



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. xx.

An Act to amend an Act of the Forty-seventh Year of King *George* the Third, for enlarging the Churchyard belonging to the Parish of *Saint Martin* in the Town of *Birmingham* in the County of *Warwick*, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish. [30th *March* 1831.]

WHEREAS an Act was passed in the Forty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enlarging the Churchyard belonging to the Parish of Saint Martin in the Town of Birmingham in the County of Warwick, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish*: And whereas by the said Act certain Persons therein named, and their respective Successors, were empowered to enlarge the Churchyard belonging to the Parish of *Saint Martin* in the Town of *Birmingham* aforesaid, and to take down certain Houses and Buildings surrounding the same, and to provide an additional Cemetery or Burial Ground for the Use of the said Parish, and otherwise to carry the said Act into execution, for which Purposes they were empowered to make an Assessment or Assessments, Rate or Rates, in addition to the Rates and Levies the Churchwardens were empowered to make, in any Sum of Money not exceeding Three-pence in the Pound; and the said Trustees were also empowered to raise any Sum or Sums of Money, not exceeding

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in the whole the Sum of Six thousand Pounds, either by Annuities to be granted for a certain Term of Years or for a Life or Lives, or by Way of Loan upon Bonds: And whereas the said Trustees proceeded in the Execution of the said Act, and purchased and removed certain Messuages and Buildings which surrounded the said Churchyard, and have enlarged the said Churchyard by adding the Site of such Messuages and Buildings thereto, and have also provided an additional Cemetery or Burial Ground for the Use of the said Parish, and inclosed the same with substantial Walls and Palisadoes: And whereas the said Trustees, in the several Purposes aforesaid, and in the Expence of passing the said Act, and in other Matters arising from or consequent upon the same, expended the Sum of Eleven thousand four hundred and eighty-nine Pounds, and borrowed and took up at Interest and on Annuities the Sum of Eleven thousand six hundred and seventy-seven Pounds or thereabouts, and, by and out of the Rates and Assessments made pursuant to the said Act, have paid the Interest on the several Sums of Money so borrowed and the Annuities, and also paid off and discharged the Sum of Three thousand four hundred and seventy Pounds of the Principal Monies, but the Sum of Seven thousand two hundred and fifty-seven Pounds, together with an Arrear of Interest amounting, up to the Twenty-fifth Day of *December* One thousand eight hundred and twenty-nine, to One thousand one hundred and forty-five Pounds, still remains due and owing, and Two Annuities amounting together to Eighteen Pounds Nine Shillings *per Annum*, and the same cannot be paid and discharged unless the Powers and Provisions of the said Act are amended and enlarged, and unless the Trustees are empowered to raise an additional Sum of Money by new or increased Rates or otherwise: 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 all the Powers, Authorities, Provisions, Regulations, Privileges, Penalties, Forfeitures, Restrictions, Power of Appeal, Matters, and Things whatsoever contained in the said recited Act, so far as the same are not altered or repealed by this Act, shall extend and be construed to extend to operate and be in force with respect to this Act and to the Rates hereby granted, and shall be applied and put in execution as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act and made Part thereof; and the said recited Act and this Act shall as to all Matters and Things whatsoever be considered as One Act: Provided always, that it shall not be lawful to purchase under the Powers of the said Act any more Lands, Tenements, or Hereditaments whatsoever.

Powers of
recited Act
extended to
this Act.

Election of
Trustees.

II. And be it further enacted, That on the First *Wednesday* in the Month next after the passing of this Act the Parishioners of the Parish of *Birmingham* who are by Law entitled to vote in the Election of Churchwardens for the said Parish shall assemble in the Vestry of the Parish Church of *Saint Martin* at Twelve o'Clock at Noon, and shall then and there proceed to elect by a Majority of their Votes Twelve Persons qualified as in the said recited Act is mentioned,

mentioned, which said Twelve Persons so to be elected, together with the Rector and Churchwardens of the said Parish of *Saint Martin* for the Time being, shall be Trustees for carrying the said recited Act and this Act into execution until a new Election shall be made in manner herein-after mentioned.

III. And be it further enacted, That in like Manner on *Easter Tuesday* in the Year One thousand eight hundred and thirty-two, and on *Easter Tuesday* in every succeeding Year, the Parishioners entitled to vote as aforesaid shall, after the Election of Churchwardens, proceed to elect Twelve Persons qualified as aforesaid to be Trustees, together with the said Rector and Churchwardens for the Time being, for carrying the said recited Act and this Act into execution until another Election shall be made : Provided always, that in case any Trustee or Trustees so to be elected shall refuse, decline, or neglect to act for the Space of One Calendar Month next after his or their Election, the other Trustees elected or appointed under the Authority of this Act shall have Power to elect other Persons qualified as aforesaid in the Room of such Person or Persons as shall so refuse, decline, or neglect to act as aforesaid.

Future Election of Trustees.

IV. And be it further enacted, That the Trustees for executing the said recited Act and this Act shall be and they are hereby authorized and empowered to levy and raise such further Sum or Sums of Money, in addition to and over and above the Monies authorized to be raised by the said recited Act, as to them shall seem necessary and sufficient for the Payment of the said Debt or Sum of Seven thousand two hundred and fifty-seven Pounds, with the Interest thereon, and of the said Annuities, and for carrying into effect the Purposes of the said recited Act and this Act ; and the said Trustees shall be and they are hereby empowered, in lieu and stead of the Rates or Assessments authorized to be made by the said recited Act, to levy, raise, collect, and receive a Rate or Rates not exceeding Sixpence in the Pound in any One Year on the annual or improved Rent or Value of all Lands, Houses, Shops, Warehouses, Vaults, Cellars, Coach-houses, Stables, Gardens, Tenements, and Hereditaments within the Town and Parish of *Birmingham* ; and such Rate or Rates shall be made at any Time after the passing of this Act, and shall be paid by all Persons who shall be from Time to Time rateable and chargeable to the Relief of the Poor of the Parish of *Birmingham*, and shall be levied and recovered in the same Manner and by the same Ways and Means as by the said recited Act is directed for the levying and recovering the Rate thereby authorized : Provided always, that the whole Sum so to be levied and raised do not exceed the Sum of Seven thousand five hundred Pounds, exclusive of such further Sum as may be necessary for Payment of the Interest due and to grow due upon the said Sum of Seven thousand two hundred and fifty-seven Pounds, or such Part thereof as shall from Time to Time remain owing, and for satisfying the growing Payments of the said Annuities, and also exclusive of such Sums of Money as shall hereafter be paid for collecting the Rates or Assessments to be made under the Authority of the said recited Act and this Act, and for otherwise executing the Powers and Provisions

Trustees empowered to raise a further Sum of Money, and to levy Rates in lieu of those heretofore authorized.

Provisions of the same Acts, and also exclusive of such Sum as hath been or shall be expended in the obtaining and passing of this Act, and Interest upon such Part of the said last-mentioned Sum as hath been or shall be advanced or lent by any Person or Persons.

Persons to pay Rates in proportion to the Time they occupy.

V. And be it further enacted, That whenever any Person or Persons shall come into or occupy any House, Building, Land, Tenement, or Hereditament out of or from which any other Person or Persons assessed by virtue of this Act shall be removed, or which at the Time of making any such Rate or Assessment was empty and unoccupied, then and in every such Case every Person so removing from and every Person so coming into or occupying the same shall be liable to pay such Rate or Assessment in proportion to the Time only during which such Person or Persons occupied the same respectively; and the Proportion of the said Rate or Assessment shall be levied and recovered in the same Manner as if such Person had not removed, or such Person so coming in and occupying had been originally rated and assessed to such Rate or Assessment; which said Proportion, in case of Dispute, shall be ascertained by One or more of the Justices of the Peace for the said County of *Warwick*.

The Rates to be made according to the Assessment for the Relief of the Poor.

VI. And be it further enacted, That for facilitating the raising, levying, and collecting of the said annual Rate, the Assessment or Assessments to be from Time to Time made by the Churchwardens and Overseers of the Poor of the Parish of *Birmingham* for the Relief of the said Poor, and entered in the Book kept at the Vestry of the Workhouse of the said Parish of *Birmingham*, usually called the Grand Levy Book, shall be deemed and taken to be the Assessment of the annual or improved Rent or Value of the Lands, Houses, Shops, Warehouses, Vaults, Cellars, Coach-houses, Stables, Gardens, Tenements, and Hereditaments hereby made chargeable for the Purposes of this Act; and the said Trustees, or any Person by them authorized, shall have access to the said Book for the Purpose of copying out such Assessment or Assessments, and examining and comparing the same, and for correcting such Copy from Time to Time on account or by reason of any Amendment or Alteration of the Rate or Assessment contained in the said Book; and every Copy taken by the Order or Direction of the said Trustees, and every Amendment thereof, being duly examined and proved, shall be Evidence for all the Purposes of this Act.

The Money to be raised for the Purposes of this Act may be paid out of the Poor Rates.

VII. And be it further enacted, That, in order to save the Expence of a separate Collection of the Rate or Rates hereby authorized to be levied and collected, it shall be lawful for the Churchwardens and Overseers of the Poor of the Parish of *Birmingham*, if they shall think proper, by and with the Consent of the Guardians of the Poor of the said Parish, to pay to the Trustees for executing this Act, out of the Poor Rates or Levies to be by them collected, a Sum equal to the Amount of Sixpence in the Pound in any Year upon the annual or improved Rent or Value of all Lands, Houses, Shops, Warehouses, Vaults, Cellars, Coach-houses, Stables, Gardens, Tenements, and Hereditaments within the Town and Parish of *Birmingham*, to be applied

applied by the said Trustees for the Purposes of this Act, and in Part Discharge of the Debt hereby provided to be paid: Provided always; that in case of any such Payment being made as aforesaid, no Rate or Levy shall be raised and collected in the same Year by the Trustees for executing this Act.

VIII. Provided always, and be it further enacted, That the said Trustees shall and they are hereby required every Year, before the levying and collecting of any new Rate or Rates, to publish in One or more Newspaper or Newspapers published or circulated in the Town of *Birmingham* an Abstract or Statement of the Rates and other Monies collected and received by and under the Authority of the said recited Act and this Act, and of the Application of the same.

Annual
Accounts
to be pub-
lished.

IX. And whereas the Rate of Interest payable in respect of the aforesaid Debt is Five Pounds *per Centum per Annum*; be it therefore enacted, That it shall and may be lawful for the said Trustees and their Successors, and they are hereby empowered and directed, whenever they shall be able to obtain Money at a lower Rate of Interest, to borrow a Sum of Money, not exceeding the Amount of the Money borrowed at Five Pounds *per Centum per Annum*, at such lower Rate of Interest accordingly, and by and with the same pay off and discharge any Part of the Money so borrowed at Five Pounds *per Centum per Annum*: Provided always, that no more Money be borrowed by way of Annuity.

For reducing
the Interest
of the Money
already bor-
rowed.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who hath been or may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of the said recited Act and this Act, or to continue or appoint the Person who hath been or who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act and this Act, or if any Person being the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall act as Clerk in the Execution of the said recited Act or this Act, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, [Local.] Z z Protection,

Clerk and
Treasurer
not to be
the same
Person.

Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Trustees
indemnified.

XI. Provided always, and be it further enacted, That the said Trustees and their Successors shall from Time to Time and at all Times hereafter be amply and fully indemnified, from and out of the Monies to be raised under the said recited Act and this Act, of and from all Costs, Charges, Damages, and Expences which they or any of them, or their Treasurer or Clerk, shall or may sustain or be put unto for or by reason of any Action, Suit, or Proceedings which may be had, sued, commenced, or prosecuted against them or either of them for any Matter or Thing which may be by them respectively legally done in and about the Execution of the said recited Act and this Act, or either of them, and the Trusts thereby reposed in them.

Expences
of Act.

XII. And be it further enacted, That the Costs and Expences of preparing, obtaining, and passing this Act, and all other Charges incident or relating thereto, shall be paid by the said Trustees out of the first Monies which shall be obtained by virtue of this Act.

Public Act.

XIII. 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.

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