ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. CVII.

An Act for taking down and rebuilding the Pariſh Church of *Tipton*, otherwiſe *Tibbington*, in the County of *Stafford*, and for enlarging the Cæmetery or Burial Ground belonging thereto.

[23d *May* 1794.]

WHEREAS the Pariſh Church of *Tipton*, otherwiſe *Tibbington*, in the County of *Stafford*, is a very ancient Fabrick, and is in ſo ruinous a Condition, that it is become dangerous for the Inhabitants of the ſaid Pariſh to attend Divine Service therein, and cannot be effectually repaired, but muſt be taken down, rebuilt, and enlarged: And whereas the ſaid Pariſh Church is too ſmall for the Accommodation of the Inhabitants of the ſaid Pariſh, and it is neceſſary to enlarge the Cæmetery or Burial Ground for the Uſe of the ſaid Pariſh: 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 it ſhall be lawful for the Truſtees herein after nominated

Preamble.

Truſtees empowered to take down and rebuild the Church.

nated and appointed, or to be elected as herein-after mentioned, or any Five or more of them, and they are hereby authorized and empowered to cauſe the ſaid Pariſh Church, and the Tower thereof, to be taken down and rebuilt after ſuch Model, Plans, Elevations, Dimenſions, and in ſuch Manner and Form, as by the ſaid Truſtees, or any Five or more of them, ſhall be deemed neceſſary and be agreed upon, and alſo purchaſe a ſufficient Quantity of Land for the Purpoſe of enlarging the preſent Church Yard, or to purchaſe other Land for a Cæmetery or Burial Ground in and for the Uſe of the ſaid Pariſh as herein-after is mentioned, and alſo to raiſe Money by ſuch Ways and Means as are herein-after mentioned and directed for the Purpoſes of this Act, ſo as ſuch Money ſo to be raiſed ſhall not exceed the Sum of Two thouſand Pounds over and above the neceſſary Charges in and about obtaining and paſſing this Act.

Truſtees.

II. And be it further enacted, That *William* Lord Viſcount *Dudley* and *Ward*, the Honourable *Edward Foley*, *George Birch* Eſquire, *Jervoiſe Clarke Jervoiſe* Eſquire, the Churchwardens of the Pariſh of *Tipton* for the Time being, the Reverend *Thomas Shaw Hillier*, and his Succeſſors, Curates of the ſaid Pariſh for the Time being, the Reverend *Joſeph Cartwright*, the Reverend *Alexander Bunn Haden*, the Reverend *Luke Booker* L L. D. the Reverend *William Perry*, the Reverend *John Dudley*, the Reverend *John Beſt*, *Thomas Dudley* Eſquire, *Joſeph Scott* Eſquire, *Edward Whitby* Eſquire, *Francis Stokes* Eſquire junior, *Thomas Holbeche* Eſquire, *Oliver Dixon* Eſquire, *Edward Dixon* Eſquire, *Joſeph Amphlett* Eſquire, *William Bedford* Eſquire, *Richmond Aſton* Eſquire, *James Keir* Eſquire, *John Dumareſq* Eſquire, *Benjamin Gibbons* Eſquire, *Thomas Hadley* junior, *Zachary Parkes*, *Richard Hawkes*, *Richard Jeſſon*, *Edward Cockſhutt*, *Benjamin Parker*, *William John Banner*, *Richard Mee*, *Edward Harper*, *Henry Seager*, *John Hateley*, *Samuel Hallen*, *John Hallen*, *Daniel Moore*, *Iſaac Whitehouſe*, *Edward Whitehouſe*, *William Underhill*, *William Cotterill*, *Benjamin Stokes*, *Baily Caddick* junior, *James Fiſher*, *Edward Fiſher*, *John Beaumont*, *William Nicklin*, *William Short*, *Iſaac Aſton*, *William Pitchfork*, *Daniel Round*, *Peter Fiſher*, *Abraham Fiſher*, *William Mee*, *William Tomkys Price*, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Truſtees for executing the Powers and Authorities of this Act, for the Ends, Intents, and Purpoſes thereof; and that, when any Truſtees hereby appointed or hereafter to be appointed, (other than the Curate and Churchwardens), ſhall die, or by Writing under their Hands ſhall refuſe to act, it ſhall be lawful for the remaining Truſtees, by any Writing or Writings under their Hands, to nominate, elect, and appoint another Perſon, being an Inhabitant of the ſaid Pariſh, or ſome other Pariſh contiguous thereto, (not being of the People called *Quakers*), to be a Truſtee with them for the Purpoſes of this Act, and every Truſtee ſo appointed ſhall have the ſame Power to act in the Execution of this Act, as if he had been hereby named a Truſtee; and that all Powers, Directions, Matters, and Things, by this Act given to or directed to be done by or before the ſaid Truſtees, may be exerciſed or done by or before the Majority of the Truſtees preſent at their reſpective Meetings, the whole Number preſent at any ſuch Meeting not being leſs than Five in any Caſe, and in Caſes where a larger Number is by this Act ſpecially directed, not being leſs than the Number ſo directed; and every Queſtion ſhall be determined by a Ma-

If Truſtees die, or refuſe to act, new Ones to be appointed.

a Majority of Votes of the Truſtees preſent at every Meeting; and ſuch Determination ſhall be of as full Power and Effect, as if the ſame were executed or done by or before all the ſaid Truſtees; and the Truſtees ſhall at every Meeting, before proceeding to other Buſineſs, elect One Truſtee preſent to be Chairman at ſuch Meeting; and if at any ſuch Meeting any Queſtion ſhall be put to the Vote, and the Number of Votes, including that of the Chairman, ſhall be equal for and againſt the Queſtion, then the Chairman ſhall have a caſting Vote, which ſhall determine the Queſtion.

III. Provided always, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act (unleſs in the Power of giving Notice of the Firſt Meeting under this Act, as herein-after preſcribed, and of adminiſtering the following Oath) until he ſhall have taken an Oath to the following Effect:

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill, Knowledge, and Judgement, execute the ſeveral Truſts and Powers repoſed in me as a Truſtee by virtue of an Act of Parliament, intituled, [*ſet forth the Title of the Act.*]

'So help me GOD.'

IV. And be it further enacted, That Six Days Notice at leaſt ſhall be given in the ſaid Church, of the Firſt Meeting of the ſaid Truſtees to execute the Powers hereby veſted in them, which Meeting ſhall be as ſoon as conveniently may be after the paſſing of this Act, and that they ſhall and may adjourn themſelves from Time to Time as they ſhall ſee Occaſion, and ſhall and may at any Time meet without Adjournment, giving Three Days Notice in Writing, (to be affixed on the Door of the ſaid Church, or upon the Door of ſome conſpicuous Part of the Houſe of *William Short* Innholder, in the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*, or ſuch other Houſe in the ſaid Pariſh as the Truſtees ſhall adjourn to), of all ſuch Meetings, and that upon all ſuch Meetings the ſaid Truſtees preſent thereat ſhall pay their own Expences. Truſtees to give Notice of their Meetings.

V. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees at any publick Meeting to be holden in purſuance of this Act, to appoint a Treaſurer and Clerk, and likewiſe One or more fit and able Perſon or Perſons, if neceſſary, to inſpect the Works to be carried on under and by virtue and in purſuance of this Act, and alſo to appoint ſuch other Perſon and Perſons as may be neceſſary for any of the Purpoſes of this Act, with ſuch Allowances as they ſhall think reaſonable; and ſhall, and are hereby required to take ſuch Security as they ſhall think proper from the Perſon or Perſons ſo to be employed and appointed as aforeſaid, or any of them, for the due Diſcharge or Performance of their reſpective Undertakings, or of the Truſt in them reſpectively repoſed; and that it ſhall be lawful likewiſe for the ſaid Truſtees at any ſuch Meeting as aforeſaid, from Time to Time, to remove ſuch Perſon or Perſons as may be ſo appointed as aforeſaid, or any of them, and to appoint others in the Room of thoſe who ſhall be removed, or of ſuch as ſhall happen to die, or may diſcontinue any ſuch Office or Offices as aforeſaid, as and when they ſhall think fit ſo to do; and And to appoint Officers; and take Security for them.

alſo by and out of the Monies ariſing by virtue of or under the Powers of this Act, to pay or cauſe to be paid ſuch Salaries or other Allowances as ſuch Truſtees ſhall judge reaſonable, for and in Conſideration of the Employment or Employments, Office or Offices, of the Perſons ſo to be appointed as aforeſaid.

The Money to be raiſed veſted in the Truſtees.

VI. 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-after directed to be raiſed and levied, and the ſame is hereby veſted in the ſaid Truſtees for the Purpoſes aforeſaid, and ſhall be by them paid and applied to and for the Uſes and Purpoſes, and in ſuch Manner as is herein after mentioned; and the ſaid Truſtees, or ſuch Perſon or Perſons as they ſhall, by Writing or Writings under their Hands, appoint, is or are hereby authorized, empowered, and required, to collect the ſaid Rates and Aſſeſſments from any Perſon or Perſons liable to pay the ſame; and if any Perſon or Perſons liable to pay ſuch Rates or Aſſeſſments ſhall, for the Space of Seven Days next after Demand made thereof, neglect or refuſe to pay ſuch Rates and Aſſeſſments, according to the true Intent and Meaning of this Act, then and in ſuch Caſe the ſaid Truſtees, or the Perſon or Perſons ſo to be appointed, ſhall and may by Warrant under the Hands and Seals of One or more Juſtice or Juſtices of the Peace for the ſaid County of *Stafford*, levy the ſaid Rates and Aſſeſſments by Diſtreſs of the Goods and Chattels of the Perſon or Perſons neglecting or refuſing to pay the ſame, and to detain and keep ſuch Goods and Chattels until ſuch Rates and Aſſeſſments, with the reaſonable Charges of ſuch Diſtreſs, ſhall be fully ſatisfied and paid; and it ſhall be lawful for ſuch Perſon and Perſons ſo diſtraining, after the Space of Three Days next after ſuch Diſtreſs taken, to ſell the Goods ſo diſtrained, returning the Overplus (if any be) to the Owner or Owners thereof, after ſuch Rate or Rates, Aſſeſſment or Aſſeſſments, and reaſonable Charges of diſtraining, keeping, and ſelling the ſame, ſhall be deducted.

Power to ſue for Rates.

VII. Provided always, and be it further enacted, That the ſaid Truſtees may, if they think proper, in the Name of their Treaſurer or Clerk for the Time being, ſue in any of His Majeſty's Courts of Record at *Weſtminſter*, for all or any of the Rates or Aſſeſſments to be made under this Act, when the Sum to be recovered ſhall amount to Forty Shillings or upwards.

Truſtees to appoint Collectors of the Rates.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized, empowered, and required, within Three Calendar Months next after the paſſing of this Act, or as ſoon after as conveniently may be, to chooſe and appoint Two ſubſtantial Inhabitants of the ſaid Pariſh (not being of the People called *Quakers*) to be 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, empowered, and required, on the *Friday* in the *Eaſter* Week which will be in the Year of our Lord One thouſand ſeven hundred and ninety-five, and alſo on the *Friday* in *Eaſter* Week in every ſucceeding Year, to chooſe and appoint Two other ſubſtantial Inhabitants of the ſaid Pariſh (not being of the People called *Quakers*)

Quakers) to be Receivers or Collectors of the ſaid Rates, Aſſeſſments, and Sums of Money, directed to be raiſed for the Purpoſes of this Act, and all Perſons who by virtue of this Act are chargeable with all or any of the ſaid Rates and Aſſeſſments, ſhall, and they are hereby required to pay the ſame unto ſuch Receivers or Collectors accordingly, ſuch Receivers or Collectors delivering Receipts for the ſame *gratis*.

Collectors to pay the Money as the Truſtees ſhall direct,

and to enter Account.

IX. And be it further enacted, That the ſaid Receivers or Collectors ſhall, from Time to Time, pay over all and every the Sum and Sums of Money by them reſpectively collected and received, to the Treaſurer for the Time being, to be applied according to the true Intent and Meaning of this Act, and not otherwiſe; and every ſuch Receiver or Collector 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, levied, or paid, by virtue of this Act, or by virtue of any Power or Authority in purſuance thereof, or by Reaſon or Means of the ſaid Offices reſpectively, with the reſpective Times of their receiving and paying the ſame, and ſhall upon Oath, as often as required by the ſaid Truſtees, (which Oath the ſaid Truſtees are hereby empowered and required to adminiſter), give a true, exact, and perfect Account, in Writing, under his or their Hand or Hands, of all Monies which he or they ſhall have collected, levied, received, or paid, by Reaſon of his ſaid Office; and if any ſuch Collectors or Receivers ſhall refuſe or wilfully neglect to account for all and every Sum and Sums of Money by them reſpectively collected, levied, or received, to the ſaid Truſtees, or to pay the ſame to the ſaid Treaſurer for the Time being, that then it ſhall and may be lawful to and for any Juſtice or Juſtices of the Peace for the ſaid County of *Stafford*, to enquire of and concerning ſuch Refuſal or Neglect; and if any Perſon or Perſons ſhall be convicted by ſuch Juſtice or Juſtices of any ſuch Refuſal or Neglect, then ſuch Juſtice or Juſtices ſhall, upon ſuch Conviction, commit ſuch Perſon or Perſons to the Common Gaol of the ſaid County of *Stafford*, there to remain without Bail or Mainprize, until he or they ſhall have made a true and perfect Account and Payment as aforeſaid, or until he or they ſhall have compounded for or ſatisfied the ſaid Truſtees, touching the Monies in his or their Hands, or the Balance of their Accounts reſpectively, (which Compoſition the ſaid Truſtees are hereby empowered to make and receive); and in caſe any Perſon or Perſons who ſhall be ſo choſen or appointed a Collector or Collectors, Receiver or Receivers, of the Rates and Aſſeſſments in purſuance of this Act, ſhall refuſe or wilfully neglect to act, or to do or execute ſuch Duty or Office, for the Space of Seven Days after ſuch Appointment, and Notice thereof in Writing left at his or their uſual Place of Abode, every ſuch Perſon ſo refuſing or neglecting ſhall forfeit the Sum of Twenty Pounds to the ſaid Truſtees, to be levied, recovered, and applied, in ſuch and the ſame Manner as the Rates and Aſſeſſments, to be raiſed by virtue of this Act, are herein-before directed to be levied, recovered, and applied; and upon every ſuch Refuſal or Neglect of any Perſon or Perſons ſo to act in ſuch Duty or Office as aforeſaid, it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and required, to chooſe or appoint a new Collector or Receiver, (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 every ſuch new Collector or Receiver ſhall be liable and ſub-

Penalty on Perſons refuſing to act as Collectors.

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ject to such and the same Penalties and Forfeitures, as any Collector or Receiver to be appointed by virtue of this Act is or ought to be subject and liable to.

Trustees to make an Assessment.

X. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby required, by any Writing under their Hands and Seals, from Time to Time, whenever they shall find it necessary, to make, or cause to be made, an Assessment of, or Rate upon, all Lands, Houses, Tenements, and Hereditaments, within the said Parish of *Tipton*, otherwise *Tibbington*, so as the same do not exceed in the Whole the Sum of Sixpence in the Pound in any One Year, of the Yearly Rent of such Lands, Houses, Tenements, and Hereditaments, and to order and direct the Receivers and Collectors, so to be chosen and appointed as aforesaid, for the Time being, to collect Quarterly from the Owners and Occupiers of such Lands, Houses, Tenements, and Hereditaments, such Sum and Sums of Money so to be assessed as aforesaid.

Not to exceed a limited Sum in any One Year.

XI. Provided always, That the Rate or Assessment to be made as aforesaid, in or for any One Year, shall not exceed in the Whole a Sum of Money sufficient to enable the said Trustees to pay and discharge the current Expences of carrying this Act into Execution, the Annuities which may be granted and in Existence, and the Interest of the Principal Monies which may be borrowed and taken up at Interest by virtue of this Act, as also One Twentieth Part of such Principal Monies.

Tenants to pay the Whole, and deduct Half the Rates out of the Rent.

XII. And, for the more easy collecting the said Rates and Assessments, be it further enacted, That the Tenants or Occupiers of such respective Houses, Lands, Tenements, or Hereditaments, so to be rated or assessed as aforesaid, shall pay the Whole of such Rates or Assessments on the Premises which they shall respectively hold and occupy, and every such Tenant shall and may deduct out of his or her Rent payable to his or her Landlord, One Half Part of such Rates or Assessments, and such Landlord is hereby required and directed to allow to such Tenants such Payments and Deductions accordingly; and every Tenant paying such Part of the said Rates or Assessments for or on Account of the Landlord, 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, as fully and effectually as if the same had been actually paid to such Landlord, or any Person or Persons to whom his or her Rent was or should have been paid or payable; but this Act, or any Thing herein contained, shall not extend, or be construed to extend, to alter or make void any Covenant or Agreement made or to be made in Writing, between any Landlord and Tenant relating to or concerning the Payment of any Rates or Assessments to be made by virtue and in pursuance of this Act.

Not to affect Agreements.

For levying the Rates upon Houses occupied by Inmates.

XIII. Provided always, That if any House or Tenement shall be set, let, or occupied, in different Apartments, Rooms, and Lodgings, to or by distinct and separate Families, Lodgers, or Inmates, 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 of the same; and in case

of Non-payment of ſuch Rate, the ſame ſhall and may be levied upon or 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, and that if any ſuch Houſe or Tenement 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 Share thereof, ſuch Share ſhall and may be levied upon or recovered of and from any ſuch Landlord or Owner in either of the Manners aforeſaid.

Power to borrow Money.

XIV. And, in order the more ſpeedily to accompliſh the Purpoſes of this Act, be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered from Time to Time, as they ſhall ſee proper, to borrow and take up at Intereſt, any Sum or Sums of Money upon the Credit of the ſaid Rates or Aſſeſſments; and for ſecuring the ſame with Intereſt, by Writing under their Hands and Seals, to mortgage or aſſign over the ſaid Rates or Aſſeſſments to the Perſon or Perſons who ſhall advance or lend ſuch Money, and every ſuch Aſſignment ſhall be according to the Form following; (*videlicet*),

'BY virtue of an Act of Parliament, paſſed in the Thirty-fourth 'Year of the Reign of King *George* the Third, intituled, [*ſet forth 'the Title of the Act*], we of the Truſtees ap- 'pointed by virtue of the ſaid Act, in Conſideration of the Sum of 'advanced and paid by *A. B.* to *C. D.* the Trea- 'ſurer appointed in purſuance of the ſaid Act, upon the Credit and 'for the Purpoſes of the ſaid Act, do grant and aſſign unto the ſaid 'A. B. his Executors, Adminiſtrators, and Aſſigns, ſuch Proportion 'of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act, as the 'ſaid Sum of doth or ſhall bear to the whole Sum 'which is or ſhall be borrowed upon the Credit of the ſaid Act, to 'be had and holden from henceforth until the ſaid Sum of 'with Intereſt at *per Centum per Annum* for 'the ſame, to be paid Half-yearly, ſhall be repaid and ſatisfied. In 'Witneſs whereof we have hereunto ſet our Hands and Seals this 'Day of

And every ſuch Aſſignment ſhall be good, valid, and effectual in Law.

Money to be raiſed by Annuities.

XV. Provided always, That in caſe the ſaid Truſtees ſhall think it adviſeable to raiſe all or any Part of the Money neceſſary for the Purpoſes of this Act, by granting Annuities for Lives, then it ſhall be lawful for the ſaid Truſtees, and they are hereby authorized and empowered from Time to Time, as they ſhall think proper, by Writing under their Hands and Seals, to grant Annuities to any Perſon or Perſons who ſhall contribute, advance, and pay, into the Hands of the ſaid Truſtees, or their Treaſurer for the Time being, any Sum or Sums of Money for the abſolute Purchaſe of any Annuity, to be paid and payable during the natural Life of every ſuch Contributor, or of his or her Nominee, and either with or without Benefit of Survivorſhip,

as the ſaid Truſtees ſhall think proper, ſo as ſuch Annuity do not exceed the Rate of Ten Pounds for One hundred Pounds; and the Grant of every ſuch Annuity ſhall be in the Words or to the Effect following; (*videlicet*),

'WE of the Truſtees, appointed by or in purſuance of an Act of Parliament paſſed in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*], in Conſideration of the Sum of paid by *A. B.* to *C. D.* the Treaſurer appointed in purſuance of the ſaid Act, do hereby grant unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, an Annuity or Yearly Sum of out of the Rates or Aſſeſſments ariſing by virtue of the ſaid Act, which Annuity or Yearly Sum of ſhall be paid Half-yearly to the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, at upon the Day of and Day of in every Year during and the Firſt Payment thereof ſhall be made upon the Day of next enſuing the Date of theſe Preſents. In Witneſs whereof we have hereunto ſet our Hands and Seals this Day of

And every ſuch Grant ſhall be good, valid, and effectual, in the Law, and every Annuity ſo to be granted as aforeſaid ſhall be, and is hereby charged upon, and ſhall be payable and paid, free from all Taxes and Deductions, out of the ſaid Rates or Aſſeſſments.

No greater Sum in the Whole than 2,000 *l.* to be raiſed,

XVI. Provided nevertheleſs, That no greater Sum in the Whole than Two thouſand Pounds ſhall be raiſed by Loan or Mortgage, and by the Sale or granting of Annuities as aforeſaid, over and above the neceſſary Charges in and about obtaining and paſſing this Act; and that before any ſuch Money ſhall be borrowed or Annuity granted, Fourteen Days Notice ſhall be given in *Aris's Birmingham Gazette*, or ſome other publick Newſpaper printed or circulated at *Birmingham*, ſignifying the Intention of borrowing ſuch Money or granting ſuch Annuities.

Money lent, and the Intereſt thereof, to be paid within 30 Years.

XVII. Provided alſo, and be it further enacted, That the full Money ſo to be lent on Mortgage, and the Intereſt thereof, ſhall be fully paid and ſatisfied within Thirty Years from the advancing of the Money that ſhall be firſt lent upon the Credit of this Act; and that, from and after full Payment and Satisfaction of the Principal Monies to be borrowed, and the Intereſt thereof, and the Determination of all the Annuities to be granted by virtue of this Act, as herein-before mentioned, the Rates and Aſſeſſments hereby directed to be raiſed and levied ſhall ceaſe and determine.

Manner of transferring Securities.

XVIII. And be it further enacted, That it ſhall be lawful for the Perſons entitled to any of the Securities for Money borrowed, or for Annuities granted as aforeſaid, by Writing under their Hands and Seals indorſed thereon, or by any other Writings under their Hands and Seals, to transfer and aſſign the ſame to any Perſon or Perſons, in the Words or to the Effect following; (*videlicet*),

'I *A. B.*

'I *A. B.* do hereby aſſign and transfer the within Mortgage, [*or*, Grant of an Annuity, *as the Caſe ſhall be*], and all my Right and Title in 'and to the Principal Money and Intereſt, [*or* Annuity], and all Arrears 'due thereon, thereby ſecured unto *C. D.* his Executors, Adminiſtrators, 'and Aſſigns. Dated the Day of

And after ſuch Transfer and Aſſignment 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 Aſſignee may in like Manner transfer and aſſign again, and ſo *toties quoties*; and all and every Perſon and Perſons to whom ſuch Mortgages, or Grants and Transfers ſhall be made, ſhall be, in Proportion to the Sum or Sums of Money therein mentioned, Creditors on the ſaid Rates and Aſſeſſments, and all other Monies to be raiſed by virtue of this Act, without any Preference in reſpect to the Priority of advancing ſuch Money.

Account of Money borrowed to be entered in Books,

XIX. And be it further enacted, That there ſhall be provided by the ſaid Truſtees, and kept in the Pariſh Cheſt a Book or Books, in which ſhall be made Entries or Memorials of all Mortgages, and of all Grants of Annuities made in purſuance of this Act, and of all Transfers thereof, expreſſing in Words at Length the Names, Additions, Places of Abode, and other proper Deſcriptions of the Perſons from Time to Time entitled to the Principal and Intereſt, or the Annuities thereby reſpectively ſecured, and in which Book or Books ſhall be fairly written an Account of all the Proceedings, Contracts, and Payments, of the ſaid Truſtees, which Book or Books all Perſons intereſted ſhall, at all ſeaſonable Times, have Acceſs to and Liberty to inſpect, upon Payment of One Shilling to the Clerk.

and alſo the Proceedings of Truſtees.

Manner of paying off Securities.

XX. And be it further enacted, That each Mortgage or Security upon which any Money ſhall or may be lent or advanced in purſuance of this Act, ſhall be numbered or marked by the Clerk to the ſaid Truſtees, with ſeparate and diſtinct Numbers; and in order to avoid Partiality in the paying off or diſcharging any of 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 Whole of the unſatisfied Mortgages ſhall be numbered or marked, and the Whole of ſuch Slips ſhall be mixed together and put into a Box, and as many of the ſaid Slips ſhall be ſeparately drawn or taken out of ſuch 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 or Securities bearing or anſwering 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 in Writing, ſigned by the ſaid Clerk, ſhall be given 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 if known, and if not, then Notice ſhall be given Three Times in the *London Gazette*, that the Principal and Intereſt due on his, her, or their reſpective Security or Securities (ſpecifying the Number) will be paid off; and at the Expiration of the ſaid Six Calendar Months, to be computed from the Day of ſuch Notice given or left, or adver-

tiſed

tiſed as aforeſaid, all Intereſt on ſuch Security or Securities ſhall ceaſe and determine.

Rates veſted in Creditors in caſe of Non-payment of Principal and Intereſt, &c.

XXI. And be it further enacted, That the Rates and Aſſeſſments hereby directed to be made, collected, levied, and paid, ſhall be charged and chargeable with and for the Payment of the ſaid Principal Monies and Intereſt, and the ſaid Annuity or Annuities reſpectively, and all Arrears thereof from Time to Time, and ſhall veſt in the Lender or Lenders, Annuitant or Annuitants reſpectively, upon Default of Payment of ſuch Principal Monies and Intereſt, or Annuity or Annuities, until the ſame ſhall reſpectively be fully paid and ſatisfied, with the Coſts and Charges occaſioned by Non-payment of the ſame; and the ſaid Lender and Lenders, and Annuitant and Annuitants, in caſe there ſhall be any Arrear of the ſaid Principal Monies and Intereſt, or Annuity or Annuities, and until full Payment thereof with Intereſt and Charges as aforeſaid, ſhall reſpectively have the ſame Power, Rights, and Privileges of aſſeſſing, collecting, diſtraining, ſuing for, and levying, the ſaid Rates and Aſſeſſments payable by virtue of this Act, as the ſaid Truſtees, their Collectors and Receivers, or any of them, could have had in caſe the ſaid Principal Monies and Intereſt, and Annuity or Annuties, had been regularly and truly paid and ſatisfied.

Power to make Contracts with Workmen,

XXII. And be it further enacted, That it ſhall be lawful for the ſaid Truſtees, at any publick Meeting to be holden in purſuance of this Act, to receive Propoſals from and to contract with any Surveyor or Surveyors, Builder or Builders, or Workmen, for taking down and rebuilding the ſaid Church, and the new pewing thereof, or any Part thereof, and with the ſame, or any other Perſon or Perſons, to treat and contract for finding and providing proper Materials for the Purpoſe or Purpoſes aforeſaid, or any other Materials, Matters, or Things, neceſſary or proper for effectually performing the Purpoſes of this Act, or any of them; but that, previous to the making any ſuch Contract, Fourteen Days Notice at the leaſt, expreſſing the Intention of making the ſame, ſhall be given in *Aris's Birmingham Gazette*, or ſome other publick Newſpaper printed or circulated at *Birmingham*, in order that any Perſon or Perſons may have an Opportunity of making Propoſals, for any of the Purpoſes aforeſaid, to the ſaid Truſtees, at a certain Time and Place in ſuch Notice to be mentioned; and that it ſhall be lawful for the ſaid Truſtees, ſo aſſembled as aforeſaid, to take ſuch Security from any Perſon or Perſons entering into ſuch Contracts, or any of them, for enforcing the due Performance thereof, as to the ſaid Truſtees ſhall ſeem neceſſary; and 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 and 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 ap-

Power of bringing Actions for any Breach of Contracts.

ply

ply the Money to be recovered in any ſuch Action, after deducting thereout the Expences and Charges neceſſarily attending the ſame, and not allowed therein, for the Purpoſes of this Act; and that all Actions for Penalties, and all other Actions to be brought by the ſaid Truſtees under this Act, ſhall be in like Manner brought in the Name of their Clerk or Treaſurer, and no Action ſhall abate or be diſcontinued by the Death or Removal of ſuch Clerk or Treaſurer, but the Clerk or Treaſurer for the Time being ſhall be deemed the Plaintiff in ſuch Action.

Actions not to abate by the Death of Treaſurer.

XXIII. Provided always, That it ſhall be lawful for the ſaid Truſtees, from Time to Time, to compound or agree with any Perſon or Perſons for the Penalty incurred by him or them for the Breach of any ſuch Contract, for ſuch Sum or Sums of Money as they ſhall think reaſonable.

Power to compound.

XXIV. And be it further enacted, That the ſaid Truſtees ſhall have full Power and Authority, and they are hereby authorized and empowered, to ſell and diſpoſe of the Materials of the ſaid old Church, or ſuch Part thereof as they ſhall think fit, to ſuch Perſon or Perſons as ſhall be willing to purchaſe the ſame, and that the Money ariſing by ſuch Sale ſhall be applied to and for the Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever.

Truſtees empowered to ſell the old Materials.

XXV. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, or any Twenty or more of them, aſſembled at ſome Meeting to be held within Twelve Calendar Months after the paſſing of this Act, of the Time and Place of which Meeting Ten Days Notice at leaſt ſhall be given in Manner aforeſaid, to ſettle, determine, and order, whether the new intended Church ſhall be erected upon the Scite of the preſent Church, or within the preſent Church Yard, or whether ſuch new Church ſhall be erected in ſome other Part of the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*; and if it ſhall be determined and ordered by the ſaid Truſtees, or any Twenty or more of them as aforeſaid, that ſuch new Church ſhall be built in another Situation, it ſhall be lawful for the ſaid Truſtees, or any Twenty or more of them, to contract for and purchaſe Freehold Land for that Purpoſe, in ſuch Part of the ſaid Pariſh as to them the ſaid Truſtees, or any Twenty or more of them, ſhall ſeem moſt convenient for the Uſe of the Pariſhioners, and alſo to purchaſe ſuch further Quantity of Freehold Land as ſhall be ſufficient to make a Burial Ground to ſuch new Church, not exceeding in the Whole, for both the above Purpoſes, the Quantity of Three Acres; and it ſhall be lawful for all Bodies Politick and Corporate, and all incapacitated Perſons whatſoever, to contract and agree with the ſaid Truſtees for the Sale of ſuch Land, and to convey the ſame in Manner and under the Regulations herein-after mentioned, with reſpect to Land to be bought for enlarging the preſent Church Yard.

Enabling the Truſtees to build the new Church upon a different Scite if they ſhall judge fit.

XXVI. And be it further enacted, That the ſaid Truſtees, or any Five or more of them, when the ſaid Church ſhall have been rebuilt and finiſhed, or as ſoon after as conveniently may be, ſhall at any Meeting, of which Notice in Writing, Seven Days previous thereto, ſhall be given, by being affixed on the Door of the ſaid Church, or upon the Door or ſome other conſpicuous Part of the ſaid Houſe of the ſaid *William*

Allotment of Pews.

Short, or ſuch other Houſe in the ſaid Pariſh as the ſaid Truſtees ſhall adjourn to, in ſuch Manner and by ſuch Ways and Means as they ſhall judge proper; in the Firſt Place ſet out, allot, and appoint, unto the ſeveral Perſons who now are entitled to any Pews or Seats in the ſaid Church, ſuch and ſo many Pews or Seats as (Situation conſidered) ſhall in their Judgement be a full Compenſation and Satisfaction for any Right or Intereſt ſuch Perſons reſpectively had in the ſaid Church before the Alterations thereof; and ſhall in the next Place ſet out, allot, and appoint, ſuch publick Seats or Galleries for poor Perſons, and for the general Uſe of any Perſons whomſoever repairing to the ſaid Church, as the ſaid Truſtees, or any Five or more of them, ſhall judge neceſſary; and ſuch Allotments when ſo made ſhall be in full Satisfaction and Bar of, and in 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, their, or any or either of their Heirs, Executors, Succeſſors, or Aſſigns; and the ſaid Truſtees are hereby authorized and directed, at any Time or Times after ſuch Allotments and Diſpoſitions of ſuch Pews or Seats as aforeſaid ſhall have been made, to let the Reſidue of the ſaid Pews or Seats to any Perſon or Perſons, for ſuch fair and reaſonable Annual Rents as they ſhall think proper; and the Monies which ſhall ariſe by the Rents and Profits of ſuch Pews or Seats ſhall be applied, in the Firſt Place, towards paying the Annuities directed to be raiſed by virtue of this Act, and after the ſaid Annuities ſhall ceaſe, then the Reſidue of ſuch Pews or Seats ſhall be veſted in the Curate of the ſaid Pariſh Church for the Time being, and his Succeſſors, in Augmentation of the Stipend annually paid to ſuch Curate.

For alloting Pews to Farms.

XXVII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Truſtees, and they are hereby empowered, if they ſhall judge fit, to ſet out and to allot to and for the Uſe of the reſpective Farms in the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*, a Pew or Pews in the ſaid new Church to each ſuch Farm, although it may not appear that ſuch Farm or Farms now have or are entitled to a Pew or Pews in the preſent Church; any Thing herein-before contained to the contrary thereof notwithſtanding.

Pews not to be altered.

XXVIII. And be it further enacted, That for the better Preſervation of Uniformity in the Pews or Seats of the ſaid Church, no Perſon or Perſons entitled to any ſuch Pew or Seat ſhall be permitted to paint the ſame, or to raiſe the ſame higher than any other Seat or Pew in the ſaid Church; and if any ſuch Alterations ſhall be made, then the ſaid Truſtees may reſtore the Pews or Seats ſo altered to their former State, and every Perſon offending in making ſuch Alteration, ſhall forfeit any Sum not exceeding Ten Pounds, to be recovered in either of the ſaid Manners as the ſaid Rates or Aſſeſſments are herein-before directed to be recovered, and to be paid to the Treaſurer to the ſaid Truſtees.

Seats to be numbered.

XXIX. And, for the preventing Differences and Diſputes relating to the Property in the ſaid Pews or Seats, be it further enacted, That immediately after the ſaid Pews or Seats and the ſaid Gallery ſhall be completed and finiſhed, the ſaid Truſtees, or any Seven or more of them, ſhall, and they are hereby required to cauſe the ſeveral Pews or Seats in the ſaid

said Church to be numbered, and the several Numbers of the said Pews or Seats to be entered in a Book or Books to be provided and kept for that Purpose, together with the Names of the Persons to whom the same are respectively set out and allotted, which Book or Books shall be signed by the said Trustees, or any Seven or more of them, and be preserved 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; which said Book or Books so signed by the said Trustees, or any Seven or more of them, 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 unto and amongst all and every the Parties interested in the said Pews or Seats.

If any Gallery be erected, the Pew Rents, after paying the Expence of erecting them, shall be paid to the Curate.

XXX. And be it further enacted, That if any Gallery or Galleries shall be hereafter erected in the said Parish Church of *Tipton*, otherwise *Tibbington*, for the Purpose of increasing the Number of Pews or Seats therein, the Churchwardens of the said Parish for the Time being shall, after providing such additional Number of Pews or Seats that may be then found necessary for the Poor of the said Parish, let the Residue of such Pews or Seats to be made in such Gallery or Galleries, for such fair and reasonable Annual Rents as they shall think proper, and the Monies which shall arise by the Rents and Profits of such Pews or Seats shall be paid and applied, in the First Place, towards defraying the Expence of erecting such Gallery or Galleries, and making the Pews or Seats therein, and afterwards in the same Manner and to such and the same Purposes as the Rents and Profits of the Residue of such Pews or Seats in the Body of the said Church are herein-before directed to be paid and applied.

Trustees are empowered to purchase Ground for a new Burial Ground.

XXXI. And be it further enacted, That if it shall be determined, in pursuance of the Power herein-before given, to build the said new Church on the Scite of the present Church, or within the present Church Yard, it shall be lawful for the said Trustees, or any Five or more of them, to purchase any Lands adjoining to the present Church Yard, and within the said Parish, for the Purpose of enlarging such Church Yard, so that it shall not exceed Three Acres in the Whole; and for that Purpose it shall be lawful for the said Trustees to treat, contract, and agree with the Owners of, and Person or Persons interested in any such Land or Ground, for the Purchase thereof for the Purpose aforesaid, and it shall be lawful for all Bodies Politick and Corporate, and all Husbands, Guardians, Trustees, Committees, Executors, and Administrators, for and on Behalf of themselves, their Heirs and Successors, and of any Infants, Femes Covert, and Cestuique Trusts, and for all and every other Person and Persons who are or shall be seised, possessed of, or interested in, any such Land or Ground, to contract and agree with the said Trustees for the Sale thereof, and to convey to the Curate for the Time being of the said Parish of *Tipton*, otherwise *Tibbington*, and his Successors, Curates of the said Parish, any such Land or Ground for the Purpose aforesaid; and all Contracts and Agreements, Sales and Conveyances, which shall be so made, shall be valid and effectual in Law to all Intents and Purposes whatsoever, and it shall be lawful for the said Trustees to pay for the same out of the Monies coming to their Hands by virtue of this Act, and

to take Poſſeſſion thereof for the Purpoſe of enlarging the ſaid Church Yard, and of building ſuch Church: Provided always, that the Ground to be purchaſed for a new Burial Ground, ſhall not be made uſe of as a Burial Ground until it ſhall have been duly ſet apart and conſecrated by the Biſhop of the Dioceſe as and for a Burial Ground for the ſaid Pariſh.

Money belonging to Corporations, &c. to be reinveſted.

XXXII. And be it further enacted, That the Money or Recompence to be paid for any Land which ſhall be purchaſed for the Purpoſe aforeſaid, belonging to any Corporation or other incapacitated Perſons, ſhall be paid to ſuch Perſon or Perſons as ſuch Corporation, or the Guardians, Truſtees, or Committees, of ſuch incapacitated Perſons, ſhall reſpectively nominate and appoint to receive the ſame in Truſt, with all convenient Speed to be reinveſted in the Purchaſe of other Lands, which ſhall be conveyed and ſettled upon and ſubject to the like Uſes, Truſts, and Limitations, as the Land to be purchaſed for the Purpoſes of this Act, belonging to ſuch Corporation or other incapacitated Perſons, ſhall be then ſettled, limited, or aſſured.

No Burials to be allowed within the Walls of the Church.

XXXIII. And be it further enacted, That no Graves ſhall at any Time be made or allowed for the Interment or Burial of any Perſon or Perſons whomſoever, in and under the Scite of the ſaid new intended Church.

Banns of Marriage to be publiſhed, and Marriages to be ſolemnized, in the adjoining Church.

XXXIV. And be it further enacted, That during the Time the ſaid Church is rebuilding, Publications of Banns of Marriage, and all Marriages and Baptiſms, and other Rites and Ceremonies of the Church of *England*, may be done and performed in the adjoining Pariſh Church of *Dudley*, by the officiating Miniſter of the ſaid Pariſh, as would otherwiſe have been publiſhed and ſolemnized in the Pariſh Church of *Tipton*, otherwiſe *Tibbington* aforeſaid, and the uſual and accuſtomed Fees for ſuch Publication and Solemnization ſhall be paid to the Curate and Clerk of the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*, or ſuch other Perſon or Perſons who is or are entitled to receive the ſame, and that all ſuch Publications of Banns, and Solemnization of Marriages, and other Rites and Ceremonies, ſhall be good and available in Law, as if the ſame had been done and performed in the Church of the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*.

For Solemnization of Matrimony, &c. and for preſerving the Rights of the Patron and Curate.

XXXV. And be it further enacted, That after the Completion and Conſecration of the ſaid intended new Church and Church Yard, Divine Service, the Solemnization of Matrimony, Baptiſms, and all other Matters and Things which are, and of Right uſed to be celebrated, ſolemnized, adminiſtered, had, done, and performed, by the Miniſter or Curate for the Time being in the ſaid old Church and Church Yard, ſhall and may be celebrated, ſolemnized, adminiſtered, had, done, and performed, in the like Manner in the ſaid new Church, and in the ſaid new as well as the ſaid old Church Yard; and that the preſent Miniſter or Curate of the ſaid Pariſh, and his Succeſſors, Miniſter or Curate for the Time being, ſhall be the Miniſter or Curate of the ſaid Pariſh in the ſaid new Church in like Manner as in the ſaid old Church, and that the Perſon who for the Time being would have had a Right of preſenting, nominating,

minating, or appointing a Miniſter or Curate to the ſaid old Church, in caſe the ſame had not been taken down, ſhall, after the Completion of the ſaid new Church, have the Right of Preſentation, Nomination, or Appointment, to the ſaid new Church upon every future Vacancy or Avoidance, and that every ſuch Perſon ſo to be preſented, nominated, or appointed, ſhall be the Miniſter or Curate of ſuch new Church, and ſhall have and enjoy ſuch Profits, Privileges, Commodities, and Eccleſiaſtical Dues and Duties, ariſing within the ſaid Pariſh, as the preſent Miniſter or Curate of the ſaid Pariſh hath or ought to have and enjoy: Provided that this Act ſhall not prejudice the Rights of the Miniſter or Curate of the ſaid Pariſh for the Time being, or the Right of Preſentation, Nomination, or Appointment, of a Miniſter or Curate of the ſaid Pariſh, although the ſaid old Church be taken down, and the ſaid new intended Church not built or finiſhed.

Payment of Rates not to entitle Perſons to be Pariſhioners, nor ſubject Proprietors to any other Church Rates.

XXXVI. Provided always, and be it further enacted, That the Payment of the ſaid Rates and Aſſeſſments, directed to be raiſed and levied by virtue of this Act, ſhall not entitle any Perſon or Perſons whomſoever, to be a Pariſhioner of the ſaid Pariſh of *Tipton*, otherwiſe *Tibbington*, nor ſubject any Perſon or Perſons whomſoever, paying other Rates or Levies than by this Act are directed for taking down and rebuilding of the ſaid Church, for or in reſpect of any Lands, Houſes, Tenements, and Hereditaments, that have not heretofore paid any Rates or Levies for Repair of the old Church.

Expences of the Act.

XXXVII. And be it further enacted, That all the Coſts, Charges, and Expences of paſſing this Act, and all other Charges incident to the obtaining thereof, ſhall be borne, paid, and defrayed, out of the Firſt Money to be raiſed by virtue hereof, and that all Charges and Expences of the ſeveral Perſons appointed, or to be appointed by the ſaid Truſtees for the Purpoſes aforeſaid, in the Execution of this Act, and all other neceſſary Expences in, about, and concerning, the Premiſes, ſhall be borne, paid, and defrayed, out of the Monies ariſing by virtue of this Act.

Diſtreſs not to be deemed unlawful for Want of Form.

XXXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied 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 Default or Want of Form in any Proceeding 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 done by the Party or Parties diſtraining; but the Perſon or Perſons aggrieved by ſuch Irregularity, may recover full Satisfaction for the ſpecial Damages in an Action on the Caſe: Provided always, that no Plaintiff or Plaintiffs ſhall recover in any Action or Actions for any ſuch Irregularity, Treſpaſs, or other Proceeding, if Tender of ſufficient Amends ſhall be made by or on Behalf of the Party or Parties who ſhall have committed or cauſed to be committed any ſuch Irregularity, Treſpaſs, or other wrongful Proceeding, before ſuch Action brought; and in caſe no ſuch Tender ſhall have been made, it ſhall and may be lawful for the Defendant or Defendants, in any ſuch Action, by Leave of the Court where ſuch Action ſhall depend, 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 Judgement, ſhall be had, made, and given, in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Appeal.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved, by any Matter or Thing to be done in purſuance of this Act, it ſhall and may be lawful for him, her, or them, to appeal to the Juſtices of the Peace at any General Quarter Seſſions to be holden for the County of *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 Three 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 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 quaſhed for Want of Form.

XL. 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 other Matter or Thing to be done or tranſacted in or relating to the Execution of this Act, ſhall be vacated or quaſhed for Want of Form, or be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary notwithſtanding.

Notice to be given of bringing Actions.

XLI. 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 of *Stafford* 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 have been 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 before for that Purpoſe

Purpoſe 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, Judgement ſhall be given for the Defendant or Defendants therein, then, or in either of the Caſes aforeſaid, 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 by Law. Treble Coſts.

XLII. And be it further enacted, That this Act ſhall be taken and allowed in all Courts and Places as a Publick Act; and all Judges, Juſtices, and others, are hereby required to take Notice thereof as ſuch, without the ſame being ſpecially pleaded. Publick Act.

FINIS.