



ANNO SEXTO

GEORGIIV. REGIS.

Cap. Iv.

An Act for making more effectual Provision for paying off and discharging the Debts and Expences incurred in taking down and rebuilding the Parish Church of *Saint James*, in the Town and County of *Poole*, and the Tower of the same Church. [20th May 1825.]

WHEREAS the Parish Church of *Saint James*, in the Town and County of *Poole*, and the Tower of the same Church, having become much dilapidated and decayed, have been lately taken down and rebuilt: And whereas several Sums of Money, amounting in the whole to the Sum of Eight thousand seven hundred Pounds, have been borrowed, and are now due on the Security of the Church Rates of the said Parish, with Interest thereon at Five Pounds *per Centum per Annum*: And whereas it would tend to the Relief of the Parishioners of the said Parish from the heavy Burdens of the said Rates, if Powers were given for borrowing Money on the Credit of the Church Rates of the said Parish, for the Purpose of paying off the several Sums of Money already so lent and advanced on the Security of the said Church Rates, in the Manner herein provided, together with the Interest now due or which shall accrue due thereon, and if Provisions were made for the gradual Discharge of the Monies to be so borrowed, by means of the Church Rates of the said Parish; but the Purposes 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 Minister and Churchwardens of the said Parish of *Saint James* for the Time being,

[Local.]

14 P

and

Appointment
of Trustees.

and *George Kemp, William Jolliffe, William Adey, Robert Slade Son of David Slade, Joseph Moore, Isaac Notley, Robert Slade Son of James Slade, Thomas Arnold, Joseph Barter Bloomfield, and William Cox*, and their Successors, to be nominated and appointed in manner herein-after mentioned, shall be Trustees for putting this Act into Execution.

Appointment
of new
Trustees.

II. And be it further enacted, That when the said Trustees, or any One or more of them, or any future Trustees or Trustee to be appointed in pursuance of this Act (except such Persons as are hereby made Trustees as such Minister and Churchwardens as aforesaid), shall die, or shall refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the Vestry, or Persons possessing the Powers of Vestry in and for the said Parish, at any Meeting especially convened for such Purpose, by Notice to be affixed on the principal outer Door of the said Church of *Saint James*, Three Days at the least before such Meeting, and to be published in the said Church on the *Sunday* immediately preceding such Meeting, from Time to Time to elect One other Person, being an Inhabitant of the said Parish, to be a Trustee in the Room of each Trustee so dying, refusing, or becoming incapable to act; and every Person so elected a new Trustee as aforesaid shall be and is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected, or as if he had been herein named and appointed.

Any Acts
may be done
by a Majority
of the
Trustees
present at
Meetings.

III. And be it further enacted, That all the Powers and Authorities by this Act granted to or vested in, and all Acts, Matters, and Things hereby directed or authorized to be done or executed by the said Trustees, shall or may be exercised, done, and performed by the Majority of the Trustees (the whole Number present not being less than Three) who shall be present at any Meeting to be convened by Notice, signed by any One of such Trustees, and affixed on the principal outer Door of the said Church of *Saint James*, Three Days at the least before such Meeting, and to be published in the said Church on the *Sunday* immediately preceding such Meeting; and all the Acts and Proceedings of such Majority shall have the same Force and Effect as if done or executed by all the Trustees; and at every Meeting of the said Trustees a Chairman shall 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.

Trustees may
sue or be
sued in Name
of any One
Trustee.

IV. And be it further enacted, That the said Trustees shall or may sue and be sued in any Action or Actions, Suit or Suits, to be commenced or prosecuted by or against them, in respect of any Matter, Cause, or Thing relating to the Execution of this Act, in the Name of any One of the said Trustees; and no Action or Suit which shall be so brought shall abate or be discontinued by the Death, Resignation, Incapacity, Avoidance, or other Act of such Trustee.

Trustees in-
demnified
against Ex-

V. Provided always, and be it further enacted, That all and every the Trustees herein-before named and appointed, and their respective Suc-
cessors

cessors to be appointed as herein-before mentioned, 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 Proceeding which may be had, sued, commenced, or prosecuted by or against them, any of 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.

pences of Proceedings against them.

VI. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to borrow and take up at legal or less Interest such Sum and Sums of Money, not exceeding in the whole the Sum of Nine thousand Pounds, as may be necessary to pay off and satisfy all or any the Costs, Charges, Debts, and Expences incurred in respect of rebuilding the said Church and Tower, or of the said several Sums of Money borrowed for those Purposes, and the Interest thereon, as may from Time to Time remain unpaid, upon the Credit of the Rate or Rates to be levied and raised under the Authority of this Act, and by Writing under their Hands and Seals to assign all or any Part of such Rates to such Person or Persons as shall lend and advance any Money thereon, as a Security for the Money so advanced, with such Interest thereon as shall be agreed upon; and the Charges and Expences of such Assignments thereof, to be made as herein-after mentioned, shall be from Time to Time defrayed out of the Monies so borrowed; and every such Assignment shall be in the Words or to the Effect following; (that is to say),

Power to borrow Money.

WE, of the Trustees appointed by or in pursuance of an Act passed in the Sixth Year of the Reign of King George the Fourth, intituled [*here set forth the Title of this Act*], in consideration of the Sum of advanced and lent by upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [or to his or her Trustee or Trustees, *as the Case may require*], his [or her] Executors, Administrators, and Assigns, such Proportion of the Rates to be raised and levied by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which may at any Time be borrowed, or become due and owing, or be charged upon the Credit of the said Rates; to be had and holden from the Day of until the said Sum of with Interest after the Rate of *per Centum per Annum* for the same, shall be paid and satisfied. In witness whereof, we have hereunto set our Hands and Seals, this Day of in the Year of our Lord

Form of Assignment.

And every such Security shall be good, valid, and effectual in the Law, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment of the Money thereby secured, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

VII. And be it further enacted, That it shall be lawful for the Person or Persons entitled to any of the Securities to be granted by virtue of this Act,

Power to transfer Securities.

Act, and their respective Executors, Administrators, or Assigns, at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever; and every such Transfer shall be in the Words or to the Effect following; (that is to say),

Form of
Transfer.

‘ I being entitled to the Sum of
‘ secured to me, my Executors, Administrators, and Assigns, by virtue
‘ of an Assignment bearing Date the Day of
‘ under the Hands and Seals of of the Trustees acting
‘ in the Execution of an Act passed in the Sixth Year of the Reign of
‘ King *George* the Fourth, intituled [*here set forth the Title of this Act*],
‘ upon the Credit of the Rates granted or made payable by the said Act,
‘ do hereby transfer all my Right and Title in and to the same Sum, and
‘ all Interest now due thereon, unto his [*or her*] Exe-
‘ cutors, Administrators, and Assigns. Dated the Day of
‘ in the Year of our Lord

And an Entry of every such Security and of every Transfer thereof (which Entry shall contain the Date, Names of the Parties, and Sums of Money thereby secured or transferred), shall be made in a Book to be kept by the Trustees for that Purpose, and which Book shall be deposited by them in the Parish Chest; and any Person interested shall and may at all seasonable Times have access thereto and liberty to inspect the same.

Creditors to
have no
Priority.

VIII. And be it enacted, That all and every the Persons to whom any such Securities shall be made, his or her Executors, Administrators, or Assigns, shall be Creditors on the said Rates hereby granted or authorized to be made, in equal Degree one with another, without Preference or Priority.

Power to
make Rates.

IX. And be it further enacted, That it shall be lawful for the Churchwardens of the said Parish for the Time being, and they are hereby required to make such Church Rates in and for the said Parish in each Year, in addition to the Church Rates to be raised in the said Parish for the Purposes to which such Rates are by Law usually applicable, as shall be sufficient to pay the yearly Interest of the Monies borrowed under the Authority of this Act, and not less than One-thirtieth Part of the Principal of the Monies so borrowed; and that the Monies to arise by the said Rates hereby made payable shall be vested in the Trustees of this Act, and shall be in each and every Year applied in Payment of the yearly Interest due in respect of the Monies borrowed in pursuance of this Act, and of so much of the Principal Monies so borrowed, not being less than One-thirtieth Part thereof, as the same will extend to pay; and that when and as soon as the Monies to be borrowed under the Authority of this Act, and the Interest thereon, shall be paid off and discharged, the Rates hereby granted or authorized to be made shall cease and determine.

For Recovery
of Rates.

X. And be it further enacted, That in case any Person or Persons charged with any such Rate to be made by virtue of this Act, shall refuse or neglect to pay the Money rated on 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, or in case of his, her, or their having previously quitted the same, at his, her, or their Place or Places
of

of Abode, it shall be lawful for One or more of His Majesty's Justices of the Peace for the said Town and County of *Poole*, 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 Churchwardens of the said Parish for the Time being; or One of them, of his or their having attended 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 Town and 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 Cause, to attend at the Time and Place mentioned in such Summons, or if he, she, or they do or shall attend, and shall not make it appear to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Rates, according to this Act, then all and every the 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, 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 Churchwarden or Churchwardens, or the Constable or Constables of the said Parish, or any other Person or Persons specially appointed by such Justice or Justices, to levy all such Rates, 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 if on Demand by such Churchwardens or Churchwarden, Constable or Constables, or other Person or Persons, after such Warrant or Warrants shall be granted, the said Rate or Rates 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 Churchwardens or Churchwarden, 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, 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 Town and County of *Poole*.

Warrant of Distress.

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

‘ Town and County of } TO the Churchwardens of the Parish of Saint
‘ Poole, to wit. } James, in the Town and County of Poole [or,
‘ to the Constables of the said Parish of Saint James, or to such
‘ Person or Persons by Name as may be specially appointed, as the
‘ Case may be], and to all Constables and other His Majesty’s
‘ Officers of the Peace for the said Town and County of Poole :

‘ WHEREAS the under-mentioned Persons were and are rated and
‘ liable to the Rate or Rates duly made for the Purposes of an
‘ Act passed in the Sixth Year of the Reign of King George the
‘ Fourth, 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 re-
‘ maining due, in arrear, and unpaid, as appeareth upon Oath to of
‘ His Majesty’s Justices of the Peace for the said Town and County of
‘ Poole ; 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 War-
‘ rant, 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 Town and 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.	-	-	-

Application of Monies borrowed.

XII. And be it enacted, That the Monies which shall be borrowed on the Credit of the said Rates, under the Authority of this Act, shall be applied and disposed of in manner following ; (that is to say), in the First Place, in Payment of the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and incident thereto, and then in Payment of the Costs and Charges of the Trustees in carrying this Act into

into Execution, and in Discharge of the said several Sums of Money now due and owing, or which may hereafter become due, and the Interest thereon, as the same may become payable, and of all and every the Expences incurred in rebuilding the said Church and Tower.

XIII. And be it further enacted, That the said Trustees shall keep or cause to be kept a Book or Books, in which shall be entered true and perfect Accounts of all Monies borrowed, levied, raised, and collected under the Authority of this Act, and of the Application thereof, and shall duly account to the Vestry of the said Parish, at some Meeting of such Vestry, in the Month of *January* in each and every Year, of which Meeting and the Purpose thereof Notice shall be put up by the Churchwardens of the said Parish upon the Door of the said Church Three Days at the least immediately preceding such Meeting, and the same shall be published in the said Church on the *Sunday* immediately preceding such Meeting; and at such Vestry Meeting all such Accounts shall be examined and audited by the Persons assembled at such Meeting.

Accounts of Trustees to be audited by Vestry.

XIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to prejudice, lessen, or defeat any Security or Securities now subsisting on the Church Rates of the said Parish, for the said several Sums of Money so already lent and advanced as aforesaid, nor to authorize the Trustees for the Time being of this Act to pay off the said Monies, except under such Terms and Stipulations, in such Instalments, and at such Times as are mentioned and contained in such Securities respectively, unless with the Consent of the Persons respectively to whom such Monies shall be respectively owing.

Act not to affect present Securities.

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

Public Act.

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