CHAP. lxvii.

An Act for discontinuing the Chapelry District or new Parish of All Saints, Bishopsgate, in the city of London, as a separate district; for authorizing the appropriation of certain land in that district (provided by the Great Eastern Railway Company for a new Church in substitution of the existing Church) as sites for a Curate's Residence for the parish of Saint Botolph Without, Bishopsgate, and for Schools in lieu of the present Bishopsgate Ward Schools, and for a School Chapel; and for the regulation and management of such new Schools and School Chapel, and for authorizing certain monies to be applied in building the same; and for other purposes. [24th June 1869.] A.D. 1869.

WHEREAS by an Act of Parliament passed in the sixth year of the reign of His Majesty King George the Fourth, cap. one hundred and seventy-six, for extinguishing tithes and customary payments in lieu of tithes within the parish of Saint Botolph Without, Bishopsgate, in the liberties of the city of London, and for making compensation to the rector for the time being in lieu thereof, it is (amongst other things) enacted that the churchwardens of the said parish for the time being should from time to time for ever thereafter pay or cause to be paid to the rector for the time being of the said parish, or to such person as he should appoint to receive the same, one annual sum of two thousand five hundred pounds in lieu, satisfaction, and discharge of all tithes, or payment in lieu of tithes, as therein mentioned, which annual sum is subject to revision in the manner provided by the said Act; and after reciting that the patron and rector of the said parish were desirous that in case an additional church should at any time thereafter be erected in the said parish, the annual sum of three hundred pounds, part and parcel of the said annual sum of two thousand five hundred pounds, should be appropriated as a provision for the minister to be 6 G. 4. c. clxxvi.

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appointed to such additional church, it is by the said Act enacted, that if at any time after the passing of the said Act an additional church should be erected in and for the said parish, then and in such case the rector for the time being should, by and out of the said annual sum of two thousand five hundred pounds, when and as the same should from time to time be received by him, pay or cause to be paid unto the officiating minister for the time being of such additional church, or to such person as he should appoint to receive the same, the annual sum of three hundred pounds, part and parcel of the said annual sum of two thousand five hundred pounds, by equal quarterly payments as therein mentioned:

And whereas after the passing of the herein-before recited Act a new church, called All Saints Church, was erected and consecrated within the parish of Saint Botolph Without, Bishopsgate; and by a representation prepared by the Ecclesiastical Commissioners for England (herein-after called "the commissioners"), and ratified by an Order of Her Majesty in Council made on the first day of March one thousand eight hundred and sixty-four, and duly published in the London Gazette on the fourth day of the same month, a part of the said parish of Saint Botolph Without, Bishopsgate, described in the schedule to the representation, was assigned as a district to such new church, and the same was named the District Chapelry of All Saints, Bishopsgate:

And whereas by a scheme proposed by the commissioners, and ratified by an Order of Her Majesty in Council made on the ninth day of July one thousand eight hundred and sixty-four, and duly published in the London Gazette on the twelfth day of the same month, an annual sum of two hundred and fifty pounds was made payable to the officiating minister for the time being of All Saints Church by the rector for the time being of the rectory of Saint Botolph Without, Bishopsgate, out of the annual sum payable to him by virtue of the first-recited Act, such annual sum of two hundred and fifty pounds being so payable in addition to and independently of the sum of three hundred pounds made payable to such officiating minister by the same Act:

28 & 29 Vict. c. cxviii.

And whereas by "The Great Eastern Railway (Additional Powers) Act, 1865," section 36, the company were required, within the period therein mentioned, to pay the sum of seven thousand five hundred pounds to such persons as should be agreed upon between the company, the Bishop of London, and the incumbent of All Saints, Bishopsgate, to be applied by such persons, together with the interest accruing thereon, in the erection, to the satisfaction of the bishop, of a church, in lieu of or in substitution for the then existing church of All Saints, Bishopsgate, upon one of the sites

therein-after mentioned; and by the thirty-seventh and five following sections of the same Act the company were required to select and provide land within certain specified portions of All Saints District for the site of the church to be so substituted for All Saints Church, subject to the payment of a further sum by the company (for a parsonage or schools in connexion with such substituted church) in case the company should select one of such portions of land therein particularly mentioned, being the fourthly specified portion of land, and provision is thereby made for the purchase by the company of the site for the church to be so substituted, and for the conveyance of such site to the incumbent of All Saints, Bishopsgate, and his successors, and as to the pews and fittings of the then existing church, and for the non-interference by the company with the then existing church for the period therein specified, and for the vesting of the then existing church and the site thereof in the company, who are required to pull down such church, and for substituting such new church for the then existing church of All Saints, and for the application of the surplus (if any) of the said sum of seven thousand five hundred pounds, after answering the purposes aforesaid, towards providing a parsonage or schools to be attached to such new church:

And whereas the company have provided, or are about to provide, land for a site for the new church so proposed to be substituted for the existing church of All Saints, but forming no part of the area fourthly mentioned in the lastly-recited Act (and such site is delineated and coloured red on a plan thereof, which has been prepared and signed by the Reverend William Rogers, the Rector of Saint Botolph aforesaid, and by Mr. Charles Frederick Adams on behalf of the said Great Eastern Railway Company), and such site is intended to be conveyed by them as directed by the last-mentioned Act, and they have not yet paid the sum of seven thousand five hundred pounds as provided by the same Act; and the church of All Saints, therein referred to as the then existing church, is still standing:

And whereas it is expedient that the said sum of seven thousand five hundred pounds so to be paid by the said Great Eastern Railway Company should be reduced to the sum of six thousand nine hundred pounds:

And whereas a sum of seven hundred and eighty-seven pounds thirteen shillings and tenpence three per cent. consolidated bank annuities (herein-after called "The All Saints Residence Fund") is now standing in the joint names of the Right Honourable and Right Reverend Archibald Campbell, Lord Bishop of London, and the Venerable William Hale Hale, Archdeacon of London, in the books

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of the Governor and Company of the Bank of England, and is held by them as a fund for providing a house of residence for the incumbent for the time being of the district chapelry of All Saints:

And whereas the sum of six thousand pounds, or thereabouts, is payable by the company to the trustees of the Bishopsgate Ward Schools for the purchase by the company, under the powers of their Acts of Parliament, of the leasehold interest of the trustees in the Bishopsgate Ward Schools, and the site thereof:

And whereas the sum of thirteen thousand pounds, or thereabouts, is payable by the company for the purchase by the company, under the powers of their Acts of Parliament, of the freehold of the Bishopsgate Ward Schools, and the land forming the site thereof, and of other lands adjoining such site, formerly the site of the workhouse of the parish of Saint Botolph Without, Bishopsgate, such freehold being now vested in the trustees of the parish estates of such parish:

And whereas the Lord Bishop of London for the time being is the patron in right of his see of the rectory of the parish church of Saint Botolph Without, Bishopsgate, and the Reverend William Rogers is the present rector of such parish, and the Lord Bishop of London for the time being is also the patron in right of his see of the vicarage (lately called the perpetual curacy) of the chapelry district of All Saints, and the Reverend Thomas Davis Lamb is the present vicar of such vicarage:

And whereas, in consequence of the diminution in the population of the chapelry district of All Saints, and of the extension of the undertaking of the company into such district (whereby a considerable portion of the district will be absorbed), the erection of a new church in lieu of the existing church of All Saints, as contemplated by the lastly-recited Act, has become unnecessary:

And whereas it is expedient that new schools should be erected in lieu of the now existing Ward Schools, and that a curate's residence should be provided for the parish of Saint Botolph Without, Bishopsgate, and also that a school chapel should be provided for the use of such new schools and of the last-mentioned parish, and that provision should be made for the management and regulation of the new schools and school chapel, but great difficulty is experienced in finding a convenient site for such new schools:

And whereas, for the reasons before mentioned, it is desirable that the chapelry district or new parish of All Saints should cease to form a separate district, and that the site to be provided by the company for the proposed new church in such district, and which is well adapted for a site for a curate's residence and schools, and school chapel respectively, should be appropriated for those purposes,

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and that means for erecting such buildings should be provided out of the All Saints Residence Fund, and the sum of six thousand nine hundred pounds so to be paid in lieu of the said sum of seven thousand five hundred pounds payable by the company under the last-recited Act, and the monies payable by the company to the trustees of the Bishopsgate Ward Schools, and that the surplus of the same monies should be applied in the manner herein-after directed, and that power should be given to the trustees of the estates of the parish of Saint Botolph Without, Bishopsgate, to expend all or any part of the monies payable by the company as before mentioned in the purchase of additional land for the extension of the site of such new schools:

And whereas it is fit that upon the district chapelry of All Saints ceasing to form a separate district the annual sum of three hundred pounds should be payable to the present incumbent of All Saints by way of compensation for the loss of his incumbency; and it is expedient that after the reunion of such district with the mother church an additional curate should be provided for the parish of Saint Botolph Without, Bishopsgate, and that the annual sums of three hundred pounds and two hundred and fifty pounds now payable by the rector of that parish should cease to be payable, and that in lieu thereof such compensation to the present incumbent of All Saints, and a stipend for such additional curate, should be payable by the rector in the manner herein-after provided, and that upon such annual sum by way of compensation ceasing to be payable the like annual sum should continue to be payable by the rector to the commissioners for the purposes herein-after expressed:

And whereas the objects aforesaid cannot be effected 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 of the Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act the expression "the bishop" shall mean the Lord Bishop of London for the time being; "the commissioners" shall mean the "Ecclesiastical Commissioners for England;" "the rector" shall mean the rector for the time being of the parish of Saint Botolph Without, Bishopsgate; "the parish" shall mean the parish of Saint Botolph Without, Bishopsgate; "the company" shall mean the Great Eastern Railway Company; "the parish trustees" shall mean the trustees or trustee for the time being in whom the estates belonging to the parish shall for the time being be vested; "the Ward Schools" shall mean the schools known as the

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Bishopsgate Ward Schools; the "All Saints Residence Fund" shall mean the existing fund for providing a residence for the incumbent of the chapelry district or new parish of All Saints.

All Saints present incumbency and district to cease.

2. Upon the passing of this Act the present incumbent or vicar of the chapelry district or new parish of All Saints shall cease to be such incumbent or vicar, and the same chapelry district or new parish shall cease to form a separate district or new parish, and shall for all purposes be absorbed into and constitute part of the parish in the same manner as if it had never been assigned as a separate district.

The annual sums of 300*l.* and 250*l.* payable by the rector of St. Botolph to cease.

3. The annual sum of three hundred pounds by the first recited Act made payable by the rector, if an additional church should be erected for the parish, to the officiating minister for the time being of such additional church, and the annual sum of two hundred and fifty pounds by the lastly herein-mentioned Order of Her Majesty in Council made payable by the rector to the incumbent for the time being of the then new parish of All Saints, shall respectively, from and after the passing of this Act, cease to be payable, but so that the present incumbent of the chapelry district or new parish of All Saints (if living, or his executors or administrators if such annual sums shall cease to be payable to him by reason of his decease before the passing of this Act) shall be entitled to a proportionate part of such annual sums for the period of the current quarter which shall have elapsed at the time of such cesser.

Repeal of so much of 28 & 29 Vict. c. cxviii. as relates to application of 7,500*l.* and to appropriation of site of intended new church, and ss. 36, 37, and 38.

4. So much of the Great Eastern Railway (Additional Powers) Act, 1865, as relates to the application of the sum of seven thousand five hundred pounds thereby made payable by the company to such persons as should be agreed upon between the company, the bishop, and the incumbent of All Saints, and the interest thereof, and as relates to the appropriation of the lands by the same Act directed to be provided by the company for the site of the church to be substituted for the existing church of All Saints, and as relates to the erection and appropriation of such intended new church, and sections 36, 37, and 38 of the same Act, shall respectively be and the same are hereby repealed.

Vesting pews and fittings of All Saints Church in churchwardens of St. Botolph, and appropriation thereof.

5. The churchwardens of the parish shall be entitled for the purposes herein specified to the pews and all the fittings of every kind whatsoever which are or shall be in and upon the existiug church of All Saints, and they may remove the same accordingly; and such pews and fittings shall be applied by them to such purposes as shall be designated in writing by the bishop: And all books, registers, plate, and other property, of whatsoever kind, now kept in and belonging to or held by any person in trust for or for the use of the

existing church of All Saints shall be removed to the church of St. Botolph Without, Bishopsgate, and shall respectively remain in the custody of the rector and the churchwardens of that parish.

Company to convey site for new church within three months.

6. The company shall, within three months after the passing of this Act, at their expense, convey or cause to be conveyed the land provided by them for the site of the new church, intended to be substituted for the existing church of All Saints, unto the rector and his successors, and shall also at the expense of the company clear and properly fence in the same land before it shall be conveyed as aforesaid, and such land shall thenceforth be vested in the rector as part of the glebe of the rectory, and shall (but subject to the powers in this Act contained) be appropriated and used for the purposes herein-after specified: Provided nevertheless, that before such lands shall be so conveyed, the company's title thereto shall at their expense be submitted to and approved by the rector.

Company to pay the 6,900*l.* within three months.

7. Within three months after the passing of this Act the company shall pay the sum of six thousand nine hundred pounds only, in full discharge and exoneration of their liability to pay the seven thousand five hundred pounds by the Great Eastern Railway (Additional Powers) Act, 1865, made payable by them as before mentioned, to trustees to be nominated by the bishop and the rector, and the same sum of six thousand nine hundred pounds, and all interest due thereon (if any), shall be applied by such trustees in the manner herein-after provided; and after the conveyance by the company of the land directed to be conveyed by the last preceding clause, and upon payment of such sum of six thousand nine hundred pounds, and of the interest thereon (if any), the existing church of All Saints and the site thereof shall become vested in the company without any further conveyance or assurance, discharged from all trusts affecting the same under the "Church Building Acts," or other Acts relating thereto, but such existing church of All Saints, after it shall become vested in the company, shall not be used for any purposes whatsoever by the company, but shall be pulled down by them.

Whereupon site of existing church of All Saints to vest in them.

But church to be pulled down.

Providing an annual sum as compensation for present incumbent of All Saints.

8. After the passing of this Act the rector shall, out of the annual sum payable to him under the first-recited Act, pay to the present incumbent or vicar of the existing chapelry district or new parish of All Saints, during the period herein-after specified, the yearly sum of three hundred pounds free from all deductions (except income tax), which annual sum shall commence as from the passing of this Act, and shall be payable by equal quarterly payments on the twenty-fifth day of March, the twenty-fourth day

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of June, the twenty-ninth day of September, and the twenty-fifth day of December in each year, and the first payment shall be made on such one of those quarterly days of payment as shall first happen after the passing of this Act, but such incumbent shall be paid by the rector a proportionate part only of such annual sum for the period between the passing of this Act and the quarterly day happening next after the passing of this Act, and the said yearly sum shall be payable to such incumbent or vicar during his life, or until he shall accept any other church preferment of an annual value equal to or greater in amount than the said yearly sum of three hundred pounds, and upon his accepting such preferment the said yearly sum shall thenceforth absolutely cease to be payable; but if such annual sum shall cease on any other than one of the quarterly days of payment, the same shall, for the purposes of apportionment, be deemed to accrue due de die in diem; and after such annual sum shall have ceased to be payable, a like annual sum of three hundred pounds, commencing as from the time of such cesser, shall thenceforth be payable in perpetuity by the rector to the commissioners, which last-mentioned annual sum shall be payable quarterly by equal payments, and shall be appropriated by the commissioners to one or more benefices in the metropolis, to be named by the bishop and the rector; but if in any year the annual sum payable to the rector under the first-recited Act, after providing thereout the sum of four hundred pounds for curates, would, by reason of such payment of three hundred pounds, be reduced below twelve hundred pounds, then only such a sum shall be paid for that year to the commissioners by the rector as shall leave him a clear twelve hundred pounds, which smaller sum shall be in satisfaction of the sum of three hundred pounds otherwise payable for such year.

On such annual sum ceasing, the like sum to be paid by rector to Ecclesiastical Commissioners.

How such sum shall be applied by the commissioners.

Additional curate to be provided for St. Botolph.

Stipend to be paid by rector.

9. After the passing of this Act a curate for the parish shall be provided by the rector at all times, in addition to the curate required to be provided by him by the first-mentioned Act, and the rector shall pay such additional curate out of the annual sum for the time being payable to the rector under the first-recited Act, and by equal quarterly payments in each year, an annual stipend or sum of not less than one hundred and fifty pounds.

Land for the time being vested in rector to be appropriated for sites for curate's residence, &c.

10. The land for the time being vested in the rector under the provisions of this Act shall be appropriated and used as and for a site for the erection of a residence for a curate of the parish and of schools in substitution for the Ward Schools, and of residences for the master and mistress of such new schools, and of a school chapel, such schools and school chapel being also for the use of the parish.

The All Saints Residence Fund and the 6,900*l.* to be applied in building curate's residence,&c.

11. The All Saints Residence Fund, and the six thousand nine hundred pounds, and the interest thereof, or so much thereof respectively as the bishop and the rector shall deem sufficient, shall be applied, under the direction and subject to the approval of the bishop and the rector, in the erection of the curate's residence and new school chapel mentioned in the last preceding clause, with all necessary outbuildings and appurtenances, and in payment of all expenses incidental thereto; and the monies payable by the company to the trustees of the Ward Schools, as before mentioned, or so much thereof as the trustees for the time being of such schools shall deem sufficient, shall be applied by such trustees in the erection of the new schools and residences for the master and mistress of such schools mentioned respectively in the same clause, and in payment of all expenses incidental thereto, and such new schools shall be in substitution for the existing Ward Schools.

The monies payable to the Ward Schools trustees to be applied in building new schools, &c. in lieu of present Ward Schools.

Providing for management of school chapel.

12. The school chapel shall be used, governed, and managed subject to such rules, orders, and regulations as shall from time to time be made and determined upon by the rector and approved by the bishop.

Application of surplus of All Saints Residence Fund and 6,900*l.*

13. Out of the surplus of the All Saints Residence Fund, and of the six thousand nine hundred pounds, and the interest thereof, not required for any other of the purposes authorized by this Act, there shall be set apart and appropriated such a sum as the bishop and the rector shall determine upon as a sufficient fund to provide for the repair of the curate's residence and school chapel, which sum shall be paid to trustees to be from time to time appointed for the purpose by the bishop and the rector, and shall be invested by such trustees, and the ultimate surplus (if any) shall be paid to the commissioners, and shall be by them appropriated for or towards the erection of any church or churches in the metropolis to be designated for that purpose by the bishop and the rector, and they shall have power to expend not only the annual income, but may, if they think it necessary, from time to time lay out and expend any portion of the corpus of the fund for the above purposes.

Application of surplus of monies payable to trustees of Ward Schools.

14. The surplus (if any) of the monies payable by the company to the trustees of the Ward Schools not required for the purposes hereinbefore authorized shall be appropriated for a fund for the maintenance and repair and enlargement (if need be) of the new Ward Schools and of the houses of the master and mistress of such schools, and shall be invested by such trustees and held and applied by them accordingly, and they shall have power to expend not only the annual income, but may, if they think it necessary, from time to

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time lay out and expend any portion of the corpus of the fund for the above purposes.

Power to trustees of parish estates to apply the monies payable to them by the company in extending and improving the Ward Schools.

15. The trustees for the time being of the estates of the parish may, with the approval of the vestry of the parish, lay out the whole or any part of the monies payable by the company for the purchase of the freehold interest in the Ward Schools, and the site thereof, and of the adjoining land vested in the same trustees as before mentioned, in the purchase of lands, to be conveyed to such trustees, adjoining the site of the new Ward Schools, for the improvement and extension of such schools, and in the erection on such adjoining lands of any buildings for those purposes, which buildings, when erected, shall be subject to the same rules and regulations and under the same management as the Ward Schools, and shall form part of such schools, but the quantity of land which shall at any one time be vested in the parish trustees under this clause shall not exceed one acre, or such trustees may, for the purposes aforesaid, lease the land to be so purchased to the trustees of the Ward Schools at an annual rent, and upon such terms as may be agreed upon.

Power to sell portions of new site.

16. If at any time after the land provided by the company as before mentioned shall have been conveyed to the rector, it shall appear to the rector expedient to sell any part of such land, the rector may, with the consent of the bishop, sell any part thereof by public auction or private contract, subject to any covenants or restrictions (if any) on the part of the purchaser affecting the same, and to any rights or easements (if any) over the same as the bishop and the rector may think fit for the benefit of the Ward Schools, curate's residence, or school chapel, and the rector shall have full power to receive and give an effectual receipt and discharge for the purchase money, and to convey the part so sold and all the estate and interest vested in him therein to the purchaser, or otherwise as such purchaser shall direct: Provided always, that any land which may be in the user or occupation of the trustees of the Ward Schools shall not be sold under the provisions last aforesaid without the consent of the Charity Commissioners.

Proceeds of sale to constitute part of All Saints Residence Fund and the 6,900*l.*

17. The purchase money received by the rector from any purchasers under the last preceding clause shall constitute part of the All Saints Residence Fund and the six thousand nine hundred pounds, and shall be dealt with in the manner provided by clauses eleven and thirteen as regards those funds.

Meetings of parishioners may be held in school chapel.

18. After the erection of the school chapel, as before provided, the meetings of the inhabitants of the parish required by the first before-recited Act to be convened in the parish church may be

convened in such school chapel, or in any suitable place within the parish other than the parish church. A.D. 1869

19. All the costs, charges, and expenses of and incident to the applying for and obtaining and passing this Act, and preparatory thereto, shall be paid out of the before-mentioned sum of six thousand nine hundred pounds. Expenses of Act.

20. This Act may be cited for any purpose as "The Bishopsgate (All Saints District Discontinuance) Act, 1869." Short title.

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