ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. 22.

An Act to explain and extend the Powers of the Trustees of Lady *Glenorchy*'s Chapel and School in *Edinburgh*. [4th *July* 1838.]

WHEREAS *Willielma* Lady *Glenorchy*, Widow and Relict of *John* Lord *Glenorchy* deceased, by her Trust Disposition bearing Date the Twenty-sixth Day of *January* in the Year One thousand seven hundred and eighty-six, and registered in the Books of Council and Session in *Scotland* the Twenty-seventh Day of *July* in the same Year, upon the Recital that certain Pieces of Ground had been purchased by her in *Edinburgh* for the special Purpose of building a Chapel or Meeting House, with a School-house thereon, and that a Chapel and School-house had accordingly been erected on the same, under her Direction and at her sole Expence, and that Divine Service had for several Years past been performed in the said Chapel, and that many Children had been educated in the said School free of any Expence to their Parents; and that she being sensible of the great Consequences of having the Property and Management of the said Chapel and Charity School vested in proper Persons, and particularly of having the same settled, both then and in all Time coming, with proper and well qualified Ministers, therefore, and for other weighty Causes and Considerations her thereunto moving, she thereby, with and under the Conditions, Declarations,

and Reservations therein mentioned, alienated, conveyed, and disponed to and in favour of *Alexander Bonar*, Banker in *Edinburgh*; *Andrew Hamilton*, Esquire, Deputy Comptroller of Excise for *Scotland*; *James Ogilvy*, Deputy Receiver General of His Majesty's Customs in *Scotland*; *John Pitcairn*, Printer in *Edinburgh*; and *Alexander Pitcairn*, Merchant in *Edinburgh*, Brother to the said *John Pitcairn*, as Trustees for the Purposes in the said Deed mentioned, and to their Successors in Office, a certain Piece of Ground therein described, being a Part of the *Orphan Hospital's Park* lying in or near the City of *Edinburgh*, such Piece of Ground being meithed and marched as therein mentioned, upon which she had built the said Chapel, together with the said Chapel itself, and the whole Parts, Pendicles, and Pertinents belonging to the same; as also all and whole a certain Piece of Ground at the Back of the College Church in *Edinburgh*, lying and bounded as therein described, upon which Piece of Ground last described she had erected a School-house of Two Stories in Height; and also the said School-house itself; with free Ish and Entry to the Premises, and whole Parts, Pendicles, and Privileges thereto belonging, together with all Right, Title, and Interest which she had or could pretend thereto; but in Trust always for the Uses and Purposes to be specified in a Writing to be executed by her at any Time during her Life relative thereto, and with and under such Conditions and Regulations as she should thereby appoint, and which should be equally binding as if the same were engrossed therein: And whereas the said *Willielma* Lady *Glenorchy*, by a separate Writing executed by her in reference to the said Trust Disposition, bearing Date the Tenth Day of *February* in the Year One thousand seven hundred and eighty-six, after declaring, *inter alia*, that in what she had done her great Object had been to have the Doctrines of the Gospel as they are explained in the Confession of Faith of the Church of *Scotland* faithfully preached, the Ordinances of the Gospel administered in Purity, and a voluntary Discipline agreeable to the Word of God exercised without Partiality among the Congregation which might assemble in the said Chapel, laid down certain Rules for the Management of the said Chapel, which have been termed "Institutes of Lady "*Glenorchy's* Chapel in *Edinburgh*," by which it was, *inter alia*, declared, that the Trustees should be Five in Number, of whom Three should be a Quorum, who "should be Men of sound Calvinistic Principles," and whose Principles should be consistent "with the Doctrines of the Confession of Faith of the Church of *Scotland*;" and that upon the Decease, or ceasing to act by Demission or otherwise, of any of the said Trustees, those that remained should immediately proceed to elect another, who should be chosen by a Majority of the Trustees; and she directed that the said Chapel should "remain a free Place of Worship, wherein Divine Ordinances should be dispensed by a Minister of the Protestant Reformed Religion," who should be "sound in the Faith of Calvinistic Principles," and who must, if required, "subscribe the Doctrinal Articles of the Confession of Faith of the Church of *Scotland*;" and by the said Rules it was directed that the said Chapel should in no Time be turned into a Church on the National Establishment, endowed with a legal Benefice, having a Parish annexed to it, and that the Ministers to be appointed should

should be bound to approve of and conform to the Rules of the said Institutes; and the Trustees of the said Chapel are in certain Cases empowered to withhold the Salary or Stipend of the Minister thereof, and the Frequency of the Dispensation of the Sacrament of the Lord's Supper is made dependent upon the Will of the Communicants; and other Rules were established for the Management and Government of the said Chapel in all Time to come: And whereas the said *Willielma* Lady *Glenorchy* did, after the Erection of the said Chapel, manifest her Intention and Wish that it should be in full Communion with the Established Church of *Scotland*; and the Reverend *Thomas Snell Jones*, Doctor in Divinity, now deceased, the Clergyman appointed by her during her Lifetime to officiate therein, was recognised by the Presbytery of *Edinburgh* of the Established Church; and the said Chapel has ever since remained in full Communion with the said Presbytery of *Edinburgh* of the Established Church of *Scotland*; and the Clergymen appointed by the said Trustees as Assistants and Successors to the Incumbents appointed by Lady *Glenorchy* have been inducted under the Sanction of the Established Church of *Scotland*, and ordained or admitted by the said Presbytery of *Edinburgh*: And whereas by the Decease of the several Trustees originally named by the said *Willielma* Lady *Glenorchy* other Trustees were from Time to Time elected by the remaining Trustees to fill up the Vacancies in the Number of the said Trustees in manner directed by the said Rules or Institutes, in consequence of which the said Trust Property is now invested in the Persons of *John Tawse*, Advocate, *William Whyte*, Bookseller, *Archibald Scott*, Procurator Fiscal of the County of *Edinburgh*, *John Home Peebles*, Doctor of Medicine, and *James Bonar*, Writer to the Signet, all of the City of *Edinburgh*: And whereas an Act of the General Assembly of the Church of *Scotland* was passed on the Thirty-first Day of *May* in the Year One thousand eight hundred and thirty-four, by which it was enacted and declared, that all Ministers already inducted and settled, or who should thereafter be inducted and settled as Ministers of Chapels of Ease then erected and established, or which should be thereafter erected and established in Terms of an Act of the said General Assembly, *Anent Chapels of Ease*, of the Year One thousand seven hundred and ninety-eight, or prior thereto, by Authority of the said General Assembly, or by the Presbyteries of the Bounds, were and should be constituent Members of the Presbyteries and Synods within whose Bounds the said Chapels were or should be respectively situated, and should be eligible to sit in the said General Assembly, and should enjoy every Privilege as fully and freely and with equal Powers with Parish Ministers of the Church of *Scotland*; and all Presbyteries, Synods, Church Courts, and Judicatories within whose Boundaries such Chapels were or should be situated were enjoined and required to receive and enrol such Ministers as Members thereof, and to put them in all respects on a Footing of Presbyterian Equality with the Parish Ministers of the Church of *Scotland* within their respective Bounds; and the said General Assembly did by their said Act remit to the Presbyteries within whose Bounds such Chapels then established should be situated to allot and assign to each of such Chapels a territorial District, and to erect such Districts into separate Parishes

Parishes *quoad sacra*, and to disjoin such Districts *quoad sacra* from the Parishes whereof they should then form Parts, and also to take the necessary Measures for selecting and ordaining, according to the Rules of the Church of *Scotland*, for each of the said Districts so to be erected into separate Parishes, a Body of Elders, who, with such Ministers respectively, should exercise Sessional Jurisdiction within such Parishes; and the said General Assembly did by their said Act instruct Presbyteries to be cautious not to assign a more populous District than it should seem possible to attend to; and the said General Assembly by their said Act also provided that the Chapels so to be erected into Parishes should, previous to their being so erected, be constituted according to the Laws of the Church, for which Purpose they declared that if such Chapels should not at the Date of the said Act be so constituted Application might be made for that Purpose: And whereas the Presbytery of *Edinburgh*, in accordance with the said Act of the General Assembly, having appointed a Committee to examine the Constitutions of the Chapels within the Bounds of the said Presbytery, and to make Arrangements and suggest Plans for assigning to each of such Chapels territorial Districts, and forming Sessions for them according to the Laws of the Church, and the said Committee having examined the Rules and Institutes of Lady *Glenorchy*'s Chapel, the said Presbytery did, upon the Report of their said Committee, on the Twenty-second Day of *February* One thousand eight hundred and thirty-seven, unanimously find that unless certain Alterations were made in the said Institutes it would be impossible to apply to the said Chapel the Provisions of the said Act of the General Assembly in regard to Chapels of Ease, while at the same Time that Act of Assembly rendered it impracticable that the peculiar Relation in which the said Chapel had hitherto stood to the Church of *Scotland* could permanently continue; and the Decision of the said Presbytery was subsequently confirmed by the General Assembly of the Church of *Scotland* upon the Twentieth Day of *May* in the Year One thousand eight hundred and thirty-seven: And whereas, in consequence of the said Decisions of the Presbytery of *Edinburgh* and of the General Assembly of the Church of *Scotland*, Doubts have arisen as to the Powers of the said Trustees acting under the said Trust Disposition and Institutes to maintain the said Chapel in connection with the Established Church of *Scotland* as heretofore, and whether if the said Chapel be not maintained in such Connection it will be in the Power of the said Trustees to continue to maintain the said Chapel at all as a Place of Public Worship in conformity with the Spirit of the Design and Intention of the said Lady *Glenorchy*, and it is therefore expedient that such Doubts should be removed, and that Power should be given to the said Trustees so to alter and modify the said Rules and Institutes from Time to Time as may enable them to continue to maintain the said Chapel in connection with the Established Church of *Scotland*, and to uphold the same as a Place of Public Worship in all Time coming, so far as may be possible, in conformity with the benevolent Design and Intention of the said Lady *Glenorchy*: And whereas the said Chapel is in a confined and inconvenient Situation, and by reason of Alterations made and now in contemplation in the City of *Edinburgh*, in the Vicinity of the said Chapel

Chapel and School, it has become expedient that the said Trustees should be empowered to sell and dispose of the said Chapel and School-house, and the Ground around the same, and to apply the Price or Prices to be received upon such Sale in the Purchase or Erection of another Chapel and School, and the Ground necessary for these Purposes, in some more convenient Situation: But as these Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty, on the humble Petition of Your Majesty's dutiful and loyal Subjects, the said *John Tawse*, *William Whyte*, *Archibald Scott*, *John Home Peebles*, and *James Bonar*, the present Trustees of the said *Willielma* Lady *Glenorchy*'s Chapel in *Edinburgh*, 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, That from and after the passing of this Act it shall and may be lawful to and for the said Trustees of Lady *Glenorchy*'s Chapel, and their Successors in such Trust, from Time to Time, at Meetings specially called for such Purpose, to revise the said Rules or Institutes laid down by the said Lady *Glenorchy* for the Management of the said Chapel, and to make such Alterations thereon or Additions thereto as shall enable the said Trustees, by making such Rules or Institutes in conformity with the Rules of the Established Church of *Scotland*, to keep the said Chapel at all Times in connection and full Communion with the said Established Church: Provided always, that all such Alterations and Additions to be at any Time made as aforesaid, in so far as regards the Ecclesiastical Affairs of the said Chapel or Church, shall be submitted to and approved by the Presbytery of *Edinburgh*, or other competent Judicatory of the Church; and, when so approved and confirmed, the said Rules or Institutes as so altered shall be thenceforth held and used as the Rules or Institutes of Lady *Glenorchy*'s Chapel or Church until again altered in the Manner herein-before provided: Provided always, that all such Alterations and Additions shall be consistent with the Laws of *Scotland*, and the Form of Church Government therein by Law established.

Trustees may revise and alter the Rules for the Regulation of the Chapel.

II. And be it further enacted, That it shall and may be lawful to the said Trustess and their Successors in the said Trust, by and with the Approbation of the Court of Session in either Division thereof, upon a summary Application to be made for that Purpose by the said Trustees, to sell by public Auction or private Sale, and if by public Auction then upon such previous Advertisements as the said Court shall direct, and if by private Sale then with the Approbation of the said Court, the said Piece of Ground before described being a Part of the *Orphan Hospital's Park*, lying in or near to the City of *Edinburgh*, upon which the said *Willielma* Lady *Glenorchy* had built the said Chapel, together with the said Chapel itself, and the whole Parts, Pendicles, and Pertinents belonging to the same, as also all and whole that Piece of Ground at the Back of the College Church of *Edinburgh* lying and bounded as described in the Trust Disposition before mentioned, upon which Piece of Ground last mentioned she had erected a School-house of Two Stories in Height, and also the

Trustees may sell present Chapel and School-house;

the said School-house itself, with free Ish and Entry to the Premises, and whole Parts, Pendicles, and Privileges thereto belonging, and that to any Person or Persons who may be willing to become the Purchaser or Purchasers for the most Money and the best Price or Prices that can be reasonably had and obtained for the same.

and convey the same to Purchasers.

III. And be it further enacted, That it shall be lawful to and in the Power of the said Trustees and their Successors in the said Trust, upon any Sale or Sales taking place, and upon Payment being made of the Purchase Money for the same in manner herein-after mentioned, to make, grant, and deliver to and in favour of such Person or Persons, and to such Uses, Intents, and Purposes as such Purchaser or Purchasers, and his, her, or their Heirs, shall direct and appoint, a Disposition or Dispositions, Conveyance or Conveyances of the said Piece or Pieces of Ground, with the Chapel or School-house erected thereon, in such Way and Manner as to the said Trustees or their foresaids shall seem fit and proper.

Prices to be paid into Bank.

IV. And be it further enacted, That the Price or Prices of the said Piece or Pieces of Ground, with the Chapel and School-house erected thereon, so to be sold as aforesaid, shall, when and as such Sale or Sales shall be made, be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, in the Names of the said Trustees or their Successors in the said Trust, and shall when so paid in produce the highest Rate of Bank Interest that can be had for the same; and the Interest arising from the Money so paid in, except in so far as the same may be otherwise applied in manner herein-after mentioned, shall accumulate and be added to the Principal Sum itself, to carry Interest together till the same shall be applied in manner herein-after directed.

Receipts of Bank to be a Discharge to Purchasers.

V. And be it further enacted, That the Receipt or Receipts of the Treasurer or Cashier or Manager of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland*, under their respective Hands, of and for the Payment into the said Banks respectively of the Sum or Sums of Money herein-before directed to be so paid, shall be a good and sufficient Discharge or good and sufficient Discharges to the Purchaser or Purchasers of the Subjects so to be sold as aforesaid, for the Sum or Sums of Money for which the said Receipt or Receipts shall be given; and thenceforth the said Purchaser or Purchasers shall be and is and are hereby absolutely acquitted, released, and discharged of and from the same, and shall not be obliged to see to the Application thereof or any Part thereof, or be answerable or accountable for any Loss, Misapplication, or Nonapplication thereof or any Part thereof.

Temporary Chapel and School-house to be provided until a new one ready.

VI. And be it further enacted, That in case such Sale shall have been made of such Chapel and School-house the said Trustees and their Successors in the said Trust shall, in the Interval between such Sale and the Purchase or Erection of a new Church and School-house in manner herein-after directed, and until the same shall respectively

respectively be ready for their intended Purposes, under the Direction and with the Approbation of the Court of Session in either Division thereof as aforesaid, out of the Funds of the said Trust provide a temporary Place of Worship for the Accommodation of the Congregation of the said Chapel, and a temporary School-house for the Use of the Children attending the said School, and may also for that Purpose, if necessary, use and apply such Parts of the Purchase Money and Interest thereof as may be required.

Purchase Money to be applied to purchase a new Church and School-house.

VII. And be it further enacted, That the said Trustees or their Successors in the said Trust shall, with all convenient Speed, and with the Approbation of the Court of Session in either Division thereof, and under their Direction, lay out, invest, and apply so much of the Money so paid in to Bank as aforesaid as, after the Payments before and after directed, shall be required for purchasing the necessary Ground for the Site of and in erecting another Church and School-house, or in purchasing another Church and School-house, of such Size and Dimensions and in such Situation within the City of *Edinburgh*, or the immediate Vicinity thereof, as the said Trustees, with the Approbation of the said Court, may find most eligible and convenient; and such new Church and School-house, when so erected or purchased, together with the Site or Sites thereof, shall be held by the said Trustees and their Successors in the said Trust for the Uses, Ends, and Purposes, and under the Conditions specified in the said Trust Disposition executed by the said *Willielma* Lady *Glenorchy*, and in conformity to the Rules or Institutes laid down by the said *Willielma* Lady *Glenorchy*, subject to such Alterations thereon and Additions thereto as may have been or as may be at any Time hereafter made under the Authority of this Act.

Application of Surplus of Prices.

VIII. And be it further enacted, That the Surplus which shall remain at the Credit of the said Trustees of the Monies directed to be paid into the said Banks, after satisfying and discharging the several Purposes herein-before mentioned in the Way and Manner herein-before authorized and directed, shall be paid to the said Trustees or their Successors in the said Trust, to be held by them in Trust for the Uses and Purposes of the said Church and School in Terms of the said Trust Disposition executed by the said Lady *Glenorchy*.

Right of Patronage of Trustees not to be altered.

IX. And be it further enacted, That nothing herein contained shall be held or construed to affect or interfere with the Right of the said Trustees to the Nomination and Appointment of Persons to officiate as Ministers in Cases of Vacancies in the said Church, in the Terms pointed out by the Rules and Institutes of the said Lady *Glenorchy*, provided that all Persons so nominated and appointed to officiate as Ministers of the said Church shall be duly qualified according to the Laws and Rules of the Established Church of *Scotland*; nor shall any thing herein contained be held or construed to affect or interfere with the Right of the said Trustees, under the Trust Deed before mentioned, to the Property of the said Pieces of Ground, and Chapel and School and School-house erected thereon, now vested in them in Trust, or of such Church and School and the Site thereof to be purchased or erected in lieu thereof, or their Right to the Management

ment of any Funds which they now have or hereafter may acquire as Trustees under the Trust Disposition before mentioned.

General Saving.

X. Saving and reserving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic and Corporate, all such Right, Title, Interest, Claim, and Demand of, in, and to or out of all or any Part of the Funds or Estate conveyed to the said Trustees under the Trust Disposition before mentioned, or in connection with the said Chapel, School, and School-house, now vested in the said Trustees, or the Church and School and Sites thereof which may be purchased or erected in lieu thereof as aforesaid, as they, any or either of them, have or might have, claim, challenge, and demand in case this Act had never been made.

Expences of Act.

XI. And be it further enacted, That all the Costs, Charges, and Expences of preparing and passing this Act shall be defrayed and paid by the said Trustees out of the first and readiest of the Funds of the said Trust which are or shall come into their Hands.

Act as printed by Queen's Printers to be Evidence.

XII. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.