



ANNO QUARTO

GEORGIIV. REGIS.

Cap. cxviii.

An Act for extinguishing Tithes, and customary Payments in lieu of Tithes, and all Demands for *Easter Offerings*, within the *London* or *City Liberty of Saint Andrew Holborn* in the *City of London*; and for making Compensation in lieu thereof. [27th June 1823.]

WHEREAS the Parish of *Saint Andrew Holborn* in the Diocese of *London*, consists of Three Liberties; whereof One is situate within the *City of London*, and is called, "The *London* or *City Liberty of Saint Andrew Holborn*;" and the Two other Liberties are in the County of *Middlesex*, and without the *City of London* and the Liberties thereof: And whereas the Reverend *Gilbert Beresford* is Rector of the said Parish: And whereas the Most Noble *Elizabeth Duchess Dowager of Buccleugh and Queensberry* is Patron of the Rectory of the Parish Church of *Saint Andrew* aforesaid: And whereas One of the Churchwardens of the said Parish hath been, from Time immemorial, chosen out of the said *London* or *City Liberty of Saint Andrew Holborn*, and there are Two Inhabitant Householders of the said Liberty chosen Annually to be Overseers of the Poor of the said Liberty: And whereas

[Local.]

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Easter

Easter Offerings have heretofore been paid by the Inhabitants of the said Liberty, or the major Part of them; and such Offerings have been considered for the most Part as voluntary, and it has not been usual or customary for the Rector of the said Parish for the Time being to demand the same as due by Law, according to any certain Sum *per Head*: And whereas the said Rector hath instituted a Suit in His Majesty's Court of Exchequer at *Westminster*, against divers Inhabitants and Occupiers of Houses and Buildings within the said *London* or City Liberty of *Saint Andrew Holborn*, for compelling the Payment of Tithes, insisting on his Right to the Payment of Tithes, at the Rate of Two Shillings and Ninepence in the Pound, upon the yearly Rent or Value of all Houses and Buildings within the same Liberty; but such Defendants and other such Inhabitants and Occupiers insist that the Rector of the said Parish is not entitled to such Tithes, but only to certain fixed customary Payments, of less Amount, in lieu of Tithes: And whereas the Parties to the said Suit, and the rest of the said Inhabitants and Occupiers, have, with the Consent of the Lord Bishop of the said Diocese as Ordinary, and of the said *Elizabeth* Duchess of *Buccleugh* and *Queensberry* as Patron, agreed to compromise all Matters in Dispute between them, upon the Terms hereinafter mentioned; that is to say, that a clear annual Sum of Seven hundred Pounds shall be raised by the said Inhabitants and Occupiers, and paid to the said Rector and his Successors, in lieu and in full Compensation of and for all Tithes, Dues, and Payments, and in lieu of all *Easter Offerings* which the said Rector for the Time being may demand by Law, other than and except such *Easter Offerings* as may be given voluntarily and gratuitously, and other than and except Surplice Fees; to commence from the Time hereinafter mentioned, and to be paid by equal Quarterly Payments; and also that there shall be raised and paid, in like Manner, the Sum of One thousand four hundred Pounds, in lieu and Satisfaction of all Arrears of such Tithes, *Easter Offerings*, Dues, and Payments up to that Time: And whereas it would be the means of preventing Litigation and Expence, and would be of mutual Advantage to the said Rector and his Successors, and the said Inhabitants and Occupiers, if the said Agreement were to be rendered permanent; but which (notwithstanding that the said Patron and Ordinary are consenting thereto) 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 from and after the passing of this Act, the Churchwarden of the said Parish for the Time being, so chosen within or out of the said *London* or City Liberty of *Saint Andrew Holborn* as aforesaid, and the Overseers of the Poor of the same Liberty for the Time being, not being of the People called *Quakers*, together with such other substantial Inhabitants of the said Liberty as are hereinafter for that Purpose appointed, or shall be from Time to Time chosen in the Mode and under the Provisions hereinafter mentioned, or in case at any Time there shall not be any such Inhabitants who shall be so chosen and shall have accepted the Office, the said Churchwarden and the said Overseers for the Time being alone, shall be Commissioners for carrying the Purposes of this Act into Execution.

Commissioners:
The Churchwarden and Overseers for the Time being,

II. And be it further enacted, That *William John Reeves, John Watson, Henry Gilbert, Henry Bradshaw Fearon, Thomas Brown, George Frederick Harms, George Burnell, William Woollatt, Robert Beauchamp, and Richard Taylor*, shall be and they are hereby appointed, with the said Churchwarden and Overseers for the Time being, Commissioners for the carrying the Purposes of this Act into Execution; and that whenever any One or more of the Persons above named, or the Commissioners to be chosen as herein-after mentioned, shall have served the Office of Commissioner or Commissioners for the Space of Three Years, or shall die, or resign, or become Bankrupt or Insolvent, or shall cease to occupy Lands and Tenements within the said Liberty, rated to the Relief of the Poor of the said Liberty, as of the annual Value of Thirty Pounds, such Person or Persons shall cease to be such Commissioner or Commissioners; and it shall be lawful for such of the Inhabitants of the said Liberty, and other Persons who are rated to the Relief of the Poor of the said Liberty, at a Meeting to be convened for that Purpose as herein-after mentioned, or for such of the said Inhabitants and other Persons as aforesaid who chuse to attend such Meeting, to re-elect the same Person or Persons, or to elect One or more substantial Inhabitants, not being of the People called *Quakers*, occupying Lands or Tenements within the said Liberty, rated to the Relief of the Poor of the said Liberty, as of at least the annual Value of Thirty Pounds, so as to make up the Number of Ten Commissioners, besides the said Churchwarden and Overseers; and that every such Person so to be chosen hereafter shall, upon his Acceptance of his said Office, signify the same by signing his Name in a Book to be provided by the said Commissioners for that Purpose.

and Ten
other Com-
missioners.

III. And be it further enacted, That whenever from any or either of the Causes aforesaid, there shall be One or more Vacancy or Vacancies in the Number of the said Commissioners, it shall and may be lawful for the said Churchwarden and Overseers, or One of them, and they or he are or is hereby required, within Three Months after such respective Vacancy or Vacancies shall have taken place as aforesaid, by a Public Notice in Writing, to be affixed to the Door of the Church of the said Parish, to require all Persons who have a Right of electing in manner aforesaid to the Office of Commissioner or Commissioners, to meet together on some Day which shall be at least Three Days and not more than Ten Days next after such Notice shall have been given, at such Time and in such Place as in the said Notice shall be specified, for the Purpose of electing One or more of such Persons as are qualified as aforesaid, in the Room or Stead of such Person or Persons who shall have become so disqualified as aforesaid, to serve the said Office of Commissioner or Commissioners.

How Com-
missioners
are to be
elected on
Vacancies.

IV. And be it further enacted, That if any Person duly qualified to fill the Office of Commissioner, according to the Provisions of this Act, and who shall not have duly served such Office for the Space of One whole Year at the least, shall be elected a Commissioner in manner aforesaid, and shall refuse to accept such Office, or neglect for the Space of Ten Days after he shall have been personally served with a Notice in Writing, signed by the Clerk to the said Commissioners for the Time being, of his Election to such Office, to signify his Acceptance thereof in manner

Penalty on
Persons
elected not
serving the
Office of Com-
missioner.

manner herein-before mentioned, or having accepted such Office, shall within the Space of Twelve Months after such Acceptance resign the same, being at the Time of such Resignation duly qualified as aforesaid to hold such Office, every Person so offending shall, upon the Complaint of any Person who shall be rated to the Relief of the Poor of the said Liberty, and upon Conviction of such Offence before any Two Justices of the Peace for the said City of *London*, forfeit and pay a Sum of Twenty Pounds, to be recovered, together with the Expences attending the Recovery thereof, by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hands and Seals of such Justices, and which Warrant such Justices are hereby empowered and required to grant, the Party distraining rendering the Overplus, if any, to the Owner of the said Goods and Chattels, which Penalty when recovered shall be paid to the said Commissioners for the Time being, and shall be applied by them in Aid of the Assessments herein-after required to be made by them.

Lists of Commissioners to be delivered when required.

V. And be it further enacted, That the said Commissioners, whenever they shall be required so to do by Writing under the Hand of the Rector for the Time being, or by Writing under the Hand of any Ten Persons liable to be charged to any Proportion of the Assessments to be made in pursuance of this Act, shall within Seven Days next after they shall have been required so to do, by Notice in Writing left with the Clerk of the said Commissioners, or with any Two Commissioners, deliver to such Rector, or to such Person as such Rector or any such Ten Persons as aforesaid shall respectively appoint, a true List of all the Commissioners for the Time being, with their respective Descriptions and Residences, signed by Two at least of the said Commissioners, which List, so signed, shall be conclusive Evidence that the several Persons therein named were Commissioners at the Time of the Delivery of such List in all Proceedings to be had against the said Commissioners, or any or either of them, except in such Proceedings as may be had by any One or more of the said Commissioners against any One or more of their own Body.

Quarterly Meetings to be held.

VI. And be it further enacted, That there shall be held in each Year Four Meetings at the least of the said Commissioners; (that is to say), on the First *Tuesday* in the Month of *October*; on the First *Tuesday* in the Month of *January*; on the First *Tuesday* in the Month of *April*; and on the First *Tuesday* in the Month of *July*, in every Year, at the Hour of Noon, in the Inquest Room of the said Parish; and that the First Meeting to be held by virtue of this Act shall be holden at the said Hour and Place on the Second *Tuesday* next after the passing of this Act.

Commissioners Meetings.

VII. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners to adjourn such Meetings as they from Time to Time shall think fit; and further, that it shall be lawful for any Two of the said Commissioners to convene a Special Meeting of the said Commissioners for the Purposes of this Act at any other Time or Times when they shall think fit; and that they shall and may for such Purpose, by Writing under their Hands, summon or cause to be summoned the said

said Commissioners to hold a Meeting at such Place and at such Time, being at least Ten Days after the issuing of such Summons, as in the said Summons shall be specified.

VIII. And be it further enacted, That all the Powers given by this Act to the said Commissioners may be exercised by the Majority of such of them as shall be present at any Meeting to be holden or convened in manner herein-before mentioned, the Number of the said Commissioners at such Meeting not being less than Five, provided there be so many Persons then holding the said Office of Commissioner; and that at each and every such Meeting of the said Commissioners, One of the said Commissioners then present, who shall be nominated by the Majority of the Commissioners present at any such Meeting, shall preside at every such Meeting, and take the Chair as Chairman of such Meeting; and in case of an Equality of Votes on any Transaction, including the Vote of the Chairman, the Chairman at such Meeting shall have another or the casting Vote.

Majority of Commissioners may act.

IX. And be it further enacted, That the said Commissioners may from Time to Time at any Quarterly Meeting, or at any Special Meeting to be held for such Purpose, appoint a Treasurer, Clerk, and also a Collector or Collectors of the Assessment or Assessments to be made as herein-after mentioned, taking from him or them such Securities for the due Performance of such Duties as they shall think fit; and that they shall from Time to Time pay such Salaries and make such reasonable Allowances to him or them as the Case may require; and also, that the said Commissioners may from Time to Time remove or displace such Persons at any Quarterly Meeting, or at any Special Meeting to be held for that Purpose, whensoever they shall see Occasion, and appoint others in their Stead.

For appointing Officers.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, the Treasurer or Treasurers for the Purposes of this Act; or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, the Clerk or Clerks to the said Commissioners; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act; or if any Person being the Partner of any such Clerk or Clerks, or other Person or Persons in the Service or Employ of any such Clerk or Clerks, shall accept the Office of Treasurer, or being the Partner of any such Treasurer or Treasurers, shall accept the Office of Clerk in the Execution of this Act; or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Commissioners other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or

Prohibiting the same Person from acting as Clerk and Treasurer.

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by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Requiring
Officers to
account.

XI. And be it further enacted, That every such Treasurer and Collector shall, under their respective Hands, and at such Time or Times, and in such Manner as the said Commissioners shall direct, deliver to the said Commissioners, or to such Person or Persons as they shall appoint, a true and perfect Account in Writing of all such Matters and Things as may be committed to their Charge; and also of all Monies which shall have been by them received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments; and shall pay all such Monies as shall remain in their Hands to such Person or Persons at such Time and Place as the said Commissioners shall from Time to Time direct or appoint; and the Receipt of such Person or Persons shall be a sufficient Discharge to such Treasurers and Collectors for the same; and if any such Collector as aforesaid shall at any Time or Times hold or keep in his own Hands, for the Space of Seven Days together, any larger Sum of Money to be received by him under this Act than the Sum of Forty Pounds, he shall for every such Offence forfeit and pay to the said Commissioners for the Purposes of this Act any Sum (in the Discretion of any One Justice of the Peace of the said City), not exceeding Five Pounds, within the Space of Ten Days next after he shall be called upon by them or their Treasurer to pay such Penalty; and every such Collector shall, when thereunto required by the said Commissioners (assembled at any such Meeting as aforesaid) produce an Account of the Rates and Assessments levied by virtue of this Act which shall be in Arrear and unpaid, and the Names of the Persons by whom the same ought to be paid, with the Sums by them respectively owing, and the Times when the same became due; and if any such Treasurer or Collector shall refuse or wilfully neglect to make and render such Account, or to produce and deliver up the Vouchers relating to the same, or to make Payment as aforesaid; or in case the Clerk of the said Commissioners or any such Treasurer or Collector shall not deliver to the said Commissioners, or to such Person as they shall appoint, within Fourteen Days next after being thereunto required by Notice in Writing signed by the said Commissioners, or any Two or more of them, and given to or left at the last or usual Place of Abode of such Treasurer, Clerk, or Collector, all Books, Papers, and Writings in their respective Custody or Power relating to the Execution of this Act, or Duplicates thereof respectively, or give Satisfaction to the said Commissioners respecting the same, and Complaint thereof shall be made on Behalf of the said Commissioners to any Justice of the Peace of the City of *London*, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Treasurer, Clerk, or Collector to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter of such Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness upon Oath, which Oath such Justice is hereby empowered to administer, it shall appear to such Justice that any of the Monies which shall have been collected and received by virtue of this Act, shall be in the Hands of any such Treasurer or Collector, or shall not have been
duly

duly accounted for and paid over by him or them, such Justice is hereby authorized and required, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person; and if no such Goods and Chattels can be found sufficient to answer and satisfy the Money, and the Charges of distraining and selling the Distress, or if it shall appear to such Justice that any such Treasurer or Collector had refused and wilfully neglected to render and give such Accounts as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act shall be in the Custody or Power of any such Treasurer, Clerk, or Collector, and he shall have refused or neglected to deliver up or give such Satisfaction respecting the same as aforesaid, then such Justice shall commit him to the Common Gaol or House of Correction, there to remain without Bail or Mainprize, until such Person, being Treasurer, Clerk, or Collector, shall make and give a true Account, and have paid such Money as aforesaid, or shall have compounded for such Money with the said Commissioners, and have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners are hereby empowered to make and receive, and until such Person, being a Treasurer, Clerk, or Collector, shall deliver up all such Books, Papers, Writings, or Duplicates of the same as aforesaid; but no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid, shall be detained in Prison for any longer Term than Three Calendar Months by virtue of this Act.

XII. And be it further enacted, That the Orders and Proceedings made at all and every such Quarterly and Special Meetings as aforesaid, shall be entered, by such Person or Persons as the said Commissioners shall appoint for that Purpose, in a Book or Books to be kept for that Purpose, and such Orders and Proceedings so entered and signed by the Chairman of each respective Meeting shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be used as Evidence in all Courts and Places whatsoever, and by and before all Judges, Justices, and others; and that such Book shall at all seasonable Times be open to the Inspection of all Persons assessed for the Purposes of this Act.

Orders and Proceedings to be entered in a Book.

XIII. And be it further enacted, That the said Commissioners shall keep One or more Book or Books, in which they shall from Time to Time enter a just, true, and fair Account of all Penalties and Sums of Money which shall have been received by or shall have come to the Hands of them the said Commissioners, or to the Hands of any Persons or Person for their Use, by virtue and for the Purposes of this Act, and how, and to whom, and upon what Occasion they shall have paid or applied the same, and shall also enter in such Book or Books a List or Lists of all such Sums of Money as shall remain due and owing from any Person or Persons in respect of the Payments, Assessments, and Penalties to be collected, received, or taken for the Purposes and by virtue of this Act, and shall produce such Book or Books unto the Inhabitants of the said Liberty who are assessed for the Purposes of this Act, at a Vestry or other Public Meeting to be held for that Purpose

Books to be kept of Receipts and Payments.

Once

Once in every Year, to the Intent that the said Books or Book and Lists may be inspected by the Inhabitants aforesaid.

How Notices,
&c. may be
served.

XIV. And be it further enacted, That in all Cases, wherein it may be requisite or necessary for any Person or Persons to serve any Notice or Notices, or Writ or Writs, or other legal Proceedings, upon the said Commissioners, the Service thereof upon the Churchwarden, or upon either of the Overseers of the Poor of the said Liberty, or at the last or usual Place of Abode of such Churchwarden or Overseer, shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

1,400l. to be
paid to the
Rector for all
Arrears of
Tithes, &c.

XV. And be it further enacted, That the said Commissioners shall pay or cause to be paid to the said *Gilbert Beresford*, his Executors, Administrators, or Assigns, the Sum of One thousand four hundred Pounds of lawful Money of *Great Britain*, in full Satisfaction for all Arrears of Tithes or Payments, in lieu of Tithes, and in lieu of all *Easter Offerings* which the said Rector for the Time being may demand by Law, and all other Dues which he is entitled to or might claim as Rector of the said Parish within the *London* or City Liberty of *Saint Andrew Holborn*, (except *Surplice Fees*) up to the Twenty-fourth Day of *June* in the Year of our Lord One thousand eight hundred and twenty-three, which said Sum of One thousand four hundred Pounds shall be paid by Eight equal Payments, without any Deduction whatsoever; (that is to say), on the Twenty-ninth Day of *September* and the Twenty-fifth Day of *December* in the present Year, on the Twenty-fifth Day of *March*, the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, and the Twenty-fifth Day of *December*, which shall be in the Year One thousand eight hundred and twenty-four, and on the Twenty-fifth Day of *March* and the Twenty-fourth Day of *June* which shall be in the Year One thousand eight hundred and twenty-five; and shall pay or cause to be paid to the Rector for the Time being of the said Parish, or to such Person as he shall appoint to receive the same, One annual Sum of Seven hundred Pounds of like lawful Money, in Lieu, Satisfaction, and Discharge of all Tithes, *Easter Offerings*, or Payment in lieu of Tithes, and all other Dues to which such Rector is entitled, or might by Law claim as Rector as aforesaid, within the same Liberty, (except *Surplice Fees*), which said annual Sum of Seven hundred Pounds shall be paid by equal Quarterly Payments, on the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, the Twenty-fifth Day of *March*, and the Twenty-fourth Day of *June* in every Year; the first of such Payments to be made on the Twenty-ninth Day of *September* next after the passing of this Act; and that the same shall be exempt from all Taxes, Rates, and Assessments, parliamentary or parochial.

and the annual
Sum of
700l. in lieu
of Tithes and
Easter Offer-
ings.

In case of
Death, &c. a
Proportion of
the yearly
Sum to be
paid.

XVI. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of the present and every future Rector of the said Parish, such Rector, his Executors, Administrators, or Assigns, shall be entitled to and receive so much of the said yearly Sum of Seven hundred Pounds, as shall be in proportion to the Number of Days elapsed from the then last preceding Day of Payment to the Day of his Death, Cession, Resignation, or Removal.

XVII. And

XVII. And to the End that the said Commissioners may be enabled to raise and pay the said Sum of One thousand four hundred Pounds, and the said yearly Sum of Seven hundred Pounds, in Manner aforesaid, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, at every Quarterly Meeting to be held as aforesaid, and at such other Meetings as they shall think fit, to make and sign a sufficient Assessment upon all Persons assessed to the Rate for the Relief of the Poor of the said Liberty, except the said Rector for the Time being, for raising by the Times and in Manner herein-before respectively mentioned, as well the said Sum of One thousand four hundred Pounds, as the said annual Sum of Seven hundred Pounds, and also all Costs, Charges, and Expences incident to or attending upon the collecting the same, and the carrying the Purposes of this Act into Execution, and so much of the Costs, Charges, and Expences incident to or attending the obtaining this Act as is herein-after provided to be paid by the said Inhabitants and Occupiers, and also so much of the Costs and Expences of the Suit so instituted by the said Rector as aforesaid as hath been incurred by the Inhabitants of the said Liberty who were made Defendants to the said Suit, as the said Commissioners in their Discretion shall think fit; every such Assessment to be made according to the Proportion of which such Persons respectively shall have been rated in the Rate last made and acted upon for the Relief of the Poor of the said Liberty previously to the making such Assessment; and in case at any Time or Times the Sum or Sums of Money which shall be so assessed and paid over to the said Commissioners shall not be sufficient for the Purposes for which such Assessment or Assessments were respectively made, it shall be lawful for the said Commissioners, and they are hereby required, either to make and sign such additional Assessments or Assessment as shall be sufficient to make up the Deficiency of such original Assessment in Manner aforesaid, or to add the Amount of such Deficiency to the Amount to be raised by the next succeeding Assessment; and in case at any Time or Times the Sums of Money so assessed and paid over to the said Commissioners shall be more than sufficient for the Purposes aforesaid, the said Commissioners shall and they are hereby empowered to apply the same in Aid of the next Assessment to be made for the Purposes aforesaid.

Assessment
may be made.

XVIII. And for the Purpose of enabling the said Commissioners to make such Assessment as aforesaid, be it further enacted, That it shall be lawful for the said Overseers of the Poor for the Time being, and they are hereby authorized and required to produce for the Inspection of such Commissioners, upon receiving Six Days Notice in Writing signed by any Two of the said Commissioners, requiring them so to do, at any Meeting of the said Commissioners in such Notice specified, the Rate for the Relief of the Poor of the said Liberty last made and acted upon before the Time of giving such Notice; and if the said Overseers for the Time being shall refuse or neglect to produce such Rate after such Notice, each and every of the said Overseers so offending shall forfeit and pay the Sum of One hundred Pounds for every such Offence, to be recovered upon the Complaint of any One of the said Commissioners, and upon a Conviction of any such Offence before any Two Justices of the Peace for the said City of London, by Distress and Sale of the Offender's Goods and Chattels,

Poor Rate to
be produced
to Commis-
sioners.

by Warrant under the Hands and Seals of such Justices, which Warrant such Justices are hereby empowered and required to grant; the Party distraining rendering the Overplus, if any, to the Owner of the Goods and Chattels; which Penalty when recovered shall be to the Use of and shall be paid to the said Commissioners for the Time being, to be applied by them in Aid of the Assessments herein-before required to be made by them.

Assessments
how to be
collected.

XIX. And be it further enacted, That the said Commissioners for the Time being shall from Time to Time, within Ten Days after such respective Assessments shall have been made as herein-before mentioned, deliver a Copy thereof to the Collector or Collectors for the Time being; and such Collector or Collectors is and are hereby required to collect the Sums therein assessed accordingly, in the same manner as the Rates made for the Relief of the Poor of the said Liberty are from Time to Time collected.

Assessments
may be
amended by
Justices at
Quarter
Sessions.

XX. And be it further enacted, That from and after the passing of this Act, upon all Appeals from any Assessment made for the Purposes of this Act, the Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they shall see just Cause to give Relief) to amend such Assessment, either by inserting therein or striking out the Name or Names of any Person or Persons, or by altering the Sum or Sums therein charged on any Person or Persons, or in any other manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Assessment: Provided always, that if the said Court shall be of Opinion that it is necessary for the Purpose of giving Relief to the Person or Persons appealing, that the Assessment shall be wholly quashed, then the said Court may quash the same; but nevertheless, all and every the Sum or Sums of Money in and by such Assessment charged on any Person or Persons shall and may be levied and recovered by such Ways and Means, and in such and the same Manner as if no Appeal had been made against such Assessment; and all and every the Sum and Sums of Money which any Person or Persons charged in such Assessment shall pay, or which shall be levied upon or recovered from him, her, or them, shall be deemed and taken as Payments on account of the next effective Assessment or Assessments which shall be made for the Purposes of this Act.

Directing
how Assess-
ments may
be recovered
when in-
creased by
Quarter
Sessions.

XXI. And be it further enacted, That if upon the Hearing of any Appeal from or against any Assessment, the said Court shall order the Name or Names of any Person or Persons to be inserted therein, and him, her, or them to be assessed at any Sum or Sums of Money, or shall order the Sum or Sums at which any Person or Persons is or are therein assessed to be raised or increased, then and in such Case all and every the Sum and Sums of Money at or to which such Person or Persons shall be so ordered to be assessed, or to be raised or increased, or so much thereof as shall not have been already paid, shall and may be recovered in such and the same Manner, and by such and the same Means, as if he, she, or they had been originally named in such Assessment, and assessed therein at such Sum or Sums of Money.

XXII. And be it further enacted, That in case at any Time or Times any Person or Persons shall refuse or neglect to pay any such Sum or Sums of Money at which they shall be severally assessed by virtue of this Act, and all Arrears, it shall be lawful for any One of His Majesty's Justices of the Peace for the said City of *London*, and he is hereby authorized and directed, by Writing under his Hand, on Complaint made by the said Commissioners for the Time being, or any One of them, or any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused and neglected as aforesaid, to appear at a Time and Place to be mentioned in such Summons, before such Justice, or before any Justice or Justices of the Peace for the said City who shall be then and there present, the Collector or Collectors of such Assessments having previously made Oath that he or they had duly demanded the said Assessments, and that the same were then in Arrear and unpaid; and it shall be lawful for any Person appointed to collect and receive such Assessments, or for any other Person authorized by the said Commissioners, to serve all and every such Summons and Summonses upon all and every Person and Persons so refusing or neglecting to pay as aforesaid, either by delivering the same to the Person or Persons thereby intended to be summoned, or by leaving the same at his or their last or usual Place or Places of Abode; and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he or they shall attend and shall not show good and sufficient Cause to such Justice or Justices as may be then and there present, that he or they is or are not chargeable with such Assessment or Assessments, then and in every such Case, every such Person or Persons shall pay the Assessment or Assessments in respect of which such Summons was issued, and also the Costs and Charges of such Summons; and in all Cases where such Assessment or Assessments, or any of them, shall not be paid upon the Return of such Summons, it shall be lawful for the Justice who shall have signed and issued such Summons or Summonses, or who shall have directed such Summons or Summonses to be signed and issued as aforesaid, or for any other Justice of the Peace for the said City, and he is hereby authorized and required, upon Oath made before him of the due Service of such Summons or Summonses by the Person who shall have served the same, and Proof on Oath that such Assessment or Assessments is or are actually due and owing, to grant a Warrant under his Hand and Seal, authorizing or directing any such Person appointed to collect such Assessment or Assessments as aforesaid, or other Person, to levy such Assessment or Assessments and all Arrears thereof, and the said Costs and Charges of the Summons, (if the same shall not have been paid before) and the Costs and Charges of every such Warrant, and also the Costs and Charges and Expences of executing the same, by Distress of the Goods and Chattels of the Person or Persons so neglecting or refusing; and if within Five Days next after any Distress shall be made, the said Assessment or Assessments with all Arrears due thereon, together with all the said Charges for the said Warrant, and the Charges and Expences of executing the same Warrant, and of making such Distress, and of keeping such Goods and Chattels, shall not be paid, then the said Person appointed to collect as aforesaid, or other Person authorized by the said Warrant, shall cause the said Goods and Chattels to be appraised by One or more Appraiser or Appraisers, and to be sold either on the

Directing
how Assess-
ments shall
be recovered.

Premises

Premises where the same shall be distrained, or elsewhere, or such Part or Parts thereof as in his or their Judgment shall be sufficient to pay the said Assessment or Assessments, together with all Arrears due thereon; and the said Costs, Charges, and Expences of the said Summons, Warrant, Distress, Removal or keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expences of appraising and selling the same, and shall return the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively, upon Demand thereof made by him or them; and in case no such Goods and Chattels can be found to be distrained by virtue of any such Warrant, or in case any such Goods and Chattels shall be locked up or secured, or shall be removed so that such Person appointed to collect the said Assessment as aforesaid, or such other Person authorized by the said Warrant, cannot distrain the same, or in case after such Distress and Appraisement or Sale as herein-before are directed, the Proceeds thereof shall not be sufficient to pay such Assessments, with the Arrears due thereon, and all the said Costs, Charges, and Expences as aforesaid, then and in every such case, upon Information thereof given to any Justice of the Peace for the said City, it shall be lawful to and for any such Justice of the Peace, and he is hereby authorized and required, to issue a Warrant under his Hand and Seal, for the Apprehension of any such Person or Persons making Default in the Payment of such Assessments and the Arrears thereof, or of any Part thereof, and of such Costs, Charges and Expences, or any of them, and to commit such Person or Persons to the Common Gaol or House of Correction for the said City, there to remain without Bail or Mainprize for any Time not exceeding the Space of Three Calendar Months, unless such Assessments and all Arrears thereof, and all Costs, Charges and Expences, or so much thereof as shall remain unsatisfied by any such Distress or Distresses or otherwise, shall be sooner paid.

Warrant of
Distress.

XXIII. And be it further enacted, That every Warrant of Distress for the Non-payment of any such Assessments to be made under this Act, shall be in the Words or to the Effect following :

‘ City of London, } TO the Collector or Collectors of the Assessments in
 ‘ to wit. } lieu of Tithes in that Part of the Parish of *Saint*
 ‘ *Andrew Holborn* which is called the *London* or City Liberty of *Saint*
 ‘ *Andrew Holborn*, and to all Constables and other Peace Officers acting
 ‘ for the same Liberty: Whereas the under or hereafter mentioned
 ‘ Persons [*or Person*] were and are [*or was and is*] duly assessed or
 ‘ liable to an Assessment, duly made for the Purposes of an Act made in
 ‘ the Fourth Year of the Reign of King *George* the Fourth, intituled
 ‘ [*here insert the Title of this Act*]: And whereas the said Persons [*or*
 ‘ Person] have [*or has*] refused or neglected to pay the several Sums
 ‘ [*or the Sum*] of Money at and against their [*or his or her*] Names
 ‘ [*or Name*] hereunder or hereafter respectively set down, for Money
 ‘ due from them [*or him or her*] for or towards the Purposes in the
 ‘ said Act mentioned, and the said several Sums [*or the said Sum*]
 ‘ are [*or is*] still remaining due, in Arrear, and unpaid, as appeareth
 ‘ upon Oath to One of His Majesty’s Justices of the
 ‘ Peace for the said City; and the said several Persons [*or Person*] having
 ‘ been summoned to appear before me to answer the Premises, as also
 ‘ appeareth to me, the said Justice, upon Oath; and the said several
 ‘ Persons

trators, or Assigns, to sue for the same, or so much thereof as may be due to him or them respectively, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, against any Two or more of the Commissioners; and that unless upon the Trial thereof the Defendant or Defendants shall shew that no Sum of Money was due and in Arrear to the Plaintiff or Plaintiffs under or according to this Act, at the Time of bringing the said Action, the Plaintiff or Plaintiffs therein shall be entitled to a Verdict and Judgment for so much as shall appear to be due to him or them, notwithstanding the said Defendant or Defendants may not have received the Sum of Money so due; and in case the Plaintiff or Plaintiffs shall obtain a Verdict in any such Action or Suit, or the Defendant or Defendants shall suffer Judgment to go by Default therein, the Plaintiff or Plaintiffs shall be entitled to recover Treble Costs.

If Rector recover from any of the Commissioners, such Commissioners may recover from the other Commissioners their Proportions.

XXVI. And be it further enacted, That in case any such Commissioner or Commissioners against whom the said Rector shall so recover Judgment as aforesaid, shall not have received from the Collector the Sum of Money for the Recovery of which any Action was brought, then and in every such Case it shall be lawful for him, them, or either of them, to sue all or any or either of the said other Commissioners, in any of His Majesty's Courts at *Westminster*, by Action of Debt or on the Case, in order to recover from him, them, or either of them, his or their proportionate Part of such Sum of Money as the said Commissioner or Commissioners shall have been so compelled to pay to the said Rector over and above what he or they shall have received from the said Collector, and a like proportionate Part of the Costs incurred by such Action.

Empowering Rector to sue Inhabitants on Default of Payment by Commissioners.

XXVII. And be it further enacted, That in case the said Sum of One thousand four hundred Pounds, or the said annual Sum of Seven hundred Pounds, or any Part thereof respectively, shall be in Arrear or unpaid for more than Six Months after the same respectively shall become due as aforesaid, then, and so often as the Case shall happen, it shall be lawful for the said Rector, his Executors, Administrators, or Assigns, and for every succeeding Rector, his Executors, Administrators, or Assigns, to sue for the same, or so much thereof as shall have been due to him or them respectively for such Space of Time as aforesaid, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, against any Number not less than Thirty nor exceeding Forty of the said Inhabitants or Occupiers within the said Liberty, liable to be charged with any Portion of the Sums to be assessed under and by virtue of this Act; and that unless upon the Trial thereof the Defendants shall shew that no Sum of Money had been due and in Arrear to the Plaintiff or Plaintiffs under or according to this Act, for the Space of Six Months previous to the Time of bringing the said Action, the Plaintiff or Plaintiffs therein shall be entitled to a Verdict and Judgment for so much as shall appear to have been due to him or them for such Space of Time as aforesaid; and in case the Plaintiff or Plaintiffs shall obtain a Verdict in any such Action or Suit, or the Defendants shall suffer Judgment to go by Default therein, the Plaintiff or Plaintiffs shall be entitled to recover Treble Costs.

In case any one or more Defendant or

XXVIII. Provided always, and be it enacted, That for the better enabling any one or more of such Defendants against whom Execution shall

shall be taken out, or who shall have paid the Whole or any Part of the Sum of Money due to such Plaintiff or Plaintiffs, or the Whole or any Part of the Costs incurred by the bringing of such Action, to have Contribution from the rest of the said Defendants, it shall and may be lawful for any Two Justices for the said City of *London*, and they are hereby required, upon Complaint made by any One or more of such Defendants against whom such Execution as aforesaid shall have been taken out and levied, or who at any Time after the Commencement of such Action shall have paid the Whole or any Part of the Sum so due and owing to the said Plaintiff or Plaintiffs, or who shall have paid the Whole or any Part of the Costs incurred by such Action, to summon the Parties before them, and to apportion the Amount of all such Sums or Sum of Money so levied or paid by all or any of the said Defendants, equally amongst all the said Defendants, which several Sums so apportioned shall and may be levied by Distress and Sale of the Goods and Chattels of such Defendants respectively, under the Warrant or Warrants of such Justices, which Warrant or Warrants they are hereby empowered and required to grant accordingly, the Party distraining rendering the Overplus (if any) after Payment of the Expences incurred in the Recovery of such several Sums respectively to the Owner of the Goods and Chattels so distrained.

Defendants shall pay the whole Money at any Time due to the Rector, such Defendant or Defendants may recover a due Proportion from the said other Defendants by Distress ;

XXIX. Provided further, and be it further enacted, That in case any Inhabitant or Inhabitants, Occupier or Occupiers, shall have been sued by any such Rector, his Executors, Administrators, or Assigns, in Manner aforesaid, and shall have paid at any Time after the Commencement of such Action, the Whole or any Part of the Sum so due and owing to the said Plaintiff or Plaintiffs, or who shall have paid the Whole or any Part of the Costs incurred by such Action, or against whom such Execution as aforesaid shall have been taken out and levied, or who shall have contributed to any such Payment or Payments, it shall be lawful for such Inhabitant or Inhabitants, Occupier or Occupiers, to sue for the same, or so much thereof as may have been paid by him or them, together with all Costs, Charges, and Expences, as he or they may have incurred, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, against any One or more of the said Commissioners for the Time being, notwithstanding that such Commissioner or Commissioners shall not have received the Sum of Money so paid by the said Plaintiff or Plaintiffs, or any Part thereof; and in case the Plaintiff or Plaintiffs shall obtain a Verdict in any such Action or Suit, or the Defendant or Defendants shall suffer Judgment to go by Default therein, the Plaintiff or Plaintiffs shall be entitled to recover Treble Costs.

or may recover same from One or more of the Commissioners, by Action.

XXX. Provided always, and be it further enacted, That if any Action or Suit under or by virtue of this Act, shall be brought, commenced, or prosecuted against any Two or more Persons, and any or either of such Persons shall die pending such Action or Suit, leaving One or more Defendant or Defendants surviving, such Action or Suit shall not abate by reason thereof, but may be proceeded in as if no such Event had happened.

Actions or Suits not to abate by Death of Defendants.

XXXI. And be it further enacted and declared, That from and immediately after the passing of this Act, all Tithes and all Demands for *Easter Offerings* and Payments in lieu of Tithes, and other Dues which the

Tithes and *Easter Offerings* when to cease.

the said Rector for the Time being might otherwise have had by Law, (except Surplice Fees) to which the Rector of the said Parish is entitled or might claim within the same Liberty, save under the Authority of this Act, shall cease and be extinguished.

Persons ag-
grieved may
appeal to
Quarter
Sessions.

XXXII. Provided always, and be it enacted, That if any Person shall think himself or herself aggrieved by any Rate or Assessment which shall be made in pursuance of this Act, he or they having first paid the said Rate or Assessment, or if any Person shall think himself or herself aggrieved by any other Matter or Thing to be done in pursuance of this Act, every such Person may appeal to the Justices at any General or General Quarter Sessions of the Peace to be holden for the City of London, within Three Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Fourteen Days Notice at the least in Writing of his or her Intention to make such Appeal, and of the Matter thereof, to the said Churchwarden and Overseers of the said Liberty, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace of the said City, with Two sufficient Sureties conditioned to try such Appeal, and abide the Order of and pay such Costs as shall be awarded against him or her at such Sessions; and the Justices at such Sessions shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and if they see Cause may order any Money to be returned, which shall have been paid and levied in pursuance of such Assessment, and shall and may also award such Costs to the Party appealing or appealed against as they shall think proper, and their Determination therein shall be final, binding, and conclusive to all Parties, to all Intents and Purposes; and it shall be lawful for such Justices, by Warrant under the Hands and Seals of any Two or more of them, to cause the Costs which shall be awarded, to be levied by Distress and Sale of the Goods of the Party or Parties liable to pay the same, rendering 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.

Proceedings
not to be
quashed for
Want of
Form.]

XXXIII. And be it further enacted, That no Assessment or other Proceeding to be had, touching any Order made, or other Matter or Thing to be done or transacted in or relating to any Complaint or Appeal, or any Order or Determination thereon in pursuance of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable into any of His Majesty's Courts of Record by Certiorari, or any other Writ or Process whatsoever; any Law, Statute, or Usage to the contrary notwithstanding.

Distress not
unlawful for
Want of
Form only.

XXXIV. And be it further enacted, That where any Distress shall be made for any 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 any Proceedings relating thereto, nor shall the Party or Parties distraining, be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done or committed by the Party or Parties distrained, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

XXXV. Provided always, and be it further enacted, That no Plaintiff shall recover any Damages in any Action for any Irregularity, Trespass, or wrongful Proceedings made or committed in Execution of this Act, if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or caused to be committed any such Irregularity, Trespass, or wrongful Proceedings 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 where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Order and Judgment shall be had, made, or given by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover after Tender of sufficient Amends.

XXXVI. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person or Persons for any thing done in pursuance of this Act, or of the Powers hereby given, or in anywise relating to the Premises, after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, or after the Expiration of Three Calendar Months next after the Cause of Action shall have arisen; and every such Action or Suit shall be brought and tried in the City or County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in any such Action or Suit, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by Authority of this Act; and if the same shall appear to have been so done, and if such Action or Suit shall be brought after sufficient Satisfaction or Tender of Amends shall have been made as aforesaid, or after the Time herein before limited for bringing the same, or shall be brought in any other County, City, or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or shall 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 the Defendant or Defendants shall recover Treble Costs and have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in other Cases of Law.

No Action to be brought after Satisfaction or Tender of sufficient Amends.

XXXVII. And be it further enacted, That in all Actions, Prosecutions, Appeals, and Proceedings whatsoever relating to or concerning the Execution of this Act, no Person shall be disqualified from giving Evidence by reason of such Person being charged with or being liable to pay any Sum or Sums of Money charged by or by virtue of this Act.

Persons not disqualified from giving Evidence by reason of their paying Rates.

XXXVIII. And be it further enacted, That One Half of the Costs, Charges, and Expences attending or incident to the obtaining of this Act, (to be taxed by one of the Masters of the said Court of Exchequer if the Parties should differ about the same), shall be raised by such Assessment as aforesaid, and the other Half thereof shall be borne and paid by the said Rector: Provided nevertheless, that this Act or any thing therein contained, shall not be deemed to prejudice such Right, Title, or Claim as the said Rector or any succeeding Rector of the said Parish has

Expences of the Act how to be paid.

[Local.]

