CHAPTER xlvi.

An Act for the division of the Parish of Barking into two distinct Parishes for lay and civil purposes. A.D. 1888.

[28th June 1888.]

WHEREAS the parish of Barking in the county of Essex is a parish of very large extent and comprises the four divisions commonly known as Barking Town Ward Ripple Ward Ilford Ward and Chadwell Ward which have of late greatly increased in rateable value and population:

And whereas at the date of the last valuation for rateable purposes the said Barking Town Ward and Ripple Ward were of the rateable value together of 81,092*l.* 5*s.* and the said Ilford Ward and Chadwell Ward were of the rateable value together of 49,299*l.* 15*s.*:

And whereas the said parish of Barking contains besides the mother church and parish of Saint Margaret's Barking divers other duly consecrated churches and districts which have become parishes for ecclesiastical purposes and it is expedient for the better administration of the lay and civil affairs of the said parish that the same should be divided into two parishes:

And whereas before the formation of the said parishes for ecclesiastical purposes there were divers charities for the benefit of the poor and for other charitable uses within the said parish of Barking and under orders and schemes of the High Court of Chancery and of the Charity Commissioners for England and Wales such charities have been apportioned between the mother parish of Saint Margaret's Barking and the said new parishes:

And whereas by an Act of Parliament passed in the twenty-sixth year of His late Majesty King George III. chapter 115 intituled "An Act for providing a proper workhouse and better regulating "the poor within the parish of Barking in the county of Essex and "for regulating the common wharf within the town of Barking" divers provisions were made and passed relating to the establish-

A.D. 1888.

ment and maintenance of a workhouse for the said parish of Barking and for the better regulation of the wharf or creek within the town of Barking therein mentioned and it is expedient and necessary to amend the said Act:

And whereas none of the said purposes can be carried into effect without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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 as follows:—

Short title.

1. This Act may be cited for all purposes as the Barking Parish Act 1888.

Interpretation of terms.

2. In this Act the expression "the old parish" shall mean the old or existing parish of Barking the expression "the parish of Barking" shall mean the parish of Barking as hereinafter constituted the expression "the parish of Ilford" shall mean the parish of Ilford as hereinafter constituted and the expression "justices" shall mean the justices of the peace having jurisdiction. The expression "the Act of 1786" shall mean the said Act of Parliament passed in the twenty-sixth year of the reign of His late Majesty King George III. chapter 115.

Division of parish.

3. This Act shall come into force on the twenty-ninth day of September one thousand eight hundred and eighty-eight which day is in this Act referred to as the commencement of this Act and from and after the commencement of this Act the parish of Barking in the county of Essex shall for all lay and civil purposes be divided into and shall form two separate and distinct parishes to be called respectively the parish of Barking and the parish of Ilford.

As to settlements of paupers.

4. As between the parishes of Barking and Ilford every person who has acquired or shall before the twenty-ninth day of September one thousand eight hundred and eighty-eight acquire a settlement in the old parish shall be deemed to have acquired such settlement in Barking or in Ilford according as the acts or circumstances conferring such settlement shall have been done or taken place in Barking or in Ilford or (if such acts or circumstances shall have been done or taken place partly in Barking and partly in Ilford) then according as his last place of residence in the old parish at the time of acquiring such settlement shall have been in Barking or in Ilford except where any such person shall have ceased to reside in Barking or in Ilford as the case may be after the twenty-eighth

day of September one thousand eight hundred and eighty-eight and before becoming chargeable.

Unless or until the settlement of such person shall be duly determined to be in some other parish than Barking or Ilford.

Irremovable poor.

5. Any person who shall have acquired a status of irremovability in the old parish shall be deemed to have acquired a status of irremovability from Barking or from Ilford according as he shall reside on the twenty-ninth day of September one thousand eight hundred and eighty-eight or (if he shall be in receipt of relief) according as he was residing at the time of becoming chargeable in Barking or in Ilford.

Boundaries of new parishes.

6. The parish of Barking for all lay and civil purposes shall consist of and comprise so much of the old parish as lies within the boundaries of the districts or wards now known as Barking Town Ward and Ripple Ward and the parish of Ilford for all lay and civil purposes shall consist of and comprise so much of the old parish as lies within the boundaries of the districts or wards now known as Ilford Ward and Chadwell Ward and for more clearly defining the said several boundaries the same are shown upon a certain plan signed by the Most Noble Richard Duke of Buckingham and Chandos the Chairman of Committees of the House of Lords to whom the Bill for this Act was referred in its progress through Parliament and lodged in the office of the Clerk of the Parliaments a copy whereof shall be deposited with the clerk of the peace for the county of Essex and the provisions of the Act I. Victoria chapter 83 shall apply to such plan as though the same were a plan required by the Standing Orders of Parliament to be deposited with such clerk of the peace.

Constitution of new parishes.

7. Each parish constituted by this Act shall be a separate and distinct parish for all lay and civil purposes and be invested with all the rights powers liabilities and incidents belonging or attached to a parish by the common law or by any public statute for the time being in force and subject to the provisions herein contained all Acts of Parliament and customs relating to parochial business the management and affairs of parishes making levying and recovering of rates making assessments lists of persons entitled to vote at any election or for any purpose lists of jurors the action of justices police constables the appointment of parochial officers and otherwise to which the old parish shall be subject immediately before the passing of this Act or which shall hereafter apply to parishes shall apply to each parish constituted by this Act in like manner in every respect as the same are now applicable to the old parish or would have been applicable thereto if this Act had not been passed.

A.D. 1888.

Appointment &c. of churchwardens.

8. From and immediately after the commencement of this Act all laws customs and usages for or relating to the appointment and duties of churchwardens within and for the old parish and the church of Saint Margaret's Barking shall cease and determine and so far as regards the parish of Barking and the said church three churchwardens shall be appointed as by law provided in respect of the parish of Barking and such part of the said Chadwell Ward as notwithstanding the provisions of this Act now forms part of the ecclesiastical parish of Saint Margaret's Barking and the said churchwardens shall within such last-mentioned parish have all the rights and powers and shall perform all the duties now or heretofore possessed by and imposed upon the churchwardens of the old parish. One of such churchwardens shall be appointed in respect of the said Town Ward another in respect of the said Ripple Ward and so much of the said Chadwell Ward as notwithstanding the provisions of this Act now forms part of the ecclesiastical parish of Saint Margaret's Barking and the third shall be appointed by the vicar for the time being of the said ecclesiastical parish of Saint Margaret's Barking.

Appointment of overseers.

9. The justices shall in the year one thousand eight hundred and eighty-eight and in every succeeding year in manner heretofore accustomed at a special sessions to be held for the appointment of overseers of the poor notwithstanding the prohibition as to the appointment of overseers contained in the twenty-second section of the Poor Law Amendment Act 1844 in lieu of the appointments heretofore made for the old parish appoint two overseers for the parish of Barking and three overseers for the parish of Ilford.

Appointment of guardians.

10. Guardians shall be appointed in respect of Barking Parish and in respect of Ilford Parish but the guardians elected and acting for the old parish in the Romford Union at the time when the division of the parish shall take effect shall continue to act as such until the guardians for the new parishes hereby formed shall be elected under an order of the Local Government Board which order the Local Government Board shall issue as soon as they shall deem it expedient.

Qualification of ratepayers and guardians.

11. The persons qualified as ratepayers to vote for guardians or for the election of any other parochial officers or at any vestry meeting in and for the said new parishes respectively shall be such as shall have been rated to the poor rate of the old parish in respect of property situated in the districts to be comprised in the said respective new parishes and shall have paid the rates during the respective periods required by law until separate poor rates shall have been made for such respective new parishes and the qualifica-

tion of a guardian so far as it depends upon the rating of property shall be sufficient if such rating be that of the old parish until separate rates shall have been made for the said new parishes.

Qualification of owners.

12. Any person who shall be duly qualified to vote as owner at the election of guardians for the old parish at the time when the division of that parish shall take effect shall be competent to vote as owner at the first election of guardians which shall take place after the passing of this Act in that one of the said new parishes in which the property in respect of which he so claims to vote shall be situated.

Determination of offices and compensation to holders.

13. The person who at the commencement of this Act shall be the collector of the poor rates for so much of the old parish as lies within the boundaries of the districts or wards now known as Barking Town Ward and Ripple Ward and the person who at the commencement of this Act shall be the collector of the poor rate for so much of the said old parish as lies within the boundaries of the districts or wards now known as Ilford Ward and Chadwell Ward shall from and after the commencement of this Act be the collectors of the poor rate for the respective parishes of Barking and Ilford and shall subject to the provisions of this Act continue to hold the said offices for such periods and subject to such conditions as to duties emoluments and otherwise as shall be attached to such offices at the commencement of this Act so far as the same shall be then applicable to such offices but the offices of assistant overseer of the poor and vestry clerk of the old parish as now existing shall cease and determine on the twenty-ninth day of September in the year one thousand eight hundred and eighty-eight save and except as to the passing of the accounts and settlement of any balance due to or from the old parish or any other authority or person from or to the assistant overseer whose office shall be so determined and any person who shall be deprived of any office or employment or whose profits in respect thereof shall be diminished under or by reason of any provision of this Act shall be awarded such compensation as the Local Government Board shall determine such compensation to be paid out of such fund and in such manner as shall appear to the Local Government Board to be equitable.

Settlement of accounts.

14. Any sum of money due from or to such assistant overseer or collectors to or from the old parish shall be received or paid by the overseers to be appointed for the said new parishes in the proportions which the assessment of each parish shall bear to the assessment of the old parish according to the valuation list in force

AD. 1888.

at the commencement of this Act. And the Local Government Board may on the application of either of the new parishes apportion between them in such manner as the Local Government Board may think most equitable any property debts or liabilities belonging to or charged upon the old parish and the decision of the Local Government Board shall be binding on all parties. The expenses of the Local Government Board including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the new parishes in the proportions above mentioned and shall be recoverable in the same manner as any other expenses incurred by the Local Government Board may be recovered by that Board.

Custody of books and documents.

15. All rate books books of account minutes of proceedings deeds papers and writings belonging to the old parish shall be deposited in the safe in the vestry or town hall at Barking and be there kept and preserved by the overseers of the parish of Barking and the ratepayers of the parishes of Barking and of Ilford shall at all times have the same right of inspection and making extracts from such books and minutes as they would have had if they were ratepayers of the old parish and if the old parish had not been divided.

Appointments of vestry clerks.

16. The churchwardens or other persons to whom it belongs to convene meetings of the vestry in each of the said new parishes shall within the space of one month from and after the commencement of this Act convene a meeting of the vestry of each such parish for the special purpose of electing a vestry clerk to perform such of the duties as prior to the passing of this Act were imposed upon the vestry clerk of the old parish or as may hereafter be imposed upon vestry clerks by any Act or Acts of Parliament and public notice of such meeting of the vestry and the place of holding the same and the special purpose thereof shall be given in the usual manner in which notice of the meetings of the vestry of the old parish is now given at least seven days before the day to be appointed for holding such vestry and at such meeting the vestry shall proceed to elect some fit and proper person to be vestry clerk and the person so elected shall hold the office of vestry clerk subject to all the provisions relating to such office contained in the Act intituled "An Act to prevent the holding of vestry and other "meetings in churches and for regulating the appointment of "vestry clerks" passed in the thirteenth and fourteenth years of the reign of Her present Majesty chapter 57.

Apportionment of liabilities.

17. Notwithstanding anything contained in the Act of 1786 all real and personal property belonging at law or in equity to the old

parish at the commencement of this Act including all balances of rates being poor rates in the hands of the overseers of the old parish after satisfying the precepts or calls in respect of which such rates were made and all the debts and liabilities of the old parish shall as the case may be belong to and be borne by the new parishes respectively in the proportions which the assessment of each parish shall bear to the assessment of the old parish according to the valuation list in force at the commencement of this Act: Provided that such balances of rates other than poor rates as aforesaid shall be applied by the overseers of the old parish for the purposes in respect of which such rates were made.

Powers and duties of directors under Act of 1786 relating to public wharf transferred to new body of conservators.

18. All powers and duties conferred or imposed by the Act of 1786 upon the directors therein mentioned in relation to or which may be conveniently or properly exercised by them in respect of the public wharf or creek within or adjoining to the town of Barking shall so far as the same were after the passing of the Act of 1786 vested in the said directors be vested in five persons as conservators thereof three of whom shall reside in the parish of Barking and two of whom shall reside in the parish of Ilford and who shall at the time of their election and during their continuance in such office have the qualification and be under the disabilities enacted in the case of a director by section 3 of the Act of 1786. Three of the said conservators shall be appointed by the vestry of Barking and two of the said conservators shall be appointed by the vestry of Ilford. The said conservators shall retire from office at the meetings of the said respective vestries held at Easter in each year and subject as hereinbefore provided shall be eligible for re-election and the said respective vestries shall at such meetings as last aforesaid in each year elect respectively the like number of persons so qualified as aforesaid to fill the office of conservators for the then ensuing year: Provided that if any conservator shall die or become through ill-health or otherwise physically or mentally incapable of performing his duties or shall desire to retire the remaining conservators shall forthwith elect in his place a duly qualified person who shall hold the office and exercise the powers and duties of conservator until the next Easter meetings of the vestries of the parish in which he shall have been a resident at the time of his election. The said conservators shall meet for the dispatch of business in any convenient place or places in the said parishes or either of them. The provisions of the Act of 1786 relating to the election meetings powers and duties of the said directors shall subject to the enactments herein contained apply to the said conservators but all notices required by the Act of 1786 to be given or published

A.D. 1888.

by the said directors shall be printed and during some convenient hours of one or more days be affixed outside some public building or exhibited in some public place in both the said parishes and it shall not be necessary to give any such notice in the parish church of the old parish. The said conservators shall have power to charge the said new parishes in the proportions hereinbefore mentioned with the expenses of maintaining the said wharf and of carrying the said rules and orders into effect and the overseers thereof respectively shall make and levy such rates upon the said parishes as shall be necessary for the purposes of meeting such charges and shall out of the proceeds of such rates pay the amount thereof to the said conservators as and when they shall require payment of the same.

Rules and orders of conservators.

19. All rules and orders made by the said conservators in manner prescribed by this Act shall have the same force and effect as if the same had been made by the directors under the Act of 1786 and all penalties and forfeitures prescribed by the Act of 1786 shall be enforced and recoverable against and from every person in respect of every breach of or default under the said rules and orders committed by him as though such breach or default had been committed under the Act of 1786: Provided that no such rules and orders shall have any effect without the approval of the Local Government Board: Provided also that the conservators shall cause proper accounts to be kept of all their receipts disbursements and liabilities in respect of the said wharf and of the matters hereinbefore mentioned and such accounts shall in each year be audited in like manner and with and subject to the like incidents and consequences in all respects as and along with the accounts of the overseers of the new parishes.

Cesser of powers and duties of existing directors.

20. From and after the first election of persons to act as conservators under this Act the powers and duties conferred or imposed by the Act of 1786 upon the said directors so far as the same relate to the said public walk and creek shall cease to be vested in the said directors or the survivors or survivor of them his heirs executors or administrators and from and after the first appointment of overseers under this Act the powers and duties conferred or imposed by the Act of 1786 upon the said directors so far as the same relate to the establishment maintenance and management of the said workhouse and the borrowing of money and granting of mortgages and annuities shall cease to be vested in the said directors or the survivors or survivor thereof his heirs executors or administrators.

Saving rights of incumbents and others.

21. Save as herein expressly provided nothing contained in this Act shall prejudice affect or interfere with the rights and privileges of the incumbent of the said church of Saint Margaret's Barking or any district church or ecclesiastical district within either of the said new parishes or confer upon any of them any right or authority within the said parish or any ecclesiastical district to which he was not previously entitled nor in any way alter or affect the position in respect of ecclesiastical matters of the resident inhabitants of any new parish or ecclesiastical district already constituted which for all spiritual and ecclesiastical purposes shall remain as if this Act had not passed nor shall anything in this Act contained alter or affect any of the provisions of the New Parishes Act 1856 or any statutory modification thereof.

General saving of rights.

22. Nothing contained in this Act shall except as herein expressly enacted in any manner extend to alter or disturb any existing area of local government or administration or other jurisdiction comprised wholly or partly within the boundaries of the old parish or shall alter diminish or take away any estates rights privileges exemptions powers or authorities vested in any lord of the manor body politic or corporate within the old parish but subject as herein to the contrary implied or enacted any local Act or Acts having reference to the old parish or any part thereof shall be read and construed in conformity with this Act and so that the expression the parish of Barking occurring in any such Act or Acts or any reference to such parish shall be read and construed in reference to each one of the parishes constituted by this Act as the subject matter shall require.

Old parish to be deemed to be unaltered for certain purposes.

23. For the purposes of the election of Members of Parliament of the jury lists and of the police and constables the old parish shall continue to be deemed unaltered until new lists are made and new constables are appointed.

Saving for charitable endowments.

24. Nothing herein contained shall prejudice vary or affect any charitable endowment which now is applicable for the benefit of the old parish or any part thereof or the inhabitants of the old parish or any part thereof or any right interest or jurisdiction in or over such charitable endowment.

Costs of Act.

25. All costs charges and expenses of and incidental to the promoting obtaining and passing of this Act or otherwise in relation thereto shall be ascertained and certified by the taxing officer of the House of Lords or House of Commons and shall be paid by the overseers of the poor of the old parish out of the rates for the relief of the poor of the old parish to be levied and raised prior to the

A.D. 1888.

passing of this Act or by the overseers of the new parishes in the proportions hereinbefore referred to out of a special rate which shall be made and levied on each of the said parishes for that purpose.

London: Printed for Her Majesty's Stationery Office,
By Eyre and Spottiswoode, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from
EYRE and SPOTTISWOODE, East Harding Street, Fleet Street, E.C.; or
ADAM and CHARLES BLACK, 6, North Bridge, Edinburgh; or
HODGES, FIGGIS, & Co., 104, Grafton Street, Dublin.