



ANNO QUINQUAGESIMO SEPTIMO

# GEORGI III. REGIS.

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## *Cap. xxxvi.*

An Act for enlarging the Churchyard, and providing additional Burying Ground, for the Parish of *Bradford*, in the West Riding of the County of *York*. [16th June 1817.]

**W**HEREAS the Churchyard or Burying Ground of the Parish of *Bradford*, in the West Riding of the County of *York*, is, by reason of the great Number of Burials therein, and the Increase of the Inhabitants within the said Parish, found to be too small for the decent Interment of the Dead; and it is therefore necessary that the Churchyard of the said Parish should be enlarged, and additional Burying Ground provided for the Use of the said Parish: 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 *Henry Heap* of *Bradford*, Clerk, Vicar of the said Parish of *Bradford*, or his Successors Vicars of the same Parish for the Time being; *Godfrey Wright* of *Bradford*, Clerk, *John Hardy* of *Bradford*, *Matthias Whitehead* of *Bradford*, and *Benjamin Thompson* of *Bradford*, *James Charnock* of *Haworth*, Clerk, *John Greenwood* of *Haworth*, and *Stephen Taylor* of *Haworth*, *Richard Bradley Wainman* of *Eccleshill* and *Shipley*, *Christopher Holdsworth Dawson* of *Wibsey* and *Bierley*, *Michael Stocks* and *Edward Ferrand* of *Thornton*, *Allerton*, and *Wilsden*; *John Wilmer Field* of *Heaton* and *Clayton*, *Matthew Thompson* of *Manningham*, *John Knight* of *Horton*,

Trustees.

[Local.]

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John

*John Sturges of Bowling*, and their respective Successors, shall be and are hereby appointed Trustees for putting this Act into Execution.

Power to  
appoint new  
Trustees.

II. And be it further enacted, That if one or more of the said Trustees hereby appointed (save and except the said Vicar), or their Successors to be elected in Manner herein-after mentioned, shall die, or shall refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Trustees from Time to Time to elect and appoint one other Person, being an Inhabitant Householder of the Township or Place, Townships or Places, in the said Parish of *Bradford*, wherein such Trustee so dying, refusing, or becoming incapable to act, is in and by this Act described to be a Resident, to be a Trustee in the Room of such Trustee so dying or refusing or becoming incapable of acting; and Notice of the Time and Place of the Meeting for every such Election shall be given, during Divine Service in the Parish Church of *Bradford* aforesaid, Two *Sundays* at least before such Meeting; and every Person so elected a new Trustee as aforesaid shall be and is hereby empowered to act in the Execution of this Act to all Intents and Purposes in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected, or as if he had been herein named and appointed.

Meetings.

III. And be it further enacted, That the said Trustees or any Five or more of them, shall and may meet together at such Time and Place as shall be appointed by or by Order of Three or more of the said Trustees (Notice whereof shall be given, immediately after or during the Time of Divine Service in the Parish Church of *Bradford* aforesaid, on Two *Sundays* previous to such Meeting); and the said Trustees shall and may adjourn the said Meeting, and from Time to Time afterwards meet again, and adjourn their Meetings as they shall think proper; and the said Trustees or any Five or more of them may also meet at any Time (without or notwithstanding Adjournment) on a like Notice being given in the said Parish Church by Order of any Three or more of the said Trustees, and any such Meeting as last mentioned may be adjourned as an Adjournment of the original Meeting; and all such Meetings shall be held in the Vestry of the said Parish Church, or at some other Place or Places in *Bradford* aforesaid; and the said Trustees at all their Meetings for the Purposes of this Act shall defray their own Expenses; and all Orders and Determinations of the said Trustees in the Execution of this Act (except for the Appointment of Meetings as aforesaid) shall be made at some Meeting or Meetings to be held in pursuance of this Act, and not otherwise; and at every of such Meetings the Trustees present shall choose a Chairman from among themselves to preside at the same Meeting, and all the Orders and Determinations of the said Trustees at such Meeting shall be entered in a Book, and signed by the Chairman and Trustees present and concurring therein at the respective Times of making the same; and no such Order or Determination shall be valid and binding unless Five or more of the said Trustees shall be present, nor unless a Majority of the Trustees present do concur therein; provided, that if at any Meeting or Meetings of the said Trustees there shall happen to be an equal Number of Votes for or against any Question under Discussion (including the Vote of the Chairman), the Chairman at each such Meeting shall have a second or casting Vote, and such Vote shall determine the  
Question;

Question; and every Order or Determination so made or resolved upon at any Meeting or Meetings at which Five or more Trustees shall be present, shall be as valid and effectual as if done or assented to by all the said Trustees; and Two of the said Trustees, if no more shall attend at any Meeting, shall always be sufficient for the Purpose of Adjournment only.

IV. And be it further enacted, That the said Trustees shall and they are hereby required to provide and keep, or to order and direct to be provided and kept by their Treasurer for the Time being, a Book or Books, in which Book or Books shall be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended under the Powers and Provisions of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid; which Book or Books shall at all reasonable Times be open to the Inspection of the said Trustees, or any of them, without Fee or Reward; and the said Trustees shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any Thing for the same; and in case the said Treasurer or Person having the Custody of any such Book or Books shall refuse to permit the said Trustees or any of them to inspect the same, or to take such Copies or Extracts as aforesaid, such Treasurer or Person shall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be levied and recovered, together with the Costs and Charges attending the Conviction, by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal of one of His Majesty's Justices of the Peace for the said Riding, rendering the Overplus of such Distress (if any there be) to the Party or Parties, after deducting the Charges of making the same; which Warrant every such Justice is hereby empowered and required to grant upon Conviction of the Offender by Confession or upon the Oath of one or more credible Witnesses, or Witnesses; and such Penalty and Forfeiture when so levied shall be paid, the one Moiety to the Informer and the other Moiety to the said Trustees, to be by them applied for the Purposes of this Act; and in case such Distress cannot be found, and such Penalty and Forfeiture shall not be forthwith paid, it shall and may be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said Riding, for any Time not exceeding Six Calendar Months, unless such Penalty or Forfeiture, with the Costs and Charges attending the Conviction and Commitment, shall be sooner paid.

Accounts to be kept of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Persons paying Rates.

V. And be it further enacted, That the said Trustees may and are hereby authorized and empowered from Time to Time to appoint a Clerk and Treasurer, with such Gratuity or Gratuities as they shall think necessary and proper, and to displace such Treasurer when and as they shall think fit, and shall and may take such Security from every such Clerk and Treasurer, for the due Execution of his and their Office, as they shall deem expedient; and such Treasurer shall from Time to Time, as often as thereunto required by the said Trustees or any Five or more of them, produce or give to the said Trustees, or to such Person as they shall appoint, a true and perfect Account in Writing under his Hand of all Monies by him received and paid, with proper Receipts and Vouchers

Trustees to appoint a Treasurer.

Vouchers for such Payments, and shall pay all such Monies as shall remain in his Hands to such Person or Persons as the said Trustees shall direct or appoint.

Offices of Clerk and Treasurer not to be held by one Person.

VI. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the Trustees for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

Trustees to sue and be sued in the Name of their Treasurer.

VII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Treasurer for the Time being, and no Action so brought or commenced shall abate or be discontinued by the Death or going out of Office of the said Treasurer, nor by the Act of such Treasurer, without the Consent of the said Trustees, but such Treasurer for the Time being shall always be deemed Plaintiff or Defendant in every such Action, as the Case shall happen; and such Treasurer shall be reimbursed, out of the Monies arising by virtue of this Act, all such Costs and Damages as by the Event of any such Action he shall be put unto, or become charged or chargeable with on account of any such Action or Suit.

Power to purchase Lands.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees or any Five or more of them (with the Approbation in Writing of the Lord Archbishop of *York* for the Time being) to contract and agree with any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or with any Feoffees in Trust or Trustees, Executors or Administrators, Husbands or Guardians, or Committees of or for Lunatics or Idiots, who shall be or be deemed to be the Owner or Owners, Proprietor or Proprietors of, or otherwise interested in a certain Close or Piece or Parcel of Ground situate, lying, and being at or near *Stott Hill* in *Bradford* aforesaid, adjoining on the South Side thereof to the Churchyard of *Bradford* aforesaid, and called or commonly known by the Name of the *Mountain Croft*, containing about One Acre, with the Hereditaments and the Appurtenances thereto, for the absolute Purchase thereof; and the Monies to be paid for the Purchase thereof shall be by the Treasurer paid out of any Monies which may come to his Hands by virtue of this Act, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate entitled thereto, or shall be laid out and disposed of by him in the Bank of *England* in the Manner by this Act directed, as the Case may be.

IX. And

IX. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, and Collegiate, and for all Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of or for Lunatics or Idiots; and all other Trustees whomsoever, not only for and on Behalf of themselves, but also for and on Behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons under any Disability of acting for himself, herself, or themselves, and also to and for all Femmes Covert who are or shall be seised in their own Right, and to and for all Persons, whether Tenants for Life or in Tail, and to and for all and every other Person and Persons whomsoever, who are or shall be seised of or interested in the said Piece or Parcel of Ground, to treat and agree with the said Trustees for executing this Act, or any Five or more of them, for the absolute Sale thereof, and to convey the same to the said last-mentioned Trustees or any Five or more of them, and their Successors for ever, for the Purposes mentioned in this Act; and all Contracts, Agreements, Sales, and Conveyances which shall be so made by virtue and in pursuance of this Act shall, without any Fine or Fines, Recovery or Recoveries, be good, valid, and effectual to all Intents and Purposes, not only to convey the Estate and Interest of the Person or Persons conveying or intending to convey the same, but also to convey all Right, Title, Estate, and Interest whatsoever of the said several and respective Cestuique Trusts, Femmes Covert, and other Persons herein-before mentioned, and all Persons claiming in Remainder or Reversion after them; any Law, Statute, Usage, or other Matter or Thing to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Ecclesiastical or Lay, and all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and other Persons, are and shall be hereby indemnified for what they shall do by virtue or in pursuance of this Act.

Corporations,  
&c. em-  
powered to  
sell and con-  
vey.

X. 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 to be 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, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons 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 Trustees 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 in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments,

Application  
of Compens-  
ation, if  
amounting to  
200l.

or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, as the said High Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under and with the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, 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 or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said High Court of Chancery, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Interest or 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

Where less  
than 200l.  
and above  
20l.

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

Where under  
20l.

XII. Provided also, and be it further enacted, That where such Money so agreed to be paid as next herein-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

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 Trustees or any Five or more of them shall think fit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

XIII. 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 High Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act for the Purposes aforesaid, 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 shewn to the Satisfaction of the said High Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

In case of  
disputed  
Titles.

XIV. 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, taken, or used under the Authority of this Act for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the said Court, and 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 be lawful for the said High 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 to the said Court shall seem reasonable, together with the Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Five or more of them 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.

Court may  
order rea-  
sonable Ex-  
pences to be  
paid by  
Trustees.

XV. And be it further enacted, That upon Payment of the Money so contracted or agreed to be paid for the Purchase of any such Ground or Hereditaments as aforesaid by the said Trustees or any Five or more of them, or by their Treasurer, to the Person or Persons respectively entitled to have and receive such Money, or their Agent, or upon Payment thereof into the Bank of *England*, for the Purpose of being disposed of in Manner herein-before directed, and upon a Conveyance or Conveyances of such Ground or Hereditaments respectively being duly executed by the Person

Upon Pay-  
ment of the  
Purchase  
Money, and  
Execution of  
Conveyances,  
Ground  
to vest in  
Trustees.

or

or Persons herein-before authorized and empowered to convey the same, all such Ground and Hereditaments respectively shall vest in the same Party or Parties, or Person or Persons, as the present Churchyard of the said Parish of *Bradford* is now vested, and from Time to Time and at all Times hereafter shall be and be deemed to be, and shall be had, taken, and used as and for the Churchyard and Burial Ground of the said Parish or as Part of such Churchyard; and the Wall or Walls or Fence or Fences thereof, or to be made thereto, shall be and be deemed to be Part of the Wall or Walls or Fence or Fences of the Churchyard of the said Parish of *Bradford*.

Trustees to  
take down  
Buildings,  
and to inclose  
Ground.

XVI. And be it further enacted, That the said Trustees for executing this Act may and shall, when and as soon as such Ground and Hereditaments shall be purchased by and conveyed to them in pursuance of this Act, take down all the Buildings and Erections thereof or thereto belonging (if any), and to sell and dispose of the Materials of the same, or so much thereof as shall not be useful for the Purposes of this Act, in such Manner as they shall think fit, and shall apply the Money arising by such Sale towards Payment of the Costs and Charges of obtaining and passing this Act, and carrying the same into Execution; and the said Trustees shall cause such Piece or Parcel of Ground so to be purchased as aforesaid to be inclosed and fenced in with good and proper Walls and Fences, and shall lay open to the said Churchyard one Moiety of the said Piece or Parcel of Ground, and shall do all other Things necessary and proper for making such Parcel of Ground fit and convenient for the Burial of the Dead; and that all Walls and Fences to be erected and made to the whole of the said Piece or Parcel of Land so to be purchased for such additional Burying Ground, shall for ever hereafter be kept and maintained in good and proper Repair and Condition, and the Expences thereof shall be paid and defrayed by and out of the annual Church Rates and Assessments raised and levied, or to be raised and levied in the said Parish; and the other Moiety of the said Piece or Parcel of Ground shall be by the said Trustees separated from the said Churchyard by Posts and Rails or Chains, and shall be set apart as a private Burial Ground, with proper Ways or Paths into and out of the same, for such of the Inhabitants of the said Parish of *Bradford* as shall be desirous of purchasing Burial Places therein; and it shall be lawful for the said Trustees or any Five or more of them to sell by public Auction or private Contract, for the best Price or Prices that can be obtained, to any of the Inhabitants of the said Parish of *Bradford*, any Plot or Plots of Ground, part of the last-mentioned Moiety of the said Piece or Parcel of Ground, and to convey such Plots of Ground to the respective Purchasers thereof, their Heirs and Assigns, by Deed under the Hands and Seals of the said Trustees, or the Hands and Seals of any Five of them; and upon the Execution of any such Conveyance or Conveyances, the Plot or Plots of Ground so sold and conveyed shall vest in Fee Simple in the respective Purchasers thereof, and their respective Heirs and Assigns, for the Use and Purpose of the Burial of the Dead in Graves or Vaults (with Tombstones or Monuments upon or over the same), and subject to the like Ecclesiastical Rules, Ordinances, and Jurisdiction as the public Churchyard of the said Parish is subject to; and also subject to the Payment of the like Fees on Interments or Burial Services as are payable on Interments in Vaults and Graves in the said Parish Church and Churchyard, except Fees for providing Grave Stones: Provided always, that each and every such Purchaser who shall construct or cause to be constructed  
any



any Vault or Vaults in the Plot or Plots of Ground so purchased, shall, and he, she, and they is and are hereby authorized, directed, and required to remove or cause to be removed and taken away from out of the said private Burial Ground the Ground, Soil, or Rubbish which shall be thrown up in digging or excavating the Ground for constructing such Vault or Vaults; and the several Sums of Money arising from such Sales and every of them shall by the said Trustees be paid and applied in aid of the Church Rates of the said Parish, or for the Purposes of this Act.

XVII. And be it further enacted, That after the said Piece or Parcel of Ground and Hereditaments shall be purchased, conveyed, and inclosed as aforesaid, and consecrated for the Burial of the Dead, according to the Usage of the Church of *England*, the said first-mentioned Moiety thereof shall for ever thereafter be used as and for an Addition to the Churchyard or Burying Ground of the said Parish. Ground to be consecrated.

XVIII. And be it further enacted, That the Vicar for the Time being of the said Parish of *Bradford* shall be entitled to and receive, in respect of such new Burial Ground, as well public as private, all such Fees, Dues, and Emoluments as are now payable and appertain or are incident to his Office of Vicar or Incumbent of the said Parish, for Burials in the present Churchyard. The Vicar to be entitled to the same Fees as for Burials in the present Churchyard.

XIX. And be it further enacted, That the Purchase Money for such Lands and Hereditaments, and all other Monies necessary for the Purposes of this Act, shall be raised and paid out of the Church Rates of the said Parish of *Bradford*; and the Churchwardens of the said Parish of *Bradford* for the Time being shall from Time to Time, and they are hereby empowered and required to pay or cause to be paid unto the said Trustees or their Treasurer, out of the Church Rates of the said Parish, such Sum and Sums of Money as the said Trustees shall from Time to Time, by Writing under their Hands or the Hands of any Five of them, order and require for the Purposes of this Act, not exceeding in the whole the Sum of Two thousand Pounds; and it shall be lawful for the said Churchwardens to make such Payments as aforesaid, and they are hereby authorized, empowered, and required to enlarge or cause to be enlarged the Church Rates of the said Parish accordingly, and to raise, levy, and collect thereby the several Sums requisite for the Purposes of this Act (over and above the Sums of Money or Rates which they are or may be by Law authorized to raise for the Repairs of the Church of the said Parish, and other Purposes to which the Church Rates may be legally applied in the said Parish); and in case of Non-payment of any such Sum or Sums of Money as shall from Time to Time be ordered and required by the said Trustees to be paid to them or their Treasurer by the Churchwardens for the Time being, or any of them, in Manner aforesaid, for the Space of Fourteen Days next over or after the Day appointed for the Payment thereof as aforesaid, then and in every or any such Case it shall and may be lawful to and for the said Trustees, or any Two or more of them, or their Treasurer, to levy such Sum or Sums of Money by Distress and Sale of the Goods and Chattels of the Churchwardens, or any or either of them, or other Person or Persons who ought to pay the same, making Default in Payment as aforesaid, by Warrant under the Hand and Seal or Hands and Seals of any Justice or Justices of the Peace for the said Riding (which The Money to be raised and paid out of the Church Rate.

[Local.] 10 R Warrant

Warrant such Justice or Justices is and are hereby authorized and required to grant); and the Overplus, after Payment and Satisfaction of all such Sum and Sums of Money to become due to the Trustees in Manner aforesaid, and the Charges of levying and recovering the same shall have been deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and all Sums of Money to be paid by the said Churchwardens, or any or either of them for the Time being, to the said Trustees in pursuance of this Act, or to be levied upon them or any or either of them by Authority and in Manner aforesaid, shall be allowed in their respective yearly Accounts.

For the Recovery of Rates.

XX. And be it further enacted, That if any Person or Persons who shall be rated or assessed to the said Church Rate of the said Parish, or any Enlargement thereof, pursuant to this Act, shall refuse or neglect to pay the same within Six Days after the same shall have been demanded by the Churchwardens of the said Parish, or any of them, or any other Person or Persons authorized to collect the same, then and in every such Case it shall and may be lawful to and for the said Churchwardens, or any of them, or other Person or Persons aforesaid, and he and they is and are hereby authorized and required by Warrant, under the Hand and Seal of any One of His Majesty's Justices of the Peace acting in and for the West Riding of the County of *York* (which Warrant such Justice is hereby authorized to grant upon Proof being made upon Oath of the Demand and Non-payment of any such Rates or Assessments, which Oath and Oaths such Justice is hereby authorized and required to administer), to levy all and every such Rates and Assessments, Sum and Sums of Money, 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 West Riding of the County of *York*; and if sufficient Distress cannot be found within the said Riding, then in any other County, Liberty, or Place, upon such Warrant being backed or countersigned by some one Justice of the Peace of such other County, Liberty, or Place (which Warrant such Justice is hereby authorized and required to countersign); and if within Three clear 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 Churchwardens or any of them, or other Person or Persons, shall cause the said Goods and Chattels, or a sufficient Part thereof, to be appraised and sold, rendering to the Person or Persons whose Goods and Chattels shall be so distrained the Overplus (if any there be) after deducting the said Rates or Assessments, and all Arrears thereof; and the reasonable 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 Riding.

Form of Warrant of Distress.

XXI. And be it further enacted, That every Warrant of Distress for Non-payment of any Church Rate or Enlargement thereof to be made by virtue of this Act, may be in the Words or to the Effect following; (that is to say),

‘ to wit. } TO the Churchwardens of the Parish of *Bradford* in the said  
 ‘ Whereas *A. B.* now or late of } Riding [or, Chapelwardens, &c. as the Case may be.]  
 within the said Parish of  
 ‘ *Bradford,*

‘ Bradford, was duly rated and assessed in the Sum of \_\_\_\_\_ in  
 ‘ respect of \_\_\_\_\_ for the Purposes of *An Act, &c.* [*here set*  
 ‘ *forth the Title of this Act*]; and that the said *A. B.* has refused or  
 ‘ neglected to pay the said Sum of Money; and the same having been  
 ‘ duly demanded of and from the said *A. B.* but still remaining due and  
 ‘ unpaid, as appeareth upon Oath to me One of His Majesty’s Justices of  
 ‘ the Peace for the said Riding; these are therefore in His Majesty’s Name  
 ‘ to will and require you, or either of you, forthwith to levy the said Sum  
 ‘ of \_\_\_\_\_ so due from the said *A. B.* by Distress and Sale of his  
 ‘ Goods and Chattels (such Goods and Chattels being kept for the Space  
 ‘ of \_\_\_\_\_ clear Days before the same are sold), rendering to him  
 ‘ the Overplus (if any be), the reasonable Charges of this Warrant, and of  
 ‘ such Distress and Sale and Keeping, being first deducted; and if no  
 ‘ sufficient Distress can be had or taken, that then you certify the same to  
 ‘ me forthwith; and I do hereby strictly charge and command all and  
 ‘ singular the Constables and others His Majesty’s Peace Officers for the  
 ‘ said Riding to be aiding and assisting in all Things relating to the  
 ‘ Premises. Given under my Hand and Seal, this \_\_\_\_\_ Day  
 ‘ of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

XXII. And be it further enacted, That for the Purposes of this Act it Power to bor-  
 shall be lawful for the said Trustees or any Five or more of them, and row Money.  
 they are hereby empowered, in case they think fit, to borrow at once or  
 at sundry Times such Sum or Sums of Money as shall be requisite for the  
 Purposes of this Act, not exceeding the Sum of Two thousand Pounds  
 in all, at as low a Rate of Interest (not exceeding Five Pounds *per Centum*  
*per Annum*) as such Sum or Sums respectively can be conveniently pro-  
 cured, which Monies so to be borrowed shall be applied for the Purposes  
 of this Act; and the same Monies, and every Part thereof, and the Interest  
 thereof, are hereby charged upon and made payable out of the Church  
 Rates from Time to Time to be assessed and made for the said Parish; and  
 for securing the Re-payment of the Money so to be borrowed, and the  
 Interest thereof, the said Trustees or any Five or more of them shall and  
 may by Writing under their Hands and Seals, assign over the said Church  
 Rate or any Part thereof to the Person or Persons advancing and lending  
 such Money; which Assignment shall be in the Form or to the Effect  
 following; (*videlicet*),

‘ WE \_\_\_\_\_ of the Trustees for putting into Execution an Act Form of  
 ‘ of Parliament passed in the Fifty-seventh Year of the Reign of Assignment;  
 ‘ King George the Third, intituled [*set forth the Title of this Act*] in  
 ‘ consideration of the Sum of \_\_\_\_\_ advanced and lent by *A. B.*  
 ‘ to us upon the Credit and for the Purposes of the said Act, do hereby  
 ‘ assign unto the said *A. B.* his Executors, Administrators, and Assigns,  
 ‘ such Part or Proportion of the Church Rates of the said Parish as are  
 ‘ by the said Act authorized to be charged or taken for the Purposes  
 ‘ thereof, to hold unto the said *A. B.* his Executors, Administrators, and  
 ‘ Assigns, until the said Sum of \_\_\_\_\_ together with Interest for  
 ‘ the same after the Rate of \_\_\_\_\_ *per Centum per Annum* (to be  
 ‘ paid yearly clear of all Deductions), shall be fully paid and satisfied. In  
 ‘ Witness whereof we have hereunto set our Hands and Seals, the  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight  
 ‘ hundred and \_\_\_\_\_

And

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

Securities for Money may be transferred.

XXIII. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities for Money which shall be so borrowed, by Writing under his, her, or their Hand and Seal or Hands and Seals, from Time to Time to transfer the same and the Benefit thereof to any Person or Persons, by Endorsement thereon, to be executed in the Presence of some credible Witness, in the Form or to the Effect following :

Form of Transfer.

‘ I Do hereby transfer the within Assignment, and the Money thereby secured, and the Interest due and to become due thereon, unto  
 ‘ of Executors, Administrators, and Assigns.  
 ‘ Witness my Hand, this Day of in the Year  
 ‘ of our Lord One thousand eight hundred and

And Copies of all Assignments and Transfers which shall be made in pursuance of this Act shall be entered in a Book to be kept for that Purpose by the Vestry Clerk of the said Parish, or by such other Person as the said Trustees shall appoint, which Book any Person interested shall at all reasonable Times have Access to, and free Liberty to inspect, without Fee or Reward; and for the Entry of every such Transfer there shall be paid to the same Clerk or Person Two Shillings and Sixpence and no more; and after such Entry made of any such Transfer, every such Transfer so made and entered as aforesaid shall entitle the Person or Persons to whom the same shall be made, and his, her, and their respective Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred; and the Person or Persons to whom such Assignment or Assignments, or any Transfer thereof, shall be so made, shall be Creditors on the said Church Rates in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Money.

Interest of Money borrowed to be paid yearly, and the Principal by Instalments.

XXIV. And be it further enacted, That the Interest of the Sum and Sums of Money to be borrowed as aforesaid shall be paid and cleared up annually on *Easter Monday* in every Year until the whole of the said Sums shall be paid off, and the Principal of the said Sum and Sums of Money shall be paid off by annual Instalments of Two hundred Pounds, and one such Instalment (comprising a Loan or Loans to the Amount of Two hundred Pounds) shall be paid annually on *Easter Monday* until the whole thereof shall be discharged, and the first Payment thereof shall commence on *Easter Monday* in the Year of our Lord One thousand eight hundred and nineteen; and all such Payments shall be made at the Vestry Room of the said Parish Church between the Hours of Two and Five of the Clock in the Day-time of each of the said Days; and in order to avoid any Partiality or Preference in paying the said Instalments, the Numbers and Names of Proprietors of the said Assignments or Securities from Time to Time remaining unpaid, shall yearly within a Week before each respective Day of Payment be written upon Tickets by the said Vestry Clerk, or some other Person to be appointed by the said Trustees (allowing One Ticket for each One hundred Pounds), and shall be by him delivered to the said Trustees on the *Easter Monday* in the Forenoon; and the said Trustees, at an open Meeting of the Parishioners of the said Parish, to be held in the said Vestry Room on the said *Easter Monday* between the Hours aforesaid, shall from Time to Time put the said Tickets into a Ballotting-box or Glass,  
 and

and draw the same out by Lot until the whole thereof be drawn, and the first and last drawn Tickets shall entitle the respective Persons named therein to be paid the Principal Sum of One hundred Pounds each that Year, in preference to the others, out of the Monies to be raised by virtue of this Act: Provided always, that in case any Holder of any Assignment or Security, whose Ticket shall be so drawn, shall decline to have his or their Assignment or Security then paid off, then any other of the said Assignments or Securities may be paid off, to be drawn by Ballot as aforesaid.

XXV. Provided always, and be it further enacted, That the Costs, Charges, and Expences incurred and paid, or to be incurred and paid, in and about the obtaining and passing of this Act, and all Money advanced, or which shall be advanced from Time to Time for that Purpose, together with lawful Interest, shall be paid and discharged by the said Trustees or their Treasurer out of the first Monies which may come to their or his Hands by virtue of this Act, or out of the first Monies which shall be raised or received by the Churchwardens of the said Parish, by virtue or under the Authority of any Church Rate or Church Rates which shall be made on the Inhabitants of the said Parish after the passing of this Act.

The Costs of this Act how to be paid.

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

Allowing an Appeal.

XXVII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any respect to abridge, oppose, or controul the ordinary Jurisdiction of the Lord Archbishop of *York* for the Time being in and over the aforesaid Parish of *Bradford*, or over the Minister or Churchwardens, or in, over, or relative to any Matter or Thing respecting the said Parish, Minister, or Churchwardens.

This Act not to abridge the Jurisdiction of the Lord Archbishop of *York*.

XXVIII. And be it further enacted, That in all Actions, Proceedings, Informations, Causes, Hearings, Examinations, or other Proceedings whatsoever, or in any or either of them, relating to or concerning the Execution

Trustees and Inhabitants may be com-

[Local.]

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of

petent Witnesses.

of this Act, the said Trustees or any of them, or the Inhabitants of the said Parish or any of them, shall not be deemed incompetent by reason of being such Trustee or Trustees, or Inhabitant or Inhabitants as aforesaid, or of being charged with or liable to pay any Rate or Assessment to be raised, levied, and collected by virtue of this Act, or otherwise to give Evidence.

Justices may act in the Execution of this Act, notwithstanding they may be Trustees.

XXIX. And be it further enacted, That it shall and may be lawful to and for any of His Majesty's Justices of the Peace for the said West Riding to make, do, and execute all and every Act or Acts, Matters, or Things appertaining to their Office as a Justice or Justices of the Peace, so far as the same relates to the Execution of this Act, or the enforcing the Payment of any Rate, or levying any Sum or Sums of Money, Church Rates, or Assessments, or any Enlargement thereof in pursuance of this Act, notwithstanding any such Justice or Justices of the Peace shall or may be a Trustee for carrying this Act into Execution, or rated to or chargeable with the said Rates or Assessments.

Proceedings not to be quashed for want of Form.

XXX. And be it further enacted, That no Order or Judgment, or any other Proceeding had, made, or done under or by virtue of this Act, or touching any of the Matters aforesaid, shall be quashed or vacated for want of Form only, or be removed or removable by Writ of *Certiorari*, or any other Writ or Process, into any of His Majesty's Courts of Record at *Westminster*, any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding; and that where any Distress shall be made for any Sum or Sums of Money, Rates, or Assessments 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 any Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any Thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants One Calendar Month before such Action shall be commenced, and signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action, nor shall the Plaintiff or Plaintiffs recover in any such Action, if Tender of sufficient Amends shall have been made to him, her, or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court where such Action shall be brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall see fit, whereupon such Proceeding, Order, and Judgment shall be had, made, and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XXXI. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, the same shall be brought within Three Calendar Months next after

after the Fact committed, and the same shall be laid in the County or Place where the Cause of Action shall have arisen, and not elsewhere; and that the Defendant or Defendants in every such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time hereinbefore limited for bringing the same as aforesaid, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants therein; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Double Costs, and have such Remedy for the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

XXXII. 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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