ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

Cap. xliv.

An Act for taking down and rebuilding the Parish Church of *Saint Thomas*, in the Town of *Dudley*, in the County of *Worcester*. [12th *May* 1815.]

WHEREAS the Parish Church of *Saint Thomas*, in the Town of *Dudley*, in the County of *Worcester*, and the Tower and Chancel thereof, are very ancient, and much decayed, and the said Church is also too small for the Accommodation of the Inhabitants of the said Parish; and it is therefore necessary that the same should be taken down and rebuilt: And whereas the principal Inhabitants of the said Parish of *Dudley* have lately held several Meetings, pursuant to public Notice, for the Purpose of considering the best Mode of carrying into Effect the taking down, rebuilding, and enlarging the said Parish Church; and it has been proposed and agreed, that the Expences thereof should be defrayed by Subscriptions among the Inhabitants and Owners of Property in the said Parish, and others, and by Rates or Assessments upon all Lands, Houses, Tenements, and Hereditaments, within the said Parish; and the Sum of Six thousand seven hundred and twenty-five Pounds hath been accordingly subscribed by the several Persons whose Names are set forth in the Schedule to this Act annexed; but as the Purposes before mentioned cannot be effectually carried into Execution, without the 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 Lord or Lady for the Time being of the Manor of *Dudley* aforesaid, the Patron for the Time being of the said Vicarage of *Dudley*, the Vicar and Churchwardens of the said Parish, and the Curates of *Saint Thomas*'s and *Saint Edmund*'s in *Dudley*, for the Time being, together with the Honourable

Appointment of Trustees;

Honourable *John William Ward*, *Edward Ampblett*, *James Attwood*, *Matthias Attwood*, *John Attwood*, *John Badley*, the Reverend *John Bradley* Clerk, *James Bourne*, *John Badley* (Surgeon), the Reverend *James Bevan* Clerk, *Joseph Green Bourne*, *Joseph Bennitt*, *William Bennitt*, *Thomas Brettell*, *Thomas Brettell* (of the Tiled House), *Thomas Badger*, *Isaac Badger*, *Thomas Bunn*, *Joseph Bate*, *Thomas Blakeway*, *James Brinton*, the Reverend *Henry Antrobus Cartwright* Clerk, *Cornelius Cartwright*, *Thomas Caddick*, *Joseph Cox*, *Thomas Oldham Chinner*, *Edward Dixon*, *George Dalton*, *John Davies*, *Edward Davies*, *Thomas Davies*, *Francis Downing*, *Thomas Dudley* (of Shuttend), the Reverend *John Dudley* Clerk, *Samuel Fereday*, *Dudley Fereday*, *William Fellows*, *Joseph Freeman*, *John Freeman*, *Keelinge Freeman*, *Joseph Freeman* the Younger, *Edward Gueſt*, *Benjamin Gibbons*, *Thomas Worrall Grazebrook*, *Michael Grazebrook*, *Alexander Gordon*, *Thomas Hawkes*, *Roger Wright Hawkes*, *Timothy Hill*, *Joseph Hill*, *Thomas Hill* (of Dennis), *Thomas Hill* the Younger, *Waldron Hill*, the Reverend *Charles Hill* Clerk, *Peter Tichborne Hinckes*, the Reverend *Joſiah Hinckes* Clerk, *Peter Hinckes*, the Reverend *Nathaniel Hinde* Clerk, *James Shaw Hellier*, *Thomas Shaw Hellier*, the Reverend *John Howells* Clerk, *Joseph Haden*, *Joseph Hollington*, *Edward Jeſſop*, *William Jenkins*, *John Jeſſon*, *Joseph Lane*, *Richard Lakin*, *Benjamin Leadbetter*, the Honourable *William Beauchamp Lygon*, *Richard Moore*, *Thomas Moore*, *Thomas Onions*, Sir *Horace David Cholwell St. Paul* Baronet, *Henry Heneage St. Paul*, *Benjamin Parker*, *Richard Powell*, *Richard Philpots* the Younger, *John Phillips*, *Richard Phillips*, *John Rann*, *Edward Robinſon*, *John Robinſon*, *William Royle*, *Joseph Royle*, *Abraham Rhodes*, *Abraham Rhodes Rhodes*, *Richard Saliſbury*, *William Sprigg*, *Gilbert Read Shaw*, *Thomas Stiles*, *John Tompſon*, *Thomas Wainwright*, *James Wainwright* (of the City of *Hereford*), *Thomas Whitehurſt*, *Benjamin Woolley*, *James Wilkinſon*, *Daniel Wright*, and their Succeſſors, (to be appointed as hereinafter is mentioned,) ſhall be and they are hereby appointed Truſtees for carrying this Act into Execution: Provided nevertheleſs, that no Perſon (except the Lord or Lady for the Time being of the ſaid Manor, the Patron of the ſaid Vicarage of *Dudley*, the Vicar and Churchwardens of the ſaid Pariſh, and the Curates of *Saint Thomas*'s and *Saint Edmund*'s in *Dudley*, for the Time being,) ſhall be capable of acting as a Truſtee for carrying this Act into Execution, unleſs he ſhall at the Time he ſo acts be in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments within the ſaid Pariſh, of the clear yearly Value of One hundred Pounds, or within ſome adjoining Pariſh, of the clear yearly Value of Two hundred Pounds at the leaſt, or being an Inhabitant or Houſeholder within the ſaid Pariſh of *Dudley*, ſhall, in his own Right, or in Right of his Wife, be poſſeſſed of or entitled to a Perſonal Eſtate of the clear Value of Two thouſand five hundred Pounds at the leaſt; nor until he ſhall have taken and ſubſcribed an Oath, in the Words or to the Effect following; (that is to ſay),

and their Succeſſors.

Qualification of Truſtees.

Oath to be taken.

'I do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill, Knowledge, and Judgment, execute the ſeveral Truſts repoſed in me as a Truſtee by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of His Majeſty King *George* the Third, intituled [*Here ſet forth the Title of this Act*,] according to Equity and good Conſcience, and

'without Favour or Affection, Prejudice or Partiality, to any Person 'or Persons whomsoever.

'So help me GOD.'

And if any Person (except as aforesaid) shall act as a Trustee for carrying this Act into Execution, contrary to the Intent and Meaning hereof, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall inform or sue for the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed; and every Person who may be so prosecuted or sued shall prove that he is so qualified as aforesaid, or otherwise shall pay the aforesaid Penalty, without any other Proof on the Part of the Prosecutor or Plaintiff, than that such Person hath acted as a Trustee in the Execution of this Act: Provided nevertheless, that all such Acts and Proceedings relative to this Act, in which any such Person shall have joined, previously to his being convicted as aforesaid, shall, notwithstanding such Conviction, be as valid and effectual to all Intents and Purposes, as if such Person had been fully qualified according to the Directions of this Act.

Penalty.

Acts of Persons not qualified, to be valid.

II. And be it further enacted, That when and as often as any of the Trustees hereby appointed, or hereafter to be appointed, by virtue of this Act, (except as aforesaid,) shall die, or refuse to act, it shall be lawful for the remaining or other Trustees, or any Five or more of them, present at any Meeting to be holden in pursuance of this Act, to appoint another fit and proper Person, or other fit and proper Persons, being an Inhabitant or Householder, or Inhabitants or Householders, of the said Parish of *Dudley*, or a Proprietor or Proprietors of Lands, Tenements, or Hereditaments within the said Parish, or some adjoining Parish, to be a Trustee or Trustees in the Place or Places of the Person or Persons so dying or refusing to act as aforesaid; and all and every Person and Persons so appointed, (being qualified as aforesaid,) shall have the same Power and Authority to act as a Trustee, as the Trustee or Trustees to whose Place he or they shall succeed would have had if living and continuing to act, or as if such Person or Persons had been originally appointed a Trustee or Trustees under this Act.

Appointment of new Trustees.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as such Trustee as aforesaid during the Time of his holding any Office or Place of Profit thereunder, or of having any Share or Interest in any Contract or Work to be entered into or done by virtue or in pursuance of this Act; but it shall be lawful for such of the said Trustees as may be in the Commission of the Peace for the County of *Worcester*, to act as a Justice or Justices in or in relation to the Execution of this Act, except where he or they shall be interested, notwithstanding his or their being such Trustee or Trustees.

No Person to act while interested.

Trustees who are Justices may act, unless interested.

IV. And be it further enacted, That no Act of the said Trustees shall be valid unless the same be done at a Meeting of the Trustees, to be holden in pursuance of this Act; and that all the Powers and Authorities by this Act granted to the said Trustees, shall and may be exercised

No Act of Trustees to be valid unless done at a Meeting.

Five Truſtees to be preſent.

ciſed by any Five or more of them preſent at any ſuch Meeting, or by the major Part of the Truſtees ſo preſent, ſuch major Part not being leſs than Five in Number; and all the Orders and Proceedings of any Five or more of the ſaid Truſtees, or of the major Part of them preſent at ſuch Meeting, not being leſs than Five as aforeſaid, ſhall have the ſame Effect as if the ſame were made or done by all ſuch Truſtees for the Time being; and if any Diverſity of Opinion ſhall ariſe at any ſuch Meeting, and the Number of Votes ſhall be equal (the Vote of the Chairman included,) then the Chairman ſhall have an additional or caſting Vote.

First Meeting of Truſtees.

V. And be it further enacted, That the ſaid Truſtees ſhall, within Two Months after the paſſing of this Act, meet in ſome convenient Place within the ſaid Pariſh of *Dudley*, and proceed to put this Act in Execution; and if there ſhall not appear at any ſuch Meeting, or at any other ſubſequent Meeting of the ſaid Truſtees, a ſufficient Number of Truſtees to act in Execution of this Act, the Truſtees or Truſtee then preſent, or the Clerk to the ſaid Truſtees, (after One ſhall have been appointed, as hereafter is provided,) from Time to Time as there ſhall be Occaſion, may adjourn ſuch Meeting to ſome other Day.

Appointment of Treaſurer, Clerk, Collector, Surveyor, &c.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at their Firſt or any other Meeting to be held in purſuance of this Act, to appoint a Treaſurer, Clerk, Collector, Surveyor, and ſuch other Perſon or Perſons as may be by the ſaid Truſtees deemed neceſſary for any of the Purpoſes of this Act; and it ſhall alſo be lawful for the ſaid Truſtees, at any ſuch Meeting as aforeſaid, from Time to Time to remove ſuch Treaſurer, Clerk, Collector, Surveyor, and other Perſon or Perſons ſo to be appointed, or any or either of them, and appoint others in their Places as and when they ſhall think fit; and alſo by and out of the Monies to be received by virtue of this Act, to allow and pay or cauſe to be paid ſuch Salaries, Allowances, or other Compenſations, to ſuch Treaſurer, Clerk, Collector, and Surveyor, and other Perſon or Perſons, as they the ſaid Truſtees ſhall deem reaſonable; and the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security from every Treaſurer and Collector to be appointed as aforeſaid, as they ſhall deem ſufficient.

Treaſurer and Collector to give Security.

Proper Books to be provided, and regular Entries made.

VII. And be it further enacted, That the ſaid Truſtees ſhall cauſe to be provided and kept a proper Book or proper Books, in which fair and regular Entries ſhall be made of all Acts, Orders, and Proceedings relative to the Execution of this Act, and in which ſhall be written the Truſtees' Oath of Qualification, to be ſubſcribed by them ſeverally before they ſhall proceed to act as aforeſaid; and all Entries in ſuch Book or Books, being ſigned by the Chairman of any ſuch Meeting or Meetings as aforeſaid, or by the major Part of the Truſtees preſent thereat, ſuch major Part not being leſs than Five, ſhall be deemed Originals, and ſhall be produced and read in Evidence in all Cauſes, Suits, and Actions, touching any Thing done in purſuance of this Act; and ſuch Book or Books ſhall, at all the Meetings of the ſaid Truſtees, be open to the Inſpection of all and every the ſaid Truſtees, and of the Creditors and Annuitants on the Rates and Aſſeſſments hereinafter mentioned.

VIII. And

No Order to be revoked at a ſubſequent Meeting unleſs Ten Days' Notice be previouſly given, nor unleſs a greater Number of Truſtees attend.

VIII. And be it further enacted, That no Order, Appointment, or Proceeding, made or had at any Meeting of the ſaid Truſtees in purſuance of this Act, ſhall be revoked or altered at any ſubſequent Meeting, unleſs at a Meeting to be holden for that expreſs Purpoſe, after Ten Days' previous Notice given to or ſent by the ſaid Clerk to the acting Truſtees, ſpecifying the Alteration or Revocation intended to be made; nor unleſs a greater Number of Truſtees, by One-third at the leaſt, ſhall be preſent at ſuch ſubſequent Meeting, than were preſent at the Meeting when ſuch Order, Appointment, or Proceeding intended to be altered or revoked was made.

Power to take down the preſent Church, Tower, &c. and diſpoſe of the old Materials;

IX. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, immediately after the paſſing of this Act, or as ſoon afterwards as they ſhall think proper, to take down, or cauſe to be taken down, the preſent Pariſh Church of *Saint Thomas* in *Dudley*, and the Tower, Chancel, and Veſtry Room thereof, and to ſell or otherwiſe diſpoſe of the Materials of the Whole or any Part or Parts thereof, and of the Bells, Clock, and all other Ornaments and Conveniencies belonging thereto (except only ſuch Part of the ſaid Materials as ſhall be removed and depoſited for the Purpoſes hereinafter mentioned).

and to erect a new Church, Chancel, and Tower, &c.

X. And be it further enacted, That the ſaid Truſtees ſhall with all convenient Speed, cauſe a new Church, Chancel, and Tower, and either with or without a Steeple or Spire thereto, and alſo a ſuitable Veſtry Room or Veſtry Rooms, to be erected and built in a convenient Situation in the preſent Church-yard of the ſaid Pariſh Church of *Saint Thomas*, and ſhall cauſe ſuch Galleries, Reading Deſk, Pulpit, Pews, Seats, Bells, Clock, Chimes, Organ, Ornaments, and other Conveniences, as the ſaid Truſtees ſhall deem proper and requiſite to be made and provided, and ſhall alſo cauſe the ſaid Church-yard to be levelled, regulated, drained, and fenced round, and convenient Walks, Ways, and Paſſages made therein, thereto, and therefrom, in ſuch Manner as they ſhall think proper: Provided always, that it ſhall be lawful for the Vicar and Churchwardens for the Time being of the ſaid Pariſh, to allow a reaſonable Salary to an Organiſt to be appointed for the ſaid intended new Church, out of the Church Rates of the ſaid Pariſh, in ſuch Manner as they ſhall think proper.

Old Materials, &c. to be veſted in Truſtees.

XI. And be it further enacted, That the legal Property in all the Materials of the preſent Church, and the Bells, Clock, and other Ornaments and Appendages belonging thereto, while remaining unſold and undiſpoſed of, and alſo of and in all other Goods, Chattels, and Effects which the ſaid Truſtees ſhall or may purchaſe or procure for any of the Purpoſes of this Act, ſhall be deemed and taken to be veſted in the ſaid Truſtees and their Succeſſors, ſubject to the Proviſions herein contained; and that in all Actions, Suits, and other Proceedings relating thereto reſpectively, it ſhall be ſufficient to ſtate generally, that the Property of and in the ſaid Buildings, Materials, Matters, or Things aforeſaid, or any of them, (as the Caſe may require,) are or is the Property of the Truſtees for rebuilding the Pariſh Church of *Saint Thomas* in *Dudley*.

Power to the Truſtees to contract for taking down preſent Church and erecting a new One.

XII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, to contract and agree with any Perſon or Perſons for taking down the ſaid old Church, Tower, Chancel, and Veſtry Room of *Saint Thomas*, and for erecting and building the ſaid new Church and Tower, with or without a Steeple or Spire thereto, Chancel and Veſtry Rooms with ſuitable Conveniences, or any Part or Parts thereof reſpectively, or other Works authorized by this Act, or any of them, and generally to make ſuch Orders, and do and execute all ſuch Matters and Things as they ſhall think proper and neceſſary touching the ſame reſpectively; and all ſuch Contracts and Agreements ſhall be reduced into Writing and ſigned by the contracting Parties, or ſome Perſon on their Behalf: Provided always, that before any ſuch Contract or Contracts for Work to be done to the Amount of Fifty Pounds or upwards ſhall be entered into, Fourteen Days' Notice at the leaſt ſhall be given in the Newſpaper called *Aris's Birmingham Gazette*, or ſome other Newſpaper uſually circulating in the Neighbourhood of *Dudley*, and alſo in and on the Doors of *Saint Edmund*'s Church in *Dudley*, expreſſing the Purpoſe of every ſuch Contract, in order that any Perſon or Perſons wiſhing to undertake the ſame may make Propoſals for that Purpoſe, to be offered and preſented to ſuch Truſtees, at the Time and Place and in the Manner in the ſaid Notice to be mentioned.

No Contract for 50l. or upwards, to be entered into without Fourteen Days' previous Notice.

Actions to be brought in the Name of the Clerk or Treaſurer, againſt Perſons not completing their Contracts, &c.

XIII. And be it further enacted, That in caſe the Works to be done in purſuance of this Act ſhall not be well and ſufficiently performed according to the true Intent and Meaning of ſuch Contract or Contracts, or ſhall not be finiſhed or completed at or within the Time or Times that the ſame is or are agreed to be completed, it ſhall be lawful for the ſaid Truſtees, in the Name of their Clerk or Treaſurer for the Time being, to bring an Action or Actions for Debt or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt any Perſon or Perſons making default in the Premiſes, for the Recovery of any Penalty or Penalties which ſhall be contained in any ſuch Contract, or for Breach of any of the Covenants or Agreements therein contained, and to receive and apply the Money to be recovered in any ſuch Action or Actions, after deducting thereout the Expences and Charges neceſſarily attending the ſame, and not allowed therein for the Purpoſes of this Act; and that in all other Actions, Cauſes, Suits, Bills, Plaints, Indictments, Proſecutions, Trials, or Proceedings at Law, to be had, brought, proſecuted, or defended in purſuance of this Act, the ſaid Truſtees may ſue and be ſued in the Name or Names of their Treaſurer or Clerk; and no ſuch Action or Proceeding ſhall abate or be diſcontinued by the Death or Removal of the Perſon or Perſons in whoſe Name or Names, or by or againſt whom the ſame ſhall be brought or defended, or by the act of ſuch Treaſurer or Clerk without the Conſent of the ſaid Truſtees; but that the Treaſurer or Clerk, for the Time being of the ſaid Truſtees ſhall always be deemed the Plaintiff or Defendant in every ſuch Action, Suit, or other Proceeding: Provided always, that the Treaſurer or Clerk, in whoſe Name or Names any Action, Suit, or other Proceeding as aforeſaid ſhall be commenced, proſecuted, or defended in purſuance of this Act, ſhall be fully reimburſed and paid out of the Monies to ariſe by virtue of this Act all ſuch Coſts, Charges, Damages, and Expences as by the Event or in con-

sequence of any such Action, Suit, or other Proceeding as aforesaid, he or they shall be put unto or become chargeable with by reason of being so made Plaintiff or Defendant.

Divine Service, Marriages, &c. to be performed in Saint Edmund's during the rebuilding of the Church; and all Acts to be valid.

XIV. And be it further enacted, That when and as soon as the said Parish Church of *Saint Thomas* shall be begun to be taken down, and Divine Service shall be discontinued to be performed therein, and from thenceforth until the said intended new Church shall be finished and consecrated, Banns of Marriage, and all Marriages, Baptisms, Sacraments, and other Rites and Ceremonies of the Church of *England*, which would otherwise and ought to have been published, solemnized, and administered in the said Parish Church of *Saint Thomas*, shall and may be published, solemnized, and administered in the Church or Chapel of *Saint Edmund* in *Dudley*, in like Manner as they now are or ought to be, or at any Time heretofore have or ought to have been published, solemnized, and administered in the present Parish Church of *Saint Thomas*; and that all such Banns of Marriage, Marriages, Baptisms, Sacraments, and other Rites and Ceremonies, so published, solemnized, and administered as aforesaid, shall be valid and effectual to all Intents, Constructions, and Purposes whatsoever; and that no Parson, Vicar, Minister, or Curate, so publishing, solemnizing, or administering such Banns of Marriage, Marriages, Baptisms, Sacraments, and other Rites and Ceremonies respectively as aforesaid, shall be punishable or liable to any Penalty for so doing; but that they or he shall be exempted and discharged from and indemnified against all Penalties and Punishments inflicted or imposed by any Statute or Statutes in that Behalf made; and that all and every Surrogate and Surrogates, and other Person and Persons having authority to grant Licences of Marriages, shall and they are hereby authorized and empowered to grant Licences for the Solemnization of Marriages in the said Church or Chapel of *Saint Edmund* in *Dudley*, in the same Manner as they or he now are or might have been authorized and empowered to grant Licences for solemnizing Marriages in the said Parish Church of *Saint Thomas*: Provided nevertheless, that when the said intended new Church shall have been rebuilt and consecrated, the Powers and Solemnities hereinbefore granted shall cease and determine, and then and from thenceforth no other Rites or Ceremonies shall be administered or solemnized in the said Church or Chapel of *Saint Edmund*, than such as are now usually administered or solemnized therein.

This Act not to prejudice the Right, &c. of Vicar in or to Mortuaries, &c.

XV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, impeach, or defeat the Right, Title, Interest, Claim, or Demand of the Vicar for the Time being of the said Parish of *Dudley*, in or to any Mortuaries, Surplice Fees, *Easter* Offerings, Oblations, Obventions, or other Ecclesiastical Dues, Rights, Benefits, or Advantages, arising within the said Parish, and belonging to the said Vicar for the Time being; but the same shall continue in such and the same Manner as they were respectively before the passing of this Act, or would or ought to have been in case this Act had not been made.

Power to remove

XVI. And be it further enacted, That such of the Monuments and Gravestones in and near to the said present Church, as it may be neces-

Monuments and Graveſtones in the Church, and replace them;

ſary to remove in order to carry this Act into Execution, ſhall or may be removed by or at the Diſcretion of the ſaid Truſtees, or any Five or more of them, and ſhall be preſerved in ſuch Place and Manner as they ſhall think proper; and when the ſaid new Church ſhall be erected, ſuch Monuments and Graveſtones ſhall be replaced therein, or in the ſaid Church-yard, in ſuch Situation and Manner as the ſaid Truſtees ſhall think proper, due regard being had to the Requeſts of the Relations or Repreſentatives of thoſe to whoſe Memories the ſame Monuments and Graveſtones were originally ſet up, and to the Proviſions hereinafter contained, in reſpect to the Alteration of Monuments and Graveſtones in the ſaid Church-yard.

and to remove Graveſtones in the Church-yard that do not lie flat on the Surface;

XVII. Provided always, and be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, or any Five or more of them, or the Vicar and Churchwardens for the Time being of the ſaid Pariſh of *Dudley*, in their Diſcretion, to take down, remove, and alter all ſuch Graveſtones now ſtanding and being in the Church-yards and Burying-grounds belonging to the ſaid Pariſh, as do not lie flat on the Surface of the Earth, and lay the ſame down flat upon the Surface as nearly as may be over the Graves of the Perſons to whoſe Memories the ſame were erected; and that no Graveſtone, Headſtone, or Footſtone ſhall be hereafter placed in the ſaid Church-yards or Burying-grounds, ſo as to ſtand upright or more than Four Inches above the Surface of the Ground; and it ſhall be lawful for the ſaid Truſtees, or the Vicar and Churchwardens for the Time being of the ſaid Pariſh, and they are hereby required, to prevent and hinder any Perſon or Perſons from placing any Graveſtone, Headſtone, or Footſtone, in the ſaid Church-yards or Burying-grounds, or either of them, otherwiſe than as is hereinbefore mentioned.

and none to be placed ſo as to be above the Level of the Surface.

No Interment within or under new Church nor within Six Feet of outſide Walls, except ſuch as are already made.

XVIII. And be it further enacted, That no Grave or Vault ſhall be made, opened, or allowed, for the Interment of any Body or Bodies, within or under the ſaid intended new Church, nor within Six Feet from any of the outſide Walls of the Body of the ſaid new Church, or of the Tower or Veſtry Rooms, except only ſuch Vaults or Vault as are or is already made within the preſent Church, and not filled with Bodies, and which ſhall be alſo within the intended new Church, and which ſaid laſt-mentioned Vaults or Vault ſhall not be enlarged or altered, and ſhall be opened only for the neceſſary Repairs thereof, for the Interment of any of the Relatives of the deceaſed Perſons or Perſon for whom ſuch Vaults or Vault were or was originally made; and that every Corpſe to be interred in ſuch laſt-mentioned Vaults or Vault ſhall, previouſly to Interment, be incloſed in a Lead Coffin; and alſo that no Coffin ſhall be placed in the Church-yards or Burying-grounds, or either of them, at a leſs Diſtance than Six Feet from the Surface of the Ground, unleſs ſuch Coffin ſhall be placed in a Vault arched over and covered with a flat Stone; and if the Churchwardens or Sexton of the ſaid Pariſh of *Dudley* ſhall permit or ſuffer any Vault or Grave to be made or opened within the ſaid Church, or within Six Feet of the outer Walls thereof, (except as aforeſaid,) or ſhall permit or ſuffer any Coffin to be placed in the ſaid Church-yards or Burying-grounds, or either of them, at a leſs Diſtance from the Surface thereof than Six Feet, (except as is before ſpecified,) then, and in every ſuch Caſe, the Church-

Bodies to be incloſed in Lead Coffins.

wardens or Sexton so offending, shall for every Offence forfeit any Sum not exceeding Five Pounds; which shall be recoverable in a summary Way before any Justice of the Peace for the County of *Worcester*; and shall be levied by Distress and Sale of a competent Part of the Goods and Chattels of the Churchwardens or Sexton so offending, by Warrant under the Hand and Seal of such Justice; and such Penalty, when so levied, shall go and be applied to the Use of the Poor of the said Parish of *Dudley*.

Penalty on Churchwardens suffering same; and how recoverable. Application of Penalty.

XIX. And be it further enacted, That the said Trustees, or any Five or more of them, shall as soon as conveniently may be after the passing of this Act, and before the present Church shall be taken down, cause an accurate and exact Survey and Plan of the Inside of the said Church to be made and taken, according to a proper Scale, denoting the Situation, Form, and Dimensions of the several Pews and Seats or Kneelings therein, as well those in the Body or Ground Floor of the said Church as those in the Galleries; and in which said Survey and Plan, all ancient Inscriptions, Initials, or Characters in, upon, or near to any of the said Pews or Seats, shall be particularly noticed and copied; and that all and singular the Plates of Brass, Iron, or other Metal, and the Partitions, Boards, Tables, or other Things on which any such Inscriptions, Initials, or other Characters shall be written, printed, or cut, shall be carefully removed and deposited in some Place of Safety by the said Trustees; and that when such Survey and Plan shall be completed, the said Trustees, or any Five or more of them, shall meet together in the said Church and examine the same, and when they shall be satisfied with the Accuracy thereof, shall certify the same by subscribing their Names thereto; and after the said Survey and Plan shall have been so certified as aforesaid, the same shall be deposited in the Parish Chest for the Use of the said Trustees, and shall be considered as true and accurate; and the same, as also the said Plates, Boards, and other Things, shall, when necessary, be produced and referred to, and admissible as Evidence in the Allotments of Pews and Sittings in the said intended new Church, and in any Disputes or Differences that may arise touching or in anywise relating thereto; and all which Disputes and Differences, if any, shall be settled and adjusted by the said Trustees, or any Five or more of them.

Survey and Plan of present Church to be made before the same is taken down; and of Inscriptions, &c. Survey and Plan to be signed by Trustees, and be admissible as Evidence.

XX. And be it further enacted, That when the said intended new Church shall be rebuilt and consecrated, the said new Church shall be deemed to be the Parish Church of *Dudley*, and from thenceforth all Marriages in the said Parish of *Dudley* shall be solemnized therein, and be legal and valid; and the said new Church shall be used as well for Ecclesiastical as for all other Purposes for which the old Church was used; and after all such Pews and Seats as are intended to be erected therein shall be completed, the said Trustees shall allot and appoint such of the several Pews and Seats therein to the several Persons who are now or at the Time the said intended new Church shall be completed, shall or may be legally entitled to Pews or Seats within the present Church, as will be sufficient to accommodate as many Persons as the Pews or Seats to which the said several Persons are or shall be entitled as aforesaid, will accommodate, and such Pews and Seats so to be allotted and appointed, shall be as well and conveniently situated as the Pews or

After new Church is rebuilt and consecrated, to be deemed the Parish Church. Allotment of Pews to Persons entitled to Pews in present Church.

Such Allotments to be in Compensation of former Pews.

Seats to which the Parties are now entitled; and such Allotments and Appointments, when so made, shall be in full Satisfaction and bar of and as a Compensation for all Rights and Interests whatsoever in any Pews or Seats in the said Church belonging, or that can or may be claimed by the Party or Parties interested therein, or any or either of them, or any or either of their Heirs, Executors, Successors, or Assigns.

Trustees to fix the Price of Pews in new Church, and to allot to Subscribers of 20*l.* or upwards, the One-half of their Subscriptions in Pews or Sittings.

XXI. And be it further enacted, That the said Trustees, or any Five or more of them, shall assess and fix a certain Price or Valuation upon each of the remaining Pews or Seats in the said intended Church, according to Situation and Circumstances, and shall allot and appropriate to each of the Subscribers named in the Schedule hereunto annexed, the Amount of whose Subscription shall be Twenty Pounds or upwards, and who shall require any Pew, Seat, or Sitting, so many and such Part and Parts of the said remaining Pews and Seats as shall, according to the aforesaid Price or Valuation, be equivalent to One-half Part of the said Subscriptions, provided the same Subscriptions shall have been duly and regularly paid; and in appropriating or allotting the said last-mentioned Pews or Seats, the said Trustees are hereby

Preference in Situation of Pews to be given to the largest Subscribers.

authorized and empowered to give a Preference in the Choice of Situation to the Subscribers of the largest Sums of Money, according to the Amount of their respective Subscriptions; or if the said Trustees shall think proper, instead of assessing and fixing a Valuation upon the said remaining Pews or Seats as aforesaid, it shall be lawful for them, and they are hereby authorized to put the same Pews or Seats, or a sufficient Part thereof, up for Sale by public Auction, to and amongst the said Subscribers named in the Schedule hereunto annexed, whose respective Subscriptions amount to Twenty Pounds or upwards, at such Price or Premium as they shall think proper, and of which Sale due Notice shall be given; and at which each of the said last-mentioned Subscribers shall and may have the Privilege of purchasing Pews or Seats, or a Part or Parts thereof, in respect of One-half Part of his or her Subscription; which shall be taken as and in Payment of the same Pews or Seats, or Part or Parts of Pews or Seats respectively.

Allotment of Pews or Sittings to Churchwardens and Overseers, &c.

XXII. And be it further enacted, That in case all the Pews and Seats in the said Church shall not be allotted or appropriated, sold or disposed of by the said Trustees, to and amongst the said several Persons who are now entitled to Pews or Seats in the present Church, and to the said Subscribers as aforesaid, then the said Trustees, or any Five or more of them, shall and they are hereby required to allot and appropriate so many and such Part or Parts of the remaining Pews or Seats, to or for the Use of the Churchwardens and Overseers of the Poor for the Time being, and other Persons holding an official Situation within the said Parish of *Dudley*, and also for Strangers, as to them the said Trustees shall seem meet; and to sell and dispose of all the remaining Pews or Seats to such Person or Persons, being Inhabitants of or Owners of Property within the said Parish, for the Use only of such Person or Persons as are or shall be for the Time being Inhabitants of the said Parish, at such Time or Times, for such Price or Prices, and generally in such Manner as the said Trustees shall think proper; and the Money arising by the Sale of such Pews or Seats as aforesaid shall be applied by the

ſaid Truſtees, or any Five or more of them, in the ſame Manner as the ſaid Subſcriptions, and the Money to be raiſed by Rates as hereinafter mentioned, is or ſhall be payable or applicable.

Truſtees to provide Benches or open Sittings for the Poor; and alſo for Charity School Boys and Girls; and Sunday School Children.

XXIII. Provided always, and be it further enacted, That the ſaid Truſtees ſhall and they are hereby required to make, erect, and provide, or cauſe to be made, erected, and provided, in ſome Part of the Body of the ſaid intended new Church, or of the Galleries thereof, Benches or open Sittings ſufficient to accommodate Three hundred Perſons at leaſt, to be ſet apart for the free Uſe, Convenience, and Benefit of the Poor, and of all other Perſons of what Degree ſoever, who may be diſpoſed to reſort to the ſaid Church, and who may not be provided with other Accommodations; and alſo to erect and provide, or cauſe to be erected and provided, ſo many ſimilar Benches or open Sittings for the Uſe of the Boys and Girls reſpectively for the Time being belonging to the Free Grammar School, the Blue Coat Charity School, and the Female School of Induſtry, and other Charity Schools in *Dudley* aforeſaid; and alſo for the Uſe of the Boys and Girls who for the Time being ſhall belong to the Sunday Schools of the Church of England Eſtabliſhment, and who uſually reſort to *Saint Thomas*'s Church; and that ſuch Benches or Sittings, ſo to be erected and provided as aforeſaid, ſhall be marked or deſignated by ſuitable laſting Inſcriptions, to be ſet up in ſome conſpicuous Part of the ſaid Church near thereto; and ſuch Benches and Sittings, when they ſhall have been ſo erected and built, and appropriated as aforeſaid, ſhall for ever thereafter be free Sittings, and be uſed for the Purpoſes only for which the ſame were ſo erected and appropriated, and be from Time to Time repaired when neceſſary by the Churchwardens for the Time being of the ſaid Pariſh of *Dudley*, out of the Churchwarden's Pariſh Rates.

Uniformity in Pews to be preſerved.

XXIV. And be it further enacted, That for preſerving Uniformity in the Pews or Seats of the ſaid intended new Church, no Perſon or Perſons who ſhall become entitled to any One or more of the ſaid Pews or Seats, or any Part or Parts thereof, ſhall be permitted to paint the ſame, or raiſe the ſame higher than the other Pews or Seats, or make any Alteration in or Addition thereto, that may tend to injure the Uniformity of the Pews or Seats in the ſaid Church; but nevertheleſs that ſuch Perſon or Perſons ſo entitled as aforeſaid, ſhall be at liberty to line their, his, or her Pews or Seats, or Pew or Seat, provided that all ſuch Linings be made of Cloth or Baize of the ſame Colour, and be done under the Direction of the Vicar and Churchwardens for the Time being of the ſaid Pariſh, who are hereby required to ſee that ſuch Linings ſhall be correſpondent to and uniform with each other; and if any ſuch Alterations ſhall be made in or to any of the ſaid Pews or Seats, (except by Lining as aforeſaid,) then the ſaid Truſtees or the Churchwardens for the Time being of the ſaid Pariſh of *Dudley* ſhall and they are hereby required to reſtore the ſaid Pews or Seats ſo altered to their original or former State; and every Perſon offending in making ſuch Alteration, ſhall forfeit any Sum not exceeding Ten Pounds, to be recovered, together with all the Expences of reſtoring the ſaid Pews to their former State, and alſo with Coſts, in either of the Manners in which the Rates or Aſſeſſments are herein directed to be recovered, and to be paid and payable to the Churchwardens, and to

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be applicable to and for the ſame Purpoſes as the ſaid Rates or Aſſeſſments payable under this Act, or the uſual and cuſtomary Church Rates are payable and applicable.

When new Church is finiſhed, a Plan of the Inſide to be made.

XXV. And be it further enacted, That when the ſaid new Church ſhall be completely finiſhed, the ſaid Truſtees, or any Five or more of them, ſhall and they are hereby required to cauſe a Plan or Plans of the Inſide of the ſaid Church to be made, denoting the Situation, Form, and Dimenſions of the ſeveral Pews and Seats, and alſo of the Benches and open Sittings in the Body and Galleries of the ſaid new Church, with proper References and Remarks; and alſo to cauſe the ſeveral Pews or Seats in the ſaid Church to be numbered, and the ſeveral Numbers of the ſaid Pews or Seats to be painted on the reſpective Doors thereof, and to be entered into a Book or Books, together with the Names of the Perſons to whom the ſame are reſpectively allotted, which ſaid Plan or Plans, and Book or Books, ſhall be ſigned by the ſaid Truſtees, or any Five or more of them, and ſhall be depoſited in the Pariſh Cheſt, and ſhall be open to the Inſpection of all Perſons intereſted in the ſaid Pews or Seats at all reaſonable Times without any Fee or Reward; and which ſaid Plan or Plans, and Book or Books, ſo ſigned by the ſaid Truſtees, or any Five or more of them as aforeſaid, ſhall from Time to Time and at all Times hereafter, be admitted and allowed in all Courts whatſoever as good and legal Evidence, and ſhall be binding and concluſive upon and amongſt all and every the Parties intereſted in the ſaid Pews or Seats.

Subſcriptions to be paid to Treaſurer at ſuch Times as Truſtees ſhall appoint, under certain Regulations.

XXVI. And be it further enacted, That the ſeveral Perſons whoſe Names are mentioned in the Schedule hereunto annexed, as Subſcribers towards defraying the Expences of taking down and rebuilding the ſaid Church, and for other the Purpoſes of this Act, and all other Perſons whomſoever who have ſeverally ſubſcribed or engaged to pay, or ſhall hereafter ſubſcribe or engage to pay or advance Money for the Purpoſes aforeſaid, ſhall and they are hereby ſeverally required to pay the reſpective Sums ſet oppoſite to their reſpective Names, or which they ſhall have agreed to advance and ſubſcribe as aforeſaid, to the Treaſurer for the Time being of the ſaid Truſtees, at ſuch Time or Times, and in ſuch Parts, Shares, and Proportions, as the ſaid Truſtees, or any Five or more of them, ſhall order or direct: Provided nevertheleſs, that ſuch Truſtees ſhall and do make equal Calls on the reſpective Subſcribers, their Executors or Adminiſtrators, for Payment of the Money due upon their reſpective Subſcriptions, not exceeding Ten Pounds *per Centum* at any One Call or Time, and ſo that no ſuch Calls ſhall be made within Three Calendar Months of each other; and if any or either of the ſaid Subſcribers, his, her, or their Executors or Adminiſtrators, ſhall refuſe, omit, or neglect to pay the Amount of ſuch Call, and alſo all Arrears (if any) of any Call or Calls then already made, together with lawful Intereſt for the ſame from the Time when the ſame ought to have been paid, and at the Place, and to the Treaſurer or other Perſon or Perſons appointed by the ſaid Truſtees for that Purpoſe, then the ſaid Truſtees, or any Five or more of them, or their Treaſurer or Clerk, ſhall give Notice in Writing to the Subſcribers ſo neglecting, omitting, or refuſing as aforeſaid, to be delivered to them, him, or her, or left at their, his, or her uſual or laſt Place of Abode, informing ſuch Sub-

Subſcribers or Subſcriber of their, his, or her Call or Calls being due; and if, after ſuch Notice laſt mentioned, the Subſcribers or Subſcriber to whom the ſame ſhall have been given, ſhall refuſe, omit, or neglect, for the Space of One Calendar Month (to be accounted from the Delivery of the Notice) to pay ſuch Call or Calls, Sum or Sums of Money, Arrears, and Intereſt, they, he, or ſhe ſhall, at the Diſcretion of the ſaid Truſtees, forfeit all future Share and Intereſt (if any) in the Pews or Seats in the ſaid intended new Church, in reſpect of their, his, or her Subſcriptions or Subſcription, or otherwiſe the ſaid Call or Calls, Sum or Sums, Arrears and Intereſt ſhall be ſued for and recovered in the Manner hereinafter mentioned and provided.

To be optional in the Truſtees, whether to declare the Share and Intereſt of Defaulters forfeited, or to ſue for the ſame by Action of Debt.

XXVII. Provided always, and be it further enacted, That if any or either of the Subſcribers whoſe Names are mentioned in the Schedule hereunto annexed, or any other Perſon or Perſons who have already ſubſcribed, or ſhall hereafter ſubſcribe, any Sum or Sums of Money for the Purpoſes aforeſaid, his, her, or their Executors or Adminiſtrators, ſhall neglect, omit, or refuſe to pay the Amount of their, his, or her Subſcriptions at the Time and Place, and in the Proportion agreed upon, with Intereſt for the ſame as aforeſaid, it ſhall and may be lawful to and for the ſaid Truſtees, or any Five or more of them, inſtead of declaring the Right or Intereſt (if any) of the Subſcriber or Subſcribers ſo making default as aforeſaid, of and in the Pews or Seats in the ſaid intended new Church forfeited, from Time to Time to ſue for and recover the Money ſo due, in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe, in the Name of the Treaſurer or Clerk for the Time being of the ſaid Truſtees; and that, notwithſtanding any Aſſignment of the Right or Intereſt of any or either of the ſaid original Subſcribers in or to the ſaid Pews or Seats, the ſaid original Subſcribers, or the Perſons appearing as Subſcribers in the Schedule hereunto annexed, or in and by any Paper whereunto their Names are or ſhall be affixed by themſelves, or any other Perſon or Perſons by their, his, or her Authority, and their, his, or her Executors or Adminiſtrators, ſhall be liable to ſuch Action as aforeſaid.

Truſtees to make Rate annually, according to Poor's Rate, not exceeding 2s. 1d. in the Pound in any one Year.

Impowering the Truſtees to inſpect Church and Poor Rates.

XXVIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby required annually, and from Time to Time, whenever they ſhall think fit, to make or cauſe to be made an Aſſeſſment or Rate upon all Lands, Houſes, Tenements, and Hereditaments, within the ſaid Pariſh of *Dudley*, and on all Perſons and Property rateable to the ordinary Rate or Aſſeſſment for the Relief of the Poor of the ſaid Pariſh; ſo that ſuch Rate or Aſſeſſment ſhall not exceed in the Whole the Sum of Two Shillings and One Penny in the Pound in any One Year, of the yearly Rent, Produce, or Value of ſuch Lands, Houſes, Tenements, Hereditaments, and Property; and in order the better to enable the ſaid Truſtees to make ſuch Rates or Aſſeſſments, the Churchwardens and Overſeers of the Poor, for the Time being, of the ſaid Pariſh, are hereby required, at the Requeſt in Writing of the ſaid Truſtees, or any Five or more of them, or their Clerk, from Time to Time, to furniſh the ſaid Truſtees, or their Clerk, with the Rates or Aſſeſſments made for the Relief of the Poor, and alſo the Churchwardens' Rate or Aſſeſſment for the Year in which Application ſhall be made, and alſo for the Year then next preceding; and ſhall

permit and ſuffer the ſaid Truſtees, or any or either of them, or their Clerk, to peruſe and inſpect the ſaid Poor's and Churchwardens' Rates or Aſſeſſments, and to take a Copy or Copies thereof at their free Will and Pleaſure; and every ſuch Churchwarden or Overſeer refuſing to produce and furniſh ſuch their reſpective Rates or Aſſeſſments, or permit and ſuffer the ſame to be peruſed and inſpected, and Copies to be taken as aforeſaid, ſhall, for each and every Offence, forfeit and pay the Sum of Forty Shillings.

Rate not to be valid till ſigned by Five or more of the Truſtees.

XXIX. Provided always, and be it further enacted, That no Rate or Aſſeſſment to be made in purſuance of this Act ſhall be valid until the ſame ſhall be allowed and ſigned by the ſaid Truſtees, or ſome Five or more of them; and the ſaid Truſtees are hereby authorized and empowered, from Time to Time, to amend or alter any ſuch Rate or Aſſeſſment, by inſerting the Name or Names of any Perſon or Perſons who ought to have been rated or aſſeſſed, or by ſtriking out the Name or Names of any Perſon or Perſons who ought not to have been rated or aſſeſſed in Manner aforeſaid, or by leſſening or increaſing the Amount of any Perſon or Perſons' Rate or Aſſeſſment, as they the ſaid Truſtees, or any Five or more of them, ſhall think proper; and the ſaid Truſtees ſhall and they are hereby required to rate and aſſeſs every Perſon whoſe Name ſhall be inſerted in the ſaid Rate or Aſſeſſment, according to the Tenor, true Intent, and Meaning of this Act, and ſhall cauſe to be fairly written Two Copies or Duplicates of the ſaid Rate or Aſſeſſment, and ſubſcribed by them or any Five or more of them; one of which Copies or Duplicates ſhall be tranſmitted or delivered to the Collector or Collectors of the ſaid Rates, to be appointed as hereinafter mentioned, and the other to remain in the Hands of the Clerk for the Uſe of the ſaid Truſtees.

Duplicates of the Rate to be made, and one delivered to the Collector.

Recovery of Rates by Diſtreſs.

XXX. And be it further enacted, That in caſe any Perſon or Perſons liable to pay ſuch Rates or Aſſeſſments ſhall, for the Space of Seven Days next after Demand made thereof, perſonally by the Collectors or Collector, ſo to be appointed as aforeſaid, or either of them, or in Writing, and left at the uſual or laſt Place of Abode of ſuch Perſon or Perſons, neglect or refuſe to pay ſuch Rates or Aſſeſſments, then and in ſuch Caſe the ſaid Truſtees, or any Five or more of them, or the ſaid Collectors or Collector for the Time being, upon Proof of ſuch Demand and Nonpayment, ſhall and may, by Warrant under the Hand and Seal of one or more Juſtice or Juſtices of the Peace for the ſaid County of *Worceſter*, levy the ſaid Rates and Aſſeſſments by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing as aforeſaid, allowing Five Days between the taking of the Diſtreſs and the Sale of the Goods and Chattels ſo diſtrained, and rendering the Overplus (if any) after full Payment of the ſaid Rates and Aſſeſſments, and all Coſts and Charges of diſtraining, keeping, and ſelling the ſame Goods and Chattels, unto the Owner or Owners thereof: Provided always, that if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Rate or Aſſeſſment to be made in purſuance of this Act, he, ſhe, or they, ſhall or may apply to the ſaid Truſtees, and the ſaid Truſtees, or any Five or more of them, ſhall and may and they are hereby authorized and empowered to give ſuch Relief in the Premiſes as to them ſhall ſeem reaſonable.

Appeal to Truſtees.

XXXI. And

Rates vested in Trustees.

XXXI. And be it further enacted, That the said Trustees shall and they are hereby empowered to raise and take all the Monies arising from the Rates and Assessments herein directed to be made and levied; and the same are hereby directed to be raised and levied, and to be vested in the said Trustees, and shall be by them applied to and for the Uses and Purposes, and in the Manner directed in and by this Act; and the said Trustees, or such Person or Persons as they, or any Five or more of them, shall by any Writing or Writings under their Hands appoint, are and is hereby authorized, empowered, and required to collect the said Rates and Assessments from any Person or Persons liable to pay the same.

Trustees to appoint one or more Collectors.

XXXII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and required, within Three Calendar Months next after the passing of this Act, or as soon after as conveniently may be, to nominate, appoint, and choose one or two substantial Inhabitant or Inhabitants of the said Parish (not being of the People called Quakers) to be a Receiver or Collector, Receivers or Collectors of such Rates, Assessments, and Sums of Money as shall be due and payable by virtue of this Act, from all Persons liable to pay the same; and the said Trustees are hereby authorized and required annually to choose and appoint One or Two other substantial Inhabitant or Inhabitants of the said Parish (not being of the People called Quakers) to be such Receiver or Collector, Receivers or Collectors as aforesaid, or otherwise to re-appoint the Receiver or Collector, Receivers or Collectors of the then preceding Year, or either of them, in case he or they shall be willing to continue in Office, but not otherwise; and such Receiver or Collector, Receivers or Collectors, when so appointed, is and are hereby authorized and required, on receiving from the said Trustees or their Clerk a Notification of such Appointment, and also a Copy or Duplicate of the said Rate or Assessment, immediately to proceed to collect and receive the respective Sums of Money mentioned and expressed in such Rate or Assessment.

Collector to pay Money to the Treasurer.

XXXIII. And be it further enacted, That the said Receiver or Collector, Receivers or Collectors, shall from Time to Time pay over all and every the Sum and Sums of Money by him or them respectively collected and received, to the Treasurer for the Time being of the said Trustees, to be applied according to the true Intent and Meaning of this Act; and all and every of such Receivers and Collectors shall fairly enter in a Book or Books to be kept for that Purpose, all and every the Sum and Sums of Money which they and each of them shall have respectively received, collected, or levied, and paid by virtue of this Act, or by virtue of any Power or Authority in pursuance thereof, with the respective Times of their receiving and paying the same; and in case any Person or Persons who shall be so chosen or appointed a Collector or Receiver, Collectors or Receivers of the said Rates or Assessments, shall refuse or wilfully neglect to act, or to do or execute such Office for the Space of Fourteen Days after such Appointment, and Notice thereof in Writing, signed by any Five or more of the said Trustees, or their Clerk, for the Time being, delivered to them, or left at their or his usual Place of Abode, every such Person so refusing or neglecting shall forfeit the Sum of Twenty Pounds, to be levied in the same Manner as

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Penalty on Collectors for Misconduct.

the other Penalties and Forfeitures under this Act are directed to be recovered; and upon every such Refusal or Neglect of any Person or Persons so to act as aforesaid, it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorized and required, to appoint a new Receiver or Collector, or new Receivers or Collectors, (not being of the People called Quakers,) in the Place or Stead of such Person or Persons so refusing or neglecting to act as aforesaid, and such new Receiver or Collector, Receivers or Collectors, shall be liable and subject to such and the same Penalties and Forfeitures, as any Receiver or Collector to be appointed by virtue of this Act is or ought to be subject or liable to: Provided nevertheless, that when any Person or Persons so refusing or neglecting to act as aforesaid, shall have paid the Penalty hereinbefore imposed in respect of such Refusal or Neglect, he or they shall not be liable to be re-appointed as Receiver or Collector, Receivers or Collectors as aforesaid, for the Space of Seven Years then next afterwards; and also that no Person or Persons labouring under any mental or bodily Infirmity or Incapacity, or who shall be upwards of Sixty Years of Age, shall be appointed as Collector or Receiver, Collectors or Receivers as aforesaid, or be liable to any Penalty for refusing or neglecting to execute such Office.

Treasurer, Collector, &c. to account.

XXXIV. And be it further enacted, That every such Treasurer, Clerk, Collector, or Receiver, so to be appointed as aforesaid, shall from Time to Time, when thereunto required by the said Trustees, deliver to such Trustees, or to such Person or Persons as the said Trustees shall for that Purpose appoint, a true and perfect Account, in Writing, under their respective Hands, of all the Monies which shall have been by them respectively had, collected, and received, and how, when, and to whom, and for what Purposes the same and every Part thereof shall have been applied or disposed of; together with all Vouchers and Receipts for such Payments, and shall verify the said Accounts upon Oath, if required (which Oath the said Trustees, or any one or more of them, is hereby required to administer); and such Treasurer, Clerk, and Collector shall, and each and every of them are hereby required to pay all such Monies, as upon the Balance of their Accounts shall appear to be in their respective Hands, to such Person or Persons as the said Trustees shall appoint to receive the same; and if any such Treasurer, Clerk, or Collector, shall refuse or neglect to deliver up to the said Trustees, or to any Person or Persons whom they shall appoint to receive the same, within Seven Days next after being thereunto required by the said Trustees, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, relating to the Execution of this Act, and Complaint shall be made of any such Refusal or Neglect to any Justice of the Peace for the County or Place where such Treasurer, Clerk, or Collector so neglecting or refusing shall reside, such Justice may, and he is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cause such Treasurer, Clerk, or Collector to be brought before him, and upon his, her, or their appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts (if produced) in such Manner as the Trustees might have done; and if upon Confession of the Treasurer, Clerk, or Collector, against whom any Complaint shall be made, or by the Oath or

Oaths

Oaths of any Witneſs or Witneſſes, or upon Inſpection of the ſaid Accounts, (if produced,) it ſhall appear to any Juſtice that any of the Monies which ſhall have been collected or received, ſhould be in the Hands of ſuch Treaſurer, Clerk, or Collector, ſuch Juſtice may, and he is hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Treaſurer, Clerk, and Collector reſpectively; and if no Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling; or if ſuch Treaſurer, Clerk, or Collector, ſhall not appear before the ſaid Juſtice (unleſs for ſome ſufficient Excuſe) at the Time and Place by him appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to give and deliver to ſuch Juſtice an Account or Accounts of all Receipts and Payments as aforeſaid, or to verify the Truth of ſuch Accounts on Oath as aforeſaid, or to produce and deliver up to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings reſpectively, relating to the Execution of this Act; then the ſaid Juſtice may, and he is hereby authorized and required, by a Warrant or Warrants under his Hand and Seal, to commit ſuch Treaſurer, Clerk, or Collector, to the Common Gaol of the County or Place where he or they ſhall live or reſide, there to remain without Bail or Mainprize until he or they ſhall have delivered or ſettled his or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid all the Money which ſhall appear to be in their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale as ſhall in that reſpect have been made, or until he or they ſhall have compounded with the ſaid Truſtees for the ſame, and ſhall have paid the Compoſition Money to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Truſtees are hereby empowered to make and receive,) or until he or they ſhall have delivered up ſuch Books, Accounts, Papers, and Writings as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Truſtees; but no Perſon who ſhall be ſo committed for Want of ſufficient Diſtreſs, ſhall be detained in Priſon upon any ſuch Commitment for any longer Time than Six Calendar Months.

Rates to be paid by Tenant, and divided between Landlord and Tenant.

XXXV. And for the more eaſy collecting the ſaid Rates or Aſſeſſments, be it further enacted, That the Tenants or Occupiers of ſuch reſpective Houſes, Lands, Tenements, or Hereditament, ſo be rated or aſſeſſed as aforeſaid, ſhall pay the Whole of ſuch Rates or Aſſeſſments on the Premiſes which they ſhall reſpectively hold or occupy, and every ſuch Tenant ſhall and may deduct out of his or her Rent payable to his or her Landlord or Landlady, One-half Part of his or her Rate or Aſſeſſment, and ſuch Landlord or Landlady is hereby required to allow ſuch Payments and Deductions accordingly; and every Tenant paying ſuch Part of ſuch Rate or Aſſeſſment, for or on account of the Landlord or Landlady, and producing a Receipt for the ſame, ſhall be acquitted and diſcharged of and from ſo much of his or her ſaid Rent to ſuch Landlord or Landlady, as fully and effectually as if the ſame had been actually paid: Provided always, that if any Dwelling-houſe or Tenement ſhall be ſet, let, or occupied in different Apartments, Rooms, or Lodgings, to or by diſtinct or ſeparate Families, Lodgers, or Inmates, the

Recovery of Rates where Houſes have more than one Tenant.

the whole Houſe or Tenement ſo ſet, let, or occupied, ſhall be charged with the whole Rate aſſeſſed or to be collected for or in reſpect to the ſame; and in caſe of Nonpayment of ſuch Rate, or any Part thereof, the ſame ſhall and may be levied upon, and recovered of, and from any or either of the Inhabitants or Occupiers of any Part or Parts of the ſaid Houſe or Tenement, in either of ſuch and the ſame Manners as the Rates are hereby directed to be raiſed and levied; but nevertheleſs, that no ſuch Inhabitant or Occupier ſhall be liable to pay more than his or her Proportion of the ſaid Rate or Rates according to the Amount of his or her Rent; and that if any Houſes, Lands, Tenements, or Hereditaments, ſhall be let to or occupied by any Perſon incapable of paying the Rate or Sum of Money thereupon aſſeſſed by virtue of this Act, and the Landlord or Owner of the ſame ſhall refuſe to pay his or her Share thereof, the Share of ſuch Landlord or Owner ſhall and may be levied upon and recovered of and from him or her in either of the Manners herein mentioned: Provided alſo, that the ſaid Truſtees ſhall and may, if they ſhall think proper, inſtead of proceeding to recover the ſaid Rates in the Manner hereinbefore mentioned, ſue for and recover the ſame in the Name of their Treaſurer or Clerk, for the Time being, in any of His Majeſty's Courts of Record at *Weſtminſter*, when ſuch Rate or Aſſeſſment to be recovered ſhall amount to Forty Shillings or upwards.

If Tenant cannot pay the Rates, the Landlord to be liable to pay his Share.

Rates recoverable by Action.

Power to borrow Money and give Securities;

XXXVI. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Five or more of them, and they are hereby empowered from Time to Time, when and as they ſhall deem proper and neceſſary, to borrow and take up at Intereſt any Sum or Sums of Money, not exceeding Seven thouſand Pounds, upon the Credit of the ſaid Rates or Aſſeſſments, or ſuch Part or Proportion thereof as they may think proper, and by Writing under the Hands and Seals of any Five or more of them, to mortgage or aſſign over ſuch Rates or Aſſeſſments, or any Part or Proportion thereof, to the Perſon or Perſons who ſhall advance or lend ſuch Money, or his or their Truſtee or Truſtees, as a Security or Securities for the Money ſo borrowed, together with Intereſt for the ſame; and every ſuch Aſſignment ſhall be in the Words, or to the Effect following; (that is to ſay),

'WE, of the Truſtees, appointed by or in purſuance of an Act of Parliament made in the Fifty-fifth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act,*] in Conſideration of the Sum of advanced and lent to the ſaid Truſtees, and paid by of to the Treaſurer of the ſaid Truſtees, upon the Credit and for the Purpoſes of the ſaid Act, do hereby aſſign unto the ſaid Executors, Adminiſtrators, and Aſſigns, all Sums of Money payable out of the Rates and Aſſeſſments made and to be made, in purſuance or 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, upon the Day of and the Day of in every Year, and the firſt Payment thereof to be made on the Day of next, ſhall be fully paid and ſatisfied. In Witneſs whereof, we have hereunto ſet our Hands

‘ and Seals, the Day of One thouſand eight
‘ hundred and

or to raiſe Money by granting Annuities.

XXXVII. Provided always, and be it further enacted, That in caſe the ſaid Truſtees ſhall think it adviſable or more advantageous to raiſe all or any Part of the Money for the Purpoſes of this Act, by granting Annuities for a Life or Lives, it ſhall be lawful for the ſaid Truſtees, by Writing under their Hands and Seals, or the Hands and Seals of any Five or more of them, to grant ſuch Annuity or Annuities to any Perſon or Perſons who ſhall pay to the ſaid Truſtees or their Treaſurer, any Sum or Sums of Money as the Conſideration for the Purchaſe of an Annuity or Annuities to be paid or payable during the natural Life of every ſuch Contributor, or of his or her Nominee or Nominees, as the ſaid Truſtees ſhall think proper; ſo that no ſuch Annuity do exceed the Rate of Twelve Pounds for every One hundred Pounds for a Year; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; (that is to ſay),

‘ WE, of the Truſtees appointed by or in pur-
‘ ſuance of an Act paſſed in the Fifty-fifth Year of the Reign of
‘ His Majeſty King *George* the Third, intituled [*here ſet forth the Title*
‘ *of this Act*,] in Conſideration of the Sum of
‘ advanced to the ſaid Truſtees, and paid by to
‘ the Treaſurer of the ſaid Truſtees, do hereby grant unto the ſaid
‘ Executors, Adminiſtrators, and Aſſigns, an Annuity,
‘ or yearly Sum of to be payable
‘ out of the Rates and Aſſeſſments made or to be made in purſuance
‘ or by virtue of the ſaid Act; which Annuity or yearly Sum of
‘ ſhall be paid to the ſaid
‘ Executors, Adminiſtrators, or Aſſigns, at
‘ half-yearly, on the Day of
‘ and the Day of every Year
‘ during the natural Life of and the Firſt
‘ Payment thereof ſhall be made upon the Day of
‘ next. In Witneſs whereof, we have hereunto ſet our Hands and
‘ Seals, the Day of One thouſand eight hundred
‘ and .’

And every ſuch Grant ſhall be valid in Law without any Inrolment or any Memorial thereof in the High Court of Chancery; and every Annuity to be granted as aforeſaid ſhall be charged and chargeable upon, and payable and paid out of the ſaid Rates or Aſſeſſments to be raiſed, levied, and collected by virtue of this Act, according to the Grant of ſuch Annuity.

Power to transfer Securities.

XXXVIII. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for the Money to be borrowed at legal Intereſt as aforeſaid, or to be borrowed by the granting of Annuities as aforeſaid, and their reſpective Executors, Adminiſtrators, and Aſſigns, at any Time, by Writing under their Hands and Seals, to transfer ſuch Securities to any Perſon or Perſons whomſoever; and every ſuch Transfer may be in the Words or to the Effect following; (that is to ſay),

‘ I,

Form of Transfer of Securities.

'I, being entitled to the Sum of [*or*, to an Annuity of] secured to Executors, Administrators, and Assigns, [*or*, to me and my Assigns, *as the Case may be*,] by virtue of an Assignment [*or*, Grant of an Annuity,] bearing Date the Day of under the Hands of or more of the Trustees acting in the Execution of a certain Act of Parliament made in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled, [*here set forth the Title of this Act*,] arising out of the Rates or Assessments granted by the said Act, do hereby transfer all my Right and Title in and to the same Sum [*or*, Annuity,] and all Interest and other Money now due or hereafter to become due and owing thereon, unto Executors, Administrators, and Assigns. Witness my Hand and Seal this Day of in the Year of our Lord One thousand eight hundred and .'

And that after such Transfer made, the Person or Persons to whom the same shall be so transferred and assigned, and his, her, or their Executors, Administrators, and Assigns, shall from thenceforth be entitled to the Benefit thereof and Payment thereon; and such Person and Persons may in like Manner transfer the same again; and all and every Person and Persons to whom such Mortgages, Grants, and Transfers shall be made, shall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the said Rates or Assessments to be raised by virtue of this Act, without any Preference in respect to the Priority of advancing such Money.

Memorandums of Securities to be entered in a Book.

XXXIX. And be it further enacted, That Entries, Copies, or Memorials, of all Mortgages and Grants of Annuities made in pursuance of this Act, and of all Transfers thereof respectively, shall be written in a Book to be kept for that Purpose by the Clerk to the said Trustees; which Copy or Memorial shall contain the Date, Names of the Parties, and Principal Sum of Money or Annuity thereby secured; and to which Book or Books any Person or Persons interested shall at all seasonable Times have access, and liberty to inspect, upon Payment of Two Shillings to the Clerk; and for Entries of every such Copy or Memorial the Clerk shall be entitled to receive the Sum of Five Shillings.

Mode of paying off Securities without any Preference.

XL. And be it further enacted, That the said Trustees shall cause each Mortgage or Security upon which any Money shall be lent or advanced in pursuance of this Act, to be numbered or marked by their Clerk with separate and distinct Numbers; and in order to avoid any Preference or Partiality in the paying off or discharging of any such Securities, the said Trustees shall from Time to Time cause the like Numbers to be written on separate Slips of Paper or Parchment, as the Numbers with which the then unsatisfied Securities shall be marked; and the Whole of such Slips, being of the same Form and Dimensions, shall be mixed together and put into a Box, and as many of the said Slips shall be separately drawn out of the said Box, by the said Clerk, as shall be equal to the Number of Securities then intended to be paid off and discharged; and the Security and Securities bearing or answering the

the Number or Numbers so drawn, and no other, shall from Time to Time be the Security or Securities to be paid off and discharged; and Six Calendar Months' Notice shall be given by the said Clerk to the Person or Persons who shall be entitled to such Security or Securities so to be paid off, or shall be left at his, her, or their most usual Place of Abode, that the Principal and Interest due on his, her, or their respective Security or Securities will be paid off; and at the Expiration of the said Six Months, to be computed from the Day of giving or delivering such Notice, all Interest on such Security or Securities shall cease and determine.

Expences of this Act to be first paid.

XLI. And be it further enacted, That out of the first Monies which shall be received by virtue of this Act, or out of the first Monies which shall be borrowed or raised upon the Credit thereof, the said Trustees shall pay the Costs, Charges, and Expences attending the obtaining and passing this Act and relative thereto; and after Payment thereof, all the Money which shall be received by the said Trustees, or any of their Officers, by virtue of this Act, shall be applied for the Purposes herein contained.

Power of Appeal to the Quarter Sessions.

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved, either touching the Allotment or Appointment of any Pew or Pews, or by any other Order or Act of or Rate or Assessment made by the said Trustees, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall and may be lawful for him, her, or them to appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for either of the Counties of *Worcester* or *Stafford*, who are hereby empowered to summon and examine Witnesses upon Oath, and to hear and determine the Matter of the said Appeal in a summary Way; such Appeal being made within Six Months next after the Cause of Complaint shall have arisen, and the Person or Persons so appealing, giving Ten Days' Notice at least in Writing, of his, her, or their Intention of appealing, and of the Matter and Cause thereof, to the Clerk of the said Trustees, and within Three Days after such Notice entering into a Recognizance before a Justice of the Peace of the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and such Justices, upon the Hearing and Determination of the Matter of such Appeal, shall and may and they are hereby required to award such Costs to the Party appealing or appealed against, as they shall think proper, and their Determination in the Premises shall be final and conclusive to all Intents and Purposes.

Proceedings not to be removed into any of the Courts at Westminster.

XLIII. 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 Matter or Thing done or transacted in or relating to the Execution of this Act, should 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*.

Diſtreſs not to be unlawful for want of Form.

XLIV. And be it further enacted, That when any Diſtreſs ſhall be made for the Recovery of any Money payable under or 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 Defect 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 committed by the Party or Parties diſtraining; and that no Plaintiff ſhall recover in any Action or Actions, if Tender of ſufficient Amends ſhall be made by or on the Behalf of the Party or Parties who ſhall have been guilty of ſuch wrongful Proceedings 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 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 Judgment ſhall be made and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

XLV. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, until Twenty-one Days' Notice ſhall be given thereof in Writing to the Clerk to the ſaid Truſtees, or after ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, or after Six 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 County where the Cauſe of Action aroſe, and not elſewhere; and the Defendant or Defendants in every ſuch Action or Suit may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial or Trials which ſhall be had thereupon, and that the Matter and Thing for which ſuch Action or Suit ſhall be ſo brought, was done in purſuance and by the Authority of this Act; and if the ſaid Matter and Thing ſhall appear to be ſo done, 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 limited, or ſhall be laid in any other County or Place than as aforeſaid, then the Jury 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 Suit ſhall become nonſuited, or ſuffer a diſcontinuance of ſuch Action or Suit, or if upon Demurrer in ſuch Action, Judgment ſhall be given for the Defendant or Defendants therein, then or in either of the ſaid Caſes ſuch Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts in any other Caſes of Law.

Public Act.

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

SCHE-

SCHEDULE of SUBSCRIBERS' NAMES referred to in this Act.

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