ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

***

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 Rector and Churchwardens of the said Parish Church, of *Saint Martin* for the Time being, *William Walker*, *Richard Pratchet*, *John Heely*, *Joseph Farror*, *Edward Bower*, *John Duperoy*, *Henry Parker*, *John Parker*, *Thomas Parkes*, *Thomas Bower*, *John Sanders*, *John Dadley*, *William Steen*, *Benjamin Fincher*, *William Slater*, *Joseph Blunt* senior, *William Weston*, and *Vincent Eagle*, shall be, and they and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for putting this Act in Execution.

Trustees for executing the Act.

If Trustees die or refuse or become disabled to act, new Trustees to be appointed.

II. And be it further enacted, That when any of the Trustees named in or appointed by virtue and in pursuance of this Act (except such Persons as are declared to be Trustees by virtue of their Station or Office) shall die, or refuse or be disabled to act or (being Inhabitants) shall remove out of the said Parish, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, at any public Meeting to be especially summoned for that Purpose, by Writing under their Hands, to elect, nominate, and appoint some other Person or Persons, being a Parishioner or Parishioners of the said Parish, or being seised of an Estate therein, to be a Trustee or Trustees in the Room of each and every Trustee or Trustees so dying, or refusing or being disabled to act, or removing out of the said Parish as aforesaid; and the Person or Persons so chosen and appointed shall and may, and 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 Manner as the Trustees herein-before named and appointed, are by this Act authorized and empowered to do.

Qualification of Trustees.

III. Provided always, and be it further enacted, That not any Victualler or Person selling spirituous or fermented Liquors by Retail, shall be capable of acting as a Trustee in the Execution of this Act, nor shall any Person (other than the Persons entitled to be Trustees by virtue of their Offices or Stations, or particularly named in this Act) be capable of acting as a Trustee in the Execution of this Act, who shall not own or occupy some Messuage, Tenement, or Ground in the said Parish, rated at a Rent of Thirty Pounds *per Annum* or upwards.

Not to act where interested.

IV. Provided also, That if any Person appointed a Trustee for the Execution of this Act, shall have any Share, or be anyway interested directly or indirectly, in any Contract or Work to be done in or about the Execution of any of the Powers of this Act, or shall have or enjoy any beneficial Employment under or by virtue of this Act, every such Person shall, during the Term of such Contract, or during his Continuance in such Employment, be utterly disabled and disqualified from acting as a Trustee under this Act.

First Meeting of the Trustees.

V. And be it further enacted, That the said Trustees shall and may meet together in the Vestry Room, or in any other convenient Place within the said Parish, within One Calendar Month next after the passing of this Act, or as soon after as conveniently may be, on publick Notice, to be signed by the Churchwardens, and given in the Parish Church the preceding *Sunday*, between the Hours of Nine of the Clock in the Forenoon

and

and Three of the Clock in the Afternoon, and they, or any Five or more of them, ſo aſſembled, ſhall and may proceed to put this Act in Execution, and then and there adjourn themſelves to meet at ſuch ſtated Times and Periods as they ſhall appoint, or according to ſuch Summons as is hereinafter directed to be given, at ſuch Time or Times, Place or Places, within the ſaid Pariſh, as ſuch Truſtees ſhall think proper and convenient, of which Adjournment Notice in Writing or printed and ſigned by the Clerk or Clerks to the ſaid Truſtees for the Time being, ſhall be given to or left for each of the ſaid Truſtees reſident within the ſaid Pariſh, at their laſt or uſual Place or Places of Abode, Two Days at leaſt previous to ſuch intended Meeting; and if there ſhall not appear at any Meeting to be appointed by the ſaid Truſtees, Five or more of ſuch Truſtees to act, then and in ſuch Caſe the ſaid Clerk or Clerks ſhall, and is or are hereby required to ſummon the Truſtees to meet at the Place where the laſt Meeting was appointed to have been held, within Thirty Days next after the Day on which ſuch Meeting was to have been held as aforeſaid, ſuch Summonſes to be ſigned by the ſaid Clerk or Clerks, and to be delivered at the uſual Place of Abode of every Truſtee reſident within the ſaid Pariſh at leaſt Two Days before ſuch Meeting; and in caſe the ſaid Clerk or Clerks ſhall happen to die before ſuch Summons ſhall iſſue, or ſhall neglect to iſſue ſuch Summons, then the Churchwardens for the Time being ſhall and may and they are hereby required to iſſue ſuch Summons, within Ten Days from the Time the ſaid Truſtees ought to have been ſummoned by the ſaid Clerk or Clerks in manner aforeſaid; and the Truſtees at all ſuch Meetings ſhall pay their own Expences.

Notice of Adjournment.

If a ſufficient Number of Truſtees not preſent, the Clerk to ſummon the Truſtees to meet at a future Day.

VI. And it is hereby further enacted, That all and every the Powers, Authorities, Directions, Matters, and Things by this Act given to and directed to be done by or before the ſaid Truſtees at any Meeting, ſhall and may be exerciſed, had, and done by or before any Five or more of them, and every Queſtion ſhall be determined by the Majority of Votes of the Truſtees preſent at every Meeting; and ſuch Determination ſhall be as valid, and of as full Force and Effect, as if done or executed by or before all the Truſtees; and the Truſtees preſent at every Meeting ſhall, before they proceed to Buſineſs, elect one of the Truſtees then preſent to be Chairman at ſuch Meeting; and if at any Meeting of the Truſtees any Queſtion ſhall be put to the Vote, and there ſhall happen to be an equal Number of Votes for and againſt the Queſtion, then and in ſuch Caſe another Meeting of the Truſtees ſhall be called to determine ſuch Queſtion; and if at ſuch Second Meeting there ſhall again happen to be an Equality of Votes, then the Chairman at ſuch Second Meeting ſhall have a caſting Vote, which ſhall determine the Queſtion.

All Acts done by Five Truſtees to be valid.

VII. And be it further enacted, That all Acts, Orders, and Proceedings of the Truſtees ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſhall be ſigned by the Clerk, by Order of the ſaid Truſtees, which Book or Books may be produced and read in Evidence in all Courts and Places whatſoever.

Proceedings to be entered.

VIII. And be it further enacted, That all ſuch Truſtees as are or ſhall be Juſtices of the Peace, may act as Juſtices notwithſtanding their being Truſtees, except in Caſes where they may be intereſted; and that in all Caſes where any Juſtice or Juſtices of the Peace is or are authorized by this

Truſtees in the Commiſſion of the Peace may act as Juſtices.

this Act to examine any Perſon or Perſons on Oath or Affirmation, it ſhall be lawful for ſuch Juſtice or Juſtices, and he and they is and are hereby required to adminiſter ſuch Oath or to take ſuch Affirmation; and that in all Caſes where any Parties, Witneſſes, or other Perſons, are to be heard or examined by or in the Preſence of the ſaid Truſtees, in any Cauſe, Matter, or Thing relating to this Act, it ſhall be lawful for ſuch Truſtees to adminiſteran Oath to or take the Affirmation of ſuch Parties, Witneſſes, or other Perſons.

Treaſurer, &c. appointed.

IX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to appoint a Clerk or Clerks, Treaſurer or Treaſurers, and ſuch other Officers and Servants as they ſhall think proper, taking ſuch Security, as they the ſaid Truſtees ſhall think proper, from ſuch Treaſurer or Treaſurers, and ſhall and may, from Time to Time remove ſuch Clerk or Clerks, Treaſurer or Treaſurers, or other Officers or Servants, and appoint others in the Room and Stead of ſuch of them as ſhall be ſo removed, or ſhall die, or diſcontinue or reſign his or their Office or Offices, or be incapable of performing the ſame; and out of the Monies ariſing by this Act pay or cauſe to be paid to ſuch Clerk or Clerks, and other Officers or Servants, ſuch Salaries or Allowances as they the ſaid Truſtees ſhall adjudge a reaſonable Compenſation or Compenſations for his or their reſpective Tromble and Service.

Actions in the Name of Treaſurer.

X. And be it further enacted, That the ſaid Truſtees ſhall and may ſue and be ſued in the Name of the Treaſurer or Treaſurers, or Clerk or Clerks, for the Time being, and that no Action or Suit that may be brought by or againſt the ſaid Truſtees in the Name of their Treaſurer or Treaſurers, or Clerk or Clerks, ſhall abate or be diſcontinued by the Death or Removal of ſuch Treaſurer or Treaſurers, Clerk or Clerks, or by the Act of him or them, without the Conſent of the Truſtees; but the Treaſurer or Treaſurers, Clerk or Clerks, for the Time being, ſhall always be deemed Plaintiff or Defendant, Plaintiffs or Defendants, in every ſuch Action, as the Caſe may be: Provided always, that all and every ſuch Treaſurer or Treaſurers, Clerk or Clerks, ſhall be reimburſed, out of the Monies to be raiſed by virtue of this Act, all ſuch Coſts, Damages, and Expences, as he or they ſhall be put unto, or become charged or chargeable with, by reaſon of his or their being ſo made Plaintiff or Defendant, Plaintiffs or Defendants.

Truuſteesmay treat for the Purchaſe of Premiſes.

XI. And be it further enacted, That for the Purpoſe of enlarging the ſaid Churchyard, and for providing an additional Cemetery or Burial Ground for the Uſe of the Inhabitants of the ſaid Pariſh, the ſaid Truſtees ſhall have full Power and Authority to treat and agree with any Perſon or Perſons intereſted in any Meſſuages, Lands, Tenements, and Hereditaments, in the Pariſh of *Birmingham*, for the Purchaſe of his, her, and their Intereſt therein; and it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Officers in Truſt, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Feme Coverts who are or ſhall be ſeiſed in their own Right, and to and for all Tenants for Life, or in Fee Tail General or Special, or by the Courteſy

Courtesy of *England*, or for Years determinable on a Life or Lives, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Messuages, Lands, Tenements, or Hereditaments, to contract for, sell, convey, assign, and surrender unto the Rector and Churchwardens of the Parish of *Saint Martin*, in the Town of *Birmingham*, in Trust for the Inhabitants of the said Parish, all his, her, and their Right and Interest in and to the same, or any Part thereof; and all such Contracts and Agreements, Sales, Conveyances, Assignments, Surrenders, and Assurances, shall be valid and effectual in the Law to all Intents and Purposes whatsoever, not only to convey the Estate and Interest of the Person or Persons conveying, but also to convey all Right, Estate, Interest, Use, Trusts, Property, Claim, and Demand whatsoever, of their several and respective Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons whomsoever, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or Custom, or any other Matter or Thing whatsoever to the contrary notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, are hereby indemnified for what they or any of them shall do in the Premises pursuant to this Act, notwithstanding any Omission or Mistake of Matter or Form whatsoever; Provided always, that the Quantity of Land to be purchased by virtue of this Act shall not exceed Three Acres in the whole.

Application of Compensation Money when exceeding 200l.

XII. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Hereditaments, purchased for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, as aforesaid, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be

invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby authorized to be purchased, in case such Purchase or Settlement were made.

Application where the Compensation is less than 200l. and exceeds 30l.

XIII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Tenements, or Hereditaments purchased, for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the said Trustees for executing this Act, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Money is less than 20l.

XIV. Provided also, and be it further enacted, That where such Money so agreed to be paid as next beforementioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Where any Question shall arise touching such Money, the Person who shall be in Possession of the Lands, &c. at the

XV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any

such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Time of such Purchase, shall be deemed entitled thereto.

XVI. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees, or any Five or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Chancery, may order reasonable Expences of Purchases to be paid by the Trustees.

XVII. And be it further enacted, That the Surrender or Conveyance of any such Estate or Interest of any Feme Covert, to the said Trustees, or any Person or Persons in Trust for them, by Indenture or Indentures of Bargain and Sale, sealed and delivered by such Feme Covert, in the Presence of and attested by Two credible Witnesses, and duly acknowledged, and to be inrolled in the High Court of Chancery within Six Calendar Months after the making thereof, shall as effectually and absolutely convey the Estate and Interest of such Feme Covert in the Premises as any Fine or Fines, Recovery or Recoveries, would or could do if levied or suffered thereof in due Form of Law; and further, that all Bargains and Sales whatsoever to be made of any such Lands, Tenements, Buildings, and Hereditaments, as shall be purchased by virtue and for the Purposes of this Act, and inrolled as aforesaid, shall have the like Force, Effect, and Operation in Law, to all Intents and Purposes, as any Fine or Fines, Recovery or Recoveries whatsoever, would have had if levied or suffered by the Bargainer or Bargainers, or any Person or Persons seised of or entitled to any Estate or Interest in the Premises in Trust for such Bargainer or Bargainers, in any legal Manner or Form whatsoever.

Bargains and Sales to have the Force of Fines and Recoveries.

XVIII. And be it further enacted, That from Time to Time and as often as any Money shall be wanted to pay for any Messuages, Lands, Tenements, or Hereditaments which shall be purchased for the Purposes of this Act, it shall and may be lawful for the said Churchwardens and Trustees, at a Vestry Meeting for that Purpose, to be summoned by Writing under their Hands, to make an Assessment or Assessments, Rate or

Rates to be made for raising Money to answer the Purposes of this Act.

or Rates, on the Occupiers of all Lands, Houſes, Shops, Warehouſes, Vaults, Coach Houſes, Cellars, Stables, Gardens, Tenements, and Hereditaments, within the Town and Pariſh of *Birmingham*, in addition to the Rates and Levies the ſaid Churchwardens are already authorized and empowered to make, in any Sum of Money not exceeding Three-pence in the Pound in any one Year, on the annual or improved Rent or Value of ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Coach Houſes, Cellars, Stables, Gardens, Tenements, and Hereditaments, and to collect and receive from ſuch Occupiers of ſuch Lands, Houſes, Shops, Warehouſes, Vaults, Coach Houſes, Cellars, Stables, Gardens, Tenements, or Hereditaments as aforeſaid, ſuch Rates and Sums of Money as ſhall be ſo aſſeſſed or rated as aforeſaid, all which ſaid 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 continue for and during ſuch Time as any of the Monies to be borrowed at Intereſt, or raiſed by the Sale of Annuities upon the Credit of this Act as herein mentioned, ſhall remain owing or have Continuance, and no longer.

Money loſt by Inſolvency or otherwiſe, new Rate to be made.

XIX. 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 Three-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.

Recovery of Rates.

XX. And be it further enacted, That in caſe any Perſon or Perſons charged with any ſuch Rate or Aſſeſſment, ſhall refuſe or neglect to pay the Money rated or aſſeſſed upon him, her, or them reſpectively, 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 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 or neglected as aforeſaid (on Oath being made before ſuch Juſtice or Juſtices of ſuch Demand or Refuſal) to appear before ſuch Juſtice or Juſtices (at a Time and Place to be mentioned in ſuch Summons) (Service by 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 laſt or uſual 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 Perſon and Perſons 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

a Warrant or Warrants under his or their Hand and Seal or Hands and Seale, authorizing and directing ſuch Conſtable or Conſtables, or any Beadle or Beadles, or Officer of the ſaid Pariſh, to levy all ſuch Rates or Aſſeſſments, 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 Conſtable or Conſtables, and other Officers, 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, 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.

For Recovery of Rates from Perſons quitting.

XXI. 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 Land or Lands, Houſe or Houſes, Shop or Shops, Warehouſe or Warehouſes, Coach Houſe or Coach Houſes, Stable or Stables, Cellar or Cellars, or other 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, 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 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 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 the ſhall have quitted the ſaid Pariſh, which ſuch Magiſtrate 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, 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 of Diſtreſs and Sale, to the Owner or Owners of ſuch Goods and Chattels reſpectively.

Perſons aggrieved by the Rate may appeal to the Truſtees.

XXII. 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 Truſtees at any General Meeting aſſembled, the

the ſaid Truſtees ſo aſſembled may examine the Appellant or Appellants, and 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.

Money to be raiſed by Annuities, and Truſtees to raiſe any Sum not exceeding 6000. l.

XXIII. And, in order the more ſpeedily and effectually to accompliſh the ſeveral Ends and Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees to raiſe, either by Annuities to be granted for a certain Term of Years, or for a Life or Lives, or by way of Loan upon Bonds, to be entered into or given by or by the Order and Direction of the ſaid Truſtees, any Sum or Sums of Money not exceeding in the whole the Sum of Six thouſand Pounds; and for the ſeveral Purpoſes aforeſaid it ſhall be lawful for any Perſon or Perſons whomſoever to contribute, advance, and pay into the Hands of the ſaid Truſtees, or into the Hands of their Treaſurer for the Time being, or of ſuch other Perſon or Perſons as they the ſaid Truſtees ſhall, by any Writing under their Hands and Seals, authorize to receive the ſame, ſuch Treaſurer or other Perſon or Perſons. firſt giving ſufficient Security, if required, to the ſaid Truſtees as aforeſaid, any Sum or Sums of Money not exceeding in the whole the Sum of Six thouſand Pounds for the abſolute Purchaſe of Annuities, or by way of Loan, as herein is mentioned, the ſaid Annuities to be granted for ſuch Term of Years, or for a Life or Lives, and on ſuch Conditions, as the ſaid Truſtees ſhall think fit; all which Annuities, and alſo theIntereſt of the Money to be borrowed and taken up as aforeſaid, if any, ſhall be paid and payable by the ſaid Truſtees in the Veſtry Room of the ſaid Pariſh, or in ſuch other Place as the ſaid Truſtees ſhall appoint for that Purpoſe; and the Principal of ſuch Money to be borrowed and taken up by the ſaid Truſtees on Intereſt as aforeſaid, on the Credit of this Act, ſhall be repaid to the Perſon or Perſons lending or advancing the ſame out of the ſaid Rates, as often as the ſame ſhall amount to a ſufficient Sum to diſcharge any one or more Bond or Bonds, by Lot, upon giving the Lender or Lenders Six Calendar Months Notice in Writing for that Purpoſe, at the End of which Time all Intereſt on the ſaid Bond or Bonds ſhall ceaſe.

Annuities how charged and paid.

XXIV. And be it further enacted, That all and every the Annuity or Annuities ſo to be purchaſed under or by virtue of this Act as aforeſaid, and all and every Sum and Sums of Money to be borrowed and taken up on the Credit of this Act, and the Intereſt thereof, ſhall be and the ſame are and is hereby charged upon and made payable from Time to Time out of the Monies ariſing by the Rates and Aſſeſſments by this Act directed to be raiſed and aſſeſſed as herein is mentioned; and that all and every the Contributor or Contributors, or Lender or Lenders of any Money upon the Credit of this Act, duly paying the Conſideration or Purchaſe Money for any ſuch Annuity or Annuities, or otherwiſe advancing the Money as aforeſaid, or ſuch Perſon or Perſons as he, ſhe, or they ſhall appoint, his, her, or their reſpective Executors, Adminiſtrators, or Aſſigns, ſhall receive and enjoy, and be entitled, by virtue of this Act, to have, receive, and enjoy the reſpective Annuity or Annuities ſo to be purchaſed, and the Principal and Intereſt of the other Monies ſo to be advanced as aforeſaid, out of the ſaid Rates or Aſſeſſments by this Act appropriated or appointed for Payment thereof; and all and every ſuch Purchaſer and Purchaſers of ſuch Annuity or Annuities, and other Perſon or Perſons advancing Money

as

as aforesaid, and his, her, and their respective Executors, Administrators, and Assigns, shall have a good, sure, absolute, and indefeasible Estate, Right, and Interest in and to the said Annities so to be by them respectively purchased, and in and to the said other Monies so to be advanced as aforesaid, according to the Tenor and true Meaning of this Act.

Receipts and Orders for Payment of Annuities to be given.

XXV. And be it further enacted, That every Contributor for the Purchase of any such Annuity or Annuities as aforesaid, and all and every other Person and Persons advancing or paying Money as aforesaid, and their several and respective Executors, Administrators, and Assigns, upon Payment of the Consideration or Purchase Money for such Annuity or Annuities, or upon Payment of such other Monies as aforesaid, or any Part or Proportion thereof respectively, into the Hands of the said Trustees, or to their Treasurer or Treasurers for the Time being, or to such other Person or Persons as shall be appointed to receive the same as aforesaid, shall have and be entitled to one or more Receipt or Receipts, Acquittance or Acquittances, importing or acknowledging the Receipt of so much of the Purchase Money or other Money as shall be paid or advanced as aforesaid; and that upon Payment of the Remainder of such Purchase Money or other Monies as aforesaid, all and every such Contributor or Contributors, or other Person or Persons, advancing Money as aforesaid, and his, her, or their respective Executors, Administrators, or Assigns, shall have and be entitled to an Order in Writing on Parchment or Vellum for Payment of such Annuity or Annuities, or for Payment of such other Monies to be advanced or paid as aforesaid, and the Interest thereof, all which Orders shall be signed by the said Trustees; and after signing thereof, the same shall be good, valid, and effectual in Law, according to the Purport, true Intent and Meaning thereof, and of this Act.

Annuities assignable.

XXVI. And be it further enacted, That it shall be lawful for any Purchaser or Purchasers of any such Annuity or Annuities as aforesaid, and the Lender or Lenders of such other Monies as aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times, by Writing under his, her, ortheir Hand and Seal, or Hands and Seals, to assign such Annuity or Annuities, or other Monies to be advanced or paid as aforesaid, or any Part thereof respectively, or his, her, or their Interest therein, to any Person or Persons whomsoever, as often as Occasion shall require, which Assignment, after a Memorial thereof shall be entered in a Book or Books to be kept by or by Order of the said Trustees, shall be effectual to vest the same in the Assignee or Assignees.

Annuities how recoverable.

XXVII. And be it further enacted, That the several Rates or Assessments hereby directed to be made, collected, levied, and paid, 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 de 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; and 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

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 Non-payment of the same; and such Annuitant or Annuitants, in case there shall be any Arrear of such Annuity or Annuities, and until full Payment thereof respectively, with such Interest and Charges as aforesaid, and such other Person or Persons as aforesaid, until Repayment of their Money advanced, and the Interest thereof, according to the Stipulations for Payment thereof, shall, upon giving Twenty Days Notice in Writing, and of 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.

Book to be kept of Annuities, &c.

XXVIII. And be it further enacted, That there shall be provided and kept by the said Trustees in the Vestry Room of the said Parish, or shall be left with the Clerk or Clerks to be appointed by the said Trustees as aforesaid, a Book or Books, in which shall be fairly written the Names, with the proper Additions of all such Persons who shall be the Purchasers of any such Annuities, and all Persons who shall have lent any Money on the Credit of the said Rates and Assessments, to which Book or Books it shall be lawful for the said respective Purchasers, or Persons lending any Money on the Credit of the said Rates and Assessments, their Executors, Administrators, or Assigns, and to and for every Person or Persons who shall be liable to pay any Rates or Assessments, to be made by virtue or in pursuance of this Act, from Time to Time and at all seasonable Times, to have Recourse to and to inspect the same without Fee or Reward.

Account to be kept of Rates.

XXIX. And be it further enacted, That a separate Account shall be kept by the said Churchwardens for the Time being, of the Rates to be made in pursuance of this Act.

All Receipts, Payments, and Minutes of Contacts, etc. to be entered in a Book.

XXX. And be it further enacted, That the said Trustees shall take Care to have all Receipts, Payments, Debts, Credits, and Minutes of Contracts made with or by the Artificers or Workmen employed or to be employed in or about the taking down and removing any Houses and Buildings, and making and fencing round the Churchyard and intended Burial Ground, or any Matter or Thing relating thereto, and all other their Proceedings, to be fairly written and entered in one or more Book or Books to be kept for that Purpose; and that all Books of Accounts concerning Receipts, 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.

Churchwardens to account, and

XXXI. And be it further enacted, That the said Churchwardens for the Time being, and other Persons collecting the Rates to be levied and

raiſed under and by virtue of this Act, ſhall from Time to Time, when required, give a particular, true, and perfect Account in Writing under their reſpective Hands to the ſaid Truſtees, on Oath if required, which Oath the ſaid Truſtees may adminiſter, of all Monies which they ſhall have reſpectively received, collected, or levied, by virtue of this Act; and ſhall alſo from Time to Time, when thereto requeſted by the ſaid Truſtees, pay all ſuch Monies as ſhall be in their or any of their Hands to the ſaid Truſtees, or to ſuch other Perſon or Perſons as they ſhall, by any Writing or Writings under their Hands, authorize and empower to receive the ſame.

pay the Money in their Hands over to the Truſtees.

XXXII. And be it further enacted, That in Caſe any ſuch Churchwarden, or other Perſon or Perſons who may be employed to collect the ſaid Rates, ſhall neglect or refuſe to make ſuch Accounts and Payments as are required to be made by them reſpectively by this Act, then any Two Juſtices of the Peace for the ſaid County ſhall and may, upon Complaint thereof, make Enquiry of and concerning ſuch Neglect or 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 Churchwarden, or 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 for any Time not exceeding Three Calendar Months, there to remain, without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment 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 empowered to make.

Churchwardens, etc. neglecting to account, may be committed.

XXXIII. And be it further enacted, That all Coſts, Charges, and Expences of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed out of the firſt Monies which ſhall be raiſed by virtue of this Act.

Coſts of this Act to be paid.

XXXIV. And be it further enacted, That where 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 Proceedings, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have committed any ſuch Irregularity, Treſpaſs, or other wrongful Proceedings, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall be lawful for the Defendant or Defendants in any ſuch Action, by leave of the Court where ſuch Action ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he or they ſhall think fit whereupon ſuch Proceedings, Order, and Judgements

Diſtreſs not to be deemed unlawful for want of Form.

ments ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

XXXV. And be it further enacted, That no Proceedings to be had touching 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 removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*.

General Appeal.

XXXVI. 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 by any Order of One or more Juſtice or Juſtices of the Peace, it ſhall be lawful for ſuch Perſon or Perſons o appeal to the next Generel Quarter Seſſions of the Peace to be held in and for the ſaid County of *Warwick*, 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, her, or their Intention of appealing as aforeſaid, and of the Matter or Cauſe thereof, to the Clerk or Clerks of the ſaid Truſtees, 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.

XXXVII. 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 in Writing to the ſaid Truſtees, or to their Clerk or Clerks, nor after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Three Calendar Months next after the Fact committed for which ſuch Action or Actions, Suit or Suits, ſhall be ſo brought; and every ſuch Action ſhall be brought, laid, and tried in the ſaid County of *Warwick*, 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 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 or Verdicts ſhall

General Iſſue.

be

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 a 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 Remedies for recovering the same, as any Defendant or Defendants may have for his, her, or their Costs in any other Cases by Law. Treble Costs.

XXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without the same being specially pleaded. Publick Act.

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