

ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. LXXXVII.

An Act for enlarging the Church Yard or Cemetery of the Parish Church of *Saint Mary Islington*, in the County of *Middlesex*.

[30th *April* 1793.]



WHEREAS the Increase of Inhabitants in the Parish of Saint Mary Islington, in the County of Middlesex, has made it necessary to enlarge the Cemetery or Burying Ground belonging to the said Parish: And whereas, at a Vestry holden for the said Parish, on the Twenty-fifth Day of May One thousand seven hundred and ninety, the Inhabitants of the said Parish then and there assembled, did authorize and appoint certain Persons to contract for the Purchase of all that Piece or Parcel of Customary or Copyhold Land, holden of the said Manor of Preamble.

Canbury, otherwiſe Canonbury, in the County of Middleſex, containing by Eſtimation One Acre or thereabouts, together with the Meſſuage, Cottage, or Tenement thereupon, or on ſome Part thereof, ſtanding and being, then in the Tenure or Occupation of Eſther Whiſton, and ſituate near the Lower Street of Iſlington, within the ſaid Manor, adjoining to the Paſſage leading from the Lower Street aforeſaid to the Church Yard of the Pariſh of Saint Mary Iſlington aforeſaid: And whereas the Perſons ſo authorized and appointed did accordingly contract and agree with Charles Wilkinſon, Charles Lincoln, and Henry Sutton, Cuſtomary Tenants of the ſaid Manor, for the Purchaſe of the ſame Copyhold Premiſes, for the Sum of One thouſand two hundred Pounds: And whereas, at a Veſtry holden for the ſaid Pariſh, on the Twenty-ſecond Day of September One thouſand ſeven hundred and ninety, it was agreed and directed that the ſaid Copyhold Hereditaments ſhould be ſurrendered to the Uſe of Thomas Cogan Eſquire, Thomas Sutton Gentleman, and James Burton Bricklayer, and their Heirs, and that thereupon they the ſaid Thomas Cogan, Thomas Sutton, and James Burton, ſhould be admitted Tenants thereto, according to the Cuſtom of the ſaid Manor, in Truſt as herein-after is mentioned; and that they the ſaid Thomas Cogan, Thomas Sutton, and James Burton, ſhould alſo contract and agree for the Enfranchiſement of the ſaid Hereditaments and Premiſes: And whereas, at a Court holden for the ſaid Manor of Canbury, otherwiſe Canonbury, on the Twenty-firſt Day of October One thouſand ſeven hundred and ninety, the ſaid Charles Wilkinſon, Charles Lincoln, and Henry Sutton, in Conſideration of the ſaid Sum of One thouſand two hundred Pounds, agreed to be paid to them, but which ſaid Sum of One thouſand two hundred Pounds, or any Part thereof, hath not yet been paid, did ſurrender into the Hands of the Lords of the ſame Manor, all that the ſaid Piece or Parcel of Cuſtomary or Copyhold Land, together with the ſaid Meſſuage, Cottage, or Tenement, and Appurtenances, to the Uſe and Behoof of the ſaid Thomas Cogan, Thomas Sutton, and James Burton, and their Heirs, upon Truſt nevertheleſs, and for the Benefit of the Pariſhioners of the ſaid Pariſh of Saint Mary Iſlington; and at the ſame Court, the ſaid Thomas Cogan, Thomas Sutton, and James Burton, were accordingly admitted thereto, to hold the ſame to them and their Heirs, upon the Truſt aforeſaid; And whereas the ſaid Thomas Cogan is departed this Life: And whereas it is expedient,

Contract entered into.

An Order of Veſtry to ſurrender to Truſtees.

Surrender made, and Truſtees admitted.

expedient, and will be greatly for the Benefit of the said Parish, that the said Copyhold Piece or Parcel of Land or Ground, and Hereditaments, so surrendered as aforesaid, should be enfranchised, and the Freehold and absolute Inheritance in Fee Simple of and in the same, be conveyed for the Purpose aforesaid, freed and discharged of and from all Fines, Heriots, Duties, Payments, and Services, to the Lord or Lords, Lady or Ladies, of the said Manor, in order that the same might be enfranchised, and holden freed and discharged as aforesaid; and the said Thomas Sutton and James Burton have accordingly contracted and agreed for such Conveyance and Enfranchisement, at or for the Price or Sum of One hundred and eight Pounds; but such Conveyance and Enfranchisement, by reason of the Statutes of Mortmain, cannot be effectually made without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Thomas Sutton and James Burton, or the Survivor of them, or the Heirs of such Survivor, shall be, and is and are hereby enabled to accept and take, unto and to the Use of them, their Heirs and Assigns, or the Survivor of them, his Heirs and Assigns, or the Heirs of such Survivor, a Conveyance and Assurance, or Conveyances and Assurances, of all that the said Piece or Parcel of Customary or Copyhold Land, and the said Messuage, Cottage, or Tenement, with all and singular the Rights, Privileges, and Appurtenances thereunto belonging, freed and discharged of and from all Copyhold Tenures, and of and from all Fines, Heriots, Duties, Payments, and Services to the Lord or Lords, Lady or Ladies, of the said Manor, in Trust for the Inhabitants of the said Parish, for the Purpose of enlarging the Cemetery or Church Yard of the said Parish; and that such Conveyance and Assurance, Conveyances and Assurances, shall be valid and effectual, to all Intents and Purposes whatsoever, any Law or other Matter to the contrary thereof in anywise notwithstanding.

Trustees impowered to accept a Conveyance of the Freehold.

II. And be it further enacted, That the said Surrender and Admittance so made and had as aforesaid, shall be as good, valid, and effectual, to all Intents and Purposes, as if the same had been made to the Use of the said Thomas Cogan, Thomas Sutton, and James Burton, their

Before mentioned Surrender confirmed.

Heirs and Assigns, without any Trust expressed or implied, but for their own proper Benefit, the Statute made and passed in the Ninth Year of the Reign of his late Majesty King George the Second, intituled, An Act to restrain the Dispositions of Lands, whereby the same become unalienable, or any other Statute or Law to the contrary notwithstanding.

Trustees. III. And be it further enacted by the Authority aforesaid, That the Vicar and Churchwardens of the Parish of Saint Mary Islington for the Time being, and their Successors, together with John Hole Esquire, John Walkden Esquire, the said Thomas Sutton, and James Burton, and John Jackson Gentleman, William Palmer Gentleman, William Curtis Surgeon, George Brownsworth Salesman, John Parker Gentleman, Henry Wright Gentleman, Nathaniel Clarkson Gentleman, Robert Careless Gentleman, Edmond Clutterbuck Gentleman, Isaac Needham Gentleman, Samuel Birch Gentleman, Daniel Sebbon Farmer, and Francis Fleming Gentleman, all of the Parish of Saint Mary Islington, aforesaid, and their Successors, (to be elected in Manner herein-after mentioned), shall be and are hereby appointed Trustees for putting this Act in Execution, during such Time only as they shall respectively continue Inhabitants within the said Parish; and if at any Time hereafter (before the said Trusts relative to the enlarging the said Cemetery or Church Yard shall be carried into Execution) the Number of Trustees appointed by this Act shall, by Death, Refusal to act, or Removal out of the said Parish, be reduced to Ten, including the said Vicar and Churchwardens, it shall and may be lawful for the surviving Trustees to elect of the Inhabitants of the said Parish, who shall respectively be in the Occupation of Lands or Tenements within the said Parish, of the yearly Value of Fifty Pounds or upwards, or be bonâ fide worth, in Real or Personal Estate, One thousand Pounds, or the Amount thereof, so many new Trustees as, together with the surviving Trustees, will make up the Number, in the Whole, Twenty-one, and that the Trustees so elected, and every of them, shall and may act under the Authority and in the Execution of this Act, as fully as if they had been appointed Trustees in and by this Act; but no Trustee appointed for putting this Act in Execution, shall be capable of taking or holding, or be concerned or interested in any Contract for doing or performing any of the Works by this Act directed to be done and performed.

Power to elect new Trustees.

IV. And

IV. And be it further enacted, That the said Trustees shall, and they are hereby directed and required to pay, or cause to be paid, unto the said Charles Wilkinson, Charles Lincoln, and Henry Sutton, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, on or before the Thirty-first Day of December next, the Sum of One thousand two hundred Pounds of lawful Money of Great Britain, in full Consideration for the Purchase of the said Piece or Parcel of Copyhold Land, Messuage, Cottage, or Tenement, and Premises, with the Appurtenances, so surrendered as aforesaid, together with such Interest as may then be due thereupon; and unto the Person or Persons entitled to receive the same, the Sum of One hundred and eight Pounds of like lawful Money, in full Consideration of such Enfranchisement as aforesaid, when and so soon as such Enfranchisement shall be made; and unto John Biggerstaff, the Vestry Clerk of the said Parish, his Executors or Administrators, on or before the said Thirty-first Day of December next, the Sum of Thirty-five Pounds Two Shillings of like lawful Money, being the Balance of an Account of Monies received and paid by him the said John Biggerstaff, relative to the Purchase of the said Piece or Parcel of Copyhold Land and Premises. Trustees directed to pay the Purchase Monies.

V. And be it further enacted, That the said Sum of One thousand two hundred Pounds, so directed to be paid to the said Charles Wilkinson, Charles Lincoln, and Henry Sutton, or the Survivors or Survivor of them, or the Executors or Administrators of such Survivor, together with such Interest for the same as aforesaid, and the said Sum of One hundred and eight Pounds, so directed to be paid for the Consideration of the said Enfranchisement as aforesaid, in pursuance of this Act, and the said Sum of Thirty-five Pounds Two Shillings so to be paid to the said John Biggerstaff as aforesaid, shall be paid with and out of the Monies which shall be raised by virtue of this Act. How Purchase Monies are to be paid.

VI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required and directed, after such Enfranchisement as aforesaid shall be made, to add the said Piece or Parcel of Land and Premises so surrendered as aforesaid, to the said Cemetery or Church Yard, for the Use of the said Parish, or to inclose the same in such Manner as they shall think proper, and to keep in Repair the said Messuage, Cottage, or Tenement, for the Residence of a Grave Digger, Lands purchased to be used as a Burying Ground.

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or of such other Person or Persons as the said Trustees may think proper for the Care and Protection of the said Cemetery or Church Yard, but with full Power for the said Trustees, if they shall think proper, at any Time after the passing of this Act, either before or after the said Messuage, Cottage, or Tenement, shall have been repaired, to pull down and demolish the said Messuage, Cottage, or Tenement, or to sell the Materials thereof, so as the Money arising by such Sale, after the Expences of pulling down or demolishing the same shall be paid thereout, be applied for the Purposes of this Act.

Trustees may make Vaults, &c.

VII. And it is hereby further enacted, That it shall and may be lawful for the said Trustees, after such Enfranchisement shall be made, to make and build such Vaults, or other Conveniences, for the Interment of the Dead, as they shall think necessary and proper; and that when the said Piece or Parcel of Land shall be added to the said Cemetery or Church Yard, and the same shall have been fenced in as aforesaid, and shall have been consecrated according to the Rites and Ceremonies of the Church of England, the same shall be made Use of for the Interment of the Dead, subject nevertheless to such Orders and Regulations respecting the Management thereof, as shall from Time to Time be made by the said Trustees, so that such Orders and Regulations may not interfere with or lessen the settled Fees now payable to the said Vicar, or to the Parish Clerk, or Sexton, of the said Parish of Saint Mary Islington: Provided also, That it shall and may be lawful for the said Trustees, whenever they shall think proper, to displace and remove every or any such Grave Digger, Person or Persons so to be appointed by them as aforesaid, from and out of the said Messuage, Cottage, or Tenement, and to appoint any other Person or Persons in the Place or Stead of the Person or Persons so displaced or removed.

After Enfranchisement, Lands shall be vested in the Vicar and Church-wardens for the Time being.

VIII. And be it further enacted, That immediately after such Conveyance or Enfranchisement of the said Piece or Parcel of Land, Messuage, Cottage, or Tenement, shall be perfected as aforesaid, and the said Piece or Parcel of Land shall be consecrated, the same Piece or Parcel of Land, Messuage, Cottage, or Tenement, with the Rights, Privileges, Members, and Appurtenances, shall be by the said Thomas Sutton and James Burton, or the Survivor of them, or the Heirs of such Survivor, conveyed unto and to the Use of the Vicar and Churchwardens of the said Parish for the Time being, and their Successors, for ever; and the said Tho-

mas Sutton and James Burton, their Heirs and Assigns, and all and every other Person and Persons claiming or to claim any Estate or Interest in the same Premises, shall thereupon be divested of all their Estate, Right, Title, and Interest therein, and the same, and the Fee Simple and Inheritance thereof, shall from thenceforth become absolutely vested in the Vicar and Churchwardens of the said Parish, and their Successors, for the Use of the said Parish, for ever, and for the Purposes herein-before mentioned, the Statutes of Mortmain, or any other Laws or Statutes to the contrary thereof notwithstanding.

Trustees to settle the Fees payable for Funerals.

IX. And be it further enacted, That it shall and may be lawful for the said Trustees, from Time to Time, with the Approbation of the Ordinary, to fix, settle, and ascertain such Fees and Sums of Money for Burials in the said Ground so to be added to the present Cemetery or Church Yard of the said Parish as they shall think proper; and shall cause a List or Table of such Fees (being duly confirmed) to be entered in the Registry of the said Ordinary; and that the Collector or Collectors for the Time being, to be appointed as herein-after is mentioned, shall demand, take, and receive such Fees or Sums of Money, so to be fixed, settled, and ascertained, and account for and pay the same as herein-after mentioned, subject to the like Outgoings and Deductions as the Dues, Fees, or Sums of Money payable for Funerals or Interments in the old Cemetery or Church Yard have been usually subject to, which Fees and Sums of Money shall be applied by the said Trustees, so far as the same shall extend, for the Purposes of this Act; and in case there shall be any Surplus, such Surplus shall be from Time to Time applied in Aid of the Church Rate of the said Parish.

Trustees Meetings.

X. And be it further enacted, That the said Trustees shall and may meet together at such Time and Place as shall be appointed by Order of any Three or more of them, upon Notice thereof to be given in the Parish Church of Saint Mary Islington, aforesaid, at least Three Days previous to such Meeting, and shall and may then, and from Time to Time, adjourn their Meetings as they shall think proper, and they may also meet at any Time (without Adjournment on the like Notice being given) in the Vestry Room of the said Parish, by the Order of any Three or more of the said Trustees; and the said Trustees, at all their Meetings for the Purposes of this Act, shall defray their own Expences; and

All Orders, &c. to be made at Meetings.

all Acts, Orders, and Determinations of the said Truſtees, in the Execution of this Act (except for the Appointment of Meetings as aforeſaid), and all Rates or Aſſeſſments to be made in purſuance or by virtue of this Act, ſhall be made at Meetings to be held in purſuance of this Act, and not otherwiſe; and no ſuch Order or Determination ſhall be valid, unleſs a Majority of the Truſtees preſent at a Meeting ſhall concur therein, and unleſs the whole Number preſent at ſuch Meeting be not leſs than Five; and every ſuch Order or Determination ſhall be as valid and effectual as if done or executed by all the ſaid Truſtees; and if at any Meeting of the Truſtees, there ſhall happen to be an equal Number of Votes for and againſt the Queſtion under Diſcuſſion, the Chairman at ſuch Meeting ſhall have the caſting Vote, which ſhall determine the Queſtion: Provided nevertheleſs, That Two Truſtees ſhall be ſufficient for the Purpoſe of Adjournment, but for no other Purpoſe of this Act.

Truſtees may ſue and be ſued in the Name of their Treaſurer.

XI. And be it further enacted, That the ſaid Truſtees ſhall ſue and be ſued in the Name of the Treaſurer for the Time being of the ſaid Truſtees; and that no Action ſo brought or commenced ſhall abate or be diſcontinued by the Death or going out of Office of the ſaid Treaſurer, or by any Act of the ſaid Treaſurer, without the Conſent of the ſaid Truſtees, or the major Part of them; but that ſuch Treaſurer for the Time being ſhall always be deemed Plaintiff or Defendant, in every ſuch Action, as the Caſe ſhall happen: Provided always, That ſuch Treaſurer, his Executors or Adminiſtrators, ſhall be reimburſed, out of the Monies ariſing by this Act, all ſuch Coſts and Damages as by the Event of any ſuch Action he or they reſpectively ſhall be put unto or become charged or chargeable with on account of any ſuch Action or Suit.

Power to appoint Officers.

XII. And be it further enacted, That the ſaid Truſtees may and are hereby authorized and impowered, from Time to Time, to appoint a Treaſurer, Surveyor, Clerk, and One or more Collector or Collectors, and ſuch other Perſon or Perſons, with ſuch Salary or Salaries, Gratuity or Gratuities, as they ſhall think neceſſary and proper, for carrying the Purpoſes of this Act into Execution, and ſhall and may take ſuch Security from every ſuch Treaſurer and Collector or Collectors, as they ſhall think fit; and that every ſuch Treaſurer ſhall from Time to Time, as often as thereunto required by the ſaid Truſtees, produce and give to

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the said Trustees, or any of them, or to such Person as they shall appoint, a true and perfect Account in Writing, under his Hand, of all Monies by him or them respectively received and paid, with proper Receipts and Vouchers for such Payments, and shall pay all such Money as shall remain in his Hand, to such Person or Persons as the said Trustees, or any Five of them, shall direct or appoint.

Officers to account.

XIII. And be it further enacted, That the Collector or Collectors to be appointed under and by virtue of this Act, shall from Time to Time, when required, give in a particular, true, and perfect Account in Writing, under his or their Hand or Hands respectively, to the said Trustees, on Oath if required (which Oath the said Trustees, or any Five or more of them, may administer) of all Monies which they shall have respectively received, collected, or levied under or by virtue of this Act, or by Reason or Means of the said Office; and shall also from Time to Time, when thereunto requested by the said Trustees, or any Five of them, pay all such Monies as shall be in their or any of their Hands to the said Trustees, or to such Person or Persons as they, or any Five or more of them, by any Writing or Writings under their Hands, shall authorize and empower to receive the same.

For recovering Balance of Accounts in their Hands.

XIV. And be it further enacted, That in case any such Collector or Collectors as aforesaid shall neglect or refuse to make such Payment for the Space of Ten Days next after such Account shall be made up, then and in every or any such Case it shall and may be lawful to and for the said Trustees to levy the Balance of such Account by Distress and Sale of the Goods and Chattels of every such Collector and Collectors making Default in Payment as aforesaid, by Warrant under the Hand and Seal of any Justice of the Peace for the said County (which Warrant such Justice is hereby authorized and required to grant), and the Overplus, after Payment and Satisfaction of all such Balances, Sum and Sums of Money due from or in the Hands of such Collector or Collectors as aforesaid, and the Charges of levying and recovering the same, shall have been deducted, shall be returned, on Demand, to the Owner of such Goods and Chattels; and that all and every Sum and Sums of Money to be paid by such Collector or Collectors for the Time being, in pursuance of this Act, or to be levied upon them by the Authority and in Manner aforesaid, shall be allowed in their respective Accounts.

XV. And

Penalty on Officers refusing to account.

XV. And be it further enacted, That if any such Collector or Collectors shall refuse or neglect to account in the Manner aforesaid, by the Space of Ten Days after thereunto requested as aforesaid, then any Two of the Justices of the Peace for the said County shall and may, upon Complaint thereof, make Enquiry of and concerning such Neglect and Refusal, as well by the Confession of the Parties themselves as by the Oath or Oaths of One or more credible Witness or Witnesses; and if any such Collector or Collectors shall be convicted of such Neglect or Refusal before such Justices of the Peace, then the said Justices shall, upon Conviction, commit the Person or Persons so offending to the County Gaol or House of Correction, there to remain, without Bail or Mainprize, until he or they shall have made a true and perfect Account, and paid the Balance thereof as aforesaid, or otherwise compounded for the same, at a General Meeting, to the Satisfaction of the Trustees, and which Composition the said Trustees are hereby impowered to make.

Trustees may borrow Money on Mortgage of the Fees, &c.

XVI. And, in order to enable the said Trustees to raise the Monies which they are hereby directed to pay as aforesaid, and to defray the Expences of carrying this Act into Execution, be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered to borrow of and from any Person or Persons (being a Subject or Subjects of this Realm) any Sum or Sums of Money necessary for the Purposes of this Act, at as low a Rate of Interest as the same can be conveniently procured, which Monies so to be borrowed, and the Interest thereof, are hereby charged upon, and shall be payable from Time to Time out of, the Fees and Sums of Money which shall be received by the said Collector or Collectors for the Time being, on Account of Burials in the said Burial Ground, but subject nevertheless to such Payments and Outgoings as aforesaid, and out of the Rates and Assessments to be made in pursuance or by virtue of this Act, as herein-after mentioned; and for securing the Repayment of the Money so to be borrowed, and the Interest thereof, the said Trustees, or any Seven of them, shall and may, by Writing under their Hands and Seals, and attested by Two or more credible Witnesses, assign over the same Fees, Sums of Money, Rates, and Assessments, to the Person or Persons advancing and lending such Money; which Assignments shall be in the Form or to the Effect following: (that is to say)

WE, Seven of the Truſtees for putting in Execution an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Here ſet forth the Title of the Act*], in Conſideration of the Sum of advanced and lent by of to us upon the Credit and for the Purpoſes of the ſaid Act, do hereby aſſign unto the ſaid Executors, Adminiſtrators, and Aſſigns, the Fees and other Sums of Money ariſing and payable on Account of the Burials in the new Burying Ground added to the aforeſaid Cemetery or Church Yard of the ſaid Pariſh (ſubject nevertheleſs to ſuch Payments and Outgoings as by the ſaid Act the ſame are made ſubject to), and alſo out of the Rates and Aſſeſſments made and to be made in purſuance and by virtue of the ſaid Act, to hold unto the ſaid Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, (to be paid half-yearly), ſhall be fully paid and ſatisfied. In Witneſs whereof we have hereunto ſet our Hands and Seals, the Day of in the Year of our Lord

Form of Security.

And every ſuch Aſſignment ſhall be good, valid, and effectual in Law for the Purpoſes thereby intended.

XVII. Provided always, and it is hereby enacted, That in caſe the ſaid Truſtees ſhall think it adviſeable to raiſe all or any Part of the Money, neceſſary for the Purpoſes of this Act, by the granting of Annuities for Life or Lives, then it ſhall be lawful for the ſaid Truſtees, or any Seven or more of them, and they are hereby authorized and empowered, by Writing under their Hands and Seals, and atteſted by Two or more credible Witneſſes, to grant One or more Annuity or Annuities, to any Perſon or Perſons (being a Subject or Subjects of this Realm) who ſhall contribute, advance, and pay into the Hands of the ſaid Truſtees any Sum or Sums of Money for the abſolute Purchaſe of any ſuch Annuity, to be paid and payable during the natural Life of ſuch Perſon as ſhall be nominated by or on the Behalf of ſuch Contributor, at the Time of paying his or her Contribution or Purchaſe Money; and the Grant of every ſuch Annuity ſhall be in the Form or to the Effect following; (that is to ſay),

Power to borrow Money by Grant of Life Annuities.

Form of Security.

WE, Seven of the Truſtees appointed by or in purſuance of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Here ſet forth the Title of the Act*], in Conſideration of the Sum of paid by to us, upon the Credit and for the Purpoſes of the ſaid Act, do hereby grant unto the ſaid Executors, Adminiſtrators, and Aſſigns, the yearly Sum of out of the Fees and Sums of Money payable on Account of Burials in the ſaid Burying Ground added to the old Cemetery or Church Yard of the ſaid Pariſh (*ſubject nevertheleſs to ſuch Payments and Outgoings as by the ſaid Act the ſame are made ſubject to*) and alſo out of the Rates and Aſſeſſments made and to be made in purſuance or by virtue of the ſaid Act; which yearly Sum of ſhall be paid to the ſaid Executors, Adminiſtrators, and Aſſigns, at by quarterly Payments, upon the Day of Day of and Day of Day of in every Year, during the Life of and the Firſt Payment thereof ſhall be made upon the Day of next enſuing the Date of theſe Preſents. In Witneſs whereof we have hereunto ſet our Hands and Seals, the Day of in the Year of our Lord

And every ſuch Grant ſhall be good, valid, and effectual in the Law; and the ſeveral Annuities to be granted as aforeſaid ſhall be and are hereby charged upon, and ſhall be payable and paid, free from all Taxes and Deductions, out of the ſaid Fees, Sums of Money, Rates, and Aſſeſſments, and that before any ſuch Money ſhall be borrowed, or Annuity granted, Fourteen Days Notice at the leaſt ſhall be given in The London Gazette, or in ſuch other publick Newſpaper or Newſpapers as the ſaid Truſtees may think proper, ſignifying the Intention of borrowing ſuch Money or granting ſuch Annuities.

Notice to be given of borrowing Money.

Securities may be transferred.

XVIII. And be it further enacted, That it ſhall be lawful for all and every of the Perſons entitled to any of the Securities for the Money which ſhall be borrowed, or the Annuities to be granted as aforeſaid, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to aſſign or transfer the ſame to any Perſon or Perſons (being a Subject or Subjects of this Realm) by Indorſement thereon, to be executed in the Preſence of

Two

Two or more credible Witneſſes, in the Form or to the Effect following; (that is to ſay),

I DO hereby transfer the within Aſſignment, and the Inſurance thereby ſecured [*or* Annuity] and all my Right, Title, and Intereſt in and to the ſame, unto of Executors, Adminiſtrators, and Aſſigns. Witneſs my Hand, the Day of

Form of Transfer.

And Copies of all Aſſignments and Grants which ſhall be made in purſuance of this Act, and of all Transfers and Aſſignments thereof as aforeſaid, ſhall be entered in a Book to be kept for that Purpoſe by the Veſtry Clerk of the ſaid Pariſh; which Book any Perſon intereſted ſhall at all ſeaſonable Times have Acceſs to, and free Liberty to inſpect without Fee or Reward; and for the Entry of every ſuch Transfer there ſhall be paid to the ſaid Veſtry Clerk Two Shillings and Sixpence, and no more; and after ſuch Entry made of any ſuch Transfer or Aſſignment, every ſuch Transfer or Aſſignment ſo entered ſhall entitle the Perſon to whom the ſame ſhall be made, and his or her reſpective Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby tranſferred; and the Perſons to whom ſuch Aſſignments and Transfers ſhall be made ſhall be Creditors on the ſaid Fees, Sums of Money, Rates, and Aſſeſſments, in equal Degree One with another, and ſhall have no Preference in reſpect of the Priority of advancing any ſuch Money; and that whenever the ſaid Truſtees ſhall be enabled to pay off any of the Money which ſhall be ſo borrowed as aforeſaid, they ſhall aſcertain the Securities to be firſt paid off by Ballot, in ſuch Manner as they ſhall think proper.

Copies of all Securities and Transfers to be entered.

Creditors not to have Priority among each other,

but to be paid off by Ballot.

XIX. And be it further enacted, That ſuch Annuities reſpectively, or the Securities for the ſame, ſhall not be conſtrued or conſidered to be within the Purview or Meaning of an Act of Parliament, made and paſſed in the Seventeenth Year of the Reign of his preſent Majeſty, intituled, An Act for regiſtering the Grants of Life Annuities, and for the better Protection of Infants againſt ſuch Annuities, ſo as to make it requiſite or expedient to comply with or obſerve the Requiſites or Forms preſcribed by the ſaid Act, or any of them.

Securities for Annuities not ſubject to the Regulations of 17 *Geo.* III.

XX. And it is hereby further enacted, That there ſhall be provided by the ſaid Truſtees, and kept by the Treaſurer or Clerk to the ſaid Truſtees, a Book or Books, in which ſhall be fairly written, in Words at Length,

Names of Annuitants, &c. to be entered in a Book.

the Names and Surnames, with the proper Additions and Places of Abode, of all such Persons as shall be Purchasers of any of the Annuities aforesaid, or as shall lend any Sum or Sums of Money on the Security aforesaid, and the Names and Surnames of the Persons into whose Hands the said Purchasers or Lenders shall pay any Sum or Sums of Money upon the Credit of this Act, and also the Sum and Sums of Money so paid for the Purchase of Annuities, or lent on such Security as aforesaid, and the respective Days of Payment thereof; to which Book or Books the said respective Purchasers and Lenders, and their respective Executors, Administrators, and Assigns, and any Person or Persons who shall be liable to pay any Rates or Assessments to be made by virtue of this Act, may at all seasonable Times have Recourse, and may inspect the same, without Fee or Reward.

Account of Rates to be kept.

XXI. And be it further enacted, That a correct and particular Account shall be kept by the Treasurer or Treasurers for the Time being, of the Rates and Assessments to be made in pursuance of this Act.

On Annuities dropping in, new ones may be granted.

XXII. And be it further enacted, That when and as often as any of the Person or Persons, for whose Life or Lives any Annuity or Annuities shall or may be sold, under or by virtue of this Act, shall happen to die, it shall be lawful for the said Trustees, from Time to Time, to raise a Sum or Sums of Money, not exceeding the Sum or Sums originally paid by the Purchaser or Purchasers of such dropping Annuity or Annuities, by the Sale of any other Annuity or Annuities, for the Life or Lives of any Person or Persons willing to purchase the same, or for the Life or Lives of his, her, or their Nominee or Nominees, and with the Money to be raised as last aforesaid, to pay off and discharge so much or an equal Sum or Sums of the Principal Money borrowed on the Security aforesaid, and so in like Manner as any other Person or Persons, for whose Life or Lives any Annuity or Annuities shall or may be sold or purchased, shall happen to die, to raise from Time to Time any other Sum or Sums, not exceeding the Amount of the Original Purchase Money of the dropped Annuity or Annuities, by the Sale of any other Annuity or Annuities, for the Life or Lives of the then Purchaser or Purchasers, or his, her, or their Nominee or Nominees, and with the Money so to be from Time to Time raised to pay off and discharge so much or an equal Sum or Sums of the Principal Money secured as aforesaid, and so toties quoties, until the Whole

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of the Money which shall or may be raised or borrowed by virtue of this Act, together with the Whole of the Interest, shall be paid off and discharged, and which future Annuities shall be in all Respects as effectual and beneficial as the original Annuities.

Annuities to be chargeable on the Rates.

XXIII. And be it further enacted, That the several Rates or Assessments hereby directed to be made, collected, levied, and paid as herein-after mentioned, shall be charged and chargeable with and for the Payment of all and every such Annuity and Annuities as aforesaid, and all Arrears thereof respectively, and all Sums of Money to be advanced, lent, or paid as aforesaid, and the Interest thereof respectively, from Time to Time, and shall vest in the Annuitant or Annuitants, or other Person or Persons advancing, lending, or paying Money as aforesaid, upon Default of Payment of such Annuity or Annuities, or other Monies so to be advanced, lent, or paid, or the Interest thereof, or any Part thereof, respectively, for the Space of Three Calendar Months after the same shall become due and demanded, until the same shall be fully paid and satisfied, together with Interest for such Arrears of Annuity, from the Time the same ought to have been paid, until Payment and Satisfaction thereof, and of the Costs and Charges occasioned by the Nonpayment of the same; and such Annuitant or Annuitants, in case there shall be any Arrear of such Annuity or Annuities, until full Payment thereof respectively, with such Interest and Charges as aforesaid, and such other Person or Persons as aforesaid, until Repayment of his, her, or their Money advanced, and the Interest thereof, according to the Stipulation for Payment thereof, shall, upon giving Twenty Days Notice in Writing, and for Default of Payment at or before the End of such Twenty Days, have the same Powers, Rights, and Privileges of assessing, collecting, distraining, and levying the said Rates and Assessments payable by virtue of this Act, as the said Trustees could have had in case the said Annuity or Annuities, or other Money to be advanced as aforesaid, and the Interest thereof, had been regularly and fully paid and satisfied; and for that Purpose the Trustees shall deliver or cause to be delivered over to such Person or Persons as aforesaid the then existing Rates, and all Monies then in Hand and collected on Account thereof.

Proceedings of Trustees to be entered in a Book.

XXIV. And be it further enacted, That the said Trustees shall have all Receipts, Payments, Debts, Credits, and Minutes of Contracts to be made with or by the

Artificers or Workmen employed in or about enlarging or fencing in the said Cemetery or Church Yard, or any Matter or Thing relating thereto, and all other their Proceedings, fairly written and entered in one or more Book or Books to be kept for that Purpose; and that all Books of Account concerning the Payments, Credits, 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 be liable to pay any Rates or Assessments by virtue of this Act.

Trustees impowered to make a Rate on Houses, &c.

XXV. And be it further enacted, That in as much as the aforesaid Fees or Sums of Money, to be payable in respect of Burials or Interments of the Dead in the said new Burial Ground, will be insufficient to answer the Purposes of this Act, it shall and may be lawful for the said Trustees, by Writing under their Hands, to make an Assessment or Assessments, Rate or Rates, on the Occupiers of all Houses, Homesteads, Shops, Warehouses, Vaults, Coach Houses, Cellars, Stables, Buildings, and Gardens, within the said Parish, in any Sum of Money not exceeding Five-pence in the Pound in any One Year, on the annual or improved Rent or Value of such Houses, Homesteads, Shops, Warehouses, Vaults, Coach Houses, Cellars, Stables, Buildings, and Gardens, and to order and direct the Collector or Collectors to be appointed in pursuance of this Act, to collect and receive from such Occupiers of such Houses, Homesteads, Shops, Warehouses, Vaults, Coach Houses, Cellars, Stables, Buildings, and Gardens as aforesaid, all such Rates and Assessments so to be rated, assessed, and collected as aforesaid; all which Rates and Assessments so to be rated, assessed, and collected, are hereby vested in the said Trustees, in trust to be applied by them for the Purposes of this Act, and shall take Place from the Twenty-fifth Day of March, in the Year of our Lord One thousand seven hundred and ninety-three, and continue for and during such Time as any of the Monies to be borrowed upon the Credit of this Act shall remain owing, or any of the Annuities to be granted in pursuance or by virtue of this Act shall have Continuance, and no longer.

Rates payable quarterly.

XXVI. And be it further enacted, That the said Rates and Assessments shall be payable quarterly at Midsummer Day, Michaelmas Day, Christmas Day, and Lady Day; the First quarterly Payment whereof to be made at Midsummer Day One thousand seven hundred and ninety-three.

XXVII. And

Landlord or Tenant made answerable for his Lodgers.

XXVII. And whereas there are divers Houses in the said Parish, which are let out to several Persons occupying different Apartments therein, and other Houses let ready furnished to Lodgers, whereby the Payment of the said Rates or Assessments may be evaded; be it further enacted, That all and every Person and Persons, being Landlord or Tenant, who shall let his, her, or their House in separate Apartments, or ready furnished to a Lodger or Lodgers, shall, for the several Purposes of this Act, be deemed and taken to be the Occupier thereof, and may be rated and assessed accordingly, and shall be liable and subject to the Payment of the several Sums so rated and assessed: Provided always, that no such Landlord shall be chargeable with or liable to pay for any increased Rent reserved or made payable for or on Account of his paying the said Rate or Assessment.

Succeeding Tenant made answerable for Arrears of former Occupiers.

XXVIII. And whereas Persons frequently remove without paying the Rates assessed on them, and other Persons do enter and occupy their Houses, Tenements, or Hereditaments, Part of the Year, by reason of which great Sums of Money may be annually lost; be it therefore enacted, That when any Person or Persons shall come into and occupy any House or Houses, Homestall or Homestalls, Shop or Shops, Warehouse or Warehouses, Vault or Vaults, Coach House or Coach Houses, Cellar or Cellars, Stable or Stables, Building or Buildings, Garden or Gardens, which, or out of or from which, any other Person or Persons assessed shall cease to occupy, or shall remove, or which at the Time of making such Rates or Assessments was or were unoccupied or empty, that then and in such Case such Person or Persons so ceasing to occupy, or removing from, and every Person and Persons succeeding in the Occupation of, or removing into the same, shall be liable to pay the said Rates or Assessments in Proportion to the Time that such Person or Persons occupied the same respectively, in the same Manner, and under the like Penalties, as if such Person or Persons so removing had not removed, or such succeeding Occupier or Occupiers had been originally rated and assessed in such Rates and Assessments, which Proportion, in case of any Dispute, shall be ascertained by the said Trustees, or any Five or more of them: Provided that nothing in this Act shall extend to tax, rate, or assess, any Person, for any of the Purposes of this Act, or subject any Person to pay any of the Rates and Assessments to be made by virtue of this Act, for any House, Homestall, Shop, Warehouse, Vault, Coach House, Cellar, Stable, Building, or Garden,

Houses, &c. not to be charged when empty.

den, which shall be unoccupied or empty, during the Time the same shall be so unoccupied or empty, any Thing herein contained to the contrary notwithstanding.

Agreements between Landlord and Tenant not to be affected by this Act.

XXIX. And be it further enacted, That this Act, or any Thing herein contained, shall not alter, affect, or make void any Covenant or Agreement, between Landlord and Tenant, relating to or concerning the Payment of any Rates or Assessments within the said Parish.

Deficiencies in the Rates to be made good.

XXX. And be it further enacted, That in case any of the Monies to be collected or payable by virtue of this Act shall be lost or irrecoverable, by Insolvency, or otherwise, the said Trustees shall and may make a new and additional Rate or Assessment, Rates or Assessments, not exceeding Five-pence in the Pound, for supplying and making good such Deficiencies, and the Charges occasioned by or on Account of the same, which shall be collected and levied in Manner aforesaid: Provided that nothing in this Act contained shall extend to tax, rate, or assess, for any of the Purposes thereof, any Part of the House or Houses of Correction which now is or are, or shall or may, at any Time hereafter, be erected and built in the said Parish, nor any Hospital or other Charitable Foundation in the said Parish.

Hospitals, &c. not to be rated.

Trustees may compound for Rates.

XXXI. And be it enacted, That the said Trustees may, if they think proper, compound or agree to accept less than the full Amount of the Rate or Assessment imposed on any Dwelling House or Houses within the said Parish, the Annual Value whereof, in their Judgement, shall not exceed Ten Pounds, so as not less than Two Third Parts of the full Amount of any such Rate be taken.

Rates to be entered in a Book.

XXXII. And be it further enacted, That the Clerk of the said Trustees for the Time being shall, and is hereby required to make proper Entries, in a Book or Books to be kept for that Purpose, and signed by the said Trustees who shall have made such Rates and Assessments respectively, of all and singular the Rates and Assessments which they shall make in pursuance of this Act, to which Book or Books every Person liable to pay the said Rates or Assessments may have free Access at all convenient Times, and be permitted to inspect the same without Fee or Reward.

How Rates may be recovered.

XXXIII. And be it further enacted, That in case any Person or Persons, charged with any such Rate or Assessment, shall refuse or neglect, for the Space of Fourteen Days after Demand made by the Collector or Collectors for the Time being, to pay the Money rated or assessed upon him, her, or them respectively, it shall be lawful for

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any One or more of his Majesty's Justices of the Peace for the said County, and he and they is and are hereby authorized and required to summon, by Writing under his or their Hand and Seal, or Hands and Seals, all and every Person and Persons so charged, and who shall have so refused as aforesaid (on Oath being made before such Justice or Justices, by the Collector or Collectors for the Time being, of his or their having attended upon or at the Place or Places of Abode of such Person or Persons then intended to be summoned, and having demanded the Rate or Rates, and of such Person or Persons having so refused or neglected to pay the same), to appear before such Justice or Justices, at a Time and Place to be mentioned in such Summons (Service by such Collector or Collectors, or any of the Constables or Beadles of the said Parish, of every such Summons, either by delivering the same to the Person or Persons thereby intended to be summoned, or leaving the same at his, her, or their usual or last known Place of Abode, to be deemed good Service); and if any Person or Persons so summoned shall refuse or neglect to attend at the Time and Place mentioned in such Summons or Summonses, or if he, she, or they do or shall attend, and shall not make it appear to such Justice or Justices that he, she, or they is or are not chargeable with such Rate or Rates, according to this Act, then all and every the Persons and Person who shall have been so summoned, shall pay as well such Rate, as the reasonable Costs and Charges of such Summons; and in all Cases where the said Rate or Assessment, Costs and Charges, shall not be paid upon the Return of such Summons, it shall be lawful to and for such Justice or Justices, who shall have issued the same, and he and they is and are hereby authorized and required (on Oath being made before him or them of the due Service of such Summons or Summonses as aforesaid) to grant a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, authorizing and directing such Collector or Collectors, or any Constable or Constables, Beadle or Beadles, of the said Parish, to levy such Rate or Assessment, Rates or Assessments, respectively, and all Arrears thereof, and the Expence of the Summons, and of the Warrant, by Distress of the Goods and Chattels of the Party so neglecting or refusing, which shall be found either in the said Parish or elsewhere; and if, within Five Days next after any such Distress shall be so made, the said Rate or Rates, Assessment or Assessments, and Arrears, and the Costs and Charges of the

ſaid Summons and Warrant, and of ſuch Diſtreſs, and of keeping ſuch Goods and Chattels, ſhall not be paid and ſatisfied, it ſhall be lawful for ſuch Collector or Collectors, Conſtable or Conſtables, Beadle or Beadles, to cauſe the ſaid Goods and Chattels, or ſo much thereof as ſhall be ſufficient, to be appraiſed by One or more Appraiſer or Appraiſers, and ſold, to pay the ſaid Rate or Rates, Aſſeſſment or Aſſeſſments, together with ſuch Arrears, Coſts, Charges, and Expences as aforeſaid, and the reaſonable Charge of ſuch Appraiſer or Appraiſers, for his or their Trouble, returning the Overplus of the Money ariſing by ſuch Sale (if any) to the Owner or Owners of the Goods and Chattels reſpectively, on Demand thereof made by him, her, or them.

Rates may be recovered of Perſons removed out of the Pariſh.

XXXIV. And be it further enacted, That in caſe any Perſon or Perſons, who may have been rated or aſſeſſed by virtue of this Act, ſhall quit his, her, or their Houſe or Houſes, Homeſtall or Homeſtalls, Shop or Shops, Warehouſe or Warehouſes, Coach-houſe or Coach-houſes, Stable or Stables, Vault or Vaults, Cellar or Cellars, Building or Buildings, Garden or Gardens, whereon ſuch Rate or Aſſeſſment, Rates or Aſſeſſments, 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 be lawful for any One or more of His Majeſty's Juſtices of the Peace for the ſaid County, 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 or from, or at the then Place of Abode of ſuch Perſon or Perſons), authorizing and directing any Conſtable or Conſtables, Beadle or Beadles, of the ſaid Pariſh, or of the 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 Magiſtrate 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, and ſhall then reſide in any other County, City, or Liberty, which

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such Magistrate is hereby required to countersign, it shall be lawful for such Constable or Constables, Beadle or Beadles, to distrain and sell the Goods and Chattels of the Person or Persons so quitting the said Premises without having paid his, her, 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: Provided always, That the said Trustees may, if they think proper, sue in any of his Majesty's Courts of Record at Westminster for all or any of the Rates or Assessments to be made under this Act, and for all or any of the Monies which may become payable under or by virtue thereof, in which Action or Suit no Essoin, Privilege, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Persons overrated may appeal to Justices.

XXXV. Provided also, 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 made under this Act, and shall appeal and complain thereof to the said Justices, at any Meeting assembled, and of which Meeting Notice shall have been given as aforesaid, the said Justices so assembled may examine the Appellant or Appellants, or any Witness or Witnesses, upon Oath, touching or concerning the Matter of such Appeal, and relieve the Person or Persons appealing, or not, and make such Order therein as to them shall seem meet.

How the Monies shall be applied.

XXXVI. And be it further enacted, That out of the First Money which shall be received by virtue of or under this Act, or out of the First Money which shall be borrowed or raised upon the Credit thereof, the said Trustees shall pay and defray the Charges and Expences incident to and attending the obtaining and passing this Act, and after Payment thereof, all the Money which shall arise or come into the Hands of the said Trustees or their Treasurer, by virtue of this Act, shall be applied for the Purpose of and in defraying the Costs, Charges, and Expences attending the Execution of this Act, and to or for no other Use or Purpose whatsoever.

Proceedings of Trustees to be entered.

XXXVII. And be it further enacted, That the said Trustees for carrying into Execution the Purposes of this Act, shall, from Time to Time, enter their Proceedings, and an Account of all Monies received and paid by them by virtue of this Act, in a Book or Books

to be kept for that Purpose, and that a Copy of such Account be laid before the Vestry on Easter Tuesday in every Year.

Distress not unlawful for Want of Form.

XXXVIII. And be it further enacted, That when any Distress shall be made for any Money 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 Default or Want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff or Plaintiffs shall recover in any Action or Actions for any such Irregularity, Trespass, or other Proceeding, if Tender of sufficient Amends shall be made, by or on Behalf of the Party or Parties who shall have committed any such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no such Tender shall be 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 or they shall think fit, whereupon such Proceedings, Order, and Judgement shall be made and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings not to be quashed for Want of Form.

XXXIX. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or any other Matter or Thing done or transacted, in or relating to the Execution of this Act, shall be vacated or quashed for want of Form, or be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster.

Persons aggrieved may appeal to the Sessions.

XL. And be it further enacted, That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Trustees, or by Means of the said Rate or Rates, Assessment or Assessments, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to the next General Quarter Sessions of the Peace to be held in and

for the said County of Middlesex, before the Justices then and there assembled, and they are hereby authorized to summon and examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal, and make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; but so as such Appeal shall be made within Three Calendar Months next after the Cause of Complaint shall have arisen, and so as the Person or Persons so appealing shall first give, or cause to be given, Ten Days Notice at the least in Writing, of his or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the Churchwardens for the Time being of the said Parish, or to One of them; and shall, within Three Days next after such Notice, enter into a Recognizance before One of the Justices of the Peace for the said County, with Two sufficient Sureties, conditioned to try such Appeal, and abide by the Order of Sessions, and pay such Costs as shall be made and awarded thereon; and such Justices, upon hearing and finally determining the Matter of such Appeal, are hereby authorized to award such Costs to the Party or Parties appealing, or appealed against, as they shall think proper.

Limitation of Actions.

XLI. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance or under Colour of this Act, until Twenty-one Days Notice shall be given thereof in Writing to the said Churchwardens, or One of them, nor after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be brought, or the Cause of such Action or Suit hath arisen; and every such Action shall be brought, laid, and tried in the said County of Middlesex, and not in any other County or Place; and the Defendant or Defendants in such Actions and Suits may plead the General Issue, and give this Act, and every or any special Matter, in Evidence at any Trial or Trials which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County or Place than as aforesaid,

then the Jury or Juries shall find for the Defendant or Defendants therein; and if a Verdict shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuit, or suffer Discontinuance of such Action or Actions, or if, upon any Demurrer or Demurrers in such Action or Actions, Judgement shall be given for the Defendant or Defendants therein, then, and in any of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have, for his, her, and their Costs, in any other Cases by Law.

Treble Costs.

Publick Act.

XLII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

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