



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. cxvi.

An Act for extinguishing Tithes and Customary Payments in lieu of Tithes within that Part of the Parish of *Saint Botolph-without-Aldersgate* which is situate in the City of *London*, and for making Compensation in lieu thereof; and for increasing the Provision for the Incumbent of the same Parish. [26th *May* 1826.]

WHEREAS the Dean and Chapter of the Collegiate Church of *Saint Peter Westminster* are seised of the Appropriate Rectory and Tithes of the Parish of *Saint Botolph-without-Aldersgate* in the City of *London*, and *Thomas Gardiner Bramston* of *Screens* in the County of *Essex*, Esquire, is the present Lessee thereof: And whereas it is desirable that there should be a good Understanding between the said Dean and Chapter, their Lessee, and the Inhabitants of the said Parish of *Saint Botolph-without-Aldersgate*, and that the Inconvenience which has sometimes occurred in the Collection of the Tithes arising within that Part of the said Parish which is situate in the City of *London* should be removed; and it is expedient that a certain annual Sum should be paid to the said Dean and Chapter, or their Lessee, in lieu and in full Satisfaction of all Tithes, or Payments in lieu of Tithes, within such Part of the said Parish as aforesaid: And whereas the beneficial Objects 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

[*Local.*] 38 H of

Com-
missioners ap-
pointed.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Lewis Nicholl, Edward Hill, John Corney, Edmund Yates, Henry Peto, William Walton, Thomas Summers, William Batty, John Rolls, John Spooner, George Hodgkinson, John Lorkin, John Reid, Thomas Kent, Mathias Dupont King, Thomas Fellows, John Kay, Thomas Seddon, Thomas Vickress, Thomas Lloyd, Thrower Herring, John Smith, Robert Biggar, Francis Henry Groome, Richard Goodman, John Edward Allen, William Smith, Thomas Liester Forrest, William George Colchester, Jonathan Dodds, Edward Burbidge, John Collender, George Sugget, Harry May, Roger Staples Fisher,* and their Successors, to be elected in manner herein-after mentioned, together with the Alderman for the Time being of the Ward of *Aldersgate* in the City of *London*, and the Churchwardens and Overseers of the Poor for the Time being of such Part of the said Parish of *Saint Botolph-without-Aldersgate* as aforesaid, shall be and they are hereby appointed Commissioners for carrying this Act into execution.

Appointment
of new Com-
missioners on
Vacancies.

II. And be it further enacted, That whenever any of the Persons herein named, or any future Commissioner to be appointed by virtue of this Act, (except such of them as are hereby empowered to act as Commissioners by virtue of their Offices,) shall die or refuse to act, or remove out of such Part of the said Parish, it shall be lawful for the Parishioners of such Part of the said Parish to assemble and meet together in Public Vestry, and elect and appoint some fit and substantial Housekeeper (not being One of the People called *Quakers*), occupying Premises in such Part of the said Parish of the yearly Value of Thirty Pounds and upwards, to be a Commissioner in the Room of any Commissioner so dying, refusing to act, or removing out of such Part of the said Parish; and all Persons who shall be so elected and appointed shall be and are hereby vested with the same Powers and Authorities as the Persons in whose Place they shall respectively be elected and appointed were invested with.

Commission-
ers to hold
quarterly
Meetings.

III. And be it further enacted, That there shall be holden in each Year Four Meetings at the least of the said Commissioners (that is to say), on the Twenty-fourth Day of *June*, the Twenty-ninth Day of *September*, the Twenty-fifth Day of *December*, and the Twenty-fifth Day of *March*, or within Fourteen Days after each of the aforesaid Days respectively, at some convenient Place within the said Parish, and that the First Meeting to be holden by virtue of this Act shall be holden on the Twenty-fourth Day of *June* next after the passing of this Act, or within Fourteen Days therefrom; and in case no Commissioners, or a less Number than Seven Commissioners, shall attend such Meeting, then such Meeting shall be deemed to be adjourned to the next Day, and so *toties quoties*, until a sufficient Number of the said Commissioners shall attend to act in the Execution of this Act; and the said Commissioners shall at such Meeting, and at their several Meetings to be holden from Time to Time, adjourn themselves, and afterwards meet at the same Place, or at some other convenient Place within the said Parish, as the said Commissioners shall from Time to Time appoint.

Orders and
Proceedings
to be had at
Meetings.

IV. And be it further enacted, That all Orders and Determinations of the said Commissioners in the Execution of this Act shall be made at a Meeting or Meetings to be holden in pursuance hereof, and not otherwise (except

(except in Cases hereby otherwise particularly provided for), and no Order or Determination shall be made unless the major Part of the Commissioners present at the respective Meetings to be holden in pursuance of this Act shall concur therein; and all Acts, Orders, and Proceedings relating to the Execution of this Act, which are hereby directed to be had, made, done, or executed by or before the said Commissioners, and all the Powers and Authorities hereby in them vested generally, shall and may be had, made, done, and executed by the major Part of the Commissioners who shall be present at the respective Meetings to be holden by virtue of this Act, the whole Number of Commissioners present at every such Meeting not being less than Seven; and all Acts, Orders, and Proceedings had, made, done, or taken by or before such Seven Commissioners shall have the same Force and Effect, and be binding and conclusive on all Persons and to all Intents and Purposes whatsoever, as fully and effectually as if the same were had, made, done, or taken by or before all the said Commissioners; and at every Meeting of the said Commissioners a Chairman shall in the first place be appointed, who, in case of an equal Number of Votes, (including such Chairman's Vote,) shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Commissioners once made, agreed upon, or entered into, shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to propose the Revocation or Alteration thereof shall have been given at a previous Meeting held pursuant to this Act, and shall have been entered in the Book of Proceedings of such Meeting, and unless such Notice, signed by any Three or more Commissioners, shall have also been affixed to the principal outer Door of the Parish Church of *Saint Botolph-without-Aldersgate* aforesaid Seven Days at least before such Meeting, nor unless such Revocation or Alteration shall be agreed to be made at a Meeting of a greater Number of Commissioners than were present when such Order or Determination was made or entered into.

V. And be it further enacted, That if after any Adjournment of any Meeting of the said Commissioners, it shall on any Emergency be thought necessary that an earlier Day of Meeting should be appointed than the Day to which such Meeting stands adjourned, it shall be lawful for any Three or more of the said Commissioners, or for their Clerk, (being authorized by an Order in Writing signed by Three or more of them, although not assembled at a Public Meeting, mentioning the Time, Place, and Purpose of such Meeting,) to appoint and give Notice of such earlier Meeting in the Manner before directed (such Time not being less than Three Days after such Notice); and all Proceedings of the Commissioners at such earlier Meeting, relating to the particular Subject on which such Meeting shall be called, shall be as valid as they would have been in case the Commissioners had met in pursuance of an Adjournment; and such earlier Meeting shall and may be adjourned to and be holden at such Time and Place as the said Commissioners shall think proper, in the same Manner as any other Meeting under this Act may be adjourned.

VI. And be it further enacted, That the said Commissioners shall from Time to Time for ever hereafter pay or cause to be paid unto the said *Thomas Gardiner Bramston*, his Heirs or Assigns, during the Continuance of his present Lease, and afterwards to the said Dean and Chapter, their Successors

An annual Sum of 1,150*l.* to be paid to the Dean and Chapter of

Westminster,
or their Les-
see in lieu
of Tithes :

Successors and Assigns, or their Lessees for the Time being, or to such Person or Persons as he or they shall appoint to receive the same, One annual Sum of One thousand one hundred and fifty Pounds of lawful Money of *Great Britain*, in lieu and full Satisfaction and Discharge of all Tithes, or Payments in lieu of Tithes, to which the said Dean and Chapter or their Lessee are or is entitled, or might by Law claim within that Part of the said Parish of *Saint Botolph-without-Aldersgate* which is situate within the City of *London* as aforesaid ; which said annual Sum of One thousand one hundred and fifty Pounds shall be paid quarterly, by Four equal 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, free and clear of and from all Manner of Taxes, Rates, and Assessments whatsoever, parliamentary, parochial, or otherwise, the first of such Payments to be made on the Twenty-ninth Day of *September* next after the passing of this Act.

And in de-
fault of Pay-
ment, Pro-
ceedings to
be had for the
Recovery
thereof.

VII. And be it further enacted, That in case any quarterly Payment of the said annual Sum of One thousand one hundred and fifty Pounds, or any Part thereof, shall be in arrear and unpaid for more than Twenty-eight Days after the same shall become due as aforesaid, then and so often as the same shall happen, it shall be lawful for any One of His Majesty's Justices of the Peace for the City of *London*, and he is hereby authorized and required, by Writing under his Hand, on Complaint made by or on the Behalf of the said Dean and Chapter, their Successors, Lessees, or Assigns, to summon One or more of the said Commissioners, and such other Inhabitants respectively of such Part of the said Parish as the said Dean and Chapter, their Successors, Lessees, or Assigns for the Time being, (or some Person on his or their Behalf,) shall nominate to the said Justice of the Peace for that Purpose, to appear at a Time and Place to be mentioned in the Summonses, whereby the said Commissioners and the said other Inhabitants shall be summoned respectively before such Justice, or before any other Justice of the Peace for the said City who shall be then and there present, and to pay to the said Dean and Chapter, their Successors, Lessees, or Assigns, the Arrears of the said yearly Sum of One thousand one hundred and fifty Pounds claimed to be due as aforesaid ; and it shall be lawful for any Person to be nominated by or on behalf of the said Dean and Chapter, their Successors, Lessees, or Assigns, for that Purpose, to serve the said Summonses upon any One or more of the said Commissioners, and upon Two or more of the said Inhabitants to be therein respectively mentioned, either by delivering the said Summonses to such Commissioners or Inhabitants respectively, or by leaving the same at their respective then or last or usual Places of Abode ; and if any such Commissioners or other Inhabitants summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summonses respectively, or if attending shall not prove that all Arrears of the said yearly Sum of One thousand one hundred and fifty Pounds have been fully paid and satisfied, then and in every such Case it shall be lawful for any Justice of the Peace for the said City then present, and he is hereby authorized and required, upon Oath (or Affirmation in the Case of One of the People called *Quakers*), made before him of the due Service of the Summonses which shall be so served by the Person or Persons who shall have served the same, to grant
a Warrant

a Warrant or Warrants under his Hand and Seal, authorizing any Person to be nominated by or on the Part of the said Dean and Chapter, their Successors, Lessees, or Assigns, to levy all Arrears of the said yearly Sum of One thousand one hundred and fifty Pounds claimed to be due to the said Dean and Chapter, their Successors, Lessees, or Assigns, and of the Payment whereof no sufficient Evidence shall have been produced before the said Justice of the Peace, and the Costs and Charges of the said Summonses and Warrants, and also the Costs, Charges, and Expenses of executing the same, by Distress of the Goods and Chattels of the said Commissioners, or of other the Inhabitants of such Part of the said Parish, or by Distress of the Goods and Chattels of any Number of them; and if, within Five Days next after any such Distress shall be made, the Arrears of the said yearly Sum of One thousand one hundred and fifty Pounds, together with all the Costs, Charges, and Expenses of the said Summons and Warrants, and of executing the same, and of making such Distress, and of keeping such Goods and Chattels, shall not be fully paid, then the said Person or Persons so authorized by the said Warrant or Warrants shall cause the Goods and Chattels distrained as aforesaid, or any Part thereof, to be appraised by some Appraiser, and cause the same, or such Part or Parts thereof as in his or their Judgment shall be sufficient to raise and pay the Sum mentioned and expressed in such Warrant or Warrants, and the Costs, Charges, and Expenses of such Summonses and Warrants, and of executing the same, and of making such Distress, from Time to Time as the Case may require, and of keeping such Goods and Chattels, and of such Appraisement and Sale, to be sold, either on the Premises where the same shall have been distrained or elsewhere, and by and out of the Proceeds of such Sale to pay or retain such Sum of Money, and Costs, Charges, and Expenses, 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; provided that no Distress be made or taken at any One Time for the said Arrears upon the Goods or Chattels of any One Inhabitant for more than the Sum of Fifty Pounds towards levying and raising the whole Arrears; and if the whole of such Sum of Money, and Costs, Charges, and Expenses, shall not be raised by the Ways and Means aforesaid, then and in such Case, and so on in succession from Time to Time as often as the Case may require, until the whole of such Sum of Money, and Costs, Charges, and Expenses, and the Costs, Charges, and Expenses of such further Proceedings or Remedies, shall be fully paid and satisfied, the like Proceedings and Remedies shall and may be had or resorted to on behalf of the said Dean and Chapter, their Successors, Lessees, or Assigns for the Time being, against any other Inhabitant of such Part of the said Parish, for enforcing and procuring Payment of the Residue remaining unpaid for the Time being of the said Sum of Money, and Costs, Charges, and Expenses respectively, as are herein-before provided against the said Commissioners or other Inhabitants which may be first nominated as aforesaid.

Not to distress the Goods of any One Inhabitant for more than Fifty Pounds.

VIII. And be it further enacted, That every Warrant of Distress for the Arrears of the said yearly Sum of One thousand one hundred and fifty Pounds, to be made under this Act, shall be in the Words or to the Effect following:

[*Local.*]

38 I

To

Form of
Warrant of
Distress.

‘ City of London } ‘ To [here insert the Name or
‘ to wit. } ‘ Names of the Person or Persons nominated by the said
‘ Dean and Chapter, or their Lessee, to distrain as
‘ aforesaid,] and to all Constables and other Peace
‘ Officers acting for the said City :

‘ WHEREAS it doth appear to me that there is due and owing to the
‘ Dean and Chapter of the Collegiate Church of Saint Peter, West-
‘ minster, [or to their Lessee or Assigns, as the Case may require,] under
‘ and by virtue of an Act passed in the Seventh Year of the Reign of
‘ King George the Fourth, intituled [here insert the Title of this Act,] the
‘ Sum of [here insert the Amount of Arrears
‘ due]: And whereas [here insert the Names of
‘ the Commissioners or Inhabitants summoned as herein-before authorized
‘ and directed], have, in pursuance of and by virtue and Authority of the
‘ Directions of the said Act, been summoned before me, One of His Ma-
‘ jesty’s Justices of the Peace for the said City, as appeareth to me the
‘ said Justice upon Oath [or Affirmation], and the said several Persons
‘ so summoned not having shown any sufficient Cause why the said Sum
‘ of [here insert the Amount of the said Arrears]
‘ should not be paid: These are therefore in His Majesty’s Name to will
‘ and require you or any of you forthwith to levy the Sum of
‘ [here insert the Amount of the said Arrears] by Distress of
‘ the respective Goods and Chattels of [here
‘ insert the Names of the Inhabitants on whose Goods and Chattels the
‘ Distress is intended to be made], or of any or either of them, such
‘ Goods and Chattels being kept for the Space of before
‘ the same are sold, rendering to them respectively the Overplus (if any),
‘ the reasonable Charges of such Distress, Sale, and Keeping being first
‘ deducted; provided nevertheless, that you do not distrain on the Goods
‘ and Chattels of any one of the Persons herein named more than the
‘ Sum of towards the Sum hereby required to be
‘ distrained: And I do hereby strictly charge and command all and
‘ singular the Constables, and other His Majesty’s Peace Officers acting in
‘ and for the said City, to be aiding and assisting in all Things relating
‘ to the Premises. Given under my Hand and Seal this
‘ Day of in the Year of our Lord

A.B.’

With such Alterations in the said Warrant as may be necessary in Cases
where there shall have been any previous Summons for the same Arrears,
or in any other Case.

Inhabitants
distrained
to be reim-
bursed out of
next Rates.

IX. Provided always, and be it further enacted, That the said Inhabi-
tants respectively whose Goods and Chattels shall be so as aforesaid dis-
trained and sold to raise and pay the Arrears of the said yearly Sum of
One thousand one hundred and fifty Pounds, or such of them as shall
advance and pay the said Arrears, or any Part thereof, shall each and
every of them be reimbursed all their Damages and Losses, Costs,
Charges, and Expenses therein, out of the next Assessment which shall
be made under and by virtue of this present Act.

Tithes to
cease on the
24th June
next.

X. And be it further enacted, That from and immediately after the
Twenty-fourth Day of June next after the passing of this Act, all Tithes
and

and Payments in lieu of Tithes which the said Dean and Chapter, their Successors, Lessees, or Assigns, might otherwise have had by Law, or to which they are entitled or might claim, within such Part of the said Parish, shall cease and be for ever extinguished: Provided always, that nothing in this Act contained shall extend or be construed, to extend to deprive the said Dean and Chapter, or their Lessee, his Heirs, Executors, Administrators, or Assigns, of any Remedies which the said Dean and Chapter, or their Lessee, now possess for the Recovery of all Tithes or Payments in lieu of Tithes now due or payable, or which shall be due or payable on or before the said Twenty-fourth Day of *June* next after the passing of this Act.

XI. And whereas the said *Thomas Gardiner Bramston*, as Lessee of the said Appropriate Rectory, his Heirs and Assigns, are under a Covenant to pay the yearly Rent or Stipend of Sixteen Pounds, quarterly, as a Provision for the Priest, Curate, or Minister of the said Parish of *Saint Botolph-without-Aldersgate* for the Time being, and upon the Proposal for the Adjustment of the annual Payment to be made by such Part of the said Parish as aforesaid to the said Dean and Chapter, their Successors, Lessees, or Assigns, in lieu of the Tithes of such Part of the said Parish as aforesaid, it hath been agreed between the said Dean and Chapter, and the said *Thomas Gardiner Bramston* as their Lessee of the said Rectory, that an annual Payment shall be made thereout for the Increase of the Stipend or Rent reserved and covenanted to be paid by the said *Thomas Gardiner Bramston* under his Lease to the said Minister or Curate of *Saint Botolph-without-Aldersgate*, and such increased Stipend or Rent hath been settled at the Sum of Three hundred Pounds, which the said Dean and Chapter and the said *Thomas Gardiner Bramston* are desirous shall be made certain and permanent: Be it therefore further enacted, That from and after the Twenty-fourth Day of *June* next ensuing the passing of this Act the said Rent or Stipend of Sixteen Pounds covenanted to be paid by the said *Thomas Gardiner Bramston*, his Heirs and Assigns, to the Priest, Minister, or Curate of the said Parish shall cease, and the said *Thomas Gardiner Bramston*, his Heirs and Assigns, shall in lieu and place thereof pay the said Priest, Minister, or Curate the annual Sum of Three hundred Pounds at the Times and in the Manner as the said Sum of Sixteen Pounds was payable under his said Lease and during the Continuance thereof, and that the said *Thomas Gardiner Bramston*, his Heirs and Assigns, shall be charged and chargeable with the said annual Sum of Three hundred Pounds and the Payment thereof in all respects as he and they are and were for the said annual Sum of Sixteen Pounds; and that in every future Lease to be made and granted of the said Appropriate Rectory by the said Dean and Chapter, their Successors and Assigns, there shall be reserved and substituted, in lieu of the said Sum of Sixteen Pounds, the said annual Sum of Three hundred Pounds, to be paid or given to the Priest, Minister, or Curate for the Time being of the said Parish at the Time and in manner as the said Sum of Sixteen Pounds was paid or payable: Provided always, that in case the said Lease now granted of the said Appropriate Rectory shall expire or run out without being renewed or new granted, or in case the said Appropriate Rectory shall at any Time come into the immediate Possession of the said Dean and Chapter, their Successors or Assigns, the said Dean and Chapter, their Successors and Assigns, during such Time as they shall keep Possession

For increasing the Provision for the Minister or Curate of the Parish.

session of the said Rectory shall be subject and charged and chargeable with the Payment of the said annual Sum of Three hundred Pounds to the said Minister or Curate at the Times and in the Manner covenanted to be paid in and by the said Lease of the said Appropriate Rectory, that is to say, by Four even and 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 Payment to be made on the first of those Days which shall happen next after the said Appropriate Rectory shall have devolved into the immediate Possession of the said Dean and Chapter, their Successors or Assigns, and during such Time as the Possession thereof shall be retained or kept by them.

The Proportion thereof to be paid to the Time of his Resignation or Decease.

XII. Provided always, and be it further enacted, That upon the Death, Cession, Resignation, or Removal of any such Minister or Curate, such Minister or Curate, his Executors, Administrators, or Assigns, shall be entitled to and receive so much of the quarterly Payment of the said yearly Sum of Three hundred Pounds falling due next after such Death, Cession, Resignation, or Removal as shall be in proportion to the Number of Days elapsed from the then last preceding quarterly Day of Payment to the Day of such Death, Cession, Resignation, or Removal, and the Minister or Curate who shall be appointed in his Place and Stead shall have and receive the Residue of the said current quarterly Payment.

Not to affect the Right to Surplice Fees.

XIII. And be it further enacted, That nothing herein contained shall extend or be construed to extend to affect or prejudice the Right, Title, Interest, Claim, or Demand of the said Dean and Chapter, as Rectors Appropriate of the said Parish, of, in, and to any Rents, Offerings, Vails, Fees for Christenings, Marriages, or Burials, Duties, or other Ecclesiastical Dues, Benefits, or Advantages whatsoever arising within the said Parish, and belonging to the said Dean and Chapter as Rectors Appropriate of the said Parish not expressly compensated for by this Act, but the same shall continue in such and the same Manner as they would or ought to have done in case this Act had not been passed.

An Assessment to be made for raising the annual Sum of 1,150*l.*

XIV. And to the end that the said Commissioners may be enabled to raise and pay the said yearly Sum of One thousand one hundred and fifty 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, or at any Special Meeting to be holden for the Purposes of this Act, to make and sign a sufficient Rate or Assessment upon all Persons, Inhabitants, and Occupiers of Houses, Lands, Tenements, Hereditaments, and Premises within such Part of the said Parish as aforesaid, for raising from Time to Time the said annual Sum of One thousand one hundred and fifty Pounds, and also all Costs, Charges, and Expenses incident to and attendant upon the collecting the same Rate and the carrying the Purposes of this Act into execution, and the Costs, Charges, and Expenses incident to or attendant upon the obtaining this Act, and any Costs, Charges, or Expenses which may be incurred in or about any Proceedings on behalf of the said Dean and Chapter, their Successors, Lessees, or Assigns, for recovering the said yearly Sum of One thousand one hundred and fifty Pounds, or any Part thereof; and in case at any Time hereafter the Sum or Sums of Money which shall be assessed and paid

paid over to the said Commissioners for the Time being shall not be sufficient for the Purposes for which such Assessment was made, it shall be lawful for the said Commissioners and they are hereby required, either to make and sign such additional Assessment or Assessments 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 the Sums of Money 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; Provided always, that all Persons who shall become resident within such Part of the said Parish as aforesaid, and be liable to be rated to the said Rate, after the making of any such Rate, and during the Period for which the same Rate was made, may in the said Rate made next after they shall become resident be rated and assessed from the Time of their becoming so resident.

Persons becoming resident.

XV. And be it further enacted, That if it shall appear to the said Commissioners at any Quarterly or Special Meeting to be holden for the Purposes of this Act necessary and expedient to amend any such Assessment or Assessments to be made under the Provisions of this Act, by inserting, altering, or adding the Name or Names of any Person or Persons who is, are, or ought to be included in any such Assessment or Assessments, or the Sum or Sums at which such Person or Persons is, are, or ought to be rated, or in any other respect to amend the same, it shall be lawful for the said Commissioners to amend the same accordingly, notwithstanding that such Assessment or Assessments may have been made and signed at any previous Meeting of the Commissioners; and no such Amendment, by any such Alteration, Insertion, or Addition, shall invalidate the said Assessment or Assessments, but the same shall be effectual in Law to all Intents and Purposes as if such Alteration, Insertion, or Addition had been originally made in such Assessment or Assessments.

Commissioners may amend Assessments.

XVI. And be it further enacted, That the Parishioners of such Part of the said Parish situate as aforesaid, in Vestry assembled, may from Time to Time appoint a Treasurer, Clerk, and also a Collector, not being of the People called *Quakers*, of the Rates or Assessments to be made as herein-before mentioned, taking from such Treasurer or Collector such Securities for the due and faithful Performance of his or their Duties as the said Parishioners may think fit, and the said Parishioners shall from Time to Time pay such Salaries and make such reasonable Allowances to such Officer or Officers as the Case may require, and the said Parishioners may in Vestry assembled from Time to Time remove or displace such Persons whenever they shall see Occasion, and appoint others in their Stead.

For appointing Officers.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners 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, or the Clerk or other Person in the Service

Clerk not to act as Treasurer, and vice versa.

[*Local.*]

38 K

or

or Employ of any such Clerk or of the Partner of any such Clerk, to be 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, or the Clerk or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk to the said Commissioners 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, or the Clerk or other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or any Person in the Service or Employ of such Treasurer or the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under this Act other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred 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 by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

Assessments
to be col-
lected.

XVIII. And be it further enacted, That the said Commissioners 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 to be appointed under or by virtue of this Act, who is hereby required to collect the Sums therein assessed accordingly; and all Persons who by virtue of this Act are charged or chargeable with all or any of the said Rates or Assessments shall and are hereby required to pay the same to such Collector accordingly.

Officers to
account.

XIX. And be it further enacted, That all such Officers so to be appointed shall, under their respective Hands (at such Time and Times and in such Manner as the said Commissioners shall direct), deliver to such Commissioners or such other Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by virtue or for the Purposes of this Act, specifying how much thereof hath been paid or disbursed, and for what Purpose, together with the proper Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the said Commissioners or such Person or Persons as they shall appoint; and if any such Collector shall refuse or wilfully neglect to make and render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to such Person or Persons as the said Commissioners shall for that Purpose appoint, within Seven Days next after being thereunto required by the said Commissioners, or by their Clerk by their Order, to be given to or left at the last or usual Place of Abode of such Collector, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give Information and Satisfaction to the said Commissioners respecting the same, it shall be
lawful

lawful for the said Commissioners, and they are hereby authorized and empowered, to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster* against the Collector or Person making such Default as aforesaid, or against his or their Surety or Sureties, in order to recover the Money which shall be in the Hands of such Collector, with full Costs of Suit; or if Complaint shall be made by the said Commissioners, or by any Person or Persons whom they may appoint for that Purpose, to any Justice of the Peace for the City of *London*, or to any Justice of the Peace for any other City, County, or Place, such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Collector or Person making Default as aforesaid to be brought before him; and upon his appearing, or having been summoned and not appearing (except from some reasonable Cause to be judged of and allowed by such Justice), 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 Parties, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justice is hereby empowered and required to administer), it shall appear to such Justice that any of the Money which shall have been collected and received by virtue of this Act shall be in the Hands of any such Collector or Person, or shall not have been duly accounted for, such Justice may and he 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 Collector or Person, together with the Costs and Charges of making such Complaint, and of such Distress and Sale; and if no Goods or Chattels of such Collector or Person can be found sufficient to answer and satisfy the said Money and the Charges as aforesaid, or if it shall appear to such Justice that such Collector or Person shall have refused or 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 such Collector or Person, and he shall have refused or neglected to deliver up or give such Satisfaction respecting the same as aforesaid, then such Justice shall commit such Collector or Person to the Common Gaol or House of Correction, there to remain without Bail or Mainprise until he shall have made and given a true and perfect 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 Collector shall deliver up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be committed on account of his not having sufficient Goods or Chattels as aforesaid only shall be detained in Prison for any longer Term than Six Calendar Months by virtue of this Act.

XX. And it is hereby further enacted, That it shall be lawful for the said Commissioners at all convenient Times to inspect the Books of Assessments of the Rates and Taxes for the said Parish, in order to ascertain the Rates and Assessments to be raised and levied by virtue of

Commissioners may inspect Books of Assessments within of the Parish,

of this Act, and to take Copies thereof at the Expense of the said Commissioners.

For recover-
ing Assess-
ments under
this Act.

XXI. And be it further enacted, That in case at any Time any Person shall refuse or neglect to pay any such Sum of Money at which he or she shall be assessed by virtue of this Act, and all Arrears, it shall be lawful for any of His Majesty's Justices of the Peace for the said City of *London*, and he is hereby authorized and required, by Writing under his Hand, on Complaint made by the said Commissioners, or by any Officer or other Person appointed by them, to summon all and every Person and Persons who shall have refused or neglected as aforesaid, to appear at a Time and Place to be mentioned in such Summons before such Justice, or before any other Justice of the Peace for the said City who shall be then and there present, the Collector of such Assessments having previously made Oath (or Affirmation, being one of the People called *Quakers*) that he had applied at the Premises rated to the said Assessment for Payment of the same, and that the same were then in arrear and unpaid; and all and every such Summons and Summonses shall be served upon all and every such Persons and Person 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, her, or their last or usual Place or Places of Abode, or upon the Premises in respect of which such Assessment is so due and unpaid; and if any Person so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons, or if he or she shall attend and shall not show good or sufficient Cause to such Justice or Justices as may be then and there present, that he or she is not chargeable with such Assessment or Assessments, then and in every such Case such Person 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 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 or Affirmation 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 or Affirmation 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 or Persons, 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, Charges, and Expenses 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 have been 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 Expenses 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

by the said Warrant, shall cause the said Goods and Chattels to be appraised by some Appraiser, and to be sold (either on the 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 Expenses of the said Summons, Warrant, Distress, Removal, and keeping Possession of such Goods and Chattels so distrained, and the reasonable Costs, Charges, and Expenses 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, her, or them.

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

Form of
Warrant of
Distress.

‘ City of London }
‘ to wit. } ‘ To the Collector of [*here describe the Rate*] for that Part
‘ of the Parish of Saint Botolph-without-Aldersgate
‘ which is situate in the City of London, and to all
‘ Constables and other Peace Officers acting for the
‘ same City :

‘ WHEREAS the under or hereafter-mentioned Persons [*or Person*]
‘ were and are [*or was and is*] assessed and liable to an Assess-
‘ ment duly made for the Purposes of an Act passed in the Seventh Year
‘ of the Reign of His Majesty 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 [*or Affirmation*] 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 [*or Affirmation*], and the said several Persons
‘ [*or Person*] so summoned [*or any of them*] not having shown any suf-
‘ ficient Cause why such Sums [*or Sum*] of Money should not be paid :
‘ These are therefore in His Majesty’s Name to will and require you or
‘ any of you forthwith to levy the said several Sums [*or Sum*] due from
‘ the said Persons [*or Person*] hereunder or hereafter set at and opposite
‘ to their [*or his or her*] Names [*or Name*] respectively, by Distress and
‘ Sale of their [*or his or her*] respective Goods and Chattels, such Goods
‘ and Chattels being kept for the Space of _____ Days before the
‘ same are sold, rendering to them respectively [*or him or her*] the
‘ Overplus (if any), the reasonable Charges of such Distress, Sale, and
‘ Keeping being first deducted ; and if no sufficient Distress can be had
‘ or taken, then that you certify the same, to the end that such Proceed-
‘ ings may be had therein as to the Law do appertain : And I do hereby
‘ strictly charge and command all and singular the Constables and other
‘ His Majesty’s Peace Officers acting for the said City to be aiding and
‘ assisting in all Things relating to the Premises. Given under my Hand
‘ and Seal this _____ Day of _____ in the Year of our
‘ Lord _____ A.B.’

‘ [Local.]

38 L

With

With such Alterations in the said Warrant as may be necessary in all Cases provided for by this Act.

For recover-
ing Assess-
ments in case
of Removal
of Goods.

XXIII. And, for the better enforcing the Payment of the Rates or Assessments to be made by virtue of this Act, be it further enacted, That if any Person liable to pay any of the said Rates or Assessments shall at any Time begin to remove his or her Goods or Furniture from his or her House or Premises within the Parish aforesaid, or to sell or dispose of such Goods or Furniture therein by public Auction, or otherwise to sell or dispose of or carry away his or her Goods or Furniture as aforesaid, without paying all Arrears then due or assessed in respect of such House or Premises by virtue of this Act, in which the current Quarter shall be considered as due, then and in any of the said Cases it shall be lawful for the said Collector for the Time being to the said Commissioners to collect and levy such Rates or Assessments and all Arrears due thereon, (the Rate or Assessment for such Quarter wherein such Removal or Sale shall begin to be made as aforesaid to be considered as due, although previous to the Time for Payment of the Rate or Assessment for such Quarter,) by Distress and Sale of the Goods and Chattels of the Party so beginning to remove, sell, or take away any such Goods or Furniture as aforesaid; and if within Five Days next after such Distress shall be made the said Rates or Assessments and all Arrears due thereon, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, the said Collector shall cause the said Goods and Chattels to be appraised and sold, or such Part thereof as shall be sufficient to pay such Rates or Assessments, together with all Arrears due thereon, and the reasonable Charges of making such Distress, and of keeping and selling the same, returning the Overplus (if any) to the Owner or Owners of such Goods and Chattels respectively.

For the
Recovery
thereof from
Persons quit-
ting their
Premises.

XXIV. And be it further enacted, That in case at any Time hereafter any Person who hath been rated or assessed to, or who is liable to the Payment of any Rates or Assessments which shall be made by virtue of this Act, shall quit his or her House, Land, Tenement, or Hereditament within the said Parish, for or in respect whereof he or she shall be rated or assessed, before he or she shall have paid such Rates or Assessments, then and in every such Case it shall be lawful for any Person appointed to collect or receive any such Rates or Assessments (Oath or Affirmation being made by him that he doth suspect that such Person hath removed his or her Goods and Chattels), by Warrant under the Hand and Seal of any of His Majesty's Justices of the Peace for the said City of *London*, to distrain and appraise and sell the Goods and Chattels of the Person who shall have so quitted the said House, Land, Tenement, or Hereditament before he or she shall have paid such Rates or Assessments, for the Sum or Sums of Money due from any such Person by virtue of such Rates or Assessments, or any of them, or any Part thereof, and for all Costs, Charges, and Expenses occasioned by such Warrant, Distress, Appraisal, and Sale, in any County, City, or Place to which such Person shall have removed, in such and the same Manner as if the same Person had continued in the said Parish of *Saint Botolph-without-Aldersgate*.

When Land-
lords to be
assessed.

XXV. Provided always, and be it further enacted, That every Person who shall let out his or her House, Tenement, or Hereditament in separate

rate

rate Apartments, or ready-furnished to a Lodger or Lodgers, or who shall be Owner or Landlord, or Receiver of the Rent of a House or Premises which shall be let for a less Term than for One Year, or shall be let for a less yearly Rent than Twenty-five Pounds, shall and may be rated or assessed for the same, and shall be liable and subject to the Payment of the said Rates or Assessments directed to be raised and levied by virtue of this Act, in such and the same Manner as if he or she was really and truly the Occupier of the same House or Premises; and upon Nonpayment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner, Landlord, or Receiver, wheresoever they may be found, or of the Person or Persons inhabiting any such House or Premises, in such Manner as by this Act is provided for the Recovery of the Rates or Assessments in other Cases: Provided always, that the Goods and Chattels of all and every Person or Persons renting or inhabiting any such House or Premises, or any Part or Parts thereof, the Rate or Rates, Assessment or Assessments whereof the Owner, Landlord, or Receiver is hereby made liable and subject to as aforesaid, shall be liable at all Times to be distrained and sold for Payment only of such of the said Rates or Assessments, and of all Arrears thereof, as become due upon the said House or Premises during the Time of his, her, or their Occupancy, but no such Occupier or Occupiers shall at any Time be required to pay, or be subject or liable to pay, any greater Sum for or towards the Discharge of the said Rates or Assessments, or any of them, and Arrears thereof, than the Amount of the Rent actually due or payable by such Occupier or Occupiers to the Owner or Landlord of the House or Premises so occupied by him, her, or them; and every such Occupier who shall pay any such Rates or Assessments, or upon whom the same shall be levied, shall and may deduct the same from the Rent due and payable, or to become due and payable from him or her to the Landlord, of the same Premises (unless there shall be any Agreement to the contrary between any such Landlord and Tenant).

Goods of
Persons in-
habiting to
be liable to
Distraint.

XXVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, at any Quarterly Meeting, or at any Special Meeting to be holden for the Purposes of this Act, from Time to Time to compound with the Landlord or Receiver of the Rents of every such House, Tenement, or Hereditament so let as aforesaid, for the Rates or Assessments to be made in pursuance of this Act, at such a reduced yearly Rental as the said Commissioners shall think reasonable, so that no such House, Tenement, or Hereditament be rated at less than One Half the Rackrent at which the same shall be then let, or less than One Half of the annual Value of any such Premises.

Landlords
may com-
pound.

XXVII. And, in order to prevent Disputes touching the Designation of Owner or Landlord, be it further enacted, That the Person or Persons legally authorized and empowered to receive and collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any Houses, Land, Tenements, Hereditaments, or Premises, from the Tenants or actual Occupiers thereof, or any of them, shall be deemed and taken for the several Purposes of this Act, and every of them, to be the Owner or Owners, Landlord or Landlords thereof; and in all Cases in which either Owners or Landlords are made liable by this Act, such Person or Persons respectively so authorized and empowered to receive and collect,

Persons re-
ceiving
Rents to be
deemed
Owners.

collect, or receiving and collecting, or claiming to be entitled to receive and collect the Rents of any such Houses, Land, Tenements, Hereditaments, or Premises, from the Tenants or actual Occupiers thereof, or any of them, shall be liable as Owner or Owners, Landlord or Landlords thereof, unless the real Owner or Owners, Landlord or Landlords, shall be declared by himself, herself, or themselves, or unless the real Owner or Owners, Landlord or Landlords, shall be distinctly and certainly known to be such to the Satisfaction of the said Commissioners, and such Receiver or Collector of such Rents is hereby authorized to pay the said Rates and Assessments charged and payable for and on account of the respective Premises, and to deduct the same out of the Rents received or to be received by him.

Commis-
sioners may
relieve poor
Inhabitants.

XXVIII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, upon the Complaint of any Occupier of a Dwelling House subject to the Payment of the said Rates or Assessments, to mitigate, reduce, lessen, remit, or excuse, for and on account of his or her Poverty or Inability only, the Payment of that Part of the said Rate or Assessment which by this Act is made payable by such Occupier for such Dwelling House, in such Manner as they the said Commissioners shall in their Discretion think just and reasonable.

Persons ag-
grieved may
appeal to
Commis-
sioners, or to
the Session
of the Peace.

XXIX. Provided always, and be it further enacted, That if any Person or Persons shall be overcharged in any Rate or Assessment to be made in pursuance of this Act, he, she, or they, at any Quarterly Meeting of the said Commissioners, may appeal and make his, her, or their Objection or Objections thereto, and the said Commissioners are hereby empowered and required to hear and relieve them in such Manner as to them shall seem meet; or if any Person shall think himself or herself aggrieved by any such Rate or Assessment which shall be made in pursuance of this Act, he or she having paid such Rate or Assessment, or if any Person shall think himself or herself aggrieved by any other Matter or Thing done in pursuance of this Act, or by the Commissioners acting therein, every such Person may appeal to the General or Quarter Session of the Peace to be holden for the City of *London* within Four Calendar Months next after the Cause of Complaint shall have arisen, such Appellant first giving Seven Days Notice at the least, in Writing, of his or her Intention to make such Appeal, and of the Matter thereof, to the said Commissioners, and within Two Days next 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 at, and abide the Order of, and to pay such Costs as shall be awarded against him or her at such General or Quarter Session of the Peace; and the Justices at such Session 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 Rate or 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

and Sale of the Goods and Chattels 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.

XXX. And be it further enacted, That upon all Appeals from any Rate or Assessment made for the Purposes of this Act, the Court of General or Quarter Session 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 Rate or Assessment, either by inserting therein or by striking out of such Rate or Assessment the Name or Names of any Person, or by altering the Sum or Sums therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, and without quashing or wholly setting aside such Rate or 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 Rate or Assessment shall be wholly quashed, then the said Court may quash the same; but nevertheless all and every the Sum and Sums of Money in and by such Rate or Assessment charged on any Person 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 Rate or Assessment, and all and every the Sum and Sums of Money which any Person charged in such Rate or Assessment shall pay, or which shall be levied upon or recovered from him or her, shall be deemed and taken as Payments on account of the next effective Rate or Rates, Assessment or Assessments, which shall be made for the Purposes of this Act.

The Court of Session of the Peace may amend Assessments.

XXXI. And be it further enacted, That no Rate or 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, vacated, or set aside 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.

Assessments not to be quashed for Want of Form only.

XXXII. 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 Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards done or committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage only in an Action on the Case.

Distress not unlawful for Want of Form.

XXXIII. And whereas by an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging and improving the West End of Cheapside in the City of London, also Saint Martin's-le-Grand, Aldersgate Street, Saint Anne's Lane, and*

Payments heretofore due to Deau and Chapter to be made

[Local.]

38 M

Foster

to the Commissioners for the Purposes of this Act.

Foster Lane, and for providing a Site for a new Post Office between Saint Martin's-le-Grand and Foster Lane aforesaid, it was enacted, that immediately after the Tenants of the Houses and Buildings in the said Parish of *Saint Botolph-without-Aldersgate*, or any or either of them, authorized to be taken down for the Purposes of the said Act, should have quitted Possession of the said Houses and Buildings, and until all the Houses and Buildings intended to be erected on such Part of the Site thereof respectively as should be situated on the West Side of *Aldersgate Street* when altered and improved in pursuance of the said Act, should be completed and occupied, the Tithes paid or payable respectively on such Houses and Buildings in the said Parish as should be pulled down by virtue of the said Act, according to the last Assessment to the Twenty-fifth Day of *March* then last, until Houses and Buildings to be erected on such Part of the Site thereof as aforesaid should be rebuilt and occupied as aforesaid, and all Arrears and growing Payments thereof, or an annual Sum equal to the Loss which the Dean and Chapter of *Westminster*, their Successors Lessees, or Assigns, might from Time to Time sustain by the taking down of such Houses and Buildings, should be paid and payable out of the Monies to be received by virtue of the said Act, until all the same Houses and Buildings in the same Parish, or the Site of the same, should be conveyed to His Majesty's Postmaster General for the Time being, or laid into the said Street or Way in pursuance of the said Act; and from and after such Conveyance should be made and executed as in the said Act mentioned the same should be paid and payable out of the Revenue of His Majesty's Post Office to the said Dean and Chapter, their Successors, Lessees, or Assigns, clear of all Taxes and Deductions, on the Days and in the Manner therein mentioned: And it is by the said Act further enacted, that in case any One or more of the therein-mentioned Houses and Buildings at the West End of *Magpie Court* within the Rectory and Parish of *Saint Botolph-without-Aldersgate*, should in pursuance of the said Act be pulled down, and the Site of such House or Houses, or any Part of them, or either of them, or the Appurtenances thereof, should be appropriated and used as the whole or any Part of the Burial Ground by the said Act directed to be purchased, then from and immediately after the Tenants, of the said Houses, Buildings, and Premises should have so quitted as aforesaid, a perpetual Annuity or annual Sum of Three Pounds should be paid and payable out of the said Revenue of His Majesty's Post Office to the said Dean and Chapter, their Successors, Lessees, Tenants, or Assigns, clear of all Taxes and Deductions, on the Days and in the Manner therein mentioned, unless and until the Lord Mayor and Commonalty and Citizens of the City of *London*, or their Successors, should charge the same upon any Part of the Ground in the said Parish which should be purchased or taken by the said Act, and upon and out of such House or Houses or other Buildings as should be erected thereon, which they were thereby authorized and required to do to the Satisfaction of the said Dean and Chapter, their Successors, Tenants, and Assigns, Impropriators for the Time being of the said Rectory and the Tithes thereof: And whereas the said Dean and Chapter, and the said *Thomas Gardiner Bramston*, have agreed that all and every Sum and Sums of Money payable to the said Dean and Chapter, their Successors, Lessees, Tenants, and Assigns, for and in lieu of Tithes pursuant to the said recited Act, should, on the Extinguishment of the Tithes within that Part

of

of the said Parish situate as aforesaid, be paid and payable to the Commissioners under this Act, in the like Manner and as the same would if this Act had not been passed have been payable to the said Dean and Chapter, their Successors, Lessees, Tenants, and Assigns: Be it therefore enacted, That all and every Sum and Sums of Money which previously to the passing of this Act was and were payable to the said Dean and Chapter, their Successors, Lessees, Tenants, or Assigns, for or in lieu of Tithes, under or by virtue of the said recited Act, on any Houses and Buildings situate in *Maggie Court* or elsewhere within the said Parish of *Saint Botolph-without-Aldersgate*, which are or shall be pulled down by virtue of such Act, shall from and after the Twenty-fourth Day of *June* next after the passing of this Act be paid and payable to the Commissioners appointed by or in pursuance of this Act, at the same Times and in the same Manner as all and every such Sum and Sums of Money was or were or would, if this Act had not been passed, have been payable to the said Dean and Chapter, their Successors, Lessees, Tenants, and Assigns; and the said Commissioners shall and they are hereby empowered to take and receive such Sum and Sums of Money, and to pay and apply the same in aid of the said annual Sum of One thousand one hundred and fifty Pounds to be raised as in this Act mentioned; and from and after any Houses and Buildings shall have been erected upon any Part of the Site of the Houses and Buildings, or their Appurtenances, so pulled down or to be pulled down within the said Parish under the Provisions contained in the said recited Act, and be occupied, the Inhabitants, Landlords, or Receivers of the Rents of such newly-erected Houses, Erections, and Buildings, shall be rated and assessed under this Act in the same Manner and with the like Remedies for Recovery in respect thereof as if such Houses, Erections, and Buildings had been erected and built elsewhere within such Part of the said Parish situate as aforesaid than upon the Site of any Houses or Buildings authorized to be pulled down under the Provisions contained in the said recited Act; and when the said Mayor, Commonalty, and Citizens, or their Successors, shall charge the said perpetual Annuity or annual Sum of Three Pounds upon any Part of the Ground in the said Parish which shall have been purchased or taken by the said Act, and upon and out of such House or Houses or other Buildings as shall have been erected thereon, and which by such Act they are authorized and required to do, the same shall be done to the Satisfaction of the said Commissioners appointed by or in pursuance of this Act, in the like Manner as the same was required by the said recited Act to be done to the Satisfaction of the said Dean and Chapter, their Successors, Tenants, and Assigns.

XXXIV. And be it further enacted, That the said Commissioners shall and may sue and be sued in the Name of their Treasurer, Clerk, or Collector, or in the Name of any One or more of the said Commissioners: Provided always, that whenever any Action or Suit shall be so brought, no such Action or Suit shall abate or be discontinued by the Death or Removal of such Commissioner or Commissioners, Treasurer, Clerk, or Collector, or by any Act or Default of such Commissioner or Commissioners, Treasurer, Clerk, or Collector, done or suffered without the Consent or Direction of the Commissioners for the Time being; but the Commissioner or Commissioners, Treasurer, Clerk, or Collector for the Time being

How Actions
are to be
brought by
or against
Commis-
sioners.

being shall always be deemed Plaintiff or Defendant in such Action or Suit, as the Case may be : Provided also, that all Costs and Expenses to be incurred by or on behalf of the said Commissioners, or any Person or Persons employed by them, in prosecuting or defending any Action or Suit touching the Execution of this Act, shall be defrayed out of the Money arising by virtue of this Act, unless such Action or Suit shall arise in consequence of the wilful Neglect or Default of such Commissioner or Commissioners, Treasurer, Clerk, or Collector, or unless it shall have been brought, commenced, or defended without the Order or Direction of the Commissioners.

Plaintiff not
to recover
after Tender
of sufficient
Amends.

XXXV. Provided always, and be it further enacted, That no Plaintiff shall recover any Damages in any Action for any Irregularity, Trespass, or wrongful Proceeding made or committed in execution of this Act, if Tender of sufficient Amends shall be made by or on behalf of the Party or Parties who shall have committed or cause to be committed any such Irregularity, Trespass, or wrongful Proceeding, 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, she, 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.

Limitation of
Actions.

XXXVI. And be it further enacted, That no Action or Suit shall be commenced or brought against any Person for anything done in-pursuance of this Act, or of the Powers hereby given, or in anywise relating to the Premises, until Twenty-one Days Notice thereof shall be given in Writing to the said Commissioners, nor after sufficient Satisfaction or Tender of Amends shall have been made to the Party aggrieved, nor 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, County, or Place 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 the Authority of this Act; and if the same shall appear to have been so done, or if such Action or Suit shall be brought before Twenty-one Days Notice thereof given as aforesaid, or 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 his, her, or their 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.

XXXVII. And

XXXVII. And be it further enacted, That any Justice of the Peace for the said City of *London* may act as such in the Execution of this Act, although he may be charged with or be liable to pay or shall have paid any Rate made under or by virtue of this Act, or be a Commissioner under this Act, any Law, Statute, or Usage to the contrary notwithstanding. Justices being Commissioners may act.

XXXVIII. 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 or paying any Sum or Sums of Money charged by or by virtue of this Act. Persons paying Rates not disqualified from giving Evidence.

XXXIX. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person to serve any Notice, Writ, or other Proceeding at Law or in Equity upon the said Commissioners, the Service thereof upon the Churchwardens or Churchwarden for the Time being of such Part of the said Parish situate as aforesaid shall be deemed good and sufficient Service of the same respectively on the said Commissioners. Notices, &c. to be served on Churchwardens.

XL. And be it further enacted, That in all Cases wherein any Person shall be convicted of any Offence against this Act, or any Matter in pursuance thereof, the Conviction shall be in the Words or to the Effect following; (that is to say,) Form of Conviction.

‘ London } BE it remembered, That on this Day of
 ‘ to wit. } in the Year of our Lord
 ‘ A.B. is duly convicted before me [or us], One
 ‘ [or Two] of His Majesty’s Justices of the Peace for the City of London,
 ‘ of having [here state the Offence] contrary to the Form of the Statute in
 ‘ that Case made and provided; and I [or we] do hereby declare and
 ‘ adjudge that the said A.B. hath forfeited for his [or her] said Offence
 ‘ the Sum of . . . Given under my [or our] Hand and
 ‘ Seal [or Hands and Seals] the Day and Year first above written.’

XLI. Provided always, and be it further enacted, That the Glebe Land within the said Parish, and all Messuages and Buildings erected thereupon, and all and every the Inhabitants and Occupiers thereof, shall be and are hereby exempt and discharged of and from paying and contributing any Sum of Money whatsoever towards the said yearly Sum of One thousand one hundred and fifty Pounds. Glebe exempt from paying Rate.

XLII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to subject the said Dean and Chapter, their Successors, Lessees, or Assigns, to the Sustentation or Repair of the Chancel of the Parish Church of the said Parish of *Saint Botolph-without-Aldersgate*, but such Chancel shall at all Times hereafter be sustained and kept in repair at the Costs and Charges of the Parishioners of the said Parish. The Chancel of the Church to be repaired by Inhabitants.

XLIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend in any respect to abridge, oppose, or control the ordinary Jurisdiction of the Lord Not to abridge the Jurisdiction of the Bishop of London.
 [Local.] 38 N Bishop

Bishop of *London* for the Time being in and over the said Parish of *Saint Botolph-without-Aldersgate*, or in, over, or relative to any Matter or Thing respecting the same Parish.

Expenses of
Act to be
paid.

XLIV. And be it further enacted, That the Costs, Charges, and Expenses attending or incident to the obtaining and passing of this Act shall be paid by the said Commissioners out of the First Money to be raised by virtue of this Act.

Public Act.

XLV. 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 the same being specially pleaded.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1863.