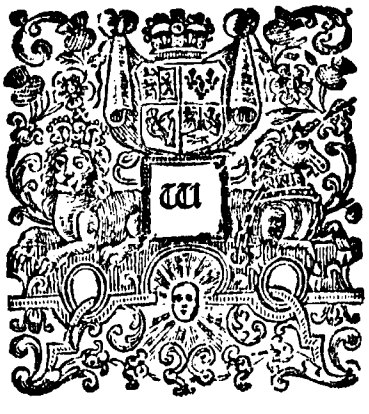
Anno tertio

Georgii III. Regis.

An Act for taking down the Parish Church of *Saint Andrew*, in the City of *Canterbury*; and for building a new Church in a more convenient Place.



WHEREAS the Parish Church of Saint Andrew, in the City of Canterbury, is an ancient Building, and, being situate in the Middle of the High Street of the said City, renders the Passage thereof incommodious and unsafe: And whereas, if the said Church was taken down, and a new Church built in some convenient Place, and a proper Piece of Ground set apart for a Cemetery, it would be advantageous to the Inhabitants of the said Parish, and, by opening the Passage of the said Street, would be of public Utility: And whereas a considerable Sum of Money hath been generously subscribed for the Purposes aforesaid; but as the same is not sufficient to answer the whole Expence of the said Works, the same cannot be effected without the Aid of Parliament; May it therefore please Your most Excellent 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 it shall and may be lawful to and Preamble.

for the Trustees herein after-named, or any Three or more of them, by Writing under their Hands and Seals, to contract and agree with any proper Artificer or Artificers, Workman or Workmen, in relation to taking down the said Church of Saint Andrew, which they are hereby authorized and impowered to do, and for building a new Church in some more convenient Place within the said Parish.

Trustees to purchase Grounds, &c.

And, for enabling the said Trustees to effect the Purposes of this Act, be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall have full Power and Authority to treat and agree with the Owners and Occupiers of, and all other Persons interested in, any Houses, Buildings, Grounds, and Estates, which the said Trustees, or any Five or more of them, shall think necessary to be purchased for the Purposes of this Act, and to pay such Sum or Sums of Money as shall be agreed upon for such Purchases; and after such Purchases made, to cause all such Houses or Buildings to be taken down, and such Ground, or so much as shall be necessary for the Purposes of this Act, to be made use of accordingly; and upon Payment of such Sum or Sums of Money to such Person or Persons, he, she, or they, shall make and execute, or procure to be made and executed, good, valid, and legal Conveyances, Assignments, and Assurances thereof in the Law to the said Trustees, and shall do all other Acts, Matters, and Things, necessary and requisite to make a good, clear, and perfect Title thereof to the said Trustees.

and to build a new Church, and fix out a Church-yard;

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, are hereby authorized and required to cause, as soon as conveniently may be, a sufficient, commodious, and decent Church to be built, on such Part of any Lands or Grounds, which they shall become possessed of, as they shall judge to be most proper and fit; and shall also cause such of the said Lands and Grounds as they shall judge proper to be set apart and inclosed, for a Cemetery or Church-yard, for the Use of the said Parish; which Church and Church-yard shall be consecrated by the Name of The Church and Church-yard of the Parish of *Saint Andrew*, in the City of *Canterbury*.

and make a Rate, not exceeding 1*s.* in the Pound.

And, for defraying the Expences of taking down the said Church, and of building a new Church as aforesaid, and also of purchasing a proper Piece or Pieces of Ground for the Purposes of this Act, be it enacted by the Authority aforesaid, That from and after the Fifth Day of July, One thousand seven hundred and sixty three, it shall

and may be lawful to and for the said Trustees, or any Three or more of them, by any Writing under their Hands and Seals, from time to time, to make, or cause to be made, an Assessment or Assessments on all Lands, Houses, Tenements, and Hereditaments, within the said Parish, so as the same do not exceed in the Whole, in any One Year, One Shilling in the Pound, of the yearly Rent of such Lands, Houses, Tenements, and Hereditaments, as the same shall be ascertained and rated for the Relief of the Poor; and they are hereby authorized and required to order and direct the Receivers and Collectors, to be chosen and appointed as herein after is mentioned, for the time being, to collect and receive from the Tenants or Occupiers of such Lands, Houses, Tenements, and Hereditaments, such Rates and Sums of Money so to be assessed as aforesaid; and the Money arising from such Rates or Assessments shall be raised, accounted for, paid, and applied, in such Manner, and for such Purposes, as by this Act is directed and appointed.

Houses let in Tenements chargeable.

Provided always, That in case any House or Tenement shall be set, let, or occupied, in different Apartments, Rooms, or Lodgings, to or by distinct and separate Families, Lodgers, or Inmates, the whole House, Tenement, or Premisses, so let or occupied, shall be charged with the whole Rate assessed or to be collected for or in respect of the same; and, in case of Non-payment, shall and may be levied upon and from any of the Inhabitants or Occupiers of any Part or Parts of such House, Tenement, and Premisses, in Manner herein after directed.

Persons aggrieved may appeal to the Quarter Sessions.

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons shall find himself, herself, or themselves, aggrieved by any Rate or Assessment to be made by virtue of this Act, it shall and may be lawful for such Person or Persons to appeal to the Justices of the Peace at the next General or Quarter Sessions to be held for the City and County of Canterbury, who are hereby impowered to summon and examine Witnesses, upon Oath, and to hear and determine the Matter of the said Appeal; and their Determination thereupon shall be conclusive to all Parties.

Empty Houses not to be charged.

Provided always, and be it further enacted by the Authority aforesaid, That nothing herein contained shall extend to charge or subject any Person to pay to any of the Rates or Assessments to be made by virtue of this Act, for any House or other Building, which shall be empty and unoccupied, during the Time such House or Building shall be empty and unoccupied; any thing herein contained to the contrary notwithstanding.

Collectors may inſpect the Poors Rates.

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the Receivers and Collectors to be appointed in purſuance of this Act, at all convenient Times, to inſpect the Book or Books, or Accounts, containing the Poors Rate for the ſaid Pariſh, in order to aſcertain the Rates and Aſſeſſments to be raiſed and levied by virtue of this Act, and to take Copies thereof, at the Expence of the ſaid Truſtees.

Truſtees Names.

And be it further enacted by the Authority aforeſaid, That Sir Wyndham Knatchbull Wyndham, Sir Edward Dering, Sir Thomas Pym Hales, Sir Brook Bridges, Thomas Beſt, Richard Milles, William Lynch, Thomas Knight, John Sawbridge, William Deedes, Charles Pyott, Thomas Knight junior, Jacob Sawbridge, Eſquires; the Reverend William de Birch, the Reverend Dun-combe, the Reverend Doctor Head Archdeacon of Canterbury, and the Reverend John Potter D. D. ſhall be, and they are hereby appointed Truſtees for putting this Act in Execution; and that they, and the Survivors of them, or any Three or more of them, ſhall, and they are hereby authorized and impowered to demand, receive, and take the Rates and Aſſeſſments herein before mentioned, and alſo any Money which ſhall have been, or may hereafter be, voluntarily ſubſcribed for the Purpoſes of this Act; and the ſame are hereby reſpectively veſted in the ſaid Truſtees for the Purpoſes aforeſaid, and ſhall be by them the ſaid Truſtees, or any Three or more of them, paid and applied to and for the ſeveral Uſes and Purpoſes aforeſaid (the neceſſary Charges expended in applying for and obtaining this Act being thereout firſt deducted) And in caſe any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Rates or Aſſeſſments, then it ſhall and may be lawful to and for the ſaid Truſtees, or any Three or more of them, for the time being, or ſuch Perſon or Perſons as they, or any Three or more of them, ſhall, by any Writing under their Hands and Seals, appoint and authorize, to levy the ſaid Rates and Aſſeſſments upon any Perſon or Perſons liable to pay the ſame, according to the true Intent and Meaning of this Act, by Diſtreſs of the Goods and Chattles of or belonging to the Perſon or Perſons neglecting or refuſing to pay the ſame, and to detain and keep the ſame, until ſuch Rates or Aſſeſſments, with the reaſonable Charges of ſuch Diſtreſs, ſhall be paid; and that it ſhall be lawful to and for ſuch Perſon and Perſons ſo diſtraining, after the Space of Three Days next after ſuch Diſtreſs taken, to ſell and diſpoſe of the Goods ſo diſtrained, returning the Overplus, if any be, to the Owner

Aſſeſſments veſted in Truſtees.

Rates may be levied.

Owner or Owners thereof, after such Rate or Rates, Assessment or Assessments, and reasonable Charges incurred for or by reason of such Distress and Sale, shall be deducted and paid.

Trustees may appoint Officers.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Trustees, or any Three or more of them, and they are hereby authorized and impowered to chuse and appoint Two or more Persons to be Receivers or Collectors of such Rates, Assessments, and Sums of Money, as shall be due and payable by virtue of this Act, and such other Officer or Officers as they shall think fit; and all Persons who, by virtue of this Act, are charged therewith, or liable thereto, are hereby required to pay the said Rates or Assessments unto such Receivers or Collectors accordingly, the said Receivers or Collectors giving Receipts for the same gratis.

Collectors to pay over the Rates to Receivers.

And be it further enacted by the Authority aforesaid, That the said Collectors or Receivers, to be appointed as aforesaid, shall, from time to time, pay over all and every the Sum and Sums of Money by them respectively collected and received, to such Person or Persons as the said Trustees, or any Three or more of them, shall, by any Writing or Writings under their Hands and Seals, authorize and impower to receive the same, to be applied according to the true Intent and Meaning of this Act, and not otherwise; and every such Collector or Receiver, or other Officer or Officers as aforesaid, shall fairly enter, in One or more Book or Books to be kept for that Purpose, all and every Sum and Sums of Money which they, and every of them, shall have respectively received, collected, or paid, by virtue of this Act, with the respective Times of their receiving and paying the same, and shall upon Oath, as often as required by the said Trustees, or any Three or more of them, before One or more Justice or Justices of the Peace for the said City and County of Canterbury (which Oath such Justice or Justices is and are hereby impowered and required to administer) give a true, exact, and perfect Account in Writing, under his or their Hand or Hands, of all Monies which he or they shall have collected, levied, received, or paid, by reason of his or their said Office; for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing without any Stamp thereon.

Rates to be entered in Books.

Collectors to account.

And be it further enacted by the Authority aforesaid, That if any such Collectors or Receivers shall neglect or refuse to account for any Sum or Sums of Money by them respectively collected or received, to the said Trustees,

or

or any Three or more of them, or to pay the same to such Person or Persons as they, or any Three or more of them, shall by Writing under their Hands and Seals authorize and impower to receive the same; then it shall and may be lawful to and for any One or more Justice or Justices of the Peace for the said City and County of Canterbury, to enquire of and concerning such Neglects, Refusals, Nonpayments, and Offences, or any of them, as well by the Confession of the Parties themselves, as by the Oath or Oaths of One or more credible Witness or Witnesses (which Oaths the said Justice or Justices is and are hereby impowered and required to administer) and if any such Receivers or Collectors shall be convicted of any such Neglects, Refusals, Nonpayments, or Offences, before such Justice or Justices, then such Justice or Justices shall and lawfully may, upon such Conviction, commit such Person or Persons to the Common Gaol of the said City and County of Canterbury, until he or they shall have made a true and perfect Account and Payment as aforesaid, or shall have compounded for the same, and paid such Composition; which Composition the said Trustees, or any Three or more of them, are hereby impowered to make and receive: And in case any Person who shall be so chosen or appointed a Collector or Receiver of the said Rates or Assessments, directed to be raised and levied in pursuance of this Act, shall neglect or refuse to act in or execute such Duty or Office, by the Space of Six Days after such Appointment, and Notice thereof in Writing left at his usual Place of Abode; then every such Person so refusing or neglecting (not being One of the People called Quakers, who are hereby excused and exempted from serving the said Office) shall forfeit and pay the Sum of Twenty Pounds to the Trustees appointed by this Act, to be applied in such and the same Manner as the Rates or Assessments to be raised by virtue of this Act are herein before directed to be applied; and that upon every such Neglect or Refusal of any Person to act in such Duty or Office as aforesaid, it shall and may be lawful to and for the said Trustees, or any Three or more of them, and they are hereby authorized and impowered to chuse and appoint a new Collector or Receiver, in the Place or Stead of every such Person so neglecting or refusing to act as aforesaid, and such new Collector or Receiver shall be subject and liable to such and the same Penalties as the Person in whose Place he shall be chosen was subject and liable to.

Old Materials may be sold.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Three or more of them,

may, and they are hereby authorized and impowered to ſell and diſpoſe of the Bells, and of all Materials whatſoever, belonging to the preſent Church of the ſaid Pariſh, and of all the Materials of any Houſes or Buildings which they may purchaſe by virtue of this Act, for the beſt Price that they can get for the ſame; and the Money ariſing thereby ſhall be applied for the Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

On Death, &c. of Truſtees, others to be choſen.

And, for continuing a ſufficient Number of fit and able Perſons to be Truſtees for putting this Act in Execution; be it further enacted by the Authority aforeſaid, That from time to time, and at all Times hereafter, during the Continuance of this Act, it ſhall and may be lawful to and for any Three or more of the Truſtees herein before named, upon the Death of any ſuch Truſtees, or upon their or any of their Refuſal to act in the ſaid Truſt, by any Writing or Writings under their Hands and Seals, at their then next Meeting, to nominate, elect, and appoint a Truſtee in the Room of every Truſtee ſo deceaſed or refuſing to act; and every Truſtee ſo nominated, elected, and appointed, ſhall be joined with the ſurviving or remaining Truſtees in the Execution of all and every the Powers and Truſts in them repoſed by virtue and in purſuance of this Act; and every Perſon ſo to be elected ſhall and is hereby impowered to act, to all Intents and Purpoſes, as fully and amply as any Truſtee herein before appointed is by this Act impowered to do.

Times and Places of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall meet on Thurſday the Thirtieth Day of June, One thouſand ſeven hundred and ſixty three, at the Town Hall of the ſaid City of Canterbury, and ſhall then proceed to put this Act in Execution, and ſhall and may adjourn themſelves, and afterwards meet there, or at any other convenient Place, as often as it ſhall be neceſſary for putting this Act in Execution; and if there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act and to adjourn to another Day, then, and in ſuch Caſe, the Perſon acting as Clerk to the ſaid Truſtees ſhall appoint the ſaid Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, upon that Day Fortnight on which ſuch Meeting was to have been held.

Commencement and Continuance of Aſſeſſments.

And be it further enacted by the Authority aforeſaid, That the ſeveral Rates and Aſſeſſments hereby directed and appointed to be rated and aſſeſſed as aforeſaid, ſhall take Place and have Continuance from the Fifth Day of July, in the Year of our Lord One thouſand ſeven hun-

ned and sixty three, for and during the Term of Eight Years, and no longer.

Receipts, &c. to be entered in Books.

And be it further enacted by the Authority aforesaid, That the said Trustees shall take care to have all the Receipts, Payments, Debts, and Contracts, made with or by the Artificers and Workmen employed in or about the taking down the said Church, and in and about building the said new Church, pursuant to the Directions of this Act, and for or concerning all other the Purposes of this Act, and all other their Proceedings, to be fairly entered and written in One or more Book or Books, to be kept for that Purpose; and by or out of the Monies arising from all or any of the Rates or Assessments to be made or levied as aforesaid, or by or out of any other Sum or Sums of Money which shall come to their or any of their Hands for the Purposes aforesaid, or into the Hands of any Receiver or Receivers to be by them appointed, shall pay and satisfy, or cause to be paid and satisfied, unto the Artificers or Workmen to be employed in and about the taking down the said Church, and in building the said new Church, and for all other the Purposes of this Act, all Sums of Money which shall be justly due to them, or any of them, for the same.

Books of Accounts, &c. may be inspected.

And it is hereby further enacted and declared by the Authority aforesaid, That all Books of Accounts concerning Receipts, Payments, and Contracts, shall, from time to time, and at all convenient Times, be open to the Inspection and Perusal of any Person or Persons who shall pay any Rate or Assessment by virtue of this Act.

Pews, how to be chosen.

And, for preventing Disputes amongst the Parishioners in regard to the Choice of the Pews in the said new Church, be it enacted by the Authority aforesaid, That within Fourteen Days after the Works of the said Church shall be compleated, the Churchwardens of the said Parish shall cause a Meeting of the Inhabitants to be held in the Vestry Room, or some other convenient Place within the said Parish, for the Choice of the Pews in the said new Church; of which Meeting Six Days Notice shall be given, by affixing the same in Writing upon the Door of the said Church; and the Inhabitants who shall assemble at such Meeting, shall be allowed to make Choice of the Pews according to the Value of the Houses they then occupy within the said Parish, as the same shall be then rated to the Poor; and where it shall happen that Two or more Houses shall be equally rated, the Choice in every such Case shall be determined by Lot; and if any Person or Persons who ought to appear at such Meeting, shall refuse or neglect to appear according to such Notice,

or in case any Person or Persons who shall appear, shall refuse to make Choice of their Pews, according to the true Intent and Meaning of this Act, that then and in either of the Cases aforesaid, the said Churchwardens shall and may, and they are hereby authorized and required, at such Meeting, or as soon after as conveniently may be, to allot to any Person or Persons so neglecting or refusing either to attend the Meeting or to make Choice of the Pews as aforesaid, such Pews as the said Churchwardens shall think fit; and the Pews which shall be chosen as aforesaid, or which shall be allotted by the Churchwardens as aforesaid, shall from thenceforth be deemed to belong to the Houses in respect of which the said Pews shall have been chosen or allotted as before directed; any Custom or Usage to the contrary notwithstanding.

Trustees to defray their own Expences.

And be it further enacted by the Authority aforesaid, That the Trustees appointed or to be elected for the Purposes mentioned in this Act, shall at all their Meetings defray their own Charges and Expences; and that such previous Notice shall be given of their several Meetings, as shall from time to time be by them, or any Three or more of them assembled at any Meeting, thought proper and requisite.

Reservation of Rights.

Provided always, and be it enacted by the Authority aforesaid, That nothing in this Act contained shall in any wise prejudice, lessen, or defeat, any Authority of the Archbishop or Archdeacon of Canterbury, or any Right, Title, or Interest, of either of them, or of the Patron, Rector, Churchwardens, Clerk, or Sexton, of the said Parish and Parish Church of Saint Andrew, or of their Successors; but that they all shall and may respectively have and retain all their former Jurisdiction and Power, and receive all their former Dues, Benefits, and Advantages whatsoever, in as full and ample a Manner, in all Respects, as they did enjoy or ought to have enjoyed the same before the passing of this Act, or could or might have done in case this Act had not been made.

Compensation for any Loss the Rector may sustain by taking down Houses.

And be it further enacted by the Authority aforesaid, That in case it shall be found necessary to pull down any House or Houses, or other Buildings, for the Purposes aforesaid, it shall and may be lawful to and for the Churchwardens of the said Parish of Saint Andrew for the time being, and they are hereby authorized and required to pay to the Rector of the said Parish for the time being, out of the Church Rate of the said Parish, within Six Days after the same shall be collected, such Sum or Sums of Money annually, as shall be equal to what was or were payable to the said Rector by way of Tythes, for and in respect

respect of such House or Houses, or other Buildings, which shall be taken down as aforesaid; which Sum or Sums, so to be paid as aforesaid, shall be allowed the said Churchwardens in their Accounts.

Site of the old Church to be paved.

And be it further enacted by the Authority aforesaid, That the Churchwardens of the said Parish for the time being, shall, and they are hereby required to cause the Ground whereon the Church of Saint Andrew now stands to be properly pitched or paved, and from time to time to be afterwards kept in Repair; and the Money which shall be by them so expended shall be allowed to them in their Accounts.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Suit or Action shall be commenced or prosecuted against any Person or Persons, for any Thing done or to be done in pursuance of this Act, every such Suit or Action shall be commenced within Six Months next after the Fact committed, and not afterwards; and shall be brought, and tried in the County of Kent, and not elsewhere; and the Defendant or Defendants in such Suit or Action 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 it shall appear to be so done, that then the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law.

General Issue.

Treble Costs.

Publick Act.

And it is hereby further enacted and declared, That this Act shall be deemed, and taken, to be a Publick Act; and all Judges, Justices, and other Persons, are to take Notice thereof as such in all Courts and Places whatsoever, without specially pleading the same.

FINIS.