CHAPTER xlv.

An Act to vest a portion of the Glebe Lands of the Rectory of Saint Martin in the City of Birmingham in Trustees upon certain trusts for the benefit (at the discretion of the Trustees) of the Incumbents for the time being of the Ecclesiastical Districts within the area of the ancient parish of Saint Martin Birmingham and for other purposes. [9th June 1893.] A.D. 1893.

WHEREAS the perpetual advowson of the rectory and ecclesiastical parish and parish church of Saint Martin in the city of Birmingham formerly within the diocese of Lichfield and Coventry but now within the diocese of Worcester (in this Act called the rectory) is vested in fee simple in the following persons as patrons (that is to say):—

The Right Reverend Anthony Wilson Thorold D.D. Lord Bishop of Winchester;

The Very Reverend William Robert Fremantle D.D. Dean of Ripon;

The Reverend Sir John Robert Laurie Emilius Laurie of Maxwelton Baronet;

The Reverend Walter Abbott clerk; and

The Reverend George Sidney Streatfeild clerk:

Subject nevertheless to the trusts powers and declarations declared by and contained in a certain deed of grant dated the eighth day of August one thousand eight hundred and thirty-seven and made between Thomas Walker and Elizabeth his wife of the one part and the Reverend Andrew Brandram clerk the Reverend Francis Close clerk the Reverend Francis Goode clerk and the Reverend Thomas Moseley clerk of the other part:

And whereas the Reverend William Wilkinson clerk Doctor in Divinity is the rector of the rectory and is in this Act referred to as the present rector:

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And whereas the glebe lands belonging to the rectory are subject to a mortgage in favour of the Ecclesiastical Commissioners to secure the payment to them of a sum of two thousand pounds and interest by certain instalments as therein mentioned and subject to the proviso for redemption therein contained:

And whereas part of the endowment of the rectory consists or is believed to consist of certain closes of glebe land called and in this Act referred to as the Five Ways Lands containing together by estimation twenty-five acres situate within the parish of Saint Martin Birmingham and more particularly described in the First Schedule to this Act:

And whereas the endowments of the rectory other than and in addition to the Five Ways Lands are of considerable value:

And whereas it is believed that the Five Ways Lands are now or will shortly become of great value:

And whereas the Second Schedule to this Act contains particulars of twenty-five ecclesiastical districts formed (in whole or in part) out of and separated from the rectory showing the name of each ecclesiastical district and the names of the patron or patrons and present incumbent thereof and the estimated annual value of the incumbency thereof as nearly as the same can be ascertained and the population thereof according to the last census:

And whereas the population of the district now constituting the ecclesiastical parish of the rectory according to the last census is nine thousand eight hundred or thereabouts:

And whereas it is probable that further ecclesiastical districts will from time to time be formed out of or separated from the rectory:

And whereas it is desirable that subject to the interest therein of the present rector the Five Ways Lands and the income arising therefrom or from the proceeds of sale thereof should from time to time be applied for or towards the augmentation in the manner in this Act specified of the stipends of the incumbents of the ecclesiastical districts for the time being lying wholly or in part within the former area of the ancient parish of the rectory (including the district attached to the rectory) or some or one of them and for the other purposes mentioned in this Act:

And whereas by an Act 13 George III. chapter 6 intituled "An "Act to enable the rector of Saint Martin in Birmingham to "grant leases of certain parts of the glebe lands belonging to "the said rectory" certain leasing and other powers were granted to the persons therein mentioned with respect to (amongst other hereditaments) the Five Ways Lands:

And whereas it is desirable to repeal the said Act so far as it relates to the Five Ways Lands:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

And whereas the present rector has consented to this Act:

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

And whereas the said Bishop of Winchester Dean of Ripon the Reverend Sir John Robert Laurie Emilius Laurie of Maxwelton the Reverend Walter Abbott and the Reverend George Sidney Streatfeild as patrons of the rectory have consented to this Act:

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 as the Saint Martin's Rectory (Birmingham) Act 1893.

Vesting of Five Ways Lands in trustees.

2. Immediately on the passing of this Act the Five Ways Lands so far as the same form part of the endowment of the rectory and subject to the said mortgage shall by virtue of this Act become and be vested in the said Bishop of Winchester Dean of Ripon the Reverend Sir John Robert Laurie Emilius Laurie of Maxwelton the Reverend Walter Abbott and the Reverend George Sidney Streatfeild their heirs and assigns in fee simple discharged from all estates rights interests and claims (except as by this Act otherwise expressly provided) of or on the part of the present rector and discharged from all estates rights interests and claims of all succeeding rectors of the rectory but subject to all leases and agreements for tenancies duly granted or made and subsisting with respect to the said hereditaments so vested and in trust to give effect to the purposes and provisions of this Act.

Trustees for purposes of Act.

3. The said Bishop of Winchester Dean of Ripon the Reverend Sir John Robert Laurie Emilius Laurie of Maxwelton the Reverend Walter Abbott and the Reverend George Sidney Streatfeild or other the persons for the time being patrons of the rectory under the trust deed of the eighth of August one thousand eight hundred and thirty-seven shall be trustees for the purposes of this Act within the meaning of the Conveyancing and Law of Property Acts 1881 and 1882 and they and other the persons for the time being trustees for the purposes of this Act are in this Act referred to as "the Trustees" The powers and provisions of this Act may be exercised and put in force by any four or more of the Trustees.

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General powers of Trustees.

4. The Trustees shall have the following powers with respect to the Five Ways Lands so far as the same form part of the endowment of the rectory and subject to the said mortgage :—

(1) Power to sell all or any part of the Five Ways Lands or to exchange the same or any part thereof for other lands in England and upon any such exchange to give or receive money for equality of exchange ;

(2) Power on any such sale to enter into any covenants or arrangements with respect to buildings and with respect to making repairing and maintaining roads sewers drains and fences and generally with respect to user of the lands sold or any part thereof ;

(3) Power to grant or create any easements rights or privileges of any nature over or in relation to the Five Ways Lands for such consideration and generally on such terms and conditions as the Trustees shall think fit ;

(4) Power to demise any part or parts of the Five Ways Lands for any term of years not exceeding in the case of a building or repairing lease ninety-nine years from the date of the lease and not exceeding in the case of any other lease twenty-one years from the date of the lease so that there be reserved on every lease under this power the best yearly rent or rents that can reasonably be obtained without taking anything in the nature of a fine or premium but so that during the first two years of any building or repairing lease a peppercorn rent or rent smaller than that payable during the residue of such term may be reserved And so that there be contained in every lease a condition of re-entry for non-payment of rent ;

(5) Power to grant way-leaves water-leaves and other easements rights or privileges of any nature over the Five Ways Lands or any part thereof for any term hereby authorised in respect of building leases on such conditions as the Trustees shall think fit ;

(6) Power to make allowances to and arrangements with tenants and to redeem any lease or tenancy and to accept a surrender of any lease or tenancy and to renew any lease or tenancy in all cases on and subject to such terms and conditions as the Trustees shall think fit ;

(7) Power to raise on mortgage of the Five Ways Lands or any part or parts thereof all or any moneys which may be raisable by virtue of any of the powers contained in this Act or which may be payable or required for equality of exchange or partition or as the consideration for or otherwise in relation

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to the redemption or surrender of any lease or tenancy or for the acquisition of any land easement or other right or privilege or which may be required for the purpose of effecting any permanent improvement authorised by this Act or for the renewal of any lease or for discharging or consolidating any charge or incumbrance affecting the Five Ways Lands or any part thereof or which may otherwise be required for any purpose for which capital moneys arising from a sale of the Five Ways Lands or any part thereof are authorised to be expended or for the payment of any expenses incurred by the Trustees in or about the management protection or preservation thereof or any part thereof including the expense of opposing any application to Parliament for any Bill which they may consider prejudicial to the Five Ways Lands or any part thereof and to secure the repayment of any moneys so raised as aforesaid with interest at such rate as may be thought proper by a mortgage for any term of years or in fee simple of the hereditaments to be charged therewith and either with or without a power of sale and with such other powers and provisions and on such terms in all respects as may be deemed expedient and no mortgagee advancing money on a mortgage purporting to be made under this present power shall be concerned to see that such money is wanted or that no more than is wanted is raised;

(8) Power from time to time to make or execute any work or operation with regard to the Five Ways Lands or any part thereof which shall be an improvement within the meaning of the Settled Land Acts 1882 to 1890 or any statutory modification thereof;

(9) Power to lay out and appropriate any part of the Five Ways Lands as and for a way or ways streets squares approaches avenues roads courts passages sewers drains yards gardens or pleasure grounds or other conveniences for the general improvement of the said lands or for the accommodation or convenience of the tenants and occupiers thereof in such manner and on such terms as the trustees shall think fit and either subject to or without being subject to any annual or other payments by such tenants or occupiers as shall be mentioned or agreed upon in any lease to be made in pursuance of this Act or under any general deed of covenant executed by the trustees;

(10) Power to convey to any sanitary or other local authority or person any part or parts of the Five Ways Lands for the

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purpose of being used for ways streets or roads in consideration if the Trustees think fit of such authority or person constructing and maintaining such ways streets or roads at their or his own expense and either with or without such other consideration as the Trustees shall think fit:

All the foregoing powers and provisions shall apply to all lands acquired by the Trustees under this Act and to any other lands which may otherwise become vested in them for the purposes of this Act as fully and effectually as to the Five Ways Lands.

Application of proceeds of sale and other capital moneys.

5. The proceeds of any sale or conversion of any lands vested in or held by the Trustees and all other capital moneys for the time being subject to the provisions of this Act shall from time to time be applied and disposed of by the Trustees for any of the following purposes:—

(1) In payment of the costs and expenses of the sale;

(2) In payment of the Trustees' costs charges and expenses (if any) which the income of the trust premises may not be adequate to discharge;

(3) In payment for any improvement authorised by this Act;

(4) In payment for equality of exchange or partition of land subject to the provisions of this Act;

(5.) In discharge of the said mortgage and of other mortgages or charges affecting the trust premises;

(6) In purchase of the reversion or freehold in fee of any part of the land at any time subject to the provisions of this Act being leasehold land held for years or life or years determinable on life;

(7) In purchase of land in fee simple or of copyhold or customary land or of leasehold land held for sixty years or more unexpired at the time of purchase subject or not to any exception or reservation of or in respect of mines or minerals therein or of or in respect of rights or powers relative to the working of mines or minerals therein or in other land;

(8) In investment in the names of the Trustees in any investment authorised by the Trust Investment Act 1889 or any statutory modification thereof with power from time to time at the discretion of the Trustees to convert the same into money;

(9) After the next vacation of the rectory in payment by way of loan or gift of any sum which the Trustees may think fit to contribute for or towards the provision of a site for a house of residence or for or towards the erection or purchase of a house of residence for the incumbent of any ecclesiastical district for the time being lying wholly or in part within the

former area of the ancient parish of the rectory (including the district attached to the rectory) or for the endowment or augmentation of the endowment of any such ecclesiastical district as aforesaid Provided always that every such loan or gift shall be at the discretion of the Trustees and subject to such terms and conditions as the Trustees shall think fit.

Application of rents and profits and other income.

6. The Trustees shall pay and apply the rents and profits of any lands vested in or held by them and other the income arising from the trust premises subject to the provisions of this Act as follows:—

(1) In payment of all costs and expenses in the management or otherwise consequent on their possession or receipt of rents and profits under this Act and all outgoings not payable by any tenant or other person and the instalments payable under or in respect of the said mortgage and the interest payable in respect of any sums for the time being owing by the Trustees under this Act and their costs charges and expenses as Trustees;

(2) In payment of the balance after the payments aforesaid to the present rector so long as he shall continue rector of the rectory;

(3) After the next vacation of the rectory in payment from time to time to all or any one or more of the several incumbents of the ecclesiastical districts for the time being lying wholly or in part within the former area of the ancient parish of the rectory (including the district attached to the rectory) for their or his own benefit of such annual or other sums as may from time to time be granted by the trustees subject nevertheless to any conditions as to the maintenance of assistant curates or otherwise which the trustees may see fit to impose;

(4) After the next vacation of the rectory in payment from time to time by way of loan or gift of any sum which the Trustees may think fit to contribute for or towards the provision of a site for a house of residence or for or towards the erection or purchase or rent of a house of residence for the incumbent of any such ecclesiastical district as aforesaid or for the endowment or augmentation of the endowment of any such ecclesiastical district as aforesaid Provided always that every such loan or gift shall be on and subject to such terms and conditions as the Trustees shall think fit;

(5) After the next vacation of the rectory in investment from time to time by way of accumulation of any balance not

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immediately required for the purposes aforesaid in any of the investments authorised by this Act with power to the Trustees from time to time and at any time to expend as income the whole or any part of the existing accumulations for the time being.

Repeal of part of 13 Geo. 3. c. 6.

7. The recited Act 13 George III. chapter 6 intituled "An Act "to enable the rector of Saint Martin in Birmingham to grant "leases of certain parts of the glebe lands belonging to the said "rectory" is hereby repealed so far as the same relates to the Five Ways Lands but not further or otherwise.

Costs of Act.

8. The costs charges and expenses preliminary and of or incidental to the preparing applying for and passing of this Act shall be costs charges and expenses of the Trustees within the meaning of this Act and be paid by them as such.

SCHEDULES.

The FIRST SCHEDULE above referred to.

Particulars of the Five Ways Lands.

All those pieces of land with the buildings thereon situate at or near the Five Ways in the city of Birmingham and running back from the south-east side of Broad Street and north side of Islington Row and Bath Row in the said city and having frontages of the following approximate lengths to the following streets in the said city viz. To Broad Street aforesaid 996 feet to Islington Row aforesaid 726 feet to Bath Row aforesaid 456 feet to the east and west sides of Tennant Street 890 feet respectively to the east and west sides of William Street 954 feet and 871 feet respectively to the north and south sides of Saint Martin Street 850 feet and 810 feet respectively and to the north and south sides of Bishopsgate Street 790 feet and 810 feet respectively.

The SECOND SCHEDULE above referred to.

Particulars relating to the various Churches in the Old Parish of Saint Martin Birmingham.

Benefice.	Incumbent.	Population in 1891.	Estimated Income.	£	s.	d.
All Saints. (Patrons, Bishop of Winchester and others.)	W. La Porte Payne - -	27,576	Fees - -	112	19	9
			Pew rents -	59	6	6
			Endowment -	140	0	0
				£312	6	3
			Less Queen Anne's Bounty - -	37	16	4
				£274	9	11
			Rectory house.			
St. Asaph. (Patrons, Private Trustees.)	A. J. Binnie, M.A. -	11,000	Ecclesiastical Commissioners, 200*l.*, less tax -	195	0	0
			Pew rents - -	113	11	4
			Fees - -	17	14	0
				£326	5	4
			No house.			
St. Barnabas. (Patrons, Private Trustees.)	Percy Waller - -	7,035	Ecclesiastical Commissioners - -	206	7	6
			Ground rents -	73	0	10
			Pew rents - -	148	14	10
			Fees - - -	18	6	0
				£446	9	2
			No house.			
St. Bartholomew. (Patron, Rector of St. Martin.)	James Henry - - -	4,974	Glebe - -	106	16	0
			Queen Anne's Bounty	2	6	8
			Ecclesiastical Commissioners -	100	0	0
			Fees - -	20	0	0
				£229	2	8
			No pew rents; no house.			
Bishop Ryder. (Patrons, Private Trustees.)	J. Phelps Gardiner, D.D. -	6,415	Ecclesiastical Commissioners - -	200	0	0
			Queen Anne's Bounty	9	15	0
			Miss Cook's bequest	44	10	0
			Pew rents - -	60	0	0
				£314	5	0
			Vicarage.			

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Benefice.	Incumbent.	Population in 1891.	Estimated Income.	£	s.	d.
Christ Church. (Patron, Bishop of Worcester.)	C. B. Wilcox - - -	2,927	Ecclesiastical Commissioners - -	273	0	0
			Interest on 500*l.* invested towards house of vicar -	21	18	8
			Pew rents - -	60	0	0
				£354	18	8
			Less rent of house -	70	0	0
				£284	18	8
			No house.			
St. Chrysostom. (Patrons, Bishop of Winchester and others.)	J. E. Moon - - -	7,566	Ecclesiastical Commissioners, &c. -	61	10	0
			Fees - - -	15	0	0
			Pew rents - -	40	0	0
				£116	10	0
			No house.			
St. Cuthbert. (Patrons, Bishop of Winchester and others.)	J. McCann, D.Th. - -	11,707	Endowment - -	250	0	0
			Pew rents and fees -	50	0	0
				£300	0	0
			No house.			
St. David's. (Patrons, Private Trustees.)	P. D. Moreton - - -	10,269	Endowment - -	300	0	0
			Fees - - -	19	19	7
				£319	19	7
			No pew rents; bad leasehold house.			
St. Gabriel. (Patron, Bishop of Worcester.)	W. H. Cariss, M.A. -	4,933	Ecclesiastical Commissioners - -	300	0	0
			No pew rents; no house.			
St. George. (Patrons, Bishop of Winchester and others.)	J. W. Mills, M.A. - -	16,113	Ground rents -	160	0	0
			Fees - -	75	17	5
			Pew rents -	156	3	3
				£392	0	8
			Rectory house.			
St. John (Ladywood). (Patron, Rector of St. Martin's.)	A. R. Moss, M.A. - -	11,055	Endowment - -	30	0	0
			Pew rents - -	280	0	0
				£310	0	0
			Good house.			

Benefice.	Incumbent.	Population in 1891.	Estimated Income.	£	s.	d.
Christ Church (Summerfield). (Patron, Bishop of Worcester.)	G. S. Walker, M.A. -	6,924	Ecclesiastical Commissioners - -	195	0	0
			Fees - - -	36	18	7
			Interest on 500*l.* -	17	1	4
			Pew rents - -	103	1	8
				£352	1	7
			No house.			
St. Jude. (Patrons, Bishop of Worcester and Crown, alternately.)	T. G. Watton, M.A. -	4,196	Ecclesiastical Commissioners - -	184	0	0
			Glebe - - -	45	0	0
			Pew rents - -	190	0	0
			Fees - - -	25	0	0
				£444	0	0
			Less rent of house -	70	0	0
				£374	0	0
			No house.			
St. Luke. (Patrons, Private Trustees.)	W. B. Wilkinson, M.A. -	10,227	Pew rents - -	165	0	0
			Queen Anne's Bounty	28	8	8
			Will of Mr. Reeves -	5	5	0
				£198	13	8
			No house.			
Immanuel. (Patrons, Private Trustees.)	R. Bren, M.A. - -	6,556	Ecclesiastical Commissioners - -	300	0	0
			Pew rents - -	40	0	0
			Fees - - -	8	0	0
				£348	0	0
			No house.			
St. Margaret (Ladywood). (Patron, Bishop of Worcester.)	A. O. Cherrington -	6,690	Ecclesiastical Commissioners - -	300	0	0
			No pew rents; no house.			
St. Mark. (Patrons, Bishop of Worcester and Trustees.)	M. Rudkin, A.K.C. -	17,544	Ecclesiastical Commissioners - -	165	15	0
			Queen Anne's Bounty	31	7	4
			Pew rents - -	42	8	6
			Fees - - -	42	0	0
				£281	10	10
			Vicarage.			
St. Mary. (Patrons, Private Trustees.)	R. Moore, M.A. - -	4,233	Ecclesiastical Commissioners - -	142	0	0
			Interest on Consols -	27	4	8
			Hammond's trust -	4	0	0
			Pew rents - -	300	0	0
				£473	4	8
			Vicarage.			
St. Matthias. (Patrons, the four rectors of Birmingham.)	J. W. Hughes Games, M.A.	11,059	Chancery dividends	40	0	0
			Ecclesiastical Commissioners - -	160	0	0
			Pew rents - -	100	0	0
				£300	0	0
			Vicarage.			

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Benefice.	Incumbent.	Population in 1891.	Estimated Income.
St. Paul. (Patrons, Bishop of Winchester and others.)	W. H. Smith, M.A. -	10,772	£ s. d. Ecclesiastical Commissioners - - 148 4 0 Pew rents - - - 74 8 3 Fees - - - 37 11 3 £260 3 6 (Also Chaplain to Church of England Cemetery at Warston, 113*l.* 18*s.* 0*d.*) Good house.
St. Peter. (Patron, Bishop of Worcester,)	W. J. R. Oliver, M.A. -	1,405	Glebe rents - - 245 0 0 Dividends on stock - 50 9 0 Ecclesiastical Commissioners - 16 0 0 £311 9 0 No pew rents; no house.
St. Thomas. (Patrons, Bishop of Winchester and others.)	F. S. Webster, M.A.	9,314	Glebe - - 60 0 0 Ecclesiastical Commissioners - - 25 0 0 Pew rents - - 292 17 4 Fees - - - 45 0 0 £422 17 4 No house.
St. Philip. (Patron, Bishop of Worcester.)	H. B. Bowlby, D.D., Bishop Suffragan of Coventry.	1,982	Interest on funds in hands of Ecclesiastical Commissioners - - 583 7 2 Ecclesiastical Commissioners - - 400 0 0 Ground rents devised in trust for church 228 0 0 Charity Commissioners interest on proceeds of sale of part of ground rents 66 0 0 £1,277 7 2 Good house.
St. Saviour. (Patrons, Private Trustees.)	Matthew Parker - -	6,000	Ecclesiastical Commissioners - - 250 0 0 Share of offertory - 86 4 8 Fees - - - 25 2 0 £361 6 8 No pew rents; no house.

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