CHAPTER lxvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Luke's Church and Parish *Quoad Sacra* Edinburgh. A.D. 1903.

[30th June 1903.]

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the St. Luke's Church and Parish *Quoad Sacra* Edinburgh Order Confirmation Act 1903. Short title.

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SCHEDULE.

ST. LUKE'S CHURCH AND PARISH *QUOAD SACRA* EDINBURGH.

Provisional Order to authorise the Annexation of St. Luke's Parish Quoad Sacra *Edinburgh to one or more of the adjoining parishes the sale of the Church of that Parish the application of the endowments and the price of the Church to the endowment of a new parish and the provision of a Church for such new parish and other matters relating to these objects.*

WHEREAS the church and parish *quoad sacra* of St. Luke's in the parish of St. George's Edinburgh were disjoined and erected under a petition to the court of teinds and decree following thereon dated 11th February 1863:

And whereas in terms of the said petition and decree a district was disjoined *quoad sacra* from the parish of St. George's and was attached to St. Luke's Church and along with that church was erected into the church and parish *quoad sacra* of St. Luke's:

And whereas in consequence of the said district having ceased to a considerable extent to be residential the population therein has very much decreased:

And whereas it is expedient to remove the church of St. Luke's to a more convenient site and to mark out and designate and to erect *quoad sacra* a new district to form the parish thereof and to conjoin the district marked out designated and erected as the present parish *quoad sacra* of St. Luke's in terms of the said petition and decree with one or more of the adjoining parishes:

And whereas it is expedient that the Trustees holding the existing endowments for the minister of St. Luke's and for paying the feu-duty and keeping up the fabric of St. Luke's Church should be authorised to transfer such endowments to the Trustees to be appointed to act under the deed of constitution for the new church and parish to be applied by them in terms thereof:

And whereas the Trustees vested in and holding the property of the present church of St. Luke's have no power to sell the same

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and it is expedient that when a church has been provided for the new parish to be erected as aforesaid authority should be given to the said Trustees to sell the present church of St. Luke's and to apply the proceeds of such sale for the purposes in this Order provided:

And whereas the objects aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited for all purposes as the St. Luke's (Edinburgh) Church and Parish *quoad sacra* Order 1903.

Power to the court of teinds to suppress parish of St. Luke's and apply endowments to new church and parish.

2. Subject to the provisions hereinafter enacted it shall be lawful for the court of teinds to suppress the present parish *quoad sacra* of St. Luke's Edinburgh and to authorise the sale of the said church and the application of the endowments of that parish and of the price which may be obtained from the sale of said church towards the endowment of a church of a new parish *quoad sacra* to be erected elsewhere in the city of Edinburgh and the defraying of the cost to be incurred in providing and building such new parish church.

Erection of new church and parish.

3. When the kirk session of St. Luke's shall have built or shall have acquired a church within the city of Edinburgh upon a site and of a size approved of by the presbytery of Edinburgh it shall be lawful for the kirk session with the approval of the said presbytery to make application to the court of teinds to erect such church into a parish church in connection with the Church of Scotland and to mark out and designate a district to be attached thereto *quoad sacra* and to disjoin such district *quoad sacra* from the parish or parishes to which the same or any part thereof may have belonged or been attached and to erect such district into a parish *quoad sacra* in connection with the Church of Scotland in accordance with and subject to the provisions of the New Parishes (Scotland) Act 1844 and if the court of teinds shall be satisfied that it is proper to grant the application the court of teinds may find and declare that it is proper that the powers conferred upon it by the immediately preceding section should be exercised and thereupon it shall be lawful for the said court to grant the prayer of the petition for the erection of the new church and parish to annul the

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decree of the court of teinds dated 11th February 1863 whereby the church and parish of St. Luke's Edinburgh were erected into a church and parish *quoad sacra* to suppress the said parish to declare that the said church is no longer a parish church to annex the area of the said parish or parts thereof to one or more of the adjoining parishes and to decern that the existing provisions for endowing the minister paying the feu-duty and maintaining the fabric of the present church of St. Luke's shall be applied thereafter in providing the endowment of the minister of the new church and parish paying the feu-duty and maintaining the fabric of the new church or for such other purposes in connection with the endowment of the said new church and parish as the said court may determine.

Funds and investments of old church to be transferred to trustees of new church.

4. When decree shall have been pronounced in terms of the immediately preceding section it shall be lawful for the court of teinds to grant warrant and authority for the execution of all deeds which may be necessary to give effect to the provision for the transference of the endowment of the minister and of the provision for payment of the feu-duty and the maintenance of fabrics to the new church and parish and also to grant warrant and authority to the Trustees acting under the existing deed of constitution of St. Luke's Church to pay over and convey all funds or investments in their hands to the Trustees acting under the deed of constitution which shall be granted by the General Assembly of the Church of Scotland for the new church and parish.

Sale of St. Luke's Church and application of proceeds.

5. When decree shall have been pronounced as aforesaid suppressing the present parish of St. Luke's it shall be lawful for the court of teinds to grant warrant and authority to the Trustees for the time being holding the property of St. Luke's Church in terms of the titles thereof lodged in the court of teinds in the process for disjoining and erecting St. Luke's to sell all and whole St. Luke's Church and the site on which it stands as the same are described in the said titles and in the schedule annexed to this Order and that either by public roup or private bargain and to apply the proceeds in paying all costs charges and expenses preliminary to and of and incidental to the confirming of this Order and the expenses of such sale and in paying the balance thereof to the kirk session of St. Luke's to be applied by them towards the cost of the said new church and for the purpose of such sale it shall be lawful for the court of teinds to authorise the clerk of teinds to deliver up the said titles to the said Trustees.

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New church and parish *quoad sacra* to be called the church and parish *quoad sacra* of St. Luke's Edinburgh.

6. The new church and parish *quoad sacra* erected and endowed in terms of the foregoing provisions shall be called the church and parish *quoad sacra* of St. Luke's Edinburgh and on the decree of the court of teinds suppressing the present parish of St. Luke's and erecting the new parish of St. Luke's being pronounced the minister for the time being and the kirk session of the present parish of St. Luke's shall become the minister and the kirk session of the new parish of St. Luke's.

Saving rights of Edinburgh Ecclesiastical Commissioners.

7. Nothing in this Order shall prejudice or affect any right or powers competent to the Edinburgh Ecclesiastical Commissioners connected with the union and disjunction of churches and parishes of the city of Edinburgh under and by virtue of section 23 of an Act passed in the twenty-third and twenty-fourth years of Her late Majesty Queen Victoria intituled "An Act to abolish the Annuity "Tax in Edinburgh and Montrose and to make provision in regard "to the stipends of the ministers in that City and Burgh and also "to make provision for the patronage of the Church of North "Leith."

Costs of Order.

8. All costs charges and expenses of and incident to the preparing obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the kirk session of St. Luke's and in the event of the sale of the said church as hereinbefore provided for they shall receive repayment thereof out of the proceeds of such sale.

The SCHEDULE referred to in the foregoing Order.

ALL AND WHOLE that piece of ground lying on the south side of Thistle Street now called Young Street to the west of Castle Street and measuring forty feet in front of lot marked on the feuing plan letter L bounded on the east by the ground feued to James Nisbet plasterer in Edinburgh on the west by the ground feued to Peter Marshall wright in Edinburgh on the north by Thistle Street now called Young Street and on the south by the Mews Lane lying formerly within the parish of St. Andrew now within the parish of St. George's and royalty and sheriffdom of Edinburgh and which piece of ground is contained in an original feu charter thereof granted by the lord provost magistrates and council of the city of Edinburgh with consent therein mentioned in favour of Alexander Houstoun Esquire of the island of Grenada dated the twenty-third day of February seventeen hundred and ninety-one Second all and whole that piece of ground between Castle Street and Charlotte Street measuring thirty-six feet two inches in front lying on

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the south side of Thistle Street now called Young Street bounded as follows vizt. on the east by the ground first above disponed on the west by the centre of a gable sometime belonging to the said Peter Marshall on the north by Young Street and on the south by the Mews Lane which piece of ground lies within the parish formerly of St. Andrew now St. George's royalty and sheriffdom of Edinburgh and which piece of ground is contained in an original feu charter thereof granted by the lord provost magistrates and council of the city of Edinburgh in favour of the said Peter Marshall dated the twenty-eighth day of July eighteen hundred and two together with the church session house library and pertinents entering from Young Street and the cellarage entering from the Mews Lane erected on the said two pieces of ground.

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