



ANNO QUADRAGESIMO TERTIO

GEORGIUM III. REGIS.

Cap. 117.

An Act for erecting a new Church to be called *Christ-church*, in the Town of *Birmingham*, in the County of *Warwick*, and for providing a Maintenance and Residence for the Minister or Perpetual Curate thereof. [5th July 1803.]

WHEREAS the Town of *Birmingham* is very large and populous, and the Inhabitants, particularly the Artificers and Handicraftsmen, have of late Years greatly increased; and in the said Town there are only Two Churches and Three small Chapels, which are not sufficiently large to contain the Inhabitants resorting thither for the Purpose of Divine Worship: And whereas certain Inhabitants of the said Town, with the Consent and Approbation of the Bishop of the Diocese, are desirous at their own Expence and Charge, and at the Charge of other pious and well-disposed Persons who shall contribute to the same, to have a new Church erected in the said Town, to be consecrated and used for the publick Worship of Almighty God, and for the better Instruction of the People inhabiting and to inhabit therein, in the true Religion now used in the Church of *England*, and established by the Laws of this Realm; and are also desirous to purchase or erect a convenient House, fit for the Residence of the Minister or Perpetual Curate who for

[*Loc. & Per.*]

the Time being may be appointed to officiate in the said Church: And whereas *William Phillips Inge* Esquire, being desirous of promoting so pious a Design, has voluntarily offered to convey Two thousand one hundred and sixty square Yards of Freehold Ground, in the most convenient and desirable Part of the Parish of *Saint Philip* in the said Town, now under Lease to *John Hawkesford*, and his Under-tenants or Assigns, Fourteen Years of which Lease were unexpired at *Lady-day* last, for the Purpose of erecting thereon such new Church, provided a fair Compensation be made to the Lessees and Tenants thereof for the Loss or Losses which he or they may respectively sustain by being deprived of the Benefit and Advantage of the said Piece of Ground, and the Houses and Buildings thereon erected and being, for the Remainder of his or their Terms therein; which Compensation the Subscribers to the said new Church are willing and desirous should be made: And whereas the Lord Bishop of *Lichfield* and *Coventry*, in whose Diocese the Town of *Birmingham* is situated, being desirous also of promoting so good and pious a Work, and for the better Maintenance and Support of a resident Minister or Perpetual Curate to officiate in such new Church, is willing to annex a Prebend of the Cathedral Church of *Lichfield* in the City of *Lichfield*, to such new Church: And whereas the said *William Phillips Inge*, and the several Subscribers to the said pious Undertaking, have proposed and agreed, as far as in them lies, that the Right of Presentation to the said new Church so intended to be erected as aforesaid, shall be vested in the said Lord Bishop of *Lichfield* and *Coventry*, and his Successors, Bishops of the said Bishoprick, for ever; but the same cannot be effectually done, or the said several other Matters be carried into Execution, so as to answer the Intentions of the Parties interested therein, without the Aid and Authority of an Act of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful for the Bishop of the Diocese of *Lichfield* and *Coventry* for the Time being, to constitute and appoint a certain Number of Persons, by an Instrument in Writing under his Episcopal Seal, not exceeding the Number of Twenty, who shall be and are hereby appointed Commissioners and Supervisors for erecting a new Church, and providing a House for the Minister or Perpetual Curate thereof in the Town of *Birmingham*, in the County of *Warwick*, and who are hereby authorized and empowered to receive and collect all and every such Sum and Sums of Money as already have been, or hereafter shall be subscribed and freely given towards the erecting and building of the said new Church, and a House for the Minister or Perpetual Curate thereof, or for purchasing a House in the said Town of *Birmingham* for the Minister or Perpetual Curate of the said new Church for the Time being to dwell in, and to lay out and expend such Sum and Sums of Money to and for the said Uses and Purposes in the best and most provident Manner, as they or the major Part of them assembled at any Meeting shall judge most convenient and proper.

When Commissioners Powers shall determine.

II. Provided always, That the Power and Authority of the said Commissioners shall determine and cease within Twelve Calendar Months after the aforesaid Church shall have been erected, built, and finished, and after

after the House for the Residence of the Minister or Perpetual Curate thereof shall have been built or purchased as aforesaid.

III. And be it further enacted, That it shall and may be lawful for *William Phillips Inge* Esquire, to alien and convey unto the said Commissioners or Supervisors, or any Five or more of them, and their Heirs, all or any Part of that Piece or Parcel of Ground, with the Appurtenances, in *Birmingham* aforesaid, called or known by the Name of *Bennett's Hill*, now or late in the Tenure of the Assigns or Under-tenants of the said *John Hawkesford*, and containing by Admeasurement Forty-six Yards on the North-east Side or Part thereof, Forty-three Yards on the South-east Side or Part thereof, and Forty-six Yards on the South-west Side or Part thereof, and Fifty-three Yards on the North-west Side or Part thereof, and is bounded on the North-east and South-east Sides thereof by other Lands belonging to the said *William Phillips Inge*, and on the South-west by certain Streets called *New Street* and *Paradise Street*, and on the North-west Side by a certain Street called *Ann Street*; and on which said Piece of Ground are erected and standing the Messuage, Tenements, Barns, Sheds, Erections, and Buildings, mentioned in the Schedule hereunto annexed, and now in the Occupation of the several Persons named in the said Schedule.

Mr. Inge empowered to convey Land to Trustees.

IV. And whereas it will be necessary, for the Purpose of erecting the said new Church, to take down and remove the Messuage, several Tenements, Shops, Barns, Sheds, Erections, and Buildings, or some of them, mentioned and described in the said Schedule hereunto annexed, and now standing and being on Part of the Piece or Parcel of Ground, the Fee Simple of which is intended to be conveyed by the said *William Phillips Inge*, as aforesaid; be it therefore further enacted, That the said Trustees, or any Five or more of them, shall have full Power and Authority to purchase of and from all and every Person or Persons, any Lease or Leases, or any other beneficial Interest which he, she, or they may have or be entitled unto, of, into, or out of the said Piece or Parcel of Ground, the Fee Simple of which is intended to be conveyed by the said *William Phillips Inge* to the said Trustees, as herein-before is mentioned, or of, into, or out of any Houses, Buildings, or Erections thereon standing and being; and that if any such Person, upon Notice to him or her given or left in Writing at the Dwelling House or Place of Abode of such Person, or with the Tenant in Possession of the Land, Ground, Tenements, or Hereditaments, mentioned in the Schedule hereunto annexed, to treat for the Sale of his, her, or their Estate and Interest therein, shall, for the Space of Twenty Days after such Notice given or left as aforesaid, refuse or neglect to treat, or shall not agree in the Premises, or by reason of Absence shall be prevented from treating, then and in any such Case the said Trustees, or any Five or more of them, shall cause to be enquired into, ascertained, and assessed, by and upon the Oath of a Jury of Twelve indifferent Men of the County of *Warwick*, what Damages will be sustained by, and what Recompence shall be made to such Lessees or Occupiers, or other Persons interested, for or upon Account of the taking such Lands, Grounds, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto the said Trustees, or any Five or more of them, are hereby empowered from Time to Time as Occasion shall be or require, to summon before the said Jury, and examine upon Oath, any

Trustees to treat for Premises.

Differences how to be settled.

Jury to be impannelled.

Persons

Persons whomsoever as Witnesses concerning the Premises (which Oath, and also the Oaths to be taken by the said Jurymen, any One or more of the said Trustees are hereby empowered to administer) and they shall also order and cause the said Jury to view the Place in question, if there be Occasion, and use all lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises, as the said Trustees, or any Five or more of them, shall think fit; and after the said Jury shall have enquired of, ascertained, and assessed such Damages and Recompence, the said Trustees or any Five or more of them, shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jurors, to be paid to the Lessees or Occupiers of or Persons interested in the said Land, Ground, Tenements, or Hereditaments, according to such Verdict or Inquisition, and Judgement, Order, or Determination, so had and made, and the same shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties and Persons whomsoever; and all and every such Lessees and Occupiers, and Persons interested in such Land, Ground, Tenements; or Hereditaments, shall, upon Payment or Tender of the Money so assessed as aforesaid, be from thenceforth to all Intents and Purposes, divested of all Right, Title, Claim, Interest, and Property, of, in, and to the same; and for the summoning and returning of such Jury the said Trustees, or any Five or more of them, are hereby empowered to issue their Warrant to the Sheriff of the County of *Warwick*, requiring him to impanel, summon, and return, an indifferent Jury of Twenty-four Persons, to appear before the said Trustees, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed, and the said Sheriff or his Deputy is hereby required to impanel, summon, and return such Number accordingly; and out of the Persons so impanelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Trustees, or any One or more of them, shall swear or cause to be sworn Twelve, to be drawn by Ballot out of the said Twenty-four; and in Default of a sufficient Number of Persons so impanelled, the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, who shall be sworn in like Manner until the Number of Twelve be compleated, which shall be the Jury for the Purposes aforesaid; and all Persons concerned shall have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array; and the said Trustees, or any Five or more of them, acting in the Premises, shall have Power from Time to Time to impose any reasonable Fine or Fines on such Sheriff, his Deputy, Bailiffs, or Agents, making Default in the Premises, and on any of the Persons who shall be summoned and returned on such Jury and shall not appear, or shall refuse to be sworn on the said Jury, or being so sworn shall refuse to give, or shall not give his or their Verdict, or in any other Manner wilfully neglect his or their Duty therein, contrary to the true Intent and Meaning of this Act, and upon any of the Persons who being required to give Evidence before the said Jury touching the Premises, shall refuse or neglect to appear, or appearing shall refuse to be sworn and give Evidence, and from Time to Time to recover and levy such Fines in the same Manner as any other Forfeiture or Penalty is by this Act directed to be recovered and levied, so that no such Fine shall exceed the Sum of Ten Pounds upon any such Sheriff or his Deputy, nor the Sum of Forty Shillings upon any other Person

Person for any One Offence; and all and every such Fines and Penalties so to be levied and recovered, shall be applied to and for the Purposes of this Act.

V. And be it further enacted, That in case any such Jury shall give in and deliver a Verdict or Assessment for more Monies as a Recompence for the Right, Interest, and Property of any Persons in the said Buildings, Land, Tenements, or Hereditaments, or for any such Loss or Damage, as aforesaid, than what shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then and in such case the Costs and Charges of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the said Trustees, or any Five or more of them, out of the Money subscribed or to be subscribed for the Purposes of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more or for less Money than shall have been agreed to and offered by the said Trustees, or any Five or more of them, before the summoning and returning of the said Jury, as a Recompence or Satisfaction, for any such Right, Interest, or Property, or Loss or Damage as aforesaid, that then the Costs and Expences of summoning and maintaining the said Jury and Witnesses shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute.

How the Expences of Jury are to be paid.

VI. Provided always, and be it further enacted, That if any of the Erections and Buildings, mentioned and described in the Schedule hereunto annexed, or any of the Persons in whose Possession or Occupation the same or any or either of them, or any Part thereof, are or is stated or described to be, or the Person or Persons beneficially interested therein, shall happen to be misnamed or inaccurately described, such Misnomer or inaccurate Description shall not prevent or retard the Trustees in the Execution of this Act, but the same Premises and every Part thereof shall and may be used and disposed of for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same or any Part thereof were more particularly described or named; any Thing herein contained to the contrary notwithstanding.

Misnomers of Persons in the Schedule not to prevent the Execution of the Act.

VII. And be it further enacted, That all and every Sum and Sums of Money so assessed as aforesaid, is and are hereby charged upon the Monies which are or shall be subscribed for the Purposes of this Act, and shall be paid thereout by the said Trustees, or any Five or more of them, or their Treasurer, to the Person or Persons respectively entitled thereto, or his, her, or their Agents; and upon Payment thereof, or in case such Persons or their Agents cannot be met with, or upon Tender of such Money shall refuse to receive the same, then upon leaving the same in the Hands of the Treasurer to the said Trustees, for the Use of the respective Persons entitled thereto, and upon One Month's Notice thereof in Writing, signed by any Five or more of the said Trustees, or their Treasurer, given to such Persons, or left at their respective usual Places of Abode, such Land, Tenements, or Hereditaments, shall, by the said Trustees, their Surveyors or Workmen, be taken and used for the Purposes of this Act; and it shall and may be lawful for the said

Monies assessed how to be raised.

[Loc. & Per.]

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Trustees,

Church to be
built,

and Galleries
erected;

also Seats for
poor Inhabi-
tants.

Church to be
inclosed.

Land to be
purchased to
build House
for Minister's
Residence,

or a House
ready built to
be purchased.

Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them for that Purpose shall order, direct, or appoint, with all convenient Speed to pull down and clear away the Houses and Buildings now standing thereon, and to erect and build a new Church on the said Piece of Ground, in such Manner as to the said Trustees or any Five or more of them, shall seem proper or convenient, and to make, erect, and set up Galleries and kneeling Places, and other Ornaments and Conveniencies in the said new Church, and to place and set down Benches and Seats in the Area thereof, for the Accommodation of the poor Inhabitants, in order that the same may be consecrated and set apart for Divine Service, according to the Rites and Ceremonies of the Church of *England*; and also to take in and inclose with proper Walls or Fences, the said new Church; and also that it shall and may be lawful for the said Trustees or any Five or more of them, to purchase and receive a Conveyance of One Piece or Parcel of Land, not exceeding Eight hundred square Yards by Admeasurement, in any Part of the Town of *Birmingham* aforesaid, for the Purpose of erecting and building thereon a House, with suitable Conveniencies, fit for the Residence of the Minister or Perpetual Curate of the said new Church, or in case a suitable and convenient House in the Town of *Birmingham* aforesaid, can be purchased for the Residence of such Minister or Perpetual Curate, then to purchase and receive a Conveyance of the same, the Statute of Mortmain, or any other Law or Statute whatsoever to the contrary notwithstanding; so that the Charges and Expences of building and completing the said several Works and Purchases do not exceed the Sum of Money which is or shall be subscribed for that Purpose: Provided always, that the Materials of the said Houses so to be taken down shall belong to and be applied by the said Trustees for the Purposes of this Act.

Trustees may
contract with
Persons for
building the
Church, &c.

VIII. And be it further enacted, That at any Meeting or Meetings of the said Trustees for putting this Act into Execution, it shall be lawful for the said Trustees, or the major Part of them assembled at such Meeting or Meetings, to receive Proposals from and contract with any Surveyor or Surveyors, Builder or Builders, or Workmen, for the building and finishing the said new Church, and House for the Minister or Perpetual Curate, and providing proper Materials for those Purposes, and also for purchasing proper Materials for erecting Galleries and kneeling Places, and other proper Ornaments, and for completing and finishing the same; provided that none of the Trustees appointed under or by virtue of this Act shall be appointed a Contractor or Builder, or have any Emolument under this Act.

Notice to be
given of
Meetings.

IX. Provided always, That Ten Days Notice at the least be given of any Meeting or Meetings for the Purposes last mentioned, by affixing a written Notice specifying the Time, Place, and Purpose of such Meeting, on One of the Doors of every Church in the Town of *Birmingham* aforesaid.

Contracts and
other Pro-
ceedings of
Trustees to be
entered in a
Book.

X. And be it further enacted, That all and every Contract and Contracts so to be made for the said intended Buildings, and all other Proceedings of the said Trustees, and all Sums of Money which shall be received and paid by them under and by virtue of this Act, shall be written down and entered in a Book or Books to be kept and provided by the
said

said Trustees for that Purpose, and such Book or Books shall be kept at the Office of the Clerk to the said Trustees, and shall be open at all reasonable Times to the Inspection of the Subscribers to the said new Church, without Fee or Reward.

XI. And be it further enacted, That the said Trustees or the major Part of them shall, by Writing under their Hands, appoint a proper Person to be their Clerk or Treasurer for the Purpose of receiving the Monies subscribed or to be subscribed towards building the said new Church and House for the Residence of the Minister or Perpetual Curate, and for other the Purposes of this Act; which said Clerk or Treasurer so to be appointed, shall give such Security for the due Application of all Monies which shall be so by him received, as the said Trustees, or the major Part of them, shall think necessary and satisfactory.

Trustees to
appoint a
Clerk.

XII. And be it further enacted, That no Pews shall be erected or set up in any Part of the Area or Floor of the said Church, for the exclusive Use or Benefit of any Person or Persons whomsoever, except for the personal Accommodation of the Family of the Minister of the said Church, and the Churchwardens thereof for the Time being; but proper Seats and Benches shall be made thereon for the free Use and Accommodation of all Persons resorting to the said Church for the Purpose of Divine Worship; and that no Rent, Payment, or Gratuity of any Sort or Kind shall be had, received, or taken, for or on account of such Seats or Benches.

No Pews to
be erected in
the Area of
the Church.

XIII. And be it further enacted, That as soon as the said new Church shall be erected, built, and finished, and in the Judgement of the Lord Bishop of *Lichfield* and *Coventry* for the Time being, made fit for the Performance of Divine Service therein, it shall be lawful for the said Bishop, and he is hereby authorized and required to consecrate the same, and after such Consecration, the same shall be and be deemed a Perpetual Cure, and shall be called and distinguished by the Name of *Christ Church in Birmingham* for ever; and that it shall be lawful for the said Bishop of *Lichfield* and *Coventry*, or his Successors, immediately after the said Church shall be consecrated, to nominate, appoint, and licence a Minister or Perpetual Curate to the said Church, duly qualified according to Law, to officiate and perform Divine Service therein; and the Minister or Perpetual Curate of the said new Church for the Time being, shall be deemed and taken by virtue of this Act to be incorporated and made One Body Politick and Corporate, by the Name of *The Minister or Perpetual Curate of Christ Church in Birmingham in the County of Warwick*, and by that Name shall have perpetual Succession, and shall sue and be sued in all Courts of the Realm, and shall and may purchase, receive, or take, upon any Donation, Gift, or Conveyance, Lands, Tenements, or Hereditaments, to him and his Successors, Ministers or Perpetual Curates of the said new Church, for ever, not exceeding the yearly Value of Two hundred Pounds over and above what is settled on the said Minister or Perpetual Curate and his Successors, by this Act, the Statue of Mortmain or any other Law or Statute whatsoever to the contrary notwithstanding; and the said new Church, together with the House to be provided for the Residence of the Minister or Perpetual Curate

Church to be
consecrated.

Minister
thereof to be
appointed by
the Bishop of
Lichfield and
Coventry.

The Church and Officers to be subject to the Jurisdiction of the Bishop.

Curate of such new Church as herein-before mentioued, shall be vested in the Minister or Perpetual Curate for the Time being, and his Successors, Ministers or Perpetual Curates of the said new Church, for ever, in the same Manner as the Freehold and Inheritance of a Parish Church and Parsonage House are, by the Laws of this Realm, vested in the Incumbent thereof; and the new Church, and the Ministers or said Perpetual Curates thereof for the Time being, as also the Persons who shall act as the Churchwardens thereof, shall be under and subject in all Respects to the ordinary Ecclesiastical Jurisdiction by Law established.

Right of Presentation to be vested in the Bishop of Lichfield and Coventry.

XIV. And be it further enacted, That the Advowson, Right of Patronage, and Nomination, and of licensing a Minister or Perpetual Curate to the said new Church, shall appertain and belong to and be hereby vested in the Lord Bishop of *Lichfield* and *Coventry* for the Time being, and his Successors, for ever; and that for the better Livelihood and Maintainance of the Minister or Perpetual Curate of the said new Church, the Prebend of *Tachbrooke* founded in the Cathedral Church of *Lichfield*, whenever it shall become void, shall be conferred by the said Bishop for the Time being on such Person as shall then be Minister or Perpetual Curate of the said new Church, and that the said Bishop shall collate him to it, and Possession shall be given him of it in such Form and Manner as is usual, and under such Conditions as the Statutes of the said Cathedral Church shall require, to have and to hold the same so long as he shall continue Minister or Perpetual Curate of the said new Church in *Birmingham*, and no longer; and whenever by his Death, or by any other Means whatsoever, the said new Church shall become void, the said Prebend also shall become void, to the Intent that the said Prebend shall be always annexed to, united, and holden with the said new Church, for ever; and the succeeding and every succeeding Minister or Perpetual Curate of the said new Church, shall be collated to the said Prebend, and installed into it as usual, under the Obligation of all Duties, Burthens, and Charges, to which the said Prebend is or may hereafter be subjected by the Statutes of the said Cathedral Church: Provided nevertheless, and it is hereby declared, that nothing in this Act contained shall in any sort extend to alter the Estate or Interest of the present Prebendary of *Tachbrooke* in the said Prebend, but that he may let any Lease or Leases as heretofore has been usual; the same not being contrary to the Laws and Statutes of the Realm respecting the Leases of Corporations Sole.

Minister to reside Ten Months every Year.

XV. And be it further enacted, That the Minister or Perpetual Curate of the said new Church for the Time being, shall reside Ten Months in every Year in the House to be provided for and appropriated to be the Residence of the said Minister or Perpetual Curate; and if he shall in any Year fail so to reside (that is to say) Ten Months in any Year, then the said Church shall be immediately deemed to be and be absolutely void, notwithstanding any Plea of Exemption which the said Minister or Perpetual Curate might otherwise set up, under or by virtue of any general Statute or Law relating to the Residence of Spiritual Persons on their Benefices; and the said Bishop for the Time being shall without Delay nominate, appoint, and licence again, a fit and proper Minister or Perpetual Curate in his room.

XVI. And

XVI. And be it further enacted, That it shall be lawful for the Minister or Perpetual Curate for the Time being of the said Church, to nominate and appoint such Person from Time to Time as he shall think fit, to officiate as Clerk in the said Church, and also from Time to Time to displace and remove such Clerk, as the said Minister or Perpetual Curate shall see Cause.

For Appointment of a Clerk.

XVII. And be it further enacted, That the Minister or Perpetual Curate of the said intended Church, with the Inhabitants of the Town of *Birmingham*, assembled in the Vestry of the said Church, on Seven Days Notice to be previously given in the said Church on some *Sunday* Forenoon immediately after Divine Service, shall and may on some convenient Day within Twenty-one Days next after the Consecration of the said Church, and annually every Year afterwards, on *Easter Tuesday*, of which Notice shall be given in the said Church on *Easter Sunday* in the Forenoon immediately after Divine Service, elect and appoint Two Persons, being Inhabitants of the said Town, to be Churchwardens of the said Church (not being of the People commonly called *Quakers*), One to be chosen by the Minister or Perpetual Curate, the other by the major Part of the Inhabitants so assembled; which said Churchwardens so to be from Time to Time elected, shall be sworn into their Office by the proper Ecclesiastical Officers exercising Ecclesiastical Jurisdiction within the Diocese of *Lichfield* and *Coventry*, and shall have the like Powers and Authorities relating to the said new Church as the Churchwardens of any other Church within the Diocese of *Lichfield* and *Coventry* do or lawfully may exercise, and shall continue in the said Office until the *Easter Tuesday* following, and until other Churchwardens shall be nominated and appointed to accept the said Office; and every Person so to be appointed and chosen as aforesaid, shall and they are hereby required to accept and take upon them the Office of Churchwarden as aforesaid, upon pain that every Person or Persons so appointed, and neglecting or refusing to accept or execute the said Office (not being a Second Time contrary to his or their Inclination appointed thereto) within the Space of Ten Years, shall forfeit and pay to the last preceding Churchwardens the Sum of Five Pounds, to be recovered by them by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, together with Double Costs of Suit, to be applied towards the Repairs and Support of the said new Church; and then and in every such Case, and in case the said Churchwardens, or One of them shall die before the Expiration of the said Year next after his or their Appointment to the said Office, it shall be lawful for the Minister or Perpetual Curate, and Inhabitants for the Time being assembled in the said new Church in pursuance of Ten Days Notice to be given in Manner before directed to the major Part of them so assembled, to nominate and appoint some other fit Person or Persons to the said Office in the room or place of such Churchwarden or Wardens so dying or refusing to accept as aforesaid; and such Person or Persons shall thereupon accept and take upon him or them the said Office, on pain of the like Forfeiture to be recovered and applied in like Manner as if such Person or Persons had been originally elected and chosen to the said Office, and had refused to accept the same.

Churchwardens to be chosen by the Minister and Inhabitants.

XVIII. And be it further enacted, That when and as soon as the said new Church shall be built and completed by virtue of this Act, the same

Church to be kept in Repair by a General Levy on the Inhabitants.

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shall

shall thenceforth, for ever, be supported and kept in Repair by a General Rate or Levy upon the Inhabitants of the said Town of *Birmingham*, in like Manner as the other Churches in the said Town are supported and kept in Repair.

Seats and
Kneelings in
the Galleries,
vested in the
Minister.

XIX. And be it further enacted, That the Right, Property, and Interest of the several Seats or Pews in the Galleries to be erected in the said Church, shall and are hereby declared to be vested in the Minister or Perpetual Curate of the said Church, and his Successors, for ever, to be let out by him to any Person or Persons being Inhabitants in and near the said Town of *Birmingham* only (subject to the Restrictions hereinafter mentioned), who shall be willing to contract and agree for the same, at such Rent as shall be settled at a General Meeting of the said Trustees to be holden for that Purpose, within One Month after the Consecration of the said new Church, or the major Part of such Trustees at such Meeting assembled.

Seats in the
Galleries to
be numbered.

XX. And be it further enacted, That the said Trustees or any Five or more of them, shall and they are hereby required to cause the several Seats or Pews in the Galleries of the said Church to be numbered, and the several Numbers of the said Seats to be entered in a Book, and also the annual Rent at which the same shall be set or let by the said Minister or Perpetual Curate as aforesaid; which Book shall be kept and preserved in the Vestry of the said Church, and shall be open to the Inspection of all Persons renting or occupying any of the said Seats or Pews, at all seasonable Times, without Fee or Reward; and if any of the Rents agreed to be paid for any of the said Seats or Pews shall remain in Arrear and unpaid for the Space of One Calendar Month after the same shall have become due, and Payment whereof shall have been duly demanded, that then it shall be lawful for the Minister or Perpetual Curate of the said new Church for the Time being to re-enter upon such Seats or Pews, and also to sue for and recover the said Rent so in Arrear, by Action of Debt or on the Case, Bill, Complaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Imparlanche shall be allowed, or to levy such Rent by Distress and Sale of the Goods and Chattels of the Person or Persons neglecting or refusing to pay the same, by Warrant under the Hands and Seals of any Two or more Justices of the Peace for the said County of *Warwick*, which Warrant such Justices are hereby empowered and required to grant, upon Proof being made before them upon Oath, that such Rent has been demanded and remains unpaid; which Oath such Justices are hereby empowered and required to administer without Fee or Reward.

Limitation of
Rent for Seats.

XXI. And be it further enacted, That Two third Parts in Number of the Seats to be erected in the said Galleries, shall be let by the said Curate, at such Prices as the said Trustees, or the major Part of them, may think proper, but that the remaining Third Part in Number of the said Seats shall not be let for a Sum exceeding Seven Shillings for each Seat, nor for less than the Sum of Two Shillings and Sixpence for each Seat, by the Year, for the Space of Fifty Years next after the passing of this Act; out of which annual Rents the Minister or Perpetual Curate of the said new Church shall pay to the Clerk officiating therein, a Sum
not

not less than Fifteen Pounds *per Annum*; and in letting or setting the said Two-third Parts in Number of the said Seats, the Rents of which are not by this Act limited, Preference shall be given in the Choice of such Seats, to Persons subscribing the largest Sums of Money for building and completing the said Church as aforesaid, provided such Preference be claimed within One Month after the Rates or Prices at which the said Seats or Pews are to be let or set shall have been ascertained as aforesaid; and if any Disputes respecting the said Seats shall arise between Two or more Subscribers of equal Sums of Money, such Dispute shall be determined at a Meeting of the said Trustees by way of Ballot.

XXII. Provided always, That it shall and may be lawful for the Renters of such Pews or Seats, so long as they shall respectively pay the Rents for the same, to hold and enjoy such Seats or Pews so to be let or set to them without any Disturbance or Molestation whatsoever, at the respective Rents so to be fixed by the said Trustees: Provided further, that no Renter or Occupier of such Seats or Pews shall let or demise the same or any of them, or any kneeling or setting therein, to any Person or Persons whomsoever for a larger or greater Rent than he, she, or they shall respectively pay for the same, or receive any Sum of Money or other Advantage for assigning or giving up his Right to the Use or Occupation of such Seats or Pews, upon pain of forfeiting the Use and Occupation of such Seats or Pews in which Case the same shall become forfeited; and the Minister or Perpetual Curate of the said new Church shall have Power, immediately after such Event shall have happened, to let the same Pews or Seats to such Person or Persons as he shall think proper, subject to the Restrictions and Provisions, aforesaid.

Renters of Pews to hold them without Molestation.

XXIII. And be it further enacted, That if the Minister or Perpetual Curate of the said new Church, or his Successors, shall at any Time take, demand, or receive any greater Rent for such Seats or Pews, or any of them, than shall be settled by the said Trustees in Manner aforesaid, or shall receive or take, or permit to be received or taken any Fine, Gratuity, Fee, or Reward, from any Person or Persons, as a Consideration for letting such Seats or Pews, such Minister or Perpetual Curate so offending, shall upon Complaint thereof made to the Bishop of the Diocese for the Time being, and upon Proof of such Demand, taking or receiving or permitting to be taken or received, upon the Oath of a credible Person or Persons not interested in the said Seats or Pews (which Oath the said Bishop is hereby required and empowered to administer), forfeit a Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the said Bishop; which Penalty shall and may be recovered by Action at Law with full Costs of Suit, in which Action no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

Penalty on Minister taking larger Rents than those settled by Trustees.

XXIV. And be it further enacted, That in case of Failure of Payment of any Money subscribed or to be subscribed for or towards the Purposes of this Act, or of any Part or Portion thereof, for the Space of Twenty Days after Demand thereof made by the said Trustees, or any Five or more of them, or by such Person or Persons as they or any Five or more of them, shall for that Purpose, by Writing under their Hands, authorize or appoint, that then it shall be lawful for any Two or more Justices of the Peace

Recovery of Subscription Money.

Peace for the said County of *Warwick*, upon Complaint made to them by the said Trustees or any Five or more of them, to summon by Writing under their Hands and Seals, the Party or Parties so making Default before them; and after his or their Appearance, or in Default of such Appearance, the said Warning or Summons being proved before the said Justices upon Oath (which they are hereby authorized to administer) the said Justices, or any Two or more of them, shall proceed to hear and determine the said Complaint, and upon the Proofs, Evidences, and Testimonies produced before them, shall, in Writing under their Hands and Seals, adjudge the Case, and give such reasonable Allowance and Compensation of and for the Sum and Sums of Money so due and in Arrear as they shall adjudge to be just, and also such Costs and Charges, not exceeding Ten Shillings, as to them shall appear reasonable; and in case any Person or Persons shall refuse to comply with the Order of such Justices, that then the said Justices shall and they are hereby empowered and required, by Warrant under their Hands and Seals, to levy the Money so to be awarded by them, with such Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or making Default in Payment as last aforesaid, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or otherwise it shall be lawful for the said Trustees to sue for and recover the Amount of such Subscription or Subscriptions in the Name of their Clerk or Treasurer, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or upon the Case, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlanche shall be allowed.

Money subscribed towards the Expences of the Act, deemed Part of Subscription Money.

XXV. And be it further enacted, That all such Monies as shall be subscribed or paid by any Person or Persons whomsoever towards defraying the Expences of this Act, shall be considered, deemed, and taken as Part of their several Subscriptions towards the building the said new Church, and House for the Residence of the Minister or Perpetual Curate; and that as well all such Subscriptions for or towards the obtaining this Act, as also all Subscriptions towards erecting and finishing the said intended new Church, shall in the First Place be liable to and applied towards the paying and defraying the Charges and Expences attending the obtaining and passing of this Act.

Residue of Subscription Money to be paid to the Bishop for the Benefit of the Cure.

XXVI. And be it further enacted, That all and every Sum and Sums of Money subscribed for the Purposes of this Act, which shall remain and be in the Hands of the Treasurers to be appointed in pursuance of this Act, after Payment of all the Charges and Expences of building and completing the said new Church, and the House for the Residence of the Minister or Perpetual Curate thereof, and all other Expences incident to and attending the obtaining of and carrying into Execution this Act, shall by the said Treasurers be paid into the Hands of the Bishop of *Lichfield* and *Coventry* for the Time being, to be by him disposed of and applied for the Benefit of the Perpetual Curate of the said new Church or Perpetual Curacy, in such Manner as the said Bishop shall think most fit and proper.

XXVII. Provided

XXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act contained shall extend or be construed to extend to prejudice, impeach, or defeat any Right, Title, Interest, Claim, or Demand, of the Rectors of either of the Parish Churches, or the Ministers of *Saint Bartholomew's Chapel, Saint Paul's Chapel, and Saint Mary's Chapel*, in *Birmingham* aforesaid, or the Curates or other Officers of the said Churches or Chapels, or their Successors respectively, to any Tythes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, or Advantages arising within the said Parishes, and belonging to them or any of them respectively; but the said Tythes, Offerings, Surplice Fees, Oblations, Obventions, and other Ecclesiastical Rights, Dues, Fees, Duties, Benefits, and Advantages, shall be paid and payable in 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; provided that it shall and may be lawful for the said Minister or Perpetual Curate to visit the Sick, and administer private Baptism to sick Children in danger of Death in any Part of the Town of *Birmingham* aforesaid.

Nothing in this Act to affect the Rights of the Minister of certain Churches and Chapels in *Birmingham*.

XXVIII. Provided always, That in case any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, it shall and may be lawful to and for him, her, or them to appeal to the Justices of the Peace at their next General Quarter Sessions to be held in and for the said County of *Warwick*; or in case the said Complaint shall arise within Fourteen Days next before such General Quarter Sessions of the Peace to be held for the said County, then such Appeal may be to the said Justices at the Second General Quarter Sessions of the Peace to be held for the said County; who are hereby authorized and required to take Cognizance thereof, and to hear and determine the Complaint and Complaints of any Person or Persons so aggrieved, and if they see Cause, shall and may, by Order of the said Sessions, mitigate at their Discretion any Penalties or Forfeitures laid or incurred by the Party or Parties complaining, or otherwise may ratify and confirm the same, with such Costs as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant such Costs so awarded by Distress and Sale of the Goods and Chattels of any Person or Persons who shall refuse to obey the same; but the Person or Persons so appealing as aforesaid shall, and they are hereby respectively directed to give Notice in Writing to the said Trustees for the Time being, or any Five or more of them, of such their Intentions of bringing or prosecuting any Appeal, Fourteen Days before the said Quarter Sessions, and shall within Five Days after such Notice given, enter into a Recognizance before some Justice of the Peace for the said County of *Warwick*, with Two sufficient Sureties, with Condition to try such Appeal at the next Quarter Sessions of the Peace, or the Second Quarter Sessions of the Peace which shall be held in and for the said County next and immediately after bringing such Appeal respectively, and also in case such Appeal shall be disallowed, to pay such Costs and Charges as the said Justices shall direct in that Behalf; and every such Appeal shall at the said next or Second General Quarter Sessions (as the Case may require) be there heard, and finally determined.

Persons aggrieved may appeal to the Quarter Sessions.

Proceedings
not to be
quashed for
Want of
Form.

XXIX. Provided always, That no Order made touching or concerning any of the Matters aforesaid, or any of the Proceedings to be had touching the Conviction or Convictions of any Offender or Offenders against this present Act, shall be quashed or vacated for want of Form only, 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*, any Law, Statute, or Custom to the contrary thereof in anywise notwithstanding.

Limitation of
Actions.

XXX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action shall be commenced within Six Calendar Months next after the Fact committed; and the Defendant

General Issue.

or Defendants in any such Action or Suit may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant shall have appeared, or if Judgement shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for the same as any Defendants have in other Cases by Law.

Publick Act.

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

The SCHEDULE to which this Act refers.

A CERTAIN Messuage or Tenement, situated in the Parish of *Saint Philip's* in *Birmingham*, in a Place called *Bennett's Hill*, and fronting a certain Street there called *New Street*; in the Occupation of *John Percival*.

A Tenement or Shop, with a Room over it, adjoining to the said Messuage or Tenement, and fronting *New Street*; in the Occupation of *William Burdett*.

A Shed, Shop, or Building, situated on *Bennett's Hill* aforesaid, and fronting a certain Street called *Paradise Street*; in the Occupation of *William Hollins*.

A Barn or Shed, situated on *Bennett's Hill* aforesaid, and One End of which Barn adjoins to *Ann Street*; and now in the Occupation of *Samuel Badger*.

A Building, now used as a Blacksmith's Shop, on *Bennett's Hill*, and fronting *Ann Street* aforesaid; in the Occupation of *James Cox*.

A Building, used as a Butcher's Shop, on *Bennett's Hill*, fronting *Ann Street* aforesaid, with a Shed fronting *Paradise Street* aforesaid; in the Occupation of *James Greaves*.

A Fruit Shop adjoining to the Shed in the Occupation of the said *James Greaves*, and fronting *Paradise Street*; occupied by ——— *Newbold* Widow, and leased to ——— *Wilson*, Fourteen Years of which Lease were unexpired on the Twenty-fifth Day of *March* last.

The Fee Simple of the Land upon which the above Buildings stand, belongs to *William Phillips Inge* Esquire; and the respective Occupiers thereof, except *Newbold* Widow, and *James Cox*, hold the same by virtue of several Leases granted to them, Fourteen Years of which were unexpired on the Twenty-fifth Day of *March* last.

