

ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CI.

An Act for amending and enlarging the Powers of an Act, made in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for taking down and rebuilding the Parish Church of* All Saints *within the Town and County of the Town of* Southampton, *and for purchasing Land for the Purpose of a Church-yard for the Use of the said Parish.*

[30th *April* 1793.]

WHEREAS by an Act, made in the Thirty-first Year of the Reign of His present Majesty, intituled, An Act for taking down and rebuilding the Parish Church of *All Saints*, within the Town and County of the Town of *Southampton*; and for purchasing Land for the Purpose of a Church-yard for the Use of the said Parish; certain Powers were vested in the Trustees named in the said Act, for the Time Preamble. 31 *Geo.* III, Cap. 71.

Time being, for enabling them to carry the same into Execution: And whereas the said Trustees have made some Progress in the Execution of such Powers, and particularly they have caused the said Old Church to be taken down, and the said new intended Church to be begun and proceeded on, according to the Plans agreed on by the said Trustees; and it is found that the good Purposes intended by the said Act cannot effectually be answered, unless the same be amended, and the Powers thereof enlarged: And whereas it is found that the Sum of Five thousand Pounds, which the said Trustees were authorized by the said former Act to raise for the Purpose of carrying the same into Execution, will be very inadequate: And whereas the Rate or Assessment of One Shilling in the Pound, mentioned in the said former Act, will be fully sufficient to pay and discharge the Interest of such further Sum or Sums of Money as will be necessary for the Purposes of the said former and of this present Act: 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 it shall and may be lawful to and for the said Trustees to raise and secure, by the Ways and Means in the said former Act prescribed, (for raising any Sum or Sums of Money not exceeding in the Whole the Sum of Five thousand Pounds), any Sum or Sums of Money over and above the said Sum which shall be necessary for carrying the Purposes of the said Act into Execution, not exceeding in the Whole the additional Sum of Four thousand Pounds, so that the Rate or Assessment to be made for the Payment of the Interest of the said additional Sum of Four thousand Pounds, together with the said Sum of Five thousand Pounds already borrowed, do not exceed the Sum of One Shilling in the Pound in any One Year, of the yearly Value of the Messuages, Tenements, Lands, and Hereditaments, mentioned and comprized in and by the said recited Act, except as in the said former Act is provided in Cases of Insolvency, Decrease of Inhabitants, or any other unforeseen Accident.

Trustees may borrow the further Sum of 4,000 *l.*

II. And be it further enacted, That when any of the said Trustees, named in or appointed by virtue and in pursuance of the said Act, shall die, or remove from or not reside in the said Parish of All Saints, or neglect to act for the Space of One Year, or be disabled to act, it shall and may be lawful for the Vestry of the said Parish

New Trustees to be elected when old ones die or remove out of the Parish.

to assemble, on Notice to be given for that Purpose, in the usual Church on such Occasions, Three Days at least previous to such Meeting, and then and there to elect, nominate, and appoint some other Person or Persons, being a Parishioner or Parishioners of the said Parish, and qualified in the Manner in the said recited Act mentioned, to be a Trustee or Trustees in the Room of each and every Trustee or Trustees so dying, removing, or neglecting as aforesaid, or being disabled to act; and the Person or Persons so chosen and appointed, is and are hereby authorized and empowered to proceed in the Execution of this Act, to all Intents and Purposes, in as full, large, and ample a Manner as the Trustees named and appointed by the said Act, or elected by virtue thereof, are by the said Act authorized and empowered so to do.

Rates may be recovered from Persons quitting their Premises.

III. And be it further enacted, That in case any Person or Persons, who may have been rated or assessed by virtue of the said recited or this present Act, shall quit the Possession or Occupation of his, her or their Messuages, Lands, Tenements, or Hereditaments, whereon such Rate or Assessment shall have been made, before he, she, or they shall have paid the same, and shall afterwards refuse or neglect to pay the same, when demanded of such Person or Persons, or at his, her, or their then Place of Abode, by the said Collector or Collectors; then, and in every such Case, it shall and may be lawful for any One or more of His Majesty's Justices of the Peace for the said Town and County of the Town of Southampton, and he and they is and are hereby required to grant a Warrant or Warrants of Distress, under his or their Hand and Seal, or Hands and Seals, (on Oath being made before him or them by the said Collector or Collectors, of the Person or Persons having been so rated, and of his, her, or their having quitted the Premises as aforesaid, and of the said Rate or Assessment having been demanded of and from, or at the then Place of Abode of such Person or Persons), authorizing or directing any Constable or Constables of the said Parish or Place where such Person or Persons shall then reside, to distrain the Goods and Chattels of the Person or Persons so refusing or neglecting, and to sell the same; and such Warrant, being countersigned by some Justice of the Peace of the County, City, or Liberty where the Person or Persons shall then reside, if he, she, or they shall have quitted the said Parish, (which such Justice of the Peace is hereby required to countersign), it shall be lawful for such Constable or Constables to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises, without having paid his, her,

ver, or their Rate or Assessment as aforesaid, rendering the Overplus (if any, after having retained the Rate or Assessment, and all Arrears thereof, and all the Costs and Charges of such Summons, Warrant, Distress, and Sale) to the Owner or Owners of such Goods and Chattels respectively.

Persons quitting, and Persons entering into rateable Property, to pay the Rates in Proportion to the Time each Person occupied them.

IV. Provided always, and be it further enacted, That in all Cases where any Person or Persons shall remove from or quit any Messuages, Lands, Tenements, or Hereditaments, rated or assessed, or liable to be rated or assessed, by virtue of the said Act or this present Act, such Person or Persons shall be liable to pay such Rate or Assessment in Proportion to the Time that he, she, or they occupied the same respectively, in like Manner as if such Person or Persons had not removed from or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any Messuages, Lands, Tenements, or Hereditaments, rated or assessed, or liable to be rated or assessed as aforesaid, out of or from which any other Person or Persons, who shall have been rated or assessed for the same, shall be, or which, at the Time of making any such Rate or Assessment, was empty or unoccupied, the Person or Persons coming into or occupying the same, shall be liable to pay such Rate or Assessment, in Proportion to the Time that such Person or Persons shall occupy the same, in like Manner as if he, she, or they had been originally rated or assessed for such respective Messuages, Lands, Tenements, or Hereditaments, which said respective Proportions, in case of Dispute, shall be settled and ascertained by the said Trustees.

Appeal.

V. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved or over-rated by any Rate or Assessment to be laid, or by any other Thing to be done in pursuance of the said recited Act, or of this present Act, and for which no particular Method of Relief is herein appointed, such Person or Persons may, within Three Calendar Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace, at the General Quarter Sessions of the Peace then next to be holden for the Town and County of the Town of Southampton, such Appellant first giving, or causing to be given, Ten Days Notice at least, in Writing, of his Intention to bring such Appeal, and the Matter thereof, to the Clerk of the said Commissioners, or to the Clerk of the Peace of the said Town and County of the Town of Southampton, and within Three Days after such Notice entering into a Recognizance (if required) before some Justice of

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the Peace for the said Town and County of the Town of Southampton, with Two sufficient Sureties, conditioned to try such Appeal at, and abide by the Order of the said Court of Quarter Sessions, and to pay such Costs as shall be awarded by the Justices at such Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given, and of the entering into such Recognizance as aforesaid, shall hear and finally determine the Cause of such Appeal in a summary Way, and award such Costs to the Party or Parties appealing, or appealed against, as they the said Justices shall think proper, and the Determination of such Justices shall be binding, final, and conclusive, to all Intents and Purposes.

Expences of the Act to be paid.

VI. And be it further enacted, That all Costs and Charges incident to the obtaining and passing of this Act, shall be paid out of the Monies in the Hands of the Treasurer to the said Trustees, and the Deficiency, if any, out of the first Monies which shall arise by virtue of the said recited Act, or of this present Act.

Publick Act.

VII. And be it further enacted, That this Act shall be taken and allowed in all Courts of Judicature as a Publick Act; and all Judges, Justices, and others, are hereby required to take notice thereof as such, without the same being specially pleaded.

FINIS.

ANNO REGNI

GEORGII III.

REGIS

Magnæ Britanniæ, Franciæ, & Hiberniæ,

TRICESIMO TERTIO.

At the Parliament begun and holden at *Weſtminſter*, the Twenty-fifth Day of *November Anno Domini* 1790, in the Thirty-firſt Year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God, of *Great Britain*, *France*, and *Ireland*, King, Defender of the Faith, *&c.*

And from thence continued, by ſeveral Prorogations, to the Thirteenth Day of *December* 1792; being the Third Seſſion of the Seventeenth Parliament of *Great Britain.*



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