Anno tertio

Georgii III. Regis.

An Act for vesting certain Parcels of Land in *Paddington*, in the County of *Middlesex*, in the Rector and Churchwardens of the Parish of *Saint George Hanover Square*, in the said County; and appropriating the same for a Burial Ground for the said Parish.



Preamble, reciting the Will of Sir *John Frederick*, &c.

Whereas Sir John Frederick Baronet, deceased, being seized, to him and his Heirs, of a considerable Real Estate in Lands, Tenements, and Hereditaments, did, in and by his last Will and Testament, in Writing, bearing Date the Twenty seventh Day of February, One thousand seven hundred and thirty four, give and devise the same unto or to the Use of his eldest Son John Frederick (afterwards Sir John Frederick Baronet, and since deceased) for his Life, without Impeachment of Waste, with Remainder, to Trustees therein named, and their Heirs, during the Life of his said Son John Frederick, in Trust, to preserve contingent Remainders; and, after his Death, to his First and every other Son successively, in Tail Male, Remainder to the Testator's Second Son Thomas Frederick (now Sir Thomas Frederick Baronet) for his Life, without Impeachment of Waste, with the like Provision for preserving the contingent Remainders; and, after

after his Death, to his First and every other Son successively, in Tail Male, Remainder to the Heirs Male of the Testator's own Body, Remainder to his own right Heirs, and gave Power to any of his Sons, when in Possession, to make such Jointures and Leases of the same Estates as therein mentioned; and, by a Codicil to his said Will, bearing Date the Tenth Day of April, One thousand seven hundred and forty two, he gave, devised, and bequeathed, his Real Estate, in Default of Issue Male of his said Sons John and Thomas, and Issue Male of his own Body, unto the Heirs of his Body; and thereby gave Power to his said Sons John and Thomas respectively, when in Possession of his Real Estate, under said Codicil and Will, to charge the same with such Portions and Maintenances for their respective Daughters and younger Sons, if Issue Male, or for their Daughters, if no Issue Male, as therein mentioned; and after taking Notice therein, that, since the making his said Will, he had purchased the Site and Capital Messuage of the Manor of Paddington, and the Demesnes and other Lands lying in Paddington, in the County of Middlesex, held by Lease for Three Lives from the Bishop of London; he thereby gave and devised the same to the Trustees, in his said Will, their Heirs and Assigns, during the Lives of Judith Jodrell, John Affleck, and John Crozier the younger, in the said Lease named, and the Life of the longest Liver of them, upon Trust, out of the Rents and Profits, to pay the Rent reserved by the said Lease, and perform the Lessees Covenants therein, and to renew the said Lease, as Occasion should require, and raise the Fines and Charges for such Renewals, and subject thereto, should stand seized of the said Leasehold Premisses, in Trust, for such and the same Person and Persons as should, from time to time, be intitled to his Freehold Lands of Inheritance, by virtue of his said Will or Codicils, so far as the Nature of the said Leasehold Premisses would admit, and by the Rules of Law or Equity they might; And whereas the said Sir John Frederick, the Testator, died in the year One thousand seven hundred and fifty five; and, upon his Death, the Freehold and Leasehold Estates, so given and devised by his said Will and Codicil respectively, did thereby come unto, and vest in, the said Sir John Frederick, his eldest Son, who held and enjoyed the same during his Life; and he dying intestate and without Issue, in the Month of March, One thousand seven hundred and fifty seven, the said Freehold and Leasehold Estates did thereupon come unto, and are now vested in, the said Sir Thomas Frederick, under the Devises, Trusts, and Limitations, of

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the said Will and Codicils respectively: And whereas the said Sir Thomas Frederick hath Issue Two Daughters, namely, Elizabeth Frederick, now of the Age of Four years, and Selina Frederick, now of the Age of Three years, or thereabouts, and no other Issue: And whereas, by the great Increase of Inhabitants in the Parish of Saint George Hanover Square, in the County of Middlesex, the present Cemetery or Burial Ground thereof is become too small for the Burial of the Dead; and the Straitness thereof, and the great Number of Parish Poor and others buried therein, render it offensive and unwholesome to the Inhabitants in the Neighbourhood: And whereas a certain Piece or Parcel of Ground, situate, lying, and being in Paddington aforesaid, and containing Five Acres, or thereabouts, lying at the West End of the Field called Tyburn Field, and containing, in Breadth, from East to West, Four hundred and three Feet and Four Inches, or thereabouts, and in Length, from North to South, Five hundred and forty Feet, or thereabouts, and abutting towards the West and North on Two other Fields, Part of the said Estate, and South on a small Piece of Waste Ground, lying between the said Field and the Highway leading from London to Uxbridge, and is Part of the Lands and Tenements held by Lease from the Bishop of London as aforesaid, would be very convenient to be made use of and converted into a Cemetery or Burial Ground for the said Parish of Saint George Hanover Square; and also the said Piece or Parcel of Ground lying between the said Highway and Tyburn Field aforesaid, being Part of the Waste of the Manor of Paddington, and belonging to the said Lord Bishop of London, as Lord of the said Manor, and in Right of his See, and containing, in Breadth, at the East End, Twenty two Feet, and, at the West End, Sixteen Feet, or thereabouts, and, in Length, Four Hundred and three Feet and Four Inches, or thereabouts, and abutting North on the said Field, and South on the said Highway, is proper and convenient to be used and applied in and for the making Ways, Passages, Drains, and other Conveniences, for the said intended Burial Ground; and the Reverend Charles Moss Doctor in Divinity, Rector of the said Parish of Saint George Hanover Square, and the Right Honourable Anthony Lord Feversham, and Sir William Beauchamp Proctor Baronet, Churchwardens of the said Parish, have contracted and agreed with the said Sir Thomas Frederick, for the Purchase of his Life Estate or Interest in said Five Acres of Ground; and it is also proposed and agreed, that the Churchwardens of the said Parish of Saint George Hanover Square for the time being,

shall, from and after the Decease of him the said Sir Thomas Frederick, pay to the Person or Persons who shall be intitled, for the time being, to the said Site of the Manor of Paddington, and the rest of the said Leasehold Premisses, under and by virtue of the Devises and Limitations contained in the Will and Codicils of the said Sir John Frederick, during the present or any subsequent Lease to be granted thereof, the clear yearly Sum of Fifteen Pounds of lawful Money of Great Britain, payable as herein after mentioned; and to the Bishop of London, and his Successors, during the Time that the said Site of the said Manor, and the rest of the said Leasehold Premisses, shall remain in the proper Hands and Possession of the said Bishop, or his Successors, and not in Lease to or for the Benefit of any Person or Persons claiming or to claim under or by virtue of the Will and Codicils of the said Sir John Frederick, the clear yearly Sum of Twenty five Pounds payable as herein after mentioned; and to the Churchwardens for the time being of the said Parish of Paddington, for ever, the clear yearly Sum of Forty Shillings, in lieu of all parochial Rates and other Taxes and Assessments which may, or otherwise might, be due and payable to the said Parish of Paddington, for or in respect of the said intended Burial Ground, or the Lands therein to be contained; and the Right Reverend Richard now Lord Bishop of London has, as far as he can, consented and agreed to the said Proposal; but as the same cannot be established and effectually carried into Execution without the Aid and Authority of Parliament, may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and immediately after the Expiration of One Calendar Month from the passing of this Act, the said Piece or Parcel of Ground, Part of the Field called Tyburn Field, and containing Five Acres, be the same more or less, abutting and bounded as aforesaid; and also the said Piece or Parcel of Ground herein before mentioned to be Part of the Waste of the Manor of Paddington aforesaid, shall be, and the same are hereby from thenceforth settled upon, and vested in, the said Doctor Charles Mos, Rector of the Parish and Parish Church of Saint George Hanover Square, and the said Anthony Lord Feversham, and Sir William Beauchamp Proctor, Churchwardens of the said Parish, and Parish Church, and the Rectors and Churchwardens of the said Parish Church for the time being for ever, freed and discharged,

Lands at *Paddington* vested in the Rector and Churchwardens of *St. George Hanover Square*,

discharged, and absolutely exempted and exonerated off, from and against all the Estates, Uses, Trusts, Charges, Powers, Provisoes and Limitations, in and by the said Will and Codicils of the said Sir John Frederick the elder, limited, created, provided and declared, of and concerning the same; and shall, from time to time, and at all Times from thenceforth, be, and be deemed and taken to be comprized in, and to be Part and Parcel of the said Parish of Saint George Hanover Square; and be used, appropriated and employed by the Inhabitants of the said Parish of Saint George Hanover Square, as and for a Cemetery or Burial Place, and for Ways and Passages to and from the same, for the Use and Benefit of the Inhabitants of the said Parish for ever: And that the said several Pieces or Parcels of Ground shall for ever thereafter be exempted and discharged from the Payment of any Tythes, Dues, Duties, or other Payments, to the said Parish of Paddington, or any other Parish or Place whatsoever, other than and except as herein after mentioned, declared and provided.

discharged from the Uses in Sir *John Frederick*'s Will,

and annexed to the Parish of *St. George Hanover Square*, for a Burial Ground.

And be it further enacted by the Authority aforesaid, That the Churchwardens of the said Parish of Saint George Hanover Square for the time being, shall, after the Decease of the said Sir Thomas Frederick, pay, or cause to be paid, unto the Person or Persons who shall, for the time being, be intitled to the Site and Capital Messuage of the Manor of Paddington, and other the Leasehold Premisses held of the See of London, by virtue of, or under the Trusts or Limitations contained in, the Will and Codicil of the said Sir John Frederick as aforesaid, from time to time, during the Continuance of the present Lease, and of every future Lease to be granted thereof, unto, or in Trust for, or for the Benefit of such Person or Persons respectively, the annual Rent or yearly Sum of Fifteen Pounds of lawful Money of Great Britain, free and clear of all Deductions whatsoever, for or in respect of any Taxes, Assessments, or Impositions, taxed or imposed, or to be taxed, assessed, or imposed upon the Premisses, or other Matter, Cause or Thing whatsoever, at or on the Feast Days of the Annunciation of the Blessed Virgin Mary and Saint Michael the Archangel in every Year, by even and equal Portions; the first Payment thereof to be made on such of the said Days as shall next happen after the Decease of the said Sir Thomas Frederick.

Rent payable to the Persons claiming under Sir *John Frederick*,

And it is hereby also enacted, That from and after the Determination of the present Lease, and of all subsequent Leases to be made and granted by the See of London, of the Site and Capital Messuage of the said Manor and

Premisses, unto or in Trust for, or for the Benefit of any Person or Persons intitled in Law or Equity, under the Will and Codicils of the said Sir John Frederick, the Churchwardens of the Parish of Saint George Hanover Square shall pay, or cause to be paid unto the Bishop of London for the time being, the yearly Rent or annual Sum of Twenty five Pounds of like Money, by equal Portions, during the Time the said Site and Capital Messuage of the said Manor and Premisses shall remain in the proper Hands of the said Lord Bishop of London, or his Successors, and not in Lease to or for the Benefit of any Person or Persons claiming or to claim under or by virtue of the Will and Codicils of the said Sir John Frederick; the first Payment thereof to begin and be made on such of the said Feasts as shall next happen after the said Site and Capital Messuage of the said Manor, and the rest of the said Leasehold Premisses, shall have remained Six Calendar Months in the proper Hands of the said Bishop of London, or his Successors, and not have been leased or granted as aforesaid; and also shall pay, or cause to be paid, the clear yearly Sum of Forty Shillings to the Churchwardens of the Parish of Paddington for the time being, on the Feast Day of the Annunciation of the Blessed Virgin Mary in every Year after the passing of this Act, for ever, in lieu and full Satisfaction of, and Compensation for, all Rates, Dues, and Assessments, which might have been raised, rated, or assessed, or become due to the said Parish of Paddington, for or in respect of the said intended Burial Ground, or the Lands therein to be comprized or contained: And in Default of Payment of the said several yearly Rents, or annual Sums as aforesaid, being demanded, and not paid by the Space of Ten Days then next following, the several Persons who shall from time to time be intitled to the said annual Rents of Fifteen Pounds and Twenty five Pounds, and also the Churchwardens of the said Parish of Paddington for the time being, for and in respect of the said annual Sum of Forty Shillings, are hereby severally impowered, from time to time, to commence and prosecute One or more Action or Actions at Law, upon the Case, or in Debt, in any of His Majesty's Courts of Record at Westminster, in order to recover the said yearly Rents or annual Sums respectively, and all Arrears thereof (if any) against the Churchwarden or Churchwardens of the said Parish of Saint George Hanover Square for the time being, neglecting or refusing to pay the same; and shall and may, upon every such Action or Actions, recover the Money so due and payable:

and to the Bishop of *London*.

Annual Sum of 40*s*. to the Parish of *Paddington*.

Actions given for Non-payment.

And

And moreover, if a Verdict or Judgement passes for the Plaintiff or Plaintiffs in such Action or Actions, he, she, or they shall recover full Costs of Suit, and shall have the like Remedies for the same as by Law are allowed in other Cases.

Churchwardens to be allowed such Payments in their Accounts.

And be it enacted by the Authority aforesaid, That the Churchwarden or Churchwardens of the said Parish of Saint George Hanover Square for the time being, upon producing Receipts, from time to time, for the said annual Rent or yearly Sum of Twenty five Pounds from the said Bishop or his Successors, or his or their proper Officer or Agent, authorized in that Behalf; and for the said annual Rent, or yearly Sum of Fifteen Pounds from the Person or Persons who, from time to time, after the Decease of the said Sir Thomas Frederick, shall be intitled to the Rents and Profits of the said Site and Capital Messuage of the Manor of Paddington, and other the said Leasehold Premisses, or his or their Agent or Receiver, or for the said annual Sum of Forty Shillings from the Churchwardens of the said Parish of Paddington for the time being, shall be allowed such Payments in their Accounts, by the select Vestry of the said Parish of Saint George Hanover Square, or by any Person or Persons authorized to take and audit such Accounts respectively.

Rector, &c. to have the like Burial Fees and Dues, as they have for their present Burial Ground.

Provided always, and it is hereby further enacted by the Authority aforesaid, That this Act, or any Thing herein contained, shall not extend, or be construed, adjudged, deemed, or taken to extend to lessen, prejudice, or defeat, any of the Rights or Fees which the present Rector of the said Parish of Saint George Hanover Square, or any future Rector or Rectors thereof, shall or may, or ought to have in the said intended Burial Ground; but the said present Rector and his Successors, and the Churchwardens and other Officers of the said Parish of Saint George Hanover Square, for the time being, shall severally and respectively, for ever hereafter, have, take, and enjoy, from time to time, the like Funeral Rates and Duties, Fees, Rights, Privileges, and Profits, in, unto, out of, and from the said Burial Ground, as now are, and have been taken and enjoyed during the Incumbency of the present Rector, for the Burial and Interment of such Person and Persons as is, are, and have been buried in the present Cemetery or Burial Ground, now belonging to the said Parish, or such Funeral Rates, Duties and Fees, as may hereafter be ordered, settled, and established, by proper Authority: And no Rector, Parson, Vicar, Curate, Minister, Officer or Servant, of any other Parish whatsoever,

None to be paid to any other Parish.

soever, shall have or claim any Funeral Rate or Rates, Duty, Fee, Right, Privilege, or Profit whatsoever, in, unto, out of, and from Burials in the said intended Burial Ground.

And, in order that the Monuments, Head Stones, or Grave Stones, which shall at any Time hereafter be erected in the said intended Burial Ground, and the Inscriptions thereon, may be preserved and kept entire and undefaced, and the said Burial Ground be preserved in decent and regular Order for the Burial of the Dead; it is hereby also enacted by the Authority aforesaid, That if any Person or Persons shall, at any Time after the said intended Burial Ground shall be inclosed and used for the Burial of the Dead, wilfully and maliciously pull or break down the Walls or Inclosure of the said Burial Ground; or break down or destroy any Head Stone or Grave Stone, or Monument, which shall be therein erected; or obliterate or deface any Inscription thereon; he, she, or they, so offending, shall, upon Conviction thereof before any Justice of the Peace for the said County or City, or Liberty of Westminster, on the Oath of One or more Witness or Witnesses, which Oath such Justice is hereby authorized and required to administer, forfeit and pay to the Churchwardens of the said Parish of Saint George Hanover Square for the time being, any Sum not exceeding Five Pounds, or less than Ten Shillings at the Discretion of such Justice, to be applied in the first Place for the Repair of the Damage so done as aforesaid, and the Residue (if any) for the Use of the Poor of the said Parish; and in case of Refusal on Non-payment thereof, such Justice shall and may commit such Offender or Offenders to the House of Correction for the said County of Middlesex, City or Liberty of Westminster, there to remain, and be kept to hard Labour, for any Time not exceeding One Month, at the Discretion of such Justice, who is hereby authorized and required to discharge such Offender or Offenders, during the Time of such Commitment, on Payment of such Penalty as aforesaid.

Penalty on destroying the Walls, or defacing Monuments, &c.

On Non-payment, Offender to be committed.

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.