



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. lxxv.

An Act for taking down and rebuilding the Parish Church of *Blackburn*, in the County Palatine of *Lancaster*; and for providing additional Burial Ground, and for equalizing the Church Rates in the said Parish, and other Purposes.

[14th June 1819.]

WHEREAS the Parish Church of *Blackburn*, in the County of *Lancaster*, and the Tower thereof, are very ancient, and are now ruinous and decayed, and the said Parish Church is not sufficiently large for the Accommodation of the Inhabitants of the said Parish (the Population having of late Years greatly increased); and the present Cemeteries or Burial Grounds allotted for the Burial of Persons dying in the said Parish, are insufficient for the Purpose; and it is therefore expedient that the said Parish Church should be taken down, and that in lieu thereof a new Parish Church of larger Dimensions should be erected, and that a new Tower thereto should be erected, or that the present Tower should be raised, repaired, and altered; and also that an additional Burial Ground should be provided in the said Parish, or that the present Cemetery should be enlarged: And whereas the Rates or Assessments for repairing and maintaining the present Church, and for other Purposes relating thereto, have been and are unequally made and levied, and divers Messuages, Buildings, Lands, Tenements, and Hereditaments within the said Parish have not been and are not now included in such Rates or Assessments; and it is expedient that

[*Local.*]

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such

such Rates should be equalized : And whereas the Most Reverend *Charles* Lord Archbishop of *Canterbury*, Primate of all *England* and Metropolitan, in Right of his See is seized of the Advowson, Donation, Right of Presentation and Patronage, of and to the said Parish Church; and the Reverend *Thomas Dunham Whitaker* Clerk, Doctor of Laws, is the present Vicar of the said Parish and Parish Church : And whereas the several Purposes before-mentioned cannot be effected without the Aid and Authority of Parliament : May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Vicar and Churchwardens for the Time being of the said Parish Church, together with *Thomas Ainsworth, John Bailey* of *Clitheroe*; the Honourable *Robert Curzon, Richard Cardwell* the elder, *Richard Cardwell* the younger, Clerk, *Abraham Chew, John Cunliffe, Robert Chadwick, William Carr, Thomas Carr, Robert Dewhurst, John Emett, Thomas Edmundson*, all of *Blackburn*; *Joseph Feilden* of *Witton*; *William Feilden* of *Fenniscowles*; *John Fleming* of *Blackburn*; *James Greenway* the younger of *Over Darwen*; *Thomas Glover, James Glover, John Hornby, John Fowden Hindle, John Hargreaves*, all of *Blackburn*; *John Harper* of *Dunkenhalgh*; *Christopher Hindle* of *Lower Darwen*; *William Maude, James Neville*, both of *Blackburn*; *George Petre* of *Dunkenhalgh*; *William Pickering* of *Tockholes*; *Proctor Ratcliffe, Dixon Robinson*, both of *Blackburn*; *Le Gendre Starkie* of *Huntroyd*; *Henry Sudell* of *Woodfold Park*; *James Taylor* of *Whalley*; *William Townley, Thomas Turner, William Turner*, all of *Blackburn*; and *William Walker* of *Salisbury*; and their Successors, to be nominated and appointed by virtue of this Act, shall be and they are hereby declared to be Trustees for taking down and rebuilding the Parish Church of *Blackburn* aforesaid, and for providing an additional Burial Ground in the said Parish, and for carrying the several Purposes of this Act into Execution.

Trustees.

Trustees
Oath of
Office.

II. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act (except in the Power of giving Notice of the First Meeting under this Act, and of administering the Oath herein-after mentioned, and which Oath any or either of the Trustees herein-before named are hereby empowered to administer), until he shall have taken an Oath in the following Words, or in Words to the following Effect; and an Entry or Minute shall be made in the Book of Proceedings of the Trustees of the taking of such Oath, and of the Date of administering the same :

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

Power to
appoint ad-
ditional
Trustees.

III. And be it further enacted, That it shall be lawful for the Trustees hereby nominated, or any Seven or more of them, and they are hereby authorized and empowered, at any of their Meetings to be holden in pursuance of this Act, to elect any Number of Persons, not exceeding

ing Ten in the whole, to be Trustees for the Purposes of this Act, in addition to the Trustees hereby appointed; and such Trustees so elected, and being duly qualified, shall be and are hereby invested with the same Powers and Authorities for executing this Act, as if they had been herein named.

IV. And be it further enacted, That if any One or more of the said Trustees hereby named and appointed, or who shall be appointed in pursuance of this Act, (save and except such Persons as are hereby declared to be Trustees by virtue of their respective Offices), or their Successors to be elected in manner herein-after mentioned, shall die, or shall refuse, decline, 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, or any Three or more of them, from Time to Time to elect and appoint One other Person (being an Inhabitant of the said Parish of *Blackburn*) to be a Trustee in the Room of each such Trustee so dying, or refusing, declining, or becoming incapable of acting; and Notice of the Time and Place of the Meeting for every such Election (signed by the Clerk or Clerks for the Time being to the said Trustees) shall be affixed on the principal Door of the Parish Church of *Blackburn*, for the Time being, and inserted in some Newspaper (if any such there shall then be) published in the Town of *Blackburn*, Fourteen Days at the least before such Meeting; and every Person so elected a new Trustee as aforesaid, after taking the Oath herein-before mentioned, 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.

Power to appoint new Trustees in case of Death, &c.

V. Provided always, and be it further enacted, That no Person who shall be elected a new or additional Trustee as aforesaid, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall in his own Right or in the Right of his Wife, be in the actual Possession and Enjoyment or Receipt of the Rents and Profits of Lands and Tenements or Hereditaments within the said Parish, of the clear yearly Value of One hundred Pounds above all Reprizes, or shall be possessed of a Personal Estate of Four thousand Pounds, nor until he shall have taken and subscribed, before any One or more of the said Trustees, an Oath in the Words or to the Effect following; and which Oath any Trustee (previously sworn) shall be and is hereby authorized and empowered to administer; and an Entry or Minute shall be made in the Book of Proceedings of the said Trustees, of the taking of such Oath, and the Date of administering the same:

Qualification of new and additional Trustees.

‘ I do swear, That I am truly and *bonâ*
 ‘ *fide*, in my own Right [*or*, in the Right of my Wife] in the actual
 ‘ Possession and Enjoyment or Receipt of the Rents and Profits of Lands,
 ‘ Tenements, or Hereditaments within the Parish of *Blackburn*, in the
 ‘ County of *Lancaster*, of the clear yearly Value of One hundred Pounds
 ‘ above Reprizes [*or*, am possessed of a Personal Estate of the Value of
 ‘ Four thousand Pounds]; and that I will faithfully, impartially, and
 ‘ honestly, according to the best of my Skill, Knowledge, and Judgment,
 ‘ execute the several Trusts and Powers reposed in me as a Trustee, by
 ‘ virtue

‘ virtue of an Act passed in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act* [*here set forth the Title of this Act*].
So help me GOD.’

Contractors, &c. not to act as Trustees.

Penalty on Trustees acting if not qualified.

Acts of unqualified Trustees before Conviction valid.

Trustees who are Justices may act as such.

Proceedings of Trustees to be at Meetings.

Trustees to bear their own Expences.

First Meeting of Trustees.

Power to adjourn.

VI. Provided also, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act during the Time he shall be interested in any Contract, or shall hold any Employment or Place of Profit under this Act; and if any Person, not being qualified as aforesaid, or being disqualified by any of the Causes aforesaid, shall presume to act in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall inform or 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, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed; and the Person so prosecuted shall prove that he is so qualified, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Prosecution, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all such Acts and Proceedings as shall have been done and performed by any such Person touching the Execution of this Act, previous to his being convicted of such Offence, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act: Provided also nevertheless, that such of the said Trustees as are or shall be Justices of the Peace, may act as such within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees, except in such Cases where they shall be personally interested.

VII. And be it further enacted, That no Act of the said Trustees shall be or be deemed to be good, valid, or effectual, unless the same be done at a public Meeting to be holden in pursuance of this Act (except as herein otherwise particularly expressed); and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised from Time to Time by the major Part of them who shall be present at any Meeting to be holden in pursuance of this Act, the Number of Trustees present at every such Meeting not being less than Three; and all the Orders and Proceedings of the major Part of the Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all the Trustees for the Time being (save and except as herein-after excepted); and at every Meeting of the said Trustees a Chairman shall or may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman), then and in every such Case it shall be lawful for such Chairman to give the decisive or casting Vote; and the said Trustees shall at all their Meetings pay and bear their own Expences.

VIII. And be it further enacted, That the said Trustees shall meet in the Vestry Room of the said Parish, on the Second *Thursday* next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, and proceed to put this Act into Execution; and the said Trustees shall and may at such Meeting, and at their

their several Meetings to be holden for the Purpose of carrying this Act into Execution, from Time to Time adjourn the same, and appoint their next Meeting to be holden there or at any other Place in the said Parish of *Blackburn* that to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear, at or within One Hour after the Time appointed for holding any such Meeting, any of the said Trustees, or if there shall not appear a sufficient Number of Trustees to act in the Execution of this Act, the Trustees or any One Trustee (if there shall be but One Trustee) then present, or the Clerk or Clerks to the said Trustees, shall from Time to Time, as often as the Case may happen, adjourn such Meeting to some other Day within Twenty-one Days then next following, to be holden at the same Place; and the said Clerk or Clerks shall cause Notice thereof to be given in Manner aforesaid, at least Seven Days before the Day to which such Meeting shall be adjourned.

IX. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk or Clerks to the said Trustees shall (in pursuance of any Order in Writing signed by any Three or more Trustees, mentioning the Time and Place and Purposes of such earlier Meeting, being given to him or them, or left at his or their Office, last or usual Place of Abode) forthwith give, in Manner in this Act directed, Notice of the Meeting to be holden on such earlier Day, and of the Time and Place and Purposes of the Meeting which shall be mentioned in the Order of the said Trustees, such Time not being less than Seven Days after such Notice; and all Proceedings of such Trustees at such earlier Meeting, whether relating to the particular Subject on which such Meeting shall be called or not, shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment; and such Meeting may be adjourned, or be appointed to be again held, in such Manner as other Meetings under this Act are herein-before directed to be adjourned or appointed to be held, notwithstanding any former Adjournment to the contrary.

Meetings on Emergencies.

X. And be it further enacted, That no Order, Appointment, or Proceeding made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless Notice, specifying the Revocation or Alteration intended to be proposed, signed by the Clerk or Clerks to the said Trustees, shall be given in Manner aforesaid, at least Fourteen Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration, nor unless a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

No Order to be revoked unless at a Meeting for the Purpose, nor unless a Majority of the Trustees at such Meeting concur.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all the Trustees

Proceedings to be entered in a Book.

[Local.]

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appointed

appointed or to be appointed by or in pursuance of this Act, and of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books shall be signed by the Trustees making the same; and the said Book or Books, and also the Book or Books hereinafter directed to be kept for registering Mortgages and Assignments, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others; and all the Orders and Proceedings of the said Trustees which shall be entered in such Book or Books shall be deemed to have been regularly and legally made and had; and the Meeting or Meetings at which such Orders and Proceedings shall be made and had, shall be deemed to have been regularly and legally held, without any other Evidence than such Book or Books, unless such Orders or Proceedings, Meeting or Meetings, shall on the Face of such Book or Books appear to be irregular or illegal.

Minute Books to be kept of Proceedings of Trustees, and of Accounts of Receipts and Disbursements, which shall be open to the Inspection of the Trustees and Creditors.

XII. And be it further enacted, That the said Trustees shall and they are hereby required also to order and direct a Book or Books to be provided and kept by their Clerk or Clerks for the Time being, in which Book or Books such Clerk or Clerks shall enter or cause to 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, and any Creditor or Creditors of the Rates, without Fee or Reward; and the said Trustees and Creditors, and any of them, shall and may take Copies of or Extracts from such Book or Books, or any Part or Parts thereof respectively, without paying any Thing for the same; and in case the said Clerk or Clerks shall refuse to permit the said Trustees or such Creditors, or any or either of them, to inspect the same, or to take such Copies or Extracts as aforesaid, such Clerk or Clerks shall forfeit and pay for each and every Offence any Sum of Money not exceeding Five Pounds, to be levied and recovered, apportioned and applied, in Manner herein-after mentioned.

Trustees to appoint Officers.

Officers to account.

XIII. And be it further enacted, That the said Trustees or any Three or more of them may and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, and also such other Officers and Persons for the Execution of this Act, as the said Trustees shall think proper, and from Time to Time to remove such Officers and Persons respectively as the said Trustees shall see Occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances to the said Officers and other Persons as the said Trustees shall think reasonable; and all such Officers so to be appointed shall, under their Hands, at such Time or Times and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments, and shall pay all such Money as shall remain

due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, when thereunto required by the said Trustees, or any Three or more of them, lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and if any such Officer shall refuse or neglect to make and render any such Account as aforesaid, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Twenty-one Days after having been thereunto required by the said Trustees, or any Three or more of them, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or give Satisfaction to the said Trustees respecting the same, then and in any such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Summons or Warrant, under his Hand and Seal, for the Officer so refusing or neglecting to appear before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been collected or received 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 and 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 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 and wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof, to the said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction for Want of such sufficient Distress by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XIV. Provided

Security to
be taken from
Treasurer,
&c.

XIV. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required to take sufficient Security from every Treasurer to be appointed for the Purposes of this Act, for the due and faithful Execution of his Office; and if they shall think proper, may also take such Security from any Collector or other Officer to be appointed under or by virtue or for the Purposes of this Act.

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

XV. Provided also, 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 said 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 Imparlance, shall be allowed.

Actions to be
brought in
the Name of
the Clerk, or
One of the
Trustees.

XVI. And be it further enacted, That the said Trustees may sue and be sued for or concerning any Thing relating to the Execution of this Act, in the Name or Names of their Clerk or Clerks, or in the Name of any One of the said Trustees on Behalf of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death or Removal of the Person or Persons in whose Name or Names the same shall be brought or defended, or by his or their Act; but the Clerk or Clerks for the Time being of the said Trustees, or the Successor of the Trustee in whose Name any Action or Suit shall be so brought, shall always be deemed the Plaintiff or Plaintiffs, Defendant or Defendants, in any such Action.

Indemnity to
Trustees and
Officers.

XVII. Provided always, and be it further enacted, That all and every the Trustees herein-before named, and the additional Trustees herein-before authorized to be appointed, and their respective Successors to be appointed as herein-before mentioned, and the respective Officers of the said Trustees, shall from Time to Time and at all Times hereafter be 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 shall and may sustain or be put unto for or by reason of any Action, Suit, or other Proceedings which may be had, sued, commenced, or prosecuted by or against them, any or either of them, for or in respect of any Matter or Thing relating to the Execution of this Act, or the Trusts reposed in them under the same.

Church to be
taken down.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, to take and pull down, or order and cause to be taken and pulled down, the whole

whole of the present Church of the said Parish of *Blackburn*, and the Tower thereof, or such Part or Parts thereof respectively as they shall think proper.

XIX. And be it further enacted, That the said Trustees shall and they are hereby empowered and required to enlarge the Parish Church of *Blackburn* aforesaid, and to rebuild the Whole thereof on an enlarged Site, or to cause the same to be enlarged and rebuilt, either in the Situation of the present Church, or in such other Situation within the present Burial Ground, or within or upon the Lands and Hereditaments by this Act authorized to be purchased, as the said Trustees, or any Three or more of them, shall (with the Consent and Approbation of the Lord Bishop of the Diocese for the Time being) think proper; and also to alter, raise, repair, or rebuild, or cause to be altered, raised, repaired, or rebuilt, the said Tower, or to erect and build, or cause to be erected and built, a new Tower or Towers or Steeple, on the Westerly End or Side of the said Church; and the said Church shall be erected and built of such Size and Dimensions so as conveniently to accommodate with Seats at the least Two thousand Persons, or of such larger Size or Dimensions, and of such Materials, and after such Specification and Model, as also the Tower or Steeple of the said Church, as to the said Trustees, with the Approbation of the Lord Bishop of the Diocese, shall seem right and proper; and the said Trustees shall make, erect, and set up, or cause to be provided and made or erected and set up, in such Church, such Pews, Seats, Galleries, Organ, Communion Table, Pulpit, Desks, and Ornaments, a Chancel, Vestry Room, and Conveniencies, and Bells and other Requisites in the Tower or Steeple, as to the said Trustees, with such Approbation as aforesaid, shall seem right and proper.

Church to be enlarged and rebuilt.

Church to accommodate Two thousand Persons at the least.

XX. And be it further enacted, That all and every the Timber, Stones, Bricks, Iron, Lead, and other Materials of the present Church and Tower, and all such Articles, Matters, and Things so to be erected, made, or provided, and all the Stones, Bricks, Timber, Iron, Lead, and other Materials purchased or procured by Order of the said Trustees for rebuilding the said Church, and for repairing or rebuilding such Tower thereto, and also the Fences, Gates, Stiles, or other Articles, Matters, and Things of which the Fences to the present Church-yard, Cemetery, or Burial Ground consist, and all other Appurtenances to the said Church Yard, Cemetery, or Burial Ground belonging, and also all Articles, Matters, and Things which shall be purchased, collected, or provided by the said Trustees, for making new Fences or Appurtenances thereto, or to the additional or new Cemetery or Burial Ground to be made or provided by virtue of this Act, shall belong to and be the Property of, and the same, and each and every of them, and every Part and Parcel thereof, are and is hereby vested in the said Trustees; and it shall be lawful for the said Trustees, or any Three or more of them, to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require), against any Person or Persons who shall spoil, injure, or destroy the said Church and Tower, or who shall steal, take, remove, or carry away the Stones, Timber, Iron, and other Materials thereof, respectively vested in the said Trustees by virtue of this Act, 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

Materials, &c. to be procured, vested in the Trustees, who may bring Actions or prefer Indictments.

to state generally that the said Church, Tower, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Trustees for taking down and rebuilding the Parish Church of *Blackburn*, in the County Palatine of *Lancaster*, and for providing additional Burial Ground, and for equalizing the Church Rates in the said Parish, and other Purposes," without particularly stating or specifying the Names of all or any of the said Trustees; and it shall be lawful for the said Trustees, or any Five or more of them, to sell and dispose of all and every the Timber, Stones, Bricks, Iron, Lead, and other Materials of the present Church and Tower, or any of them, or any Part or Parts thereof, to any Person or Persons whomsoever, either by public Auction or private Contract, as to them shall seem meet, and the Money arising by such Sale or Sales shall be applied to the Purposes of this Act; or it shall be lawful for the said Trustees, if they shall think fit, and they are hereby empowered, to employ or apply such Timber, Stones, Bricks, Iron, Lead, and other Materials, or any Part or Parts thereof, as to them shall seem right, in the rebuilding the said Church, or in altering, raising, repairing, or rebuilding the said Tower, in such Manner as they shall think proper.

Rights of
Vicar and
Patron pre-
served.

XXI. And be it further enacted, That the said *Thomas Dunham Whitaker*, the present Vicar, and his Successors, Vicars for the Time being, shall be the Vicars of the said Parish in the Parish Church to be rebuilt or erected by virtue of this Act, in like Manner as in the old or present Parish Church; and the said Archbishop, or the Person or Persons who for the Time being has or have a Right of presenting, nominating, or appointing a Vicar to the said old or present Church, or in whom such Right would hereafter be, in case the same had not been taken down by virtue of this Act, shall have the Right of Presentation, Nomination, or Appointment to the said Parish Church to be rebuilt or erected by virtue of this Act, upon every future Vacancy or Avoidance; and every such Person so to be presented, nominated, or appointed as aforesaid, being duly instituted and inducted, shall be the Vicar of such Church to be rebuilt or erected by virtue of this Act, and shall have and enjoy such and the same Profits, Privileges, Commodities, and other Ecclesiastical Dues and Duties arising within the said Parish, as the present Vicar of the said Parish of Right has or ought of Right to have and enjoy.

Divine Ser-
vice and
Banns to be
performed
and published
in other
Places during
the rebuilding
of the Church.

XXII. And be it further enacted, That Divine Service, the Solemnization of Matrimony, Baptisms, Burials, and all other Matters and Things which were or used to be celebrated, solemnized, administered, had, done, and performed by the Vicar or Curate for the Time being in the said Church, and the Church-yard belonging thereto, shall and may be celebrated, solemnized, administered, had, done, and performed, in the like Manner, in the Chancel of and belonging to the said Church, or within or under the Tower thereof, or in any other Part of the said Church as shall remain or be standing, or in the Church or Chapel called *Saint John's Church*, in *Blackburn* aforesaid, or in any other Church or Chapel which may be erected and consecrated according to the Forms and Usages of the Church of *England*, within the Township of *Blackburn* aforesaid, until such Time as the said Parish Church shall be rebuilt, completed, and finished, and rendered fit for the Celebration of Divine Service

Service therein, and until the new Cemetery or Burial Ground shall be consecrated; and that all Publications of Banns of Marriage, which by Law are required to be made and published in the Parish Church, may be made and published in the said Chancel, Tower, or other Part of the said Parish Church, or in *Saint John's* Church aforesaid, or in such other Church or Chapel as aforesaid, in the same Manner and at the same Times as the same should or ought to have been published in the said Parish Church, if the same had been standing and fit for Divine Service, until such Time as the Parish Church to be rebuilt or erected by virtue of this Act, shall be completed, finished, and rendered fit for Divine Service, as herein directed; and all Publications of such Banns of Marriage so made and published, and all Baptisms celebrated or administered as hereinbefore authorized, and all Registers thereof, and all Marriages solemnized, shall be as good, valid, and effectual in the Law to all Intents and Purposes whatsoever, as if such Banns had been made and published, and such Baptisms had been celebrated or administered, and such Marriages had been solemnized, in the Parish Church of *Blackburn* aforesaid, any Law, Statute, or Ordinance to the contrary thereof in anywise notwithstanding; and all Marriages, Baptisms, and Burials which shall be solemnized, celebrated, administered, or performed in any of the Places aforesaid, (except in *Saint John's* Church,) and all Marriages which shall be solemnized in *Saint John's* Church, shall be entered and registered in the Register or Registers kept for and belonging to the said Parish Church, in the same Manner as if the same had been solemnized, celebrated, administered, or performed in the said Parish Church; and from and after the taking down of the said Parish Church shall be commenced, and until the same shall be rebuilt, completed, and finished, and rendered fit for the Celebration of Divine Service therein, it shall be lawful for the Vicar of the said Parish for the Time being, and for all or any other Person or Persons in Holy Orders, by his Direction or Permission, to have free Access into the said Church or Chapel called *Saint John's* Church, at all or any Times or Time when Divine Service hath not heretofore been usually performed therein, for the Purpose of celebrating Divine Service, or solemnizing Matrimony, or administering the Sacraments of the Church therein; and on the Solemnization of Matrimony in *Saint John's* Church aforesaid, the Vicar of the said Parish for the Time being shall be entitled to and shall receive the same Fees which are actually and of Right ought to be paid for the Solemnization of Matrimony in the Parish Church of *Blackburn* aforesaid, in the same Manner as if such Solemnization had taken place in the said Parish Church, and no further or other Fees shall be demanded.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, to contract and agree with any Person or Persons for the taking down, enlarging, and rebuilding of the said Church, and for taking down and rebuilding, or (if thought by the said Trustees more expedient) for altering, raising, or repairing the Tower of the said Church, and for the taking in and inclosing any of the Lands, Grounds, or Hereditaments to be purchased by virtue of this Act for a Cemetery or Burial Ground for the Use of the said Parish, and for providing Materials for rebuilding, erecting, finishing, and completing the said Church and Tower, and the Walls or Fences of the said Cemetery or Burial Ground, or for altering,

Trustees empowered to contract for building the new Church, &c.

raising,

raising, or repairing the said Tower, and generally to make and do all such Orders, Matters, and Things as they shall think proper and necessary, fully and effectually to carry this Act into Execution; and all such Contracts and Agreements, when made and entered into by or between the said Trustees, or any Three or more of them, and any other Person or Persons, shall be reduced into Writing by or by the Order of the said Trustees, and signed by the Parties thereto, and shall be good, valid, and binding, as well upon the Trustees for executing this Act as upon all other Parties thereto, his, her, and their Executors, Administrators, and Assigns; and the said Trustees shall and may pay or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, to the Person or Persons entitled to receive the same, out of the Monies to arise by virtue of this Act.

New Church
to be the Pa-
rish Church
of Blackburn.

XXIV. And be it further enacted, That the Church to be rebuilt by virtue of this Act shall, when the same shall be built and completed, be from thenceforth for ever called and known by the Name of, and to all Intents and Purposes be the Parish Church of the said Parish of *Blackburn*; and that Divine Service, the Solemnization of Matrimony, Baptisms, the Burial of the Dead, and all other Rites and Ceremonies, Matters and Things whatsoever, which were or of Right have been used to be celebrated, solemnized, administered, had, done, or performed, by the Vicar or Minister of the said Parish, in the present Church, shall and may be celebrated, solemnized, administered, had, done, and performed, in such and the like Manner, by the said Vicar or Minister of the said Parish and his Successors, Vicars or Ministers of the said Parish for the Time being, in the said Church to be rebuilt by virtue of this Act; any Law, Statute, Custom, or Usage to the contrary notwithstanding.

Power to re-
move Grave
Stones and
Monuments.

XXV. And be it further enacted, That the several Monuments, Grave Stones, and Monumental Inscriptions which shall be removed in taking down and rebuilding the present Church, shall be preserved and kept by or by the Order of the said Trustees, in such Place or Places as to them shall seem proper; and when and as soon as the said Church shall be rebuilt, or as soon after as conveniently may be, all such Monuments, Grave Stones, and Monumental Inscriptions shall be replaced and fixed in the said Church to be rebuilt by virtue of this Act, in or as near to the Place or Places from whence they shall have been respectively removed as may be.

No new
Grave or
Vault to be
made in the
Church, un-
less built with
Bricks and
arched.

XXVI. And be it further enacted, That after the said Church shall, by virtue of this Act, be rebuilt and completed, no new Grave or Vault shall at any Time thereafter be made or allowed for the Interment or Burial of any Person or Persons whomsoever, in or under the Site of the said Church, unless such Grave or Vault shall be built on all Sides thereof respectively with Bricks or Stone, and arched over with the same or like Materials, and the Coffin inclosed in Lead or Iron; and no such new Vault or Grave shall be sunk or made within the Distance of Five Feet from the Walls or any of the Pillars or Columns within the said Church; and no such Vault or Grave shall exceed the Depth of Eight Feet from the Surface of the Ground; and that no Corpse shall be interred in the Church-yard or Cemetery within Four Feet of the exterior Walls of the said Church; and that no Vault or Grave which shall be made in the said

Church-

Church-yard or Cemetery within Ten Feet of such exterior Walls shall exceed the Depth of Six Feet; and that from and after the Situation of the said new Church shall be fixed upon and determined by the said Trustees, or any Three or more of them, no Corpse shall be interred within the Distances above described from the Walls, Pillars, or Columns of the said Church, or from the intended Situation of such Walls, Pillars, or Columns, or in any other Situation, or in any other Manner herein-before prohibited.

XXVII. And be it further enacted, That when the said Church shall be erected and completed, and such Pews or Seats as are intended to be erected therein shall be finished, the said Trustees shall and they are hereby authorized and required to allot and appoint an equal Number of Pews or Seats therein to the several Proprietors or Persons who shall; at the Time of such Allotment or Appointment, be respectively in Possession of Pews or Seats in the present Church, or in the actual Receipt of the Rents and Profits thereof; and such new Pews or Seats shall be made convenient to accommodate as many Persons as the Pews or Seats, which such Proprietors or Persons are or shall or may be entitled to in the present Church as aforesaid, do now accommodate, and shall be as conveniently and eligibly situate as the same present Pews, or as nearly so as Circumstances will allow: Provided nevertheless, that it shall be lawful for the said Trustees, with the Consent in Writing of any such Proprietors or Persons; to allot and appoint to him, her, or them, any Pew or Seat, Pews or Seats, in the said Church to be rebuilt by virtue of this Act, of smaller Dimensions and Size, or capable of accommodating fewer Persons than the Pew or Seat, Pews or Seats, which he, she, or they is or are or shall or may be entitled to as aforesaid in the said present Church, in lieu of such last-mentioned Pew or Seat, Pews or Seats, any Thing herein contained to the contrary notwithstanding; and in case any Person or Persons, having a Right or Rights to any Pew or Seat, Pews or Seats, in any Part of the said Church, shall be dispossessed thereof by reason of such new Arrangement to be made by virtue of this Act, or shall be desirous of exchanging such Right to such Pew or Seat, Pews or Seats, for a Right to a Pew or Seat, Pews or Seats, in any other Part of the said Church, the said Trustees shall allot a Pew or Seat, Pews or Seats, to such Person or Persons accordingly, such Person or Persons paying such Sum for the Difference in Value as the Trustees shall think proper; and after such Allotment or Appointment of Pews or Seats as herein-before mentioned, the said Trustees shall and they are hereby authorized and required, to set out and appropriate, in the said new Church, such a Number of Seats for the gratuitous Accommodation of the poor Inhabitants of the said Parish for the Time being, as shall be sufficient to accommodate Seven hundred Persons at the least; and the Remainder of the Pews or Seats to be erected or made by virtue of this Act shall or may be leased or demised in Manner herein-after mentioned; and all the new Pews or Seats which shall be set out or allotted to the several Proprietors or Persons so entitled to Pews or Seats in the present Church, shall be held and enjoyed by such Proprietors or Persons, their Heirs, Executors, Administrators, Successors, and Assigns, in the same and in as full and ample a Manner as the present Pews or Seats, in lieu of which such new Pews or Seats shall be so set out or allotted, are or ought to be held and enjoyed respectively; except in Cases where the Holding or Occupancy

Allotment of Pews to Persons entitled to Pews in the present Church.

Seats to be allotted for gratuitous Accommodation.

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of

of such new Pews or Seats shall be otherwise ordered or regulated by the said Trustees, under the Provisions of this Act.

Pews may be let.

XXVIII. And be it further enacted, That it shall be lawful for the said Trustees, from Time to Time, either by public Auction or private Contract, to lease or demise such or so many of the said Pews or Seats in the said Church (not otherwise appropriated in pursuance of this Act) as to them shall seem meet, for any Term or Number of Years not exceeding Twenty-one Years, unto any Person or Persons, being an Inhabitant or Inhabitants of or Resident or Residents within the said Parish of *Blackburn*, willing to take the same Pews or Seats respectively, at or under or for such yearly reserved Rents as the said Trustees shall think fit; and every such Lease or Demise as shall be made in pursuance of this Act, being signed by Three or more of the said Trustees, and by the Lessee or Lessees of such Pews or Seats, shall be good, valid, and effectual to lease and demise such Pews or Seats respectively, without any Faculty or other Instrument whatsoever, and shall be received as Evidence in all Causes, Suits, and Actions touching or concerning any such Lease or Demise; which respective yearly Rents shall be reserved and made payable by equal Half-yearly Payments, on the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in each and every Year; the First of such Payments for every such Pew or Seat to commence and become due and payable on such of the said Days as shall first happen after the Time of taking Possession thereof; and all the Monies to arise by or from such Leases and Demises shall be applied for the Purposes of this Act; and in case the Rent reserved upon any such Lease or Demise shall be behind or unpaid after the same shall become due, and shall have been demanded at the last known Place of Residence of the Lessee or Occupier thereof, it shall be lawful for the Churchwardens for the Time being of the said Parish Church, and they are hereby authorized and required, to enter upon and take Possession of such Pew or Seat for and on behalf of the said Trustees, and the said Trustees may let the same to any other Person or Persons, being also an Inhabitant or Inhabitants of or Resident or Residents within the said Parish of *Blackburn*; and such Rent shall and may be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County Palatine of *Lancaster*, returning the Overplus, if any, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

When the Church, &c. shall be completed, the Pews may be let by the Churchwardens.

XXIX. And be it further enacted, That after the said Church shall be rebuilt and completed, and the additional Burial Ground provided and inclosed, and all the Monies by this Act authorized to be borrowed or raised for those Purposes shall be paid off and discharged, it shall be lawful for the Churchwardens for the Time being of the said Parish from Time to Time, either by public Auction or private Contract, to lease or demise such or so many of the said Pews or Seats in the said Church (not otherwise appropriated in pursuance of this Act), as to them shall seem meet, for any Term or Number of Years not exceeding Twenty-one Years, unto any Person or Persons being an Inhabitant or Inhabitants of or Resident

or

or Residents within the said Parish of *Blackburn*, willing to take the same Pews or Seats respectively, at or under or for such yearly reserved Rents as the said Churchwardens shall think fit; and every such Lease or Demise as shall be made in pursuance of this Act, being signed by the said Churchwardens, and by the Lessee or Lessees of such Pews or Seats, shall be good, valid, and effectual to lease and demise such Pews or Seats respectively, without any Faculty or other Instrument whatsoever, and shall be received as Evidence in all Causes, Suits, and Actions touching or concerning any such Lease or Demise; which respective yearly Rents shall be reserved and made payable by equal Half-yearly Payments on the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March* in each and every Year, the first of such Payments for every such Pew or Seat to commence and become due and payable on such of the said Days as shall first happen after the Time of taking Possession thereof; and all the Monies to arise by or from such Leases and Demises, shall be by the said Churchwardens applied in aid of such future Rates or Assessments as shall be made by the said Churchwardens for repairing and maintaining the said Church, and for other Purposes relating thereto; and in case the Rent reserved upon any such Lease or Demise shall be behind or unpaid after the same shall become due, and shall have been demanded at the last known Place of Residence of the Lessee or Occupier thereof, it shall be lawful for the said Churchwardens, and they are hereby authorized and required, to enter upon and take Possession of such Pew or Seat, and to let the same to any other Person or Persons being also an Inhabitant or Inhabitants of or Resident or Residents within the said Parish of *Blackburn*; and such Rent shall and may be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*, or by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment thereof, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County Palatine of *Lancaster*, returning the Overplus, if any, upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale.

XXX. Provided always, and be it further enacted, That in case any such Inhabitant or Resident to whom any Lease or Demise of any such Pew or Seat shall be granted by virtue of this Act, for any longer Term than One Year, shall cease to be an Inhabitant Householder in the said Parish, then and in every such Case his, her, or their Term, Estate, and Interest in such Pew or Seat respectively shall, at the End or Expiration of the then current Year of the said Term or Period, cease and determine, to all Intents and Purposes whatsoever; and such Pew or Seat may be again let in Manner herein-before mentioned by the said Trustees or Churchwardens, as the Case may be.

Leases to be void at the End of any current Year in which any Lessee shall cease to be an Inhabitant.

XXXI. And be it further enacted, That it shall be lawful for the said Trustees, with the Approbation of the Lord Bishop of the Diocese, to lay out or make upon the Land to be purchased by virtue of this Act, or any Part or Parts thereof, such new or additional Burial Ground or Cemetery as they shall think fit; and such new or additional Burial Ground or Cemetery shall be consecrated by the Lord Bishop of the Diocese aforesaid for the Time being; and it shall be lawful for the said Trustees to alter, repair,

Power to make new Burial Ground.

repair, pull down, and rebuild, and to erect, build, and make, or order and direct to be altered, repaired, pulled down and rebuilt, or to be built, erected, or made, the Walls or Fences of the present Church-yard or Burial Ground, and for the new or additional Cemetery or Burial Ground, and the Gates or Entrances into the same respectively, and to stop up and discontinue, or alter or vary, or order to be stopped up and discontinued, or altered or varied, such of the Entrances and Gates now leading into the present Churchyard or Burial Ground, and of the Ways, Paths, or Passages into, through, or over the same Churchyard or Burial Ground, as to them shall appear useless or unnecessary, or as they shall think fit to alter or vary, provided that the same be done with the Approbation of the Lord Bishop of the Diocese aforesaid, and by and with the Consent of any Two Justices of the Peace for the said County Palatine, and on Notice being given, in the Manner and Form prescribed by an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway; and to extend the Provisions of the same Act to the stopping up of unnecessary Roads.*

Power to purchase Lands.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, from Time to Time, with the Consent of the Lord Bishop of the Diocese, to contract and agree with the Owner or Owners of, and any Trustees, Parties, or Persons interested in any Lands, Grounds, Buildings, Tenements, or Hereditaments, which the said Trustees may deem necessary to be purchased for effecting any of the Purposes of this Act, (such Lands or Grounds not exceeding in the Whole Four Statute Acres in Quantity), for the Purchase of the said Lands, Grounds, Buildings, Tenements, or Hereditaments, or for the Purchase of any Property, Right, or Interest to or in the Chancel, or any Chapel or other Part of the present Church.

Incapacitated Persons empowered to sell.

XXXIII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any Tenant or Tenants in Tail or for Life, Lives, or Years, Husbands, Guardians, Feoffees, Trustees, and Committees, Executors or Administrators, not only for or on Behalf of themselves, their Heirs and Successors, but also for or on Behalf of their Infant Wards, Cestuique Trusts, Lunatics, or Persons of unsound Memory and Understanding, and to and for all Femes Covert who are or shall be seised or interested in their own Right or entitled to Dower, and to and for all and every Person and Persons whomsoever, who are or shall be seised or possessed of or interested in any such Lands, Grounds, Buildings, Tenements, or Hereditaments, Chancel, Chapel, or other Part of the present Church, to contract with the said Trustees, or any Three or more of them, for the Price or Satisfaction to be made for such Lands, Grounds, Buildings, Tenements, or Hereditaments, Chancel, Chapel, or other Part of the present Church as aforesaid, and to sell and convey unto them such Lands, Grounds, Buildings, Tenements, or Hereditaments, or any Part thereof, for the Purpose aforesaid; and all Contracts, Sales, Agreements, and Conveyances which shall be so made, shall be good, valid, and effectual to all Intentions and Purposes, any Law, Statute, Usage, or other Matter

ter whatsoever to the contrary notwithstanding; and all such Bodies Politic, Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Tenants in Tail, or for Life, Lives, or Years, Guardians, Feoffees, Trustees, Committees, and all other Persons, shall be and are hereby indemnified for what they shall do by virtue of this Act.

XXXIV. And be it further enacted, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction to be agreed for as aforesaid, shall be paid out of the Monies to be raised by virtue of this Act, to the Parties or Persons respectively entitled to such Monies, or to their Agents, or into the Bank of *England*, (as the Case may be); and that upon such Payment, it shall be lawful for the said Trustees, or any Three or more of them, their Surveyors, Workmen, or Agents, to enter upon and take Possession of such Buildings, Lands, Grounds, or Hereditaments, and to take down all the Buildings and Erections on the Lands or Grounds so purchased or thereto belonging; and to do all and every such Acts, Matters, and Things with relation thereto, as the said Trustees, or any Three or more of them, shall (subject to the Provisions of this Act) think fit or necessary for the Purposes of this Act; and to sell and dispose of the Materials of such Buildings and Erections, or any of them, or of so much thereof as they shall think proper, and in such Manner as they shall think fit, or to apply the same or any Part thereof for any of the Purposes of this Act; and the Money arising from the Sale of such Materials shall be applied to the Purposes of this Act; and upon the Execution of the Conveyance of such Lands, Tenements, or Hereditaments, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Person or Persons respectively to whom or for whose Use the Purchase Money shall be paid, in, to, or out of such Lands, Tenements, or Hereditaments, or other Property or Right, shall vest in the said Trustees and their Successors, for the Uses and Purposes of this Act.

Money agreed upon how to be paid or tendered.

On Payment of Purchase Money Trustees to take Possession of Lands, &c.

XXXV. And be it further enacted, That all Sales, Conveyances, and Assurances of any Lands, Tenements, or Hereditaments, Property, Right, or Interest, to be made to the said Trustees and their Successors, shall be made in the Form or to the Effect following, or as near and conformable thereto as Circumstances will admit of; *videlicet*,

‘ I [or We] in consideration of the Sum
 ‘ of paid by the Trustees acting by
 ‘ virtue of an Act passed in the Fifty-ninth Year of the Reign of King
 ‘ *George* the Third, intituled [*here insert the Title of this Act*], do here-
 ‘ by grant and release to the said Trustees and their Successors, all [*here*
 ‘ *describe the Premises to be conveyed*], and all my [or our] Right, Title,
 ‘ and Interest to and in the same and every Part thereof, to hold to the
 ‘ said Trustees and their Successors for ever. In witness whereof, I [or
 ‘ we] have hereunto set my Hand and Seal [or our Hands and Seals]
 ‘ this Day of in the
 ‘ Year of our Lord

Form of Conveyance.

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 Trust; and all other Persons claiming or to claim by, from, [Local] 19 F through,

And every such Conveyance to be good and effectual.

through, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy, or otherwise howsoever; and the same shall be deemed and considered to bar the Dower and Dowers of such Person and Persons, and all Estates Tail, and all Estates in Possession, Reversion, Remainder or Expectancy, the Issue and Issues of such Person and Persons, and every Person claiming or to claim under them respectively, as effectually as Fines and Recoveries would do, if levied or suffered by the Parties interested, and such Parties had been adult and without Impediment, any Law, Statute, Usage, or Custom to the contrary notwithstanding; and all and every Person and Persons shall be divested of all Property, Right, Title, or Interest as aforesaid, according to the Terms of such Conveyance.

Trustees empowered to resell Lands.

XXXVI. And whereas the said Trustees under the Provisions of this Act may purchase Buildings, Lands, Tenements, or Hereditaments, which may be found more than sufficient for the Purposes thereof; be it therefore enacted, That it shall and may be lawful to and for the said Trustees, or any Three 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, and on such Terms and Conditions as they the said Trustees, or any Three or more of them, shall think proper, such Part or Parts of the Buildings, Lands, Tenements, and Hereditaments, which may have been so purchased, as shall in the Judgment of the said Trustees, or any Three or more of them, 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 of such Buildings, Lands, Tenements, and Hereditaments, or any Part or Parts thereof, it shall and may be lawful for the Treasurer or Treasurers for the Time being to the said Trustees to sign and give Receipts for the Monies for which the same shall be sold, which Receipts shall be sufficient Discharges to any Person or Persons for the Purchase Money for which such Lands, Tenements, or Hereditaments shall be so sold, or for so much thereof as in such Receipts shall be expressed or acknowledged to be received; and such Person or Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money, or any Part thereof.

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

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

Application of Compensation Money, if amounting to 200l.

XXXVIII. 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 by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or to any Tenant or Tenants for Life, Lives, or Years, 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

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, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or 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 or Interest, 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, or Hereditaments so to be purchased, in case such Purchase or Settlement was made.

XXXIX. 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 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, Committeee or Committeees, 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, to be applied in Manner herein-before directed; or otherwise

Where less than 200l. and above 20l.

the

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 Three or more of the said Trustees for executing this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends and Produce arising thereon and therefrom, may be applied in any 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.

XL. 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 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 Three 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.

In case of
disputed
Titles.

XLI. 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.

Court may
order reason-
able Ex-
pences to be
paid by the
Trustees.

XLII. 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 for the Purposes aforesaid, the Purchase Money for the same shall be required to be paid into the High Court of Chancery, 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, and
of

of any Application or Applications to the said Court, or so much of such Expences as to the said Court shall seem reasonable, to be paid by the said Trustees, or any Three or more of them, out of the Monies to be received by virtue of this Act; and the said Trustees shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

XLIII. And in order to raise Money towards carrying the several Purposes of this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, or any Three or more of them, and they are hereby authorized and empowered, in each and every Year, until the said Church shall be rebuilt and completed, and the additional Burial Ground provided and inclosed, and all the Monies hereby authorized to be borrowed or raised for the Purposes of this Act shall be paid off and discharged, to make (at some Meeting or Meetings to be holden for that Purpose, of which Meeting or Meetings, and of the Purpose thereof, Notice in Writing, signed by the Clerk or Clerks to the said Trustees, shall be affixed on the Parish Church Door in *Blackburn* aforesaid, if such Parish Church, in which Divine Service shall be performed, shall then be standing, but if there shall be no such Parish Church, then on the Door of the said Church or Chapel called *St. John's Church*, and published by Advertisement in some Newspaper printed or circulated, if any Newspaper shall then be printed or circulated in *Blackburn* aforesaid, Twenty-one Days at the least immediately preceding the same respectively), a Rate or Rates, Assessment or Assessments, on all and every Person and Persons who do or shall inhabit, occupy, or hold any House or Houses, Building or Buildings, Lands, Tenements, or Hereditaments, within the Parish of *Blackburn* aforesaid, (save and except the several Townships of *Cuerdale*, *Great Harwood*, *Samlesbury*, and *Walton in le Dale*, and such Part of the Township of *Rishton* as lies within the Chapelry of *Great Harwood*), not exceeding One Shilling in the Pound in any one Year on the full annual Rent or Value of all and each of such Houses, Buildings, Lands, Tenements, and Hereditaments; and such Rate or Rates, Assessment or Assessments, shall be made at any Time after the passing of this Act, and shall be paid to and raised and levied and collected by any Collector or Collectors to be appointed by the said Trustees, and shall, when collected, be applied by the said Trustees for the Purposes of this Act; and it shall be lawful for the said Trustees, or for such Person or Persons as they shall appoint, at all convenient Times, to inspect the Poor's Rate and Valuation of any Township or Place within the said Parish, in order the better to ascertain the Rates to be made by virtue of this Act, and to take Copies of such Rate and Valuation *gratis*: Provided always, that the Sum to be raised for the Purposes of this Act by any such Rate or Assessment as aforesaid, shall not in the Whole exceed the Sum of Fifteen thousand Pounds, exclusive of such further Sum as may be necessary for Payment of the Interest upon the said Sum of Fifteen thousand Pounds, or such Part thereof as hath been or shall be borrowed, and also exclusive of such Sum as hath been or shall be expended in the procuring and passing of this Act, and Interest upon such Part of the said last-mentioned Sum as hath been or shall be advanced or lent by any Person or Persons.

Rate to be made.

Rates to continue in force until altered, and not to be reduced below a certain Sum without Consent of Creditors.

XLIV. Provided always, and be it further enacted, That the Rate or Assessment to be made as aforesaid, in or for any Year, shall continue in force, and shall be collected and recovered in or for every subsequent Year, until the said Trustees shall make a new Rate or Assessment by virtue of this Act (or until the Money to be borrowed by virtue of this Act, with all Interest for the same, and all other Debts under this Act, shall be paid off and discharged), in like Manner as if they had made such Rate or Assessment in and for every subsequent Year: Provided also, that no Rate or Assessment which shall be made by virtue of this Act, shall be reduced below the Sum of Sixpence in the Pound in any one Year, until all and every the Sum and Sums of Money which shall be borrowed by virtue of this Act at Five Pounds *per Centum* Interest or under, on the Credit of the said Rates or Assessments, and Interest thereon, shall be paid off and discharged, without the Consent of the Creditor or Creditors entitled to Three-fourth Parts of the Money so due and owing.

Rates how payable.

XLV. And be it further enacted, That the said Rate or Rates, Assessment or Assessments, shall be payable Half-yearly, on such Days as shall be appointed by the said Trustees, the First Day of Payment not being earlier than One Calendar Month after making the First Rate or Assessment hereinbefore authorized; and the same shall be payable and paid to the Collector or Collectors to be appointed by virtue of this Act; and that it shall be lawful for the Person or Persons to be appointed by the said Trustees a Collector or Collectors of the said Rate or Rates, Assessment or Assessments, and he and they is and are hereby authorized and empowered to receive, levy, and collect the same accordingly.

Tenants to pay the Whole, and deduct Part of the Rates out of the Rents.

XLVI. And be it further enacted, That the several Tenants or Occupiers of such Houses, Buildings or Premises, Lands, Tenements, and Hereditaments, so to be rated or assessed as aforesaid, shall and they are hereby required to pay the whole of such Rate or Assessment on the Premises in his, her, or their Occupation; and every such Tenant or Occupier, the Term of whose Lease or Contract from the Commencement thereof shall not be for more than Three Years, or holding from Year to Year, shall and may deduct out of his or her Rent payable to his or her Landlord, Three-fourth Parts of such Rate or Assessment; and every other such Tenant or Occupier (except as herein-after mentioned with respect to Leases for a Life or Lives, and for Fourteen or more Years), shall and may deduct out of his or her Rent, payable to his or her Landlord, One-half Part of such Rate or Assessment, and such Landlord is hereby required and directed to allow every such Tenant such Payments and Allowances accordingly; and every Tenant and Occupier paying such Part of the said Rate or Assessment for or upon account of the Landlord, and producing a Receipt or Receipts for the same, shall be acquitted and discharged of and from so much of his, her, or their Rent due to his, her, or their Landlord, as fully and effectually as if the same had been paid to such Landlord, or to the Person or Persons to whom his, her, or their Rent was or should have been paid or payable: Provided always, that no Tenant or Occupier of Houses, Buildings, Lands, Tenements, or Hereditaments, for his or her own Life, or for the Life or Lives of any other Person or Persons, shall be entitled to deduct out of his or her Rent any Part of such Rate or Assessment; and provided also, that it shall be lawful for the
said

faid Trustees, at any of their Meetings, to apportion the Payment or Amount of the faid Rates or Assessments between Landlords and Tenants in all Cases of Leases or Contracts for Terms of Fourteen or more Years from the Commencement thereof, and to order and direct what Proportion of the Rates shall be retained by the Tenant in such Cases out of the Rent, and such Apportionment and Order shall be as valid and binding upon such Landlords and Tenants respectively, as if the same had been expressly enacted or mentioned in this Act.

XLVII. And be it further enacted, That the several Lessors, Landlords, Owners, and Proprietors of all Houses, Buildings, or Tenements within the faid Parish, let, or which shall hereafter be let out in Parts or separate Apartments, or ready-furnished, shall respectively be liable and subject to the Payment of the Rates or Assessments by this Act directed to be raised, levied, and received: Provided always, that each and every Person renting or occupying any such Part or separate Apartment, or any ready-furnished House, or any other Building or Tenement as aforesaid, shall in the first Place be liable to the Payment of the faid 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 Rent due and payable by him, her, or them to such respective Lessors or Landlords, Owners or Proprietors of such Houses, Buildings, or Tenements; and the Receipt of the Collector or Receiver of the faid Rates for such Payment, shall be a sufficient Discharge for and to all and every such Tenant or Tenants, Occupier or Occupiers, to his, her, or their Landlord or Landlords, for so much Money as he, she, or they shall pay, or as shall be recovered on his, her, or their Goods and Chattels respectively by virtue of this Act; but no such Person so renting or occupying any such Part or separate Apartment, or ready-furnished House, or other Building or Tenement, shall be subject or liable, or required to pay for or in respect of any such Rates or Assessments any Sum or Sums of Money beyond the Amount of the Rent which shall be then actually due in respect of the faid Premises from him, her, or them respectively: Provided always, 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 and Tenant, touching or concerning the Payment of the Rates or Assessments to be made, raised, levied, and received by virtue of this Act, or in any other respect whatsoever.

Landlords of Houses let in Apartments or ready-furnished, to be liable to pay the Rates.
Tenants of Houses let in separate Apartments or ready furnished, to pay Rates and deduct out of Rent.

Act not to affect Agreements between Landlord and Tenant.

XLVIII. And be it further enacted, That whenever any Person or Persons shall come into or occupy any House, Building, Land, Tenement, or Hereditament, out of or from which any other Person or Persons assessed by virtue of this Act 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 faid Rate or Assessment shall be levied and recovered in the same Manner as if such Person had not removed, or such Person so coming in or occupying, had been originally rated and assessed to such Rate or Assessment; which faid Proportion, in case

Persons liable to Payment of Rates in proportion to the Time they occupy.

case of Dispute, shall be ascertained by any One or more of the Justices of the Peace for the said County of Lancaster.

Joseph Feilden and John Feilden, Esqrs. to pay 570l. towards the Expences of rebuilding the Church.

XLIX. And whereas *Joseph Feilden* and *John Feilden*, Esquires, as Impropriators of the Rectory of *Blackburn* aforesaid, are liable to the Burthen of repairing and maintaining the Chancel of the present Church, and certain Parts of the Outer Walls, and of the Roof thereof; and the Expence of taking down and rebuilding such Parts of the said Church as the said *Joseph Feilden* and *John Feilden* are so liable to repair and maintain, hath been estimated at the Sum of Five hundred and seventy Pounds, which said Sum of Five hundred and seventy Pounds they the said *Joseph Feilden* and *John Feilden* have consented and agreed to pay to the said Trustees, to be applied for the Purposes of this Act; be it therefore enacted, That the said Sum of Five hundred and seventy Pounds shall be paid by Four Quarterly Instalments, the First of which shall be paid at the End of Three Calendar Months next after the passing of this Act, to the said Trustees, or their Treasurer or Treasurers, by the said *Joseph Feilden* and *John Feilden*, their Heirs, Executors, Administrators, or Assigns; and in case of Nonpayment of any of such Instalments, the same shall and may be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Common Pleas at *Lancaster*.

Messrs. Feilden liable to repair such Parts of the new Church as in the present Church.

L. And be it further enacted, That after the said Church shall be rebuilt and completed, the said *Joseph Feilden* and *John Feilden*, their Heirs and Assigns, shall be and continue liable to repair and maintain such and the same Parts or Part of the said Church to be rebuilt or erected by virtue of this Act, as they now are or as they would (if this Act had not been passed) have been liable to repair and maintain of or in the present Church.

Recovery of Rates.

LI. And be it further enacted, That in case any Person or Persons charged with any such Rate or Assessment to be made or assessed by virtue of this Act, shall refuse or neglect to pay the Money rated or assessed upon him, her, or them respectively, after Demand thereof made by Notice left at his, her, or their House or other Premises within the said Parish, it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County, and he and they is and are hereby authorized and required, to summon by Writing under his or their Hand or Hands, all and every Person and Persons so charged, and who shall have so refused or neglected as aforesaid (on Oath being made before such Justice or Justices by the Collector or Collectors for the Time being of his, her, or their having attended upon and at the Place or Places of Abode of such Person or Persons then intended to be summoned, and having so as aforesaid demanded the Rate or Rates, and of the same being unpaid), to appear before such Justice or Justices, or before any other Justice or Justices of the Peace for the said County, at a Time and Place to be mentioned in such Summons (Service of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his, her, or their last or most usual Place of Abode, to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect, without sufficient Excuse, to attend at the Time and Place mentioned in such Summons, or if he, she, or they do or shall attend,

tend, and shall not make it appear to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Rates according to this Act, then all and every the Person and Persons who shall have been so summoned, shall pay as well such Rate, as the reasonable Costs and Charges of such Summons, Service, and Attendance before such Justice or Justices; and in all Cases where the said Rate or Assessment, Costs, and Charges shall not be paid upon the Return of such Summons, it shall be lawful to and for the said Justice or Justices who shall have issued the same, or before whom the same shall be made returnable, or for any One or more of them, and he and they is and are hereby authorized and required (on Oath being made before him or them of the due Service of such Summons as aforesaid, which Oath he or they is and are hereby empowered to administer), to grant a Warrant or Warrants under his or their Hand and Seal or Hands and Seals, authorizing and directing such Collector or Collectors, or the Constable or Constables of any Township or Townships, Place or Places within the said Parish, or any other Person or Persons specially appointed by such Justice or Justices, to levy all such Rates or Assessments, and all Arrears thereof, and the Expences of the Summons and Warrant, and of the Service and Execution thereof respectively, by Distress of the Goods and Chattels of the Party liable to pay the same, and so neglecting or refusing, which shall be found within the said County of *Lancaster*; and if on Demand by such Collector or Collectors, Constable or Constables, or other Person or Persons, after such Warrant or Warrants shall be granted, the said Rate or Rates, Assessment or Assessments, and Arrears so due and payable and unpaid, and the Costs and Charges of the said Summons and Warrant, and of such Distress, and of taking and keeping such Goods and Chattels, shall not be paid and satisfied, it shall be lawful for such Collector or Collectors, Constable or Constables, or other Person or Persons, to cause the said Goods and Chattels, or so much thereof as shall be sufficient, to be sold to pay the said Rate or Rates, Assessment or Assessments, together with such Costs, Charges, and Expences as aforesaid, returning the Overplus of the Money arising by such Sale (if any) to the Owner or Owners of the Goods or Chattels respectively, on Demand thereof made by him, her, or them; which Costs, Charges, and Expences, 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 *Lancaster*.

LII. And be it further enacted, That every Warrant of Distress for Nonpayment of any Rate or Assessment to be made by virtue of this Act, shall be in the Words or to the Effect following:

Lancaster, to wit.	}	TO the Collector of the Church Rate of the Parish of	Form of Warrant of Distress.
		<i>Blackburn</i> , in the County of <i>Lancaster</i> , [or, to the Con-	
		stables of the Township of	or, to such
		Person or Persons by Name as may be specially appointed,	
		as the Case may be], and to all Constables and others His	
		Majesty's Officers of the Peace for the said County.	

WHEREAS the undermentioned Persons, now or late Inhabitants, Householders, Tenants, Occupiers, or Enjoyers of Lands, Houses, Shops, Warehouses, Yards, Coach-houses, Stables, Cellars, Vaults, or other Buildings, Tenements, or Hereditaments, or Part of some Building or Tenement within the said Parish of *Blackburn*, were and are rated

[Local.]

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and

and assessed, or liable to the Rate or Rates duly made for the Purposes of an Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled [*here set forth the Title of this Act*]: And whereas the said Persons have refused or neglected to pay the said several Sums of Money at and against their Names hereunder respectively set down, for Money due from them for or towards the Purposes in the said Act mentioned; and the said several Sum and Sums are still remaining due, in Arrear and unpaid, as appeareth upon Oath to _____ of His Majesty's Justices of the Peace for the said County of *Lancaster*; and the said several Persons having been summoned to appear before _____ to answer the Premises, as also appeareth to the said Justice [*or Justices*] upon Oath; and nor any or either of them having shewn any sufficient Cause why such Sum or Sums of Money should not be paid; these are therefore in His Majesty's Name to will and require you, or either of you, forthwith to levy the said several Sums due from the said Persons, and hereunder joined to or set against their Names respectively, by Distress and Sale of their respective Goods and Chattels, rendering to them respectively the Overplus (if any, and the reasonable Charges of such Summons, Distress, Sale, and keeping and obtaining this Warrant, being first deducted); and if no sufficient Distress can be had or taken, that then you are to certify the same to _____ to the End such further Proceedings may be had therein as to Law doth appertain; and _____ do hereby strictly charge and command all and singular the Constables and other His Majesty's Officers of the Peace for the said County, to be aiding and assisting in all Things relating to the Execution of this Warrant: Given under my Hand and Seal [*or, our Hands and Seals*] this Day of _____ in the Year of our Lord

	£	s.	d.
A. B. _____			
C. D. _____			
E. F. _____			
G. H. _____			
I. K. _____			

For Recovery of Rates from Persons quitting the Premises rated in the Parish.

LIII. And be it further enacted, That in case any Person or Persons who shall be rated or assessed by virtue of this Act, shall quit his, her, or their Land or Lands, House or Houses, Shop or Shops, Warehouse or Warehouses, Coach-house or Coach-houses, Stable or Stables, Cellar or Cellars, or other Hereditaments, whereon any Rate or Assessment shall be made by virtue of this Act before he, she, or they shall have paid such Rate, and shall afterwards refuse or neglect to pay the same when demanded of such Person or Persons, or at his, her, or their Place or Places of Abode by the said Collector or Collectors, then and in every such Case it shall be lawful for any One or more of His Majesty's Justices of the Peace for the said County of *Lancaster*, and he and they is and are hereby required to grant a Warrant or Warrants of Distress under his or their Hand and Seal or Hands and Seals (on Oath being made before him or them by the said Collector or Collectors of the Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of or

from

from or at the then Place of Abode of such Person or Persons, and which Oath such Justice or Justices is and are hereby authorized and empowered to administer) authorizing and directing any Constable or Constables of any Township or Place within the said Parish, or of any other Parish or Place in the same County, or in any other County, Riding, City, or Liberty where such Person or Persons shall then reside, or other Person or Persons to whom such Warrant or Warrants shall be specially directed, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting to pay, and to sell the same and (such Warrant being countersigned or backed by some Magistrate for the County, Riding, City, or Liberty where the Person or Persons shall then reside, or such Goods and Chattels shall be found, and which such Magistrate is hereby required to countersign or back) it shall be lawful for such Constable or Constables or other Person or Persons to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises, without having paid his, her, or their Rate or Assessment as aforesaid in any Parish, City, Liberty, County, Riding, or Place where such Goods and Chattels shall be found, rendering the Overplus (if any) after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Summons, Warrant of Distress and Sale, to the Owner or Owners of such Goods and Chattels respectively.

LIV. Provided always, and be it further enacted, That if it shall appear to the said Trustees, or any Three or more of them, at any Time after making any Rate or Assessment to be made under the Authority of this Act, that the Name of any Person or Persons liable to be included in such Rate or Assessment hath been omitted therein, it shall be lawful for the said Trustees, or any Three or more of them, to add or cause to be added to such Rate or Assessment, the Name or Names of any Person or Persons so omitted, together with the Sum or Sums for which he, she, or they ought to be so rated, and the Amount of such Rate or Assessment in respect thereof, and every such Addition made to any of the said Rates shall be as valid and effectual in Law, to all Intents and Purposes, as if the same had been inserted in the Rate at the Time the same was first made out.

Trustees may rectify Omissions in Rates.

LV. Provided always, and be it further enacted, That the said Trustees, or any Three or more of them, may if they think proper, compound or agree to accept less than the full Amount of the Rates imposed on any Dwelling House, Cottage, or Tenement, or other Premises within the said Parish, the annual Value whereof respectively in their Judgment shall not exceed Ten Pounds.

Trustees may compound Rates.

LVI. And be it further enacted, That every Person or Persons appointed Collector or Collectors by the said Trustees, who shall collect or receive any of the Monies arising by any such Rate or Assessment, shall, as often as thereunto required by the said Trustees, or any Three or more of them, deliver in Writing under his or their Hand or Hands to the said Trustees, or unto such Person or Persons as they shall appoint, a true and perfect Account in Writing of all Monies which he or they shall have collected and received by such Rate or Assessment; and shall pay all the Money collected by such Rate or Assessment in his or their Hands, Custody, or Power, unto the Treasurer of the said Trustees; and if any such Collector

Collectors to account for Rates.

or

or Collectors shall refuse or neglect to receive the Sums to be rated and assessed by virtue of this Act, or to account for such Money in his or their Hands, Custody, or Power, every such Collector or Collectors so offending shall, for every such Refusal or Neglect, forfeit and pay any Sum not exceeding Five Pounds; which Penalty, and also all the Money in the Hands, Custody, or Power of such Collector or Collectors so due and owing from such Collector or Collectors to the said Trustees, for or on account of such Rate or Assessment, shall and may be levied and recovered by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the said County Palatine of *Lancaster*, which Warrant such Justice is hereby required to give, on Proof of any such Refusal or Neglect, or that any Sum or Sums of Money is or are due and owing from such Collector or Collectors to the said Trustees for or on account of such Rate or Assessment, on the Oath or Oaths (which Oath or Oaths such Justice is hereby empowered to administer) of any credible Witness or Witnesses, directed to any Person or Persons whomsoever, by Distress and Sale of the Goods and Chattels of the Collector or Collectors so refusing or neglecting, or from whom any Sum or Sums of Money shall be so due and owing for or on account of such Rate or Assessment as aforesaid, rendering the Overplus (if any), upon Demand, to the Owner of such Goods and Chattels, after deducting such Penalty; and such Sum or Sums of Money as shall appear to be so due and owing to the said Trustees for or on account of such Rate or Assessment; and the Costs and Charges of such Distress and Sale, or the Sum or Sums of Money so due and owing from such Collector or Collectors, shall be paid by the Surety or Sureties for such Collector or Collectors; or in case of Refusal or Neglect of Payment by such Surety or Sureties, shall be recovered from such Surety or Sureties by the said Trustees, by an Action or Actions of Debt, to be commenced and prosecuted agreeably to the Directions of this Act.

Power to
borrow
Money.

LVII. And be it further enacted, That it shall be lawful for any Three or more of the said Trustees, from Time to Time, to borrow and take up at Interest (such Interest not exceeding the legal Rate of Interest) such Sum or Sums of Money not exceeding in the Whole the Sum of Fourteen thousand Pounds, as they shall judge necessary for the several Purposes of this Act, upon the Credit of the said Rate or Rates, Assessment or Assessments to be made, levied, and collected by virtue of this Act, and by Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to assign all or any Part of the said 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 thereof (to be made as herein-after mentioned) shall be from Time to Time defrayed by the said Trustees out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Form of
Assignment.

‘ WE, _____ of the Trustees appointed by or in pursuance
 ‘ of an Act passed in the Fifty-ninth Year of the Reign of King
 ‘ *George* the Third, intituled [*here set forth the Title of this Act*] in
 ‘ consideration of the Sum of _____ Pounds, advanced and lent by
 ‘ _____ upon the Credit and for the Purposes of the said
 ‘ Act;

made, the Sum of Two Shillings and Sixpence and no more; and every such Transfer, after such Entry thereof as aforesaid made, shall entitle the Person to whom the Transfer shall be made, and his or her Executors, Administrators, and Assigns, to the Benefit of the Security thereby transferred.

Provision of
Payment of
Creditors by
Ballot.

LIX. And in order that no Preference may be given to any of the Persons who shall have advanced Money upon Credit of the Rates or Assessments to be raised, levied, or collected by virtue of this Act; be it further enacted, That the said Trustees (if there shall be more Creditors than One) shall cause the Numbers of all Assignments or Securities granted and then in force for securing the principal Monies lent and advanced upon the Credit of the said Rates or Assessments, of which Part shall be then intended to be paid off, to be written upon distinct Pieces of Paper of an equal Size; and all such Papers shall be rolled up in the same Form, as near as may be, and put into a Box or Wheel, and the Number or Numbers of the said Assignments or Securities shall be drawn separately out of the said Box or Wheel by the Clerk to the said Trustees, in the Presence of the said Trustees, or any Three or more of them; and after such Ballot the said Trustees shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place or Places of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot; and where there shall be only one Creditor, to give Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, with the Interest due thereon, and that the same will be paid on a Day and at a Place to be specified in such Notice, such Day not being sooner than Six Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the principal Money so to be paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on demand: Provided always, that it shall and may be lawful to and for the said Trustees, or any Three or more of them, with the Consent of all the Creditors, to pay off and discharge the Sum or Sums of Money, or any Part thereof, with the Interest thereof, due to any particular Creditor or Creditors, without any such Ballot as aforesaid.

Power to
borrow
Money at a
lower In-
terest to dis-
charge Se-
curities at a
higher Rate.

LX. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall be lawful for the said Trustees from Time to Time to charge the said 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 herein prescribed for paying off Assignments or Securities.

Application
of Money
borrowed or
received.

LXI. And be it further enacted, That the several Rates and Assessments to be made by or under the Authority of this Act, and all the

Money which shall be borrowed, advanced, or lent as aforesaid, on the Credit of the said Rates or Assessments, or which shall arise or be received under any of the Powers or Provisions of this Act, shall be paid to the Treasurer or Treasurers to the said Trustees; and the same shall be applied and disposed of in manner following, that is to say, in the First Place, in paying and defraying the Costs, Charges, and Expences of applying for, obtaining, and passing this Act; and then for rebuilding the said Church, and in furnishing, finishing, and completing the same, and in erecting and building, altering, raising, or repairing the Tower or Steeple thereto, and in purchasing Buildings, Lands, Tenements, and Hereditaments, for enlarging the present Burial Ground, and in otherwise carrying this Act into Execution, and in defraying the ordinary Expences of the said Parish Church, and which have heretofore been defrayed out of the ancient and accustomed Church Rate of the said Parish; and lastly in Payment of the Principal and Interest of the Money to be borrowed by virtue of this Act; and that when and as soon as all the Monies authorized to be raised or to be borrowed by virtue of this Act, and the Interest of such Money so to be borrowed, shall be paid off and discharged, and the several Purposes of this Act shall be carried into Execution, the Rates and Assessments granted by this Act shall cease, and be no longer paid or payable: Provided always, that in case any Person or Persons shall advance and lend or pay any Money for or towards defraying the Expences of applying for and obtaining this Act, such Person or Persons shall be repaid such Money, with lawful Interest for the same, from the respective Times of advancing and lending the same, out of the Money which shall be first raised under and by virtue of this Act.

LXII. And whereas the Rates or Assessments for repairing and maintaining the present Church, and for other Purposes relating thereto, now are, and for many Years have been unequally made and levied, and divers Messuages, Lands, Tenements, and Hereditaments within the said Parish, are not and have not been included in such Rates or Assessments, and it is expedient that the same should be equalized; be it therefore further enacted, That after the said Church shall be rebuilt and completed, and the Rates and Assessments granted by this Act shall have ceased, such future Rates or Assessments as shall be made by the Churchwardens of the said Parish for the Time being for repairing and maintaining the said Church, and for other Purposes relating thereto, shall from Time to Time be made, and the said Churchwardens are hereby authorized and empowered to make such Rates or Assessments upon all and every Person and Persons who do or shall inhabit, occupy, or hold any House or Houses, Building or Buildings, Lands, Tenements, or Hereditaments within the Parish of *Blackburn* aforesaid, (save and except the said several Townships of *Cuerdale*, *Great Harwood*, *Samlesbury*, and *Walton-in-le-Dale*, and such Part of the said Township of *Rishton* as lies within the Chapelry of *Great Harwood*), on the full annual Rent or Value of all and each of such Houses, Buildings, Lands, Tenements, and Hereditaments, subject nevertheless to such Right of Appeal against the same as is herein-after given; and the Sum or Sums of Money which shall be rated or assessed as last aforesaid shall be recovered in such and the same Manner as other Rates or Assessments for the Reparation and Support of Parish Churches are by Law now recoverable; and it shall be lawful for the said Churchwardens, or for such Person or Persons as they shall appoint, at all convenient Times, to inspect the

Future Rates for repairing the new Church to be laid equally on all rateable Property within the Parish.

the Poor's Rate and Valuation of any Township or Place contributing to such Rates or Assessments within the said Parish, in order the better to ascertain the Rates to be so made, and to take Copies of such Poor's Rate and Valuation *gratis*; and it shall also be lawful for the Churchwardens of the said Parish for the Time being, to appoint One or more Collector or Collectors of such Rates or Assessments, and to pay and allow to such Collector or Collectors out of such Rates or Assessments, such Salary or Salaries, Sum or Sums of Money as they shall think proper.

Penalty on Nuisances near the Church or Church Yard.

LXIII. And be it further enacted, That if any Person or Persons shall place or lay any Rubbish, Stones, Soil, Manure, Litter, Compost, or Dung, or other similar Nuisance, Matter, or Thing, in or against the said Church, when rebuilt, or in or against the Walls, Rails, or Fences surrounding the same, or in or upon any of the Church Yards or Burial Grounds thereto belonging, or the Walls, Rails, or Fences surrounding the same, or shall permit or suffer the same Rubbish, Stones, Soil, Manure, Litter, Compost, or Dung, or other similar Nuisance to remain near such Church or Burial Grounds, or the Fences or Fence thereof, longer than shall be necessary for the housing or removing the same therefrom, every Person or Persons so offending, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Penalty on Persons damaging Monuments.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully break, throw down, or otherwise damage any Tomb or Monument, or any Gravestone, or any Head or Footstone to any Grave, erected, placed, or set up, or to be erected, placed, or set up in the said Churchyard, or any Rails thereto affixed, or the Rails, Doors, Gates, Walls, or Fences of or belonging to the said Churchyard, it shall be lawful for any One or more Justice or Justices of the Peace for the said County of *Lancaster*, or of the County, City, or Place wherein such Person or Persons so offending shall reside or be, and such Justice or Justices is and are hereby required, upon Oath being made by One or more credible Witness or Witnesses, before him or them, of the Commission of any such Offence, to issue a Warrant or Warrants for apprehending the Person or Persons accused thereof; or it shall be lawful for any Person or Persons who shall see any such Offence committed, to apprehend, and also for any Person or Persons to assist in apprehending such Offender or Offenders, and by the Authority of this Act, and without any other Warrant, to convey him, her, or them before any such Justice of the Peace for the said County of *Lancaster*, or to deliver him, her, or them into the Custody of any Constable or other Peace Officer, in order to be secured and conveyed before such Justice of the Peace, to be dealt with as herein-after is directed; and the Person or Persons so accused being brought before any such Justice or Justices, or who being duly summoned to appear, shall neglect so to do, the said Justice or Justices shall and may, either on the Confession of the Person or Persons so offending, or on Proof of such Offence, by the Oath of One or more credible Witness or Witnesses, convict such Offender or Offenders of the said Offence or Offences, and order and adjudge him, her, or them to forfeit and pay any Sum of Money not exceeding Five Pounds for each and every such Offence, together with the Expences and Charges of repairing and making good the Damage by him, her, or them occasioned or committed, and the Costs and Expences of the Proceedings and Conviction against such Offender or Offenders; which Costs, Ex-

pences,

penices, and Charges shall be ascertained by such Justice or Justices in and by the said Conviction, one Moiety of the said Forfeiture to be paid to the Informer or Informers, and the other Moiety, together with the said Expences and Charges, to be paid to the said Trustees or their Treasurer, which last-mentioned Moiety is to be applied for the Purposes of this Act; and the said Expences and Charges to go to the repairing and making good such Damages as shall by such Offender or Offenders have been occasioned or committed; and in case such Offender or Offenders shall not, upon such Conviction pay such Forfeiture, together with the Expences and Charges so adjudged, such Justice or Justices is and are hereby required to commit such Offender and Offenders to the House of Correction, there to be kept to hard Labour for any Time not exceeding Two Calendar Months, unless such Forfeiture, Expences, and Charges shall be sooner paid.

LXV. 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 *Blackburn* 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
may be
Witnesses.

LXVI. And be it further enacted, That all Penalties or Forfeitures, or any Penalty or Forfeiture by virtue of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not otherwise particularly directed), shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace of the County of *Lancaster*, (which Warrant such Justice is hereby empowered to grant), upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath (which Oath such Justice is hereby empowered to administer), and the Overplus (if any) of the Monies arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress, and such Penalties and Forfeitures, when recovered (if not herein-before directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol of the said County, or to the House of Correction of the District or Place where the Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Recovery of
Penalties.

LXVII. 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

[Local.]

19 K.

Execution

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

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

Distress not
unlawful for
Want of
Form.

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

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

LXXII. 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 Fourteen Days at least before such Action shall be commenced, of such intended Action, signed by the Attorney of 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 hath been made to him, her, or them, or to 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.

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

LXXIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing to be 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 where the Cause of Action shall arise and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then, and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall

Limitation of
Actions.

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 Treble Costs, and shall have such Remedy for recovering the same as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act.

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

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