrymen as last mentioned, to perform the Duties therein respectively, and to pay such Yearly Sum or Sums of Money to any such Minister as the said Vestrymen shall think fit to appoint and direct.

Vestrymen  
empowered  
to build a  
Portico.

LIX. Provided always, and be it further enacted, That notwithstanding any Thing in the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty to the contrary, it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, to erect and build, or cause to be erected and built, a Portico to the said intended new Church, over or upon the Pavement or Footway of any Street or other Place where such Church shall be erected or built.

Vestrymen  
empowered  
to place Bars  
at the End  
of Streets  
during Di-  
vine Service  
on Sunday,  
&c.

LX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, to place or cause to be placed Bars or Rails at the End of any Street or Place immediately leading to or adjoining the said intended new Church and Chapels, or any of them, in order to prevent Noise during the Time of Divine Service on a *Sunday*, or on *Christmas Day*, *Good Friday*, or *Fast Days* by Proclamation; and the said Vestrymen, and all Persons  
acting



acting under the Direction of the said Vestrymen, are hereby indemnified from any Prosecution or Action whatsoever for so doing.

LXI. And for raising Money to answer and defray the Charges and Expences of obtaining and passing this Act, and carrying the same into Execution, be it further enacted, That when and as soon as conveniently may be in each and every Year, after the said Vestrymen shall have ascertained such Sum or Sums of Money as they in their Discretion shall think sufficient for the current Year to answer all the Ends and Purposes of this Act, it shall and may be lawful to and for the said Vestrymen, and they are hereby directed and required, to make One or more Rate or Rates, Assessment or Assessments, upon all and every Person and Persons who do or shall inhabit, use, or occupy any Land, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Tenement; or Hereditament whatsoever within the said Parish, so as no such Rate or Rates, Assessment or Assessments, shall exceed the Sum of Four-pence in the Pound in any One Year, of the full or according to such Proportion of the yearly Rent or Value as the same Lands, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, and other Tenements and Premises, shall from Time to Time be assessed to the Rates for the Relief of the Poor within the said Parish; and for the Purposes of preparing such Rates or Assessments, the Clerk of the said Vestrymen shall from Time to Time have free Access to the said Rates for the Relief of the Poor of the said Parish; and all such Rates and Assessments shall commence on the First Day of *January* in every Year.

Vestrymen to make Rates.

LXII. And be it further enacted, That all Houses and other Buildings which shall hereafter be erected or built in the said Parish, shall be rated and assessed for the Purposes of this Act, in the same Manner and Proportion as other Houses or Buildings within the said Parish shall be then rated or assessed to the Poor Rate.

Houses, &c. hereafter to be built, liable to Rates.

LXIII. And be it further enacted, That the several Lessors, Landlords, Owners, or Proprietors of all such Houses, Buildings, Tenements, or Hereditaments within the said Parish, let or which hereafter shall be let out in Parts or separate Apartments, or ready-furnished, shall respectively be deemed and taken to be the Occupiers thereof, and shall be liable and subject to the Payment of the Rates or Assessments directed by this Act to be made, raised, levied, and received; and that each and every Person renting or occupying any such Part or separate Apartment as aforesaid shall in the first Instance be liable to the Payments of the said Rates or Assessments, and all Arrears thereof, to be recovered in Manner herein-after directed; and the respective Persons so renting and occupying any such Part or separate Apartment, or ready-furnished House, or other Building or Tenement, who shall pay such Rates or Assessments, or any Arrears thereof, or from whom the same shall be recovered in pursuance of this Act, shall and may deduct the same from and out of the next Rent or any other Rent due and payable by him, her, or them to such respective Lessor or Landlord, Owner or Proprietor; and the Receipt for such Payment shall be a sufficient Discharge for all and every such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord, for so much Money as he, she, or they shall pay, or shall be levied and recovered on the Goods and Chattels of him, her, or them respectively, by virtue of this Act: Provided always, that no such Person so renting or occupying any such Part or separate Apartment

Landlords of Houses let in separate Apartments, or ready-furnished, deemed the Occupiers.

Tenants of Houses let in separate

[*Loc. & Per.*]

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as



Apartments  
to pay Rates,  
and deduct  
same out of  
their Rent.

as aforesaid of any such House, Building, Tenement, or Hereditament, shall be subject or liable, or required to pay, for or in respect of any such Rates or Assessments, or for or in respect of any such Costs, Charges, and Expences, any Sum or Sums of Money beyond the Amount of the Rent which shall be then actually due in respect of the said Premises from him, her, or them respectively.

Rates of  
Houses let to  
Ambassadors  
to be paid by  
Landlords.

LXIV. And be it further enacted, That every Rate or Assessment which shall be made, levied, or assessed by virtue of this Act, for or in respect of any Land, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Tenement, or Hereditament whatsoever which any Ambassador, Envoy, Resident, Agent, or other public Minister of any Foreign Prince or State, or the Servant of any such Ambassador, Envoy, Resident, Agent, or other public Minister, or any other Person not liable by Law to pay such Rate or Assessment, now doth or hereafter shall inhabit, shall be paid by and recoverable from the Landlord, Owner, Lessor, or Proprietor of every such Land, House, Shop, Warehouse, Coach House, Stable, Cellar, Vault, Building, Tenement, or Hereditament respectively; who shall be liable and compellable to the Payment thereof, and the same shall be recovered and applied as the other Rates hereby made payable are to be recovered and applied.

This Act  
not to affect  
Agreements  
between  
Landlord  
and Tenant.

LXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to affect or make void any Contract, Covenant, or Agreement made between any Landlord or Tenant, touching or concerning the Payment of the Rates or Assessments to be made, raised, and collected by virtue of this Act.

Rates to be  
paid to the  
Collectors at  
such Times as  
the Vestry-  
men shall  
appoint.

LXVI. And be it further enacted, That all and every the Rate and Rates, Assessment and Assessments to be made by virtue of this Act, shall be paid by the Persons inhabiting or occupying, or who by this Act shall be deemed to inhabit or occupy, the said Lands, Houses, Shops, Warehouses, Coach Houses, Stables, Cellars, Vaults, Buildings, and other Tenements and Premises respectively, at such Time or Times and in such Manner and Proportions as the said Vestrymen, at the Time of making such Rates or Assessments respectively, shall direct or appoint, to the Collector or Collectors to be appointed by the said Vestrymen as aforesaid to gather and collect the same.

Persons liable  
to the Pay-  
ment of Rates  
in proportion  
to the Time  
they occupy.

LXVII. Provided always, and be it further enacted, That whenever any Person or Persons shall come into or occupy any House, Land, Tenement, or Hereditament, out of or from which any other Person or Persons assessed shall be removed, or which at the Time of making any such Rate or Assessment was empty or unoccupied, then and in every such Case every Person so removing from, and every Person so coming into or occupying the same, shall be liable to pay such Rate or Assessment in proportion to the Time that such Person or Persons occupied the same respectively; and the Proportion of the said Rate or Assessment shall be levied and recovered in the same Manner as if such Person so removing had not removed, or such Person so coming in or occupying had been originally rated and assessed in such Rate or Assessment; which said Proportion in case of Dispute shall be ascertained by any One or more of His Majesty's Justices of the Peace for the said County.



LXVIII. And be it further enacted, That if any Person or Persons liable to the Payment of any such Rates or Assessments shall refuse and neglect to pay the same, then and in every such Case it shall and may be lawful to and for the said Collector or Collectors, and he and they is and are hereby authorized and required, by Warrant under the Hands and Seals of any Two or more of His Majesty's Justices of the Peace acting in and for the said County of *Middlesex*, which Warrant such Justices are hereby authorized and required to grant, upon Proof being made upon Oath of the Demand and Nonpayment thereof, which Oath and Oaths the said Justices are hereby authorized and required to administer, to levy all and every such Rates and Assessments by Distress and Sale of the Goods and Chattels of such Person or Persons so refusing or neglecting to pay the same, which shall be found either in the said Parish, or in any other Parish, Liberty, or Place in the said County of *Middlesex*; but if sufficient Distress cannot be found within the said County, then in any other County, City, Liberty, or Place, upon such Warrant being countersigned by some one Justice of the Peace of such other County, City, Liberty, or Place, which Warrant such Justice is hereby authorized and required to countersign; and if, within Five Days after such Distress or Distresses shall be made, the said respective Rates or Assessments, and all Arrears thereof, shall not be paid, together with the Costs and Charges of taking and keeping the same, the said Collector or Collectors shall cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the said Person or Persons the Overplus (if any there be) after deducting the said Rates or Assessments, and all Arrears thereof, and the reasonable Costs and Charges attending such Distress and Sale; which Costs and Charges, in case of Dispute, shall be settled and ascertained by any One or more of His Majesty's Justices of the Peace for the said County of *Middlesex*.

For Recovery  
of Rates.

LXIX. And be it further enacted, That the Collector and Collectors of the Rates and Assessments to be made by virtue of this Act shall, and he and they is and are hereby required from Time to Time, when and as he and they shall respectively collect, recover, and levy the Monies to arise thereby, to pay the same into the Hands of the Treasurer of the said Vestrymen for the Time being, to be applied and paid by the said Treasurer for the Purposes of this Act; and upon the Payment of every such Sum of Money to such Treasurer, every such Collector shall take a Receipt for the same, and produce such Receipt, within Seven Days next after every such Payment shall be made, unto the Clerk to the said Vestrymen, to be by him entered in a Book to be kept for that Purpose.

Collectors to  
pay Monies  
collected to  
the Vestry-  
men.

LXX. And be it further enacted, That if the Collector or Collectors of such Rate or Rates, Assessment or Assessments, shall at any Time keep and retain in his or their Hands more than the Sum of One hundred Pounds for any longer Space of Time than Two Days, provided that the Treasurer or Treasurers to such Vestrymen shall within that Time be ready to receive the same, he or they shall forfeit and pay the Sum of Five Pounds for every Day that he or they shall retain any Sum exceeding the said Sum of One hundred Pounds beyond the said Two Days.

Collectors not  
to keep above  
100l. in their  
Hands.

LXXI. And, in order to enable the said Vestrymen to carry the several Purposes of this Act into immediate Execution, be it further enacted, That it shall and may be lawful to and for the said Vestrymen from Time to Time to borrow and take up at Interest such Sum or Sums of Money,

Power to  
borrow  
Money.

not



not exceeding in the Whole the Sum of One hundred and fifty thousand Pounds at any one Time, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the Rates and Fees arising on account of Burials in the said new Church and Chapels, and in the said intended Cemetery or Burial Ground, and also on the Rates and Fees arising on account of Burials in any other Cemetery, Burial Ground, or Vault within the said Parish, and on the Sums of Money received for the Rents of Pews in the said new Church and Chapels, and upon the Credit of the Rates or Assessments to be made, levied, and collected by virtue of this Act; and by Writing under their Hands and Seals to assign all or any Part of the said Fees, Rents, Rates, or Assessments, to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with lawful Interest for the same; and the Charges and Expences of such Assignment, to be made as herein-after mentioned, shall be from Time to Time defrayed by the said Vestrymen out of the Money so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Form of  
Assignment.

WE, being Seven of the Vestrymen of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, acting in pursuance of an Act made in the Fifty-first Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], in consideration of the Sum of \_\_\_\_\_ advanced and lent by \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said \_\_\_\_\_ [*or, to his Trustee or Trustees, as the Case may be*] his [*or, her*] Executors, Administrators, and Assigns, such Proportion of the Rates and Fees received on account of Burials in the several Cemeteries, Burial Grounds, and Vaults within the said Parish of *Saint Mary-le-Bone*, and on account of the Rents of Pews in the Church and Chapels to be erected by virtue of the said Act, and on account of the Rates or Assessments to be raised, levied, and collected by virtue of the same Act, as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or be charged upon the Credit of the said Fees, Rents, Rates, or Assessments, to be had and holden from this \_\_\_\_\_ Day of \_\_\_\_\_ until the said Sum of \_\_\_\_\_ with Interest after the Rate of \_\_\_\_\_ *per Centum per Annum* for the same, shall be fully paid and satisfied. In Witness whereof, we the said Vestrymen have hereunto set our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ of our Lord

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

Power for  
Vestrymen  
to raise Mo-  
ney by An-

LXXII. And be it further enacted, That in case the said Vestrymen shall think it adviseable to raise all or any Part of the Money for the Purposes of this Act, by granting Annuities for Lives, or for Terms of Years, or by \_\_\_\_\_ way



way of Tontine, instead of Assignments as aforesaid, then and in such Case it shall be lawful to and for the said Vestrymen, and they are hereby authorized and empowered so to do, and by Writing under their Hands and Seals to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers of the said Vestrymen any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life of every such Contributor, or during the natural Lives of any Two such Contributors, and the Life of the Survivor, or the natural Life of such Person, or the natural Lives of Two such Persons, and the Life of the Survivor, as shall be nominated by or on the Behalf of such Contributor at the Time of the Payment of his or her Contribution or Purchase Money, so as that no such Annuity do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, and of such Two Persons, or the Life of the Survivor; and the Expence of every such Annuity shall be paid by the said Vestrymen out of the Monies so contributed; and that in case the said Vestrymen shall raise any of the Money necessary for the Purposes of this Act by way of Tontine, then such Tontine shall be in such Classes, at such Interest, and with such Benefit of Survivorship, and subject to such Rules, Orders, and Regulations, as the said Vestrymen shall make respecting the same, which shall be binding and conclusive upon all the Contributors thereto; and the Grant of every such Annuity shall be in the Words or to the Effect following:

nuities or Tontine.

WE, being Seven of the Vestrymen of the Parish of *Saint Mary-le-Bone*, in the County of *Middlesex*, acting in pursuance of an Act made in the Fifty-first Year of the Reign of King *George* the Third, intituled [*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 \_\_\_\_\_ an Annuity or yearly Sum of \_\_\_\_\_ to be paid out of the Rates or Fees received on account of Burials in the several Cemeteries, Burial Grounds, and Vaults within the said Parish of *Saint Mary-le-Bone*, and on account of the Rents of Pews in the Church and Chapels erected by virtue of the said Act, and out of the Rates or Assessments to be raised, levied, and collected by virtue of the same Act; which Annuity or yearly Sum of \_\_\_\_\_ shall be paid to the said \_\_\_\_\_ or his or her Assigns, during the Term of his or her natural Life [*or, as the Case may be*], to the said \_\_\_\_\_, his or her Executors, Administrators, or Assigns, during the natural Life of \_\_\_\_\_, or during the natural Lives of \_\_\_\_\_ and \_\_\_\_\_, and the Life of the Survivor, upon the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ and the \_\_\_\_\_ Day of \_\_\_\_\_ in every Year during the natural Life or Lives of him, her, or them the said \_\_\_\_\_ at the \_\_\_\_\_ the First Quarterly Payment thereof to be made upon the \_\_\_\_\_ Day of \_\_\_\_\_ next ensuing the Date hereof. In Witness whereof we the said Vestrymen have hereunto set our Hands and Seals the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_

Form of Grant of Annuity.

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 mentioned, any Law or Statute to the contrary thereof in anywise notwithstanding; and  
 [Loc. & Per.] 37 X every



every Annuity so to be granted as aforesaid shall be and is hereby charged upon and shall be payable and paid by the Treasurer to the said Vestrymen out of the said Fees, Rents, Rates, or Assessments respectively, according to the Grant of such Annuity.

Power of transferring Assignments and Annuities in a prescribed Form.

LXXIII. And be it further enacted, That it shall and may be lawful to and for the Persons entitled to any of the Securities for the Money to be borrowed on legal Interest as aforesaid, or to be raised by granting of Annuities as aforesaid, and their respective Executors, Administrators, or Assigns, [*as the Case may be*] at any Time by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer may be in the Words or to the Effect following:

‘ I *A. B.* being entitled to the Sum of \_\_\_\_\_ or an Annuity of \_\_\_\_\_ secured to \_\_\_\_\_ and his Assigns, [*or, his or her 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 Vestrymen of the Parish of *Saint Mary-le-Bone*, acting in the Execution of an Act made in the Fifty-first Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] upon the Credit of the Fees, Rents, Rates, or Assessments granted or payable by the said Act, do hereby transfer all my Right and Interest in and to the same Sum or Annuity, and all Interest and other Money now due and arising thereon, unto \_\_\_\_\_ his or her Executors, Administrators, and Assigns. Dated the \_\_\_\_\_ Day of \_\_\_\_\_

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

Provision for Payment of the Creditor by Ballot.

LXXIV. And in order that no Preference may be given to any of the Persons who shall have advanced and lent Money upon the Credit of the said Fees, Rents, Rates, or Assessments; be it further enacted, That the said Vestrymen (if there shall be more Creditors than One) shall cause the Number or Numbers of all Assignments or Securities granted, in case more than the Sum of One hundred Pounds shall be lent and advanced upon any such Assignment or Security as aforesaid, and then in force for securing the Principal Monies lent and advanced upon the Credit of the said Fees, Rents, Rates, or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size, such Piece of Paper to contain only One Number in respect of every One



One hundred Pounds so borrowed as aforesaid, and all such Papers shall be rolled up in the same Form as near as may be, and be put into a Box or Wheel; and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Vestrymen; and after every such Ballot the said Vestrymen shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off, either in full or part Payment of their respective Assignments or Securities as aforesaid, pursuant to such Ballot; and where there is only One Creditor, to give Six Calendar Months Notice to such Creditor of the Intention of the said Vestrymen to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same shall be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall, from and after the Day so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice, and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day so specified, shall nevertheless be payable on Demand; but nothing herein contained shall extend or be construed to extend so as to require the said Vestrymen to pay off and discharge any Monies lent on the Credit of the said Fees, Rents, Rates, or Assessments, by way of Annuity, until all other the Creditors on the said Fees, Rents, Rates, or Assessments shall be paid off and discharged, and the several Parties so lending Money by way of Annuity shall agree to accept the Sum or Sums of Money offered by the said Vestrymen for the repurchase of such his, her, or their Annuity or Annuities.

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

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

LXXVII. And be it further enacted, That it shall and may be lawful to and for the said Vestrymen, and they are hereby required and directed in each and every Year to apply any Sum of Money not less than One-twelfth Part of the Rates or Assessments to be raised, levied, or collected

Power to borrow Money at lower Interest, to discharge Securities at a higher Rate.

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

For paying off Debts when the Surplus amounts to 1,000l. and upwards.



by virtue of this Act; and also when and as often as the Surplus of the Rents of the Pews and Seats in the said intended Church and Chapels, and the other Monies received on account of the Fees for Burials in the said intended Cemetery or Burial Ground, and the other Cemeteries or Burial Grounds of the said Parish, and for Vaults, Tombstones, Headstones, and Footstones, and of the Rates or Assessments to be raised, levied, or collected by virtue of this Act, shall amount to the Sum of One thousand Pounds and upwards, to pay off and discharge so much of the Money borrowed on the Credit of the said Rents, Fees, Rates, or Assessments, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Application  
of Money.

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

Vestrymen  
empowered to  
lay out the  
Money on  
Government  
or other Se-  
curities.

LXXIX. And be it further enacted, That in the mean Time, and until such Monies shall be applied for carrying the Purposes of this Act into Execution, it shall and may be lawful to and for the said Vestrymen, and they are hereby authorized and empowered, from Time to Time to lay out or invest the same in or upon Government or other Public Stocks, Funds, or Securities, at Interest, in such of their Names as the said Vestrymen shall direct, and from Time to Time to sell and dispose of the Stocks, Funds, or Securities, in which the same shall have been laid out and invested as aforesaid, and again to lay out the same in the like Stocks, Funds, or Securities, and so *toties quoties*; and from Time to Time to apply and dispose of the Dividends, Interest, or Annual Produce thereof, for and towards carrying the several Purposes of this Act into Execution.

Disposing of  
Surplus Mo-  
ney after  
Payment of  
Debt, &c.

LXXX. And be it further enacted, That if at any Time or Times hereafter all the Money which shall have been borrowed by virtue of this Act shall be paid off and discharged, and the Monies arising from the Rents of the Pews in the said intended Church and Chapels, and the Rates and Fees received on account of Burials within the several Cemeteries, Burial Grounds, and Vaults within the said Parish, and from the Rates or Assessments to be raised, levied, and collected by virtue of this Act, shall be more than sufficient for paying and discharging the several Annuities and annual Sums of Money to be paid by way of Tontine, and the several other annual Sums and Salaries to be paid by this Act, and the Repairs of the said intended new Church and Chapels and other Buildings and Conveniences to be erected and built, purchased or taken by virtue thereof, and all the Costs, Charges, and Expences attending the Execution of the same; then and in such Case it shall and may be lawful to and for the said Vestrymen to apply or cause to be applied such overplus Monies to such Parochial Purposes as the said Vestrymen shall think right and proper, and as shall in their Judgment be for the Use and Benefit of the Parishioners



of the said Parish; and all such Rates and Assessments on Lands, Tenements, or Hereditaments shall thenceforth cease and be no longer raised, levied, or collected, (any Thing herein contained to the contrary thereof in anywise notwithstanding).

LXXXI. Provided always, and be it further enacted, That all and every the said Vestrymen shall from Time to Time and at all Times hereafter be amply and fully indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk as aforesaid, shall and may sustain or be put unto, for or by reason of any Action, Suit, or other Proceeding which may be had, sued, commenced, or prosecuted against them, any or either of them, for any Matter or Thing which may be by them respectively legally done in or about the Execution of this Act, and the Trusts hereby reposed in them.

Indemnity to Vestrymen.

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

Inhabitants to be Witnesses.

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

Form of Conviction.

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

LXXXIV. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Assessment or Assessments, or by any Judgment or Determination, or by any Matter or Thing made, given, or done in pursuance of this Act, such Person or Persons may appeal to the said Vestrymen at any of their Meetings to be holden within Six Calendar Months next after the Cause of Complaint shall have arisen; and such Vestrymen are hereby authorized and empowered, if they shall think such Person or Persons aggrieved, to give such Relief in the Premises as to them shall seem necessary; and if any such Person or Persons shall not be satisfied with the Determination of the said Vestrymen, then and in such Case he, she, or they may appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace to be holden for the County or Place within which the Matter of Appeal shall arise, next after the Expiration of Three Calendar Months from the Time of such Determination of the said Vestrymen, or such Matter of Appeal shall have arisen; the Person or Persons appealing having first given Twenty-one Days Notice at least of his, her,

Appeal.



or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Vestrymen, and within Five Days after such Notice entering into a Recognizance before some Justice of the Peace of such County or Place, with sufficient Sureties; conditioned to try such Appeal, and abide the Order or Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order therein, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Orders and Determinations of the said Justices shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

Distress not  
unlawful for  
Want of  
Form.

LXXXV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant, or Distress, or other Proceedings relating thereto; nor shall the Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Proceedings  
not to be  
quashed for  
Want of  
Form, or re-  
movable by  
Certiorari.

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

Plaintiff not  
to recover  
without No-  
tice, or after  
Tender of  
Amends.

LXXXVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney to the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit; whereupon such Proceedings, Order, and 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.



LXXXVIII. Provided always, and be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, after the Expiration of Three Calendar Months next after the Fact committed, and every such Action or Suit shall be brought and tried in the County of *Middlesex*, and not elsewhere; and if any such Action or Suit shall be brought before Twenty-one Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Limitation of Actions.

LXXXIX. And be it further enacted, That all Acts, Matters, and Things done and executed by the said Vestrymen in pursuance of the said recited Acts or any of them, shall be as good, valid, and effectual as if this Act had not been made: Provided always, that nothing herein contained shall operate to lessen or alter the Right or Title of the said *William Henry Cavendish Scott Duke of Portland*, or the Person or Persons for the Time being entitled to the said Rectory and Advowson, to the Ecclesiastical Dues, Oblations, and Obventions belonging thereto, or to remove and displace, at his, her, or their Will or Pleasure, the present or any future Minister of the said Parish, or the Minister and the Sexton or Clerk, or any of them for the Time being, of the Chapel to be erected in the said intended Cemetery or Burial Ground by virtue of this Act.

Acts of Vestrymen under former Acts to be valid. Saving the Right of the Duke of Portland.

XC. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished) as they, every or any of them, had or enjoyed, or could or ought to have had and enjoyed, before the passing of Act, or in case this Act had not been made.

General Saving.

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

Public Act.



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