



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 68.

An Act to repeal certain Parts of an Act of His present Majesty for building Two Chapels, and providing Burial Grounds thereto, in the Town of *Birmingham*, in the County of *Warwick*, and for amending the said Act. [14th May 1811.]

WHEREAS an Act was passed in the Twelfth Year of the Reign of His present Majesty, intituled, *An Act for building Two New Chapels, and providing Burial Places thereto, within the Town of Birmingham, in the County of Warwick*, whereby the Right, Property, and Interest of the several Pews to be made within such new Chapels, were declared to be vested in the respective Ministers of such Chapels for ever, to be let out by them to the Inhabitants of the said Town of *Birmingham*, upon certain Conditions in the said Act expressed, and under certain Penalties and Restrictions that the Rents to be fixed and set upon the Pews or Seats in such Chapels should not amount in the Whole to more than the Sum of Two hundred Pounds by the Year at each of the said Chapels; out of which annual Rents the Chaplains of the said Chapels are required to pay to the Clerks officiating in the same the Sum of Fifteen Pounds each yearly: And whereas Two Chapels, known by the Names of *Saint Mary* and *Saint Paul*, have been erected in the Town of *Birmingham* by virtue of the said Act, and *Edward Burn* Clerk, is the present Chaplain or Curate of *Saint Mary's* Chapel: And whereas the Duties to be performed at *Saint Mary's* Chapel are very considerable, and the Funds or Stipends arising from the Pews and Seats therein are an inadequate Provision for the Minister officiating in such Chapel, and a considerable Part of the Inhabitants of the said Town, who now rent the

[*Loc. & Per.*]

16 H

Pews

Repealing
the Limita-
tion of Pews
Rents.

Pews or Seats in the said Chapel, are willing to pay additional Rents for the same; but inasmuch as the Chaplain or Curate of the said Chapel would incur certain Penalties by accepting a greater Rent than the said Act authorises to be taken, it is expedient that certain Clauses and Provisions contained in the said Act, so far as the same relate to the Chaplain or Curate of the said Chapel called *Saint Mary's*, and herein-after particularly mentioned should be repealed, and that further Powers should be granted for letting the Pews and Seats in the said Chapel in future; but the several Purposes aforesaid cannot be effected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 so much and such Parts of the said recited Act as enacts that the Rents to be fixed and set upon the said Pews or Seats by the Trustees in the said Act mentioned, and in Manner therein directed, shall not amount in the Whole to more than the Sum of Two hundred Pounds by the Year, nor less than the Sum of One hundred and sixty-five Pounds by the Year, at each of such Chapels, and that the said Rents to be fixed by the said Trustees shall not be altered or alterable, (except as in the said Act mentioned,) shall from and after the Twenty-fourth Day of *August* next after the passing of this Act, as far as the same relate to or respect the Chaplain or Curate of the said Chapel called *Saint Mary's*, be and the same is and are hereby declared to be repealed.

Provision for
quiet Enjoy-
ment of Pews
at the Rents
fixed.

II. And be it further enacted, That the Provision in the said Act contained that it shall be lawful to and for such of the Subscribers to the said intended Chapels, as shall be entitled to any Pews or Sitings therein, and their respective Heirs and Assigns, so long as they and their respective Heirs and Assigns shall respectively pay the Rent for the same as by the said Act is required, and be resident in the said Parish of *Birmingham*, to hold and enjoy such Pews and Sitings without any Disturbance or Molestation whatsoever, at the respective Rents so to be from Time to Time fixed by the said Trustees, shall from and after the said Twenty-fourth Day of *August* next after the passing of this Act, as far as such Provision relates to or affects the Chaplain or Curate of the said Chapel called *Saint Mary's*, be and is hereby declared to be repealed.

Repealing
the Penal
Clause for
taking larger
Rents than
those settled
by the Trus-
tees.

III. And be it further enacted, That so much of the said recited Act as enacts, that if the respective Ministers of the said respective Chapels, or his or their respective Successors, shall at any Time take, demand, or receive any greater Rent for such Pews or Seats, or any of them, than shall be settled by the said Trustees in Manner in the said Act mentioned, 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 Sitings, such Minister or Ministers so offending shall, upon Complaint made thereof by the said Trustees residing within the Town of *Birmingham*, or any Five or more of them, 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 Pews or Seats, (which Oath the said Bishop is thereby required and empowered to administer,)

nister,) forfeit a Sum not exceeding 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, shall from and after the Twenty-fourth Day of *August* next after the passing of this Act, as far as the same relates to or affects the Chaplain or Curate of the said Chapel called *Saint Mary's*, be and is hereby declared to be repealed.

IV. And be it further enacted, That it shall and may be lawful for the Chaplain or Curate for the Time being of the said Chapel called *Saint Mary's*, from and after the said Twenty-fourth Day of *August* next after the passing of this Act, to let and set any Pew or Sittings in the said Chapel to any Person or Persons being an Inhabitant or Inhabitants of the said Town of *Birmingham*, who shall be willing to contract and agree for the same, at such Rent as shall be settled at a General Meeting of the Trustees appointed by or in pursuance of the said recited Act to be held for that Purpose; and that it shall and may be lawful for the said Trustees, after the Expiration of Seven Years next after such Rents shall be fixed, to alter the Rent of such Pews or Sittings from Time to Time as they shall see Occasion: Provided always, that the Rents to be fixed and let upon the said Pews or Sittings by the said Trustees shall not at any Time amount to less than Three hundred and fifty Pounds in the Whole, nor to more than the Sum of Five hundred and fifty Pounds by the Year, except as herein-after excepted: Provided always, that if, after the Expiration of Thirty Years from the passing of this Act, it should seem expedient to the Bishop of the Diocese for the Time being, and the Patrons of the said Chapel, that the Rents to be fixed for the said Pews or Seats should be increased beyond the said Sum of Five hundred and fifty Pounds, it shall be lawful for the Trustees for the Time being, from Time to Time, to fix and determine such additional Rents to be paid for the same as may be approved of by such Bishop and Patrons: Provided also, that the Person and Persons who from Time to Time may be entitled to any Pew or Sitting in the said Chapel, shall always be allowed to hold such Pew or Sitting in such Chapel on Payment of the Rent to be fixed under the Authority of this Act, in like Manner as he or they might have done on Payment of the Rent required to be paid for the same by the said recited Act, in case this Act had not been made.

Authorising the Chaplains to let the Pews at a Rent to be fixed by the Trustees.

Limitation of Pew Rents.

Quiet Enjoyment of Pews, on paying the Rent to be fixed.

V. And be it further enacted, That the Rents of the Pews or Sittings in the said Chapel, to be fixed and settled according to the Directions in this Act contained, shall and may from Time to Time be sued for, recovered, and levied for the Benefit of the Chaplain or Curate for the Time being of the said Chapel, in like Manner and by the same Ways and Means as the Rent for any Pew or Sitting in either of the said Chapels might have been sued for, recovered, and levied before the passing of this Act.

Recovery of Pew Rents.

VI. And be it further enacted, That all and every the Provisions and Clauses of this Act shall in the Execution of the said recited Act, as far as respects the Chapel called *Saint Mary's*, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were especially enacted in the said recited Act; and all and every the Provisions and Clauses of the said recited Act, (except where the same

Extending the Provisions of the recited Act to this Act.

are

are by this Act expressly varied,) shall in the Execution of this Act be used and applied, extended, and construed in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Publick Act. VII. 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 being specially pleaded.

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