CHAPTER lviii.

An Act to empower the Governors of Saint Bartholomew's Hospital in the city of London to demolish the church of Saint Bartholomew the Less and to use the site thereof and the burial ground adjoining thereto for the purposes of the said hospital and for uniting for ecclesiastical purposes the parish of Saint Bartholomew the Less with the parish of Saint Bartholomew the Great and for other purposes. [24th June 1904.]

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WHEREAS with very slight exceptions the whole of the parish of Saint Bartholomew the Less in the city and diocese of London is now comprised within the precincts of the house of the poor commonly called "Saint Bartholomew's Hospital" near West Smithfield London of the foundation of King Henry the Eighth (in this Act called "the hospital"):

And whereas there are now very few (if any) parishioners of the said parish other than persons employed in or connected with the hospital:

And whereas the church and burial ground of the said parish are within the precincts of the hospital and were by the charter of foundation granted to and vested in the mayor and commonalty and citizens of the city of London as governors of the hospital (in this Act called "the Governors") as and for the parish church and burial ground of the said parish:

And whereas the Governors are the impropriators of the said church and patrons of the vicarage thereof:

And whereas the reconstruction and re-arrangement of the buildings of the hospital or some of them have become necessary and such reconstruction and re-arrangement will be greatly facilitated and the benefit to be derived therefrom greatly increased

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if the said church be pulled down and the site thereof and the burial ground adjoining thereto be made available for the purposes of the hospital:

And whereas the spiritual needs of the said parish of Saint Bartholomew the Less will be sufficiently served by the provision of a consecrated chapel within the precincts of the hospital for divine service for patients in the hospital and persons residing or employed therein and by the union of the said parish for all ecclesiastical purposes with the adjoining parish of Saint Bartholomew the Great:

And whereas no interments have taken place in the said church or burial ground since the year one thousand eight hundred and forty-eight and it is expedient that the Governors be empowered to remove all human remains therefrom:

And whereas the Lord Bishop of London has consented to this Act:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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 as follows:—

Short title.

1. This Act may be cited as the Saint Bartholomew's Hospital Act 1904.

Interpretation.

2. In this Act the expression "the bishop" means the Lord Bishop of London for the time being.

Power to demolish church of Saint Bartholomew the Less.

3.—(1) It shall be lawful for the Governors to demolish the church of Saint Bartholomew the Less in the city of London and to sell or otherwise dispose of the materials thereof and the ornaments fittings and furniture thereof (the font holy table and plate excepted) as they may think fit Provided that the powers conferred by this section shall not be exercised unless and until the Governors shall have provided and completed according to plans previously approved by the bishop and the bishop shall have duly consecrated and set apart a chapel within the hospital with all proper fittings ornaments and conveniences for the performance of divine service and the administration of the sacraments according to the use of the Church of England Provided also that the font holy table and plate of the said church shall before the demolition of the said church be transferred to and kept in such chapel or

otherwise disposed of in such manner as the bishop by writing under his hand may approve.

(2) The Governors shall maintain the chapel so consecrated and set apart as aforesaid and all fittings ornaments and things therein in good condition and repair and shall provide to the satisfaction of the bishop for the due performance therein of divine service and the administration of the sacraments according to the use of the Church of England.

(3) So soon as the said church shall have been demolished under the powers of this section the site thereof shall be held by the Governors subject to the same trusts as apply to the other lands of the hospital but save as aforesaid freed and discharged from all ecclesiastical and other trusts uses purposes obligations disabilities and restrictions whatsoever.

Application of London Building Acts.

4. The provisions of the London Building Act 1894 the London Building Act 1894 (Amendment) Act 1898 and any Act amending the same shall apply to any buildings structures or works that may be erected or executed within the precincts of the hospital or any part thereof.

Open space in Saint Bartholomew the Less not to be lessened.

5. The Governors shall not reconstruct re-arrange add to or alter the buildings of the hospital or erect any new building within the precincts thereof in such manner as to lessen in the aggregate the amount of space now lying open and unbuilt upon within that part of the precincts of the hospital which is in the parish of Saint Bartholomew the Less.

Monuments &c.

6. The Governors shall not sell any monument tombstone brass or monumental inscription in the said church of Saint Bartholomew the Less but all such things shall before the demolition of the said church be removed to the chapel so to be provided as aforesaid or to such other place as the bishop shall approve and shall be there preserved:

Provided that the heirs executors administrators relations or friends of any person to whose memory any such monument tombstone brass or monumental inscription shall have been erected may with the consent of the bishop remove the same to such place as they may think fit.

Disposal of registers and other documents.

7. All registers deeds records books and documents belonging to or kept in the said church of Saint Bartholomew the Less shall before the demolition thereof be removed by the Governors to a place approved by the churchwardens of the united parish of Saint Bartholomew the Great and Less and shall be there securely kept

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in a safe to be provided by the Governors Provided that one of the duplicate marriage registers then current at the said church of Saint Bartholomew the Less shall be deposited with the district superintendent registrar as required in the case of filled register books by section 33 of the Births and Deaths Registration Act 1836.

Deposit of objects of interest.

8. All objects of geological or antiquarian interest discovered within or under the site of the said church or burial ground during the execution of any works in connection with the demolition of the said church or of excavation in the said burial ground or in connection with the erection of any new buildings thereon shall subject to the rights of the Crown be carefully preserved and removed and shall be deposited in the Guildhall Museum as the property of the mayor aldermen and commons of the city of London Provided that in case of their being discovered such objects which are duplicates of one another or duplicates of objects already in the said museum or which are objects which the said mayor aldermen and commons shall not desire to preserve in the said museum such objects shall subject as aforesaid be handed over to the London County Council to be preserved in such manner as the said council may hereafter resolve.

The said mayor aldermen and commons and the said council shall during the execution of any such works have power to enter and inspect such works for the purposes of this section.

Union of parish of Saint Bartholomew the Less with parish of Saint Bartholomew the Great.

9. On and from the date of the consecration of the chapel mentioned in the section of this Act the marginal note of which is "Power to demolish church of Saint Bartholomew the Less" the parish of Saint Bartholomew the Less shall for all ecclesiastical purposes but for no other purpose be united with and become part of the parish of Saint Bartholomew the Great in the city of London and shall form part of the benefice and cure of souls of the said parish of Saint Bartholomew the Great and the rector of Saint Bartholomew the Great shall thereupon become and be the rector of the united benefice of Saint Bartholomew the Great and Less and the patron of the rectory of Saint Bartholomew the Great shall be patron of the said united benefice and the office of vicar of the said church of Saint Bartholomew the Less as well as every other ecclesiastical office in connection with the said church and the Governors' right of presentation or appointment thereto shall cease and be extinguished The chapel so to be provided as aforesaid shall not be a parochial chapel and shall be free from the jurisdiction and control of the rector of the said united benefice

and the hospitaller or chaplain of the hospital shall minister therein and may and shall visit the sick and exercise all other spiritual ministrations within so much of the precincts of the hospital as is comprised within the said united parish and so long as the Governors shall provide to the satisfaction of the bishop for the spiritual needs of patients in the hospital and persons residing and employed therein the rector of the said united benefice shall not be required to exercise any spiritual ministration within the precincts of the hospital Provided that notwithstanding the union aforesaid the said parishes shall as to all estates and other property and all rates taxes parochial rights and all privileges liberties and respects whatsoever other than such as are affected by this Act continue and remain distinct in the same manner as they were before the said union and churchwardens shall be elected and appointed in each of the said parishes in the same manner in all respects as heretofore and the churchwardens so to be elected or appointed in each of the said parishes shall together be churchwardens of the united parish.

As to vicar and officers of Saint Bartholomew the Less.

10. Notwithstanding anything hereinbefore contained the Governors shall continue to pay to the persons who at the passing of this Act shall be respectively vicar clerk and sexton of the said church of Saint Bartholomew the Less during their respective lives all such annual sums of money as the Governors have heretofore paid or been liable to pay to such persons in respect of the said offices respectively and shall remain and be under the same liability to provide a house of residence for the person who at the time of the passing of this Act shall be the vicar of the said church as if he had continued to be vicar of the said church but so long only as he shall continue to hold the office of hospitaller or chaplain of the hospital and such person shall during his life continue to enjoy all other rights emoluments and privileges which he now enjoys as vicar of a parish in the city of London including all such burial fees as he would have been entitled to receive if he had continued to be vicar of the said church.

Application of endowment of Saint Bartholomew the Less.

11. From and after the time at which any annual sum payable by the Governors under the last preceding section shall cease to be payable the same shall be paid and applied to the hospitaller or chaplain of the hospital or to the maintenance of the chapel so to be provided as aforesaid or of the services therein as the Governors shall think fit.

Retiring pension for

12. If the Reverend William Ostle shall before or after the passing of this Act cease by reason of non-election or retirement

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hospitaller or chaplain.

to be the hospitaller or chaplain of the said hospital or to be entitled to the emoluments of that office or any part thereof the Governors may and shall grant and pay to him for and during the term of his natural life a retiring allowance of such amount as shall be approved by the bishop not exceeding two thirds of the annual value of his emoluments as hospitaller or chaplain inclusive of the annual value of the house of residence to which he is entitled as vicar.

Removal of human remains from burial ground.

13.—(1) Before the Governors demolish the church of Saint Bartholomew the Less or use for the purposes of the hospital the site of the burial ground adjoining thereto they shall remove or cause to be removed the remains of all deceased persons interred in any vault attached or belonging to such church or in any grave in the burial ground thereof.

(2) Before proceeding to remove any such remains the Governors shall publish a notice for three successive days in two newspapers circulating in London to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said church burial ground or vaults may give notice in writing to the Governors of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Governors that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the chancellor of the consistory court of the diocese of London who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one vault or grave the sum of ten pounds) shall be defrayed by the Governors such sum to be apportioned if necessary equally according to the number of remains in the vault or grave.

(6) If within the aforesaid period of two months no such notice shall have been given to the Governors in respect of the remains in any vault or grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Governors may without any faculty for that purpose remove the remains of the deceased persons and cause them to be re-interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Governors think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Governors be removed and re-erected at the place of re-interment of such remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Governors.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the corporation of the city of London.

Power to use burial ground for other purposes.

14. If and when all remains of deceased persons shall have been removed from the said burial ground it shall cease for all purposes to be a burial ground and the Governors shall not in respect thereof be under any restriction or disability affecting disused burial grounds as such and the said ground shall be held by the Governors subject to the same trusts as apply to the other lands of the hospital but save as aforesaid freed and discharged from all ecclesiastical and other trusts uses purposes obligations disabilities and restrictions whatsoever.

Saving for parochial charities.

15. Nothing in this Act shall extend restrict or alter the scope and application of the benefits of any parochial charity.

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