



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 130.

An Act to amend and render more effectual an Act of His present Majesty, for erecting a new Church, to be called *Christchurch*, in the Town of *Birmingham* in the County of *Warwick*; and for providing a Maintenance and Residence for the Minister or perpetual Curate thereof. [24th May 1810.]

WHEREAS an Act was passed in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for erecting a new 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*: And whereas the Commissioners appointed in pursuance of the said Act have proceeded to put the same in Execution, and considerable Progress hath been made in erecting a Church according to the Directions of the said Act, and the whole of the Money subscribed for the Purposes of building the said Church has been expended, and it is expedient that some Parts of the said Act should be repealed, altered, and amended, and further Powers given to raise Money for completing the said Church: And whereas the making and forming of Catacombs under the said Church would tend to the Stability and Security thereof, and such

[Loc. & Per.] 33 F Catacombe

43 G. 3. c. 117.

Catacombs might be sold for a considerable Sum of Money: And whereas it has been found expedient for the better Formation of the Ground surrounding the said Church to raise Part thereof, and in order to sustain and support the same to turn Arches and make Vaults, and to build Walls and other Edifices and Erections under Part of the Ground appertaining to the said Church, and it is desirable that other Vaults, Arches, Chambers, and Edifices should be made, formed, and constructed within or under Part of the said Ground fronting the Street called *New Street*, and the Funds for establishing the said Church might be increased if the Commissioners for executing the said Act were enabled to let or sell and dispose of the Vaults, Arches, Chambers, Edifices, and Erections made and to be made within or under the said Ground, for such Purposes and under such Restrictions as the Bishop of *Lichfield* and *Coventry* for the Time being, and the Archdeacon of *Coventry* for the Time being, may approve of: But the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners appointed or to be appointed for putting the said recited Act in Execution shall be and are hereby declared to be Commissioners for executing this Act, and shall have such and the like Powers and Authorities for executing the said recited Act and this Act as if they had been herein named Commissioners for executing the said recited Act and this Act.

Commissioners of former Act to be Commissioners to execute this Act.

Repealing certain Parts of the said recited Act relating to Residence.

II. And whereas it is by the said recited Act 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 license again, a fit and proper Minister or perpetual Curate in his room: And whereas it is apprehended, that such Provision will be productive of Inconvenience; be it therefore further enacted, That so much of the said recited Act shall be and the same is hereby repealed and declared null and void to all Intents and Purposes.

Certain Parts of the Act, limiting the Power of the Commissioners, repealed.

III. And whereas it is by the said Act enacted and provided, 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 the House for the Residence of the Minister or perpetual Curate thereof shall have been built

built or purchased as aforesaid: And whereas it is necessary for the Purposes of the said recited Act and this Act, that the Authority of the said Commissioners should be extended beyond the Period aforesaid; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed and declared null and void to all Intents and Purposes.

IV. And be it further enacted, That it shall be lawful for the Bishop of the Diocese of *Lichfield* and *Coventry* for the Time being, from Time to Time and at all Times as he shall see Occasion, to constitute and appoint any Person or Persons that he shall think proper to be a Commissioner or Commissioners for putting the said recited Act and this Act in Execution: Provided always, that the Number of Commissioners appointed and to be appointed for executing the said recited Act and this Act shall not at any given Time exceed the Number of Twenty-one.

Vacancy of Commissioners to be supplied by the Bishop.

V. And be it further enacted, That the Power and Authority given to and vested in the said Commissioners, by the said recited Act and this Act, shall continue and be exercised until all the Purposes of the said recited Act and this Act, so far as the same relate to or concern such Commissioners, shall have been fully executed and accomplished; and that all Acts, Matters, and Things to be done and executed by the major Part of the said Commissioners assembled at any Meeting for executing the said recited Act and this Act, so as such Meeting consists of Five or more of the said Commissioners, shall be as valid and effectual as if all the Commissioners appointed for executing the said recited Act and this Act had concurred and joined therein.

Authority to Commissioners extended.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Commissioners to be appointed by virtue of this Act, to cause Catacombs, Vaults, and Arches to be made, formed, and constructed of such Dimensions and in such Manner as may appear to them most eligible, under the said Church or any Part thereof, and to make, form, and construct any Vaults, Chambers, Arches, or Edifices, under any Part of the Ground appropriated and set apart by the said Act or by virtue thereof for the Purpose of building the said Church, which by the Commissioners for executing this Act may be judged necessary and proper; and it shall be lawful for the said Commissioners to pay, apply, and dispose of any Money which may be raised, subscribed, or given for the Purposes of the said recited Act and this Act in defraying the Charges and Expences of forming, making, and constructing any such Catacombs, Vaults, Arches, Chambers, or Edifices, and all Charges and Expences incident or appertaining thereto; and all such Catacombs, Vaults, Arches, Chambers, Edifices, and Erections, shall be vested in the said Commissioners for executing the said recited Act and this Act for the Purposes herein-after mentioned.

Commissioners authorized to form Catacombs, Vaults, and Arches.

Power to borrow Money.

VII. And be it further enacted, That it shall and may be lawful for any Five or more of the Commissioners for executing this Act, from Time to Time as they shall see Occasion, to borrow and take up at Interest any Sum or Sums of Money, which shall be agreed upon at any Meeting, not exceeding in the Whole Five thousand Pounds, of any Person or Persons willing to advance and lend the same for the Purposes of this Act, upon the Credit of the said Catacombs, Vaults, Arches, Chambers, and Edifices, and by Writing under their Hands and Seals to assign all or any of such Catacombs, Vaults, Arches, Chambers, or Edifices to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same, and the Costs and Expences of such Assignment thereof to be made as hereafter mentioned, shall be from Time to Time defrayed by the said Commissioners out of the Monies to be so borrowed, and every such Assignment shall be in the Words or to the Effect following :

Form of Assignment.

‘ WE of the Commissioners appointed
 ‘ in pursuance of an Act, passed in the Fiftieth 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 by *A. B.* upon the Credit and for the Purposes of the said Act,
 ‘ do hereby grant and assign unto the said *A. B.* [*or, to his or her Trustee*
 ‘ or Trustees, *as the Case may be*] his or her Executors, Administrators,
 ‘ and Assigns, all those Catacombs, Vaults, Arches, Chambers, or Edi-
 ‘ fices, Number [*describing those which are intended to be assigned*]
 ‘ To hold to him or her, his [*or, her*] Heirs or Assigns, from this
 ‘ Day of until the said Sum of
 ‘ with Interest at the Rate of *per Centum per Annum*
 ‘ for the same shall be repaid. In witness whereof we have hereunto set
 ‘ our Hands and Seals the Day of

And all such Assignments shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made to all Profits and Advantages to be derived from such Catacombs, Vaults, Arches, Chambers, or Edifices, as may be so assigned, until the Principal Money so to be advanced by him or her, with lawful Interest for the same, shall have been thereby or otherwise fully paid and satisfied.

Securities to be transferable.

VIII. And be it further enacted, That it shall be lawful for the Person and Persons who may be entitled to any of the Securities for the Money to be borrowed as aforesaid, and the respective Executors, Administrators, or Assigns of such Person and Persons (as the Case may be) at any Time, by Writing under his, her, or their Hand and Seal, or Hands and Seals, to transfer such Securities to any Person or Persons whomsoever.

IX. And

IX. And be it further enacted, That it shall and may be lawful for the Commissioners for executing the said recited Act and this Act, from Time to Time, as they may see Occasion, to sell and dispose of all or any of the Catacombs for the Purposes of Burial, and also, with the Consent in Writing of the said Bishop of *Lichfield* and *Coventry* for the Time being, and the Archdeacon of *Coventry* for the Time being, to let or sell and dispose of all or any of the Vaults, Arches, Chambers, Edifices, and Erections, under the said Church, or within or under any Part of the Ground belonging to the said Church, for such Purposes and under such Restrictions as the said Bishop of *Lichfield* and *Coventry*, and the said Archdeacon of *Coventry*, shall approve of; and all such Catacombs, Vaults, Arches, Chambers, Edifices, and Erections, to be sold by virtue of this Act, shall be conveyed as Freehold of Inheritance in Fee Simple unto the Purchaser or Purchasers of the same respectively, and a Conveyance of the same by Lease and Release, made and executed by any Five of the said Commissioners, shall be valid and effectual in the Law to vest the same in such Purchaser or Purchasers, and his, her, and their respective Heirs and Assigns absolutely for ever.

Commissioners to sell Catacombs, &c.

X. And be it further enacted, That all Monies to arise from the Rent or by Sale of the said Catacombs, Vaults, Arches, Chambers, Edifices, and Erections, or to be borrowed on the Credit thereof, shall be applied and disposed of by the said Commissioners in the Manner and for the Purposes which Money subscribed for the Purposes of the said recited Act is by the said recited Act or this Act directed to be applied and disposed of, and to and for no other Use, Intent, or Purpose whatsoever.

Application of Monies arising from Sale of Catacombs, &c.

XI. And be it further enacted, That all Burials in the said Catacombs or Vaults shall be registered in public Registers to be kept for that Purpose by the Minister or perpetual Curate for the Time being of the said new Church, in which Registers it shall be stated from what Parish or Place the Corpse or Corpses to be buried or interred were brought or conveyed, and a Transcript of such Register, signed by such Minister or perpetual Curate, shall be yearly transmitted and sent to the public Registry of the Diocese of *Lichfield* and *Coventry*, to be there kept and filed.

Register of Burials to be kept, &c.

XII. And be it further enacted, That all the Costs, Charges, and Expences of applying for and obtaining and passing this Act, shall be defrayed by the said Commissioners out of any Money which may come to their Hands for the Purposes of the said recited Act or of this Act.

Costs of the Act.

XIII. Provided always, and be it further enacted, That all the Clauses, Appointments, Restrictions, Powers, and Authorities contained in the said recited Act, shall continue in full Force and Effect, save only such Part or Parts thereof as are hereby altered, varied, or repealed.

Clauses of former Act unrepealed to remain in Force.

Publick Act.

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

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