CHAPTER lxxxvii.

An Act to provide for the payment to the Ecclesiastical Commissioners and application by them of moneys payable under the City and South London Railway Act 1896 by the City and South London Railway Company in respect of the church of Saint Mary Woolnoth in the city of London and for other purposes. A.D. 1904.

[22nd July 1904.]

WHEREAS by the City and South London Railway Act 1893 the City and South London Railway Company (in this Act referred to as "the company") were authorised to purchase and acquire for the purposes of that Act the lands and hereditaments therein referred to including the church of St. Mary Woolnoth in the city of London and certain other lands and hereditaments adjoining the same which together with the said church comprise the property (in this Act referred to as "the church site") numbered 39 in the parish of St. Mary Woolnoth on the deposited plans referred to in the said Act: 56 & 57 Vict. c. ccvii.

And whereas by the City and South London Railway Act 1896 (in this Act called "the Act of 1896") the period for the compulsory purchase of lands for the purposes of the said City and South London Railway Act 1893 was extended until the twenty-fourth day of August one thousand eight hundred and ninety-eight and the powers of the company with respect to the purchase and acquisition of the church site were limited and restricted as therein provided and it was also provided that the amount of purchase money or compensation to be paid by the company under that Act in respect of the church site should unless otherwise agreed be determined by an arbitrator to be agreed on 59 & 60 Vict. c. cclii.

A.D. 1904.

between the parties or in default of agreement to be appointed on the application of either of them by the Board of Trade:

And whereas it was by the Act of 1896 further provided that the purchase money or compensation which should be payable by the company in respect of the church site should be paid (after making certain deductions therefrom) into the Bank of England to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature to the credit of "Ex parte the Eccle- "siastical Commissioners for England—the account of St. Mary "Woolnoth" and that such moneys so paid to the Paymaster-General should be applied in such manner and to such purposes as Parliament should thereafter determine on an application by the Ecclesiastical Commissioners or if the said Commissioners should not introduce a Bill for that purpose within two sessions next after the payment of the purchase money then on an application by certain other parties specified in the Act of 1896 and that any such Bill should make provision for the payment out of such moneys of certain taxed costs charges and expenses in respect of or incident to any such application to Parliament:

And whereas the Company having served notice to treat under the Act of 1896 upon the rector and churchwardens of the united parishes of St. Mary Woolnoth and St. Mary Woolchurch Haw in respect of the freehold interest in the church site and the parties having failed to agree as to the amount of purchase money or compensation to be paid by the company thereunder the matter was referred to the determination of an arbitrator agreed on between the company and the said rector and churchwardens:

And whereas the said arbitrator duly made and published his award dated the twenty-ninth day of January one thousand nine hundred and two and thereby declared that the amount of purchase money or compensation to be paid by the company in respect of the church site should be the sum of one hundred and thirty-six thousand four hundred and twenty-one pounds assessed upon the basis that the church site might under some Act of Parliament or under a scheme under the Union of Benefices Act 1860 or otherwise (but for the passing of the said City and South London Railway Acts) at some future time cease to be the site of a church and become available for building:

And whereas in pursuance of an order of the Court of Appeal dated the twenty-seventh day of March one thousand nine hundred and three confirming a decision of the High Court adopting and

affirming the basis of assessment as hereinbefore recited and directing the payment into court of the sum determined by the said award together with certain interest thereon the said sum of one hundred and thirty-six thousand four hundred and twenty-one pounds being the said sum so awarded was duly paid into the Bank of England to the account and to the credit aforesaid and further sums by way of interest have also been paid in to the like account and credit and the said sums so paid into the Bank of England after making the deductions therefrom authorised by the Act of 1896 have been invested and are now represented by eighty-one thousand four hundred and seventy-one pounds two shillings and fourpence India three and a half per cent. stock and ninety-two thousand two hundred and ninety-eight pounds twelve shillings and threepence India three per cent. stock standing to the credit of the aforesaid account and the interest accruing on the said sums of stock has been and will from time to time until the same are transferred out of court be invested for the credit of the same account: A.D. 1904.

And whereas the company on the eighth day of February one thousand nine hundred and four gave notice of their intention to appeal to the House of Lords against the said order of the Court of Appeal:

And whereas it is expedient that subject to any order made by the House of Lords on the said appeal the provisions in this Act contained with respect to the payment and transfer to the Ecclesiastical Commissioners of all moneys and investments standing to the credit of the said account including all interest accrued due on such investments up to the date of such transfer and with respect to the application by the said Commissioners of the moneys and investments so paid and transferred to them should be made:

And whereas the objects aforesaid 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 (that is to say):—

1. This Act may be cited as the Saint Mary Woolnoth Church Act 1904. Short title.

A.D. 1904.

Payment to Ecclesiastical Commissioners of money in court in respect of church of St. Mary Woolnoth.

2. Subject to the provisions hereinafter contained upon the application at any time of the Ecclesiastical Commissioners there shall be paid and transferred to them by the Paymaster-General all sums of stock purchased with moneys paid into the Bank of England to the account of the Paymaster-General for and on behalf of the Supreme Court of Judicature to the credit of "Ex parte "the Ecclesiastical Commissioners for England—the account of "St. Mary Woolnoth" or otherwise paid to the account of the said Paymaster-General in respect of the said sums of stock and also all uninvested interest accrued due on the said sums of stock up to the date of such payment and transfer to the Ecclesiastical Commissioners Provided always that—

(1) If the company shall prosecute the pending appeal to the House of Lords against the order of the Court of Appeal dated the twenty-seventh day of March one thousand nine hundred and three and made "In the "matter of the Lands Clauses Consolidation Act 1845 "and In the matter of the City and South London "Railway Acts 1893 and 1896 and In the matter of "an arbitration between the City and South London "Railway Company and the rector and churchwardens "of the united parishes of St. Mary Woolnoth and "St. Mary Woolchurch Haw" no such application as aforesaid shall be made by the Ecclesiastical Commissioners until the House of Lords shall have made a final order on the said Appeal:

(2) The amount to be paid and transferred to the Ecclesiastical Commissioners on any such application shall be such as may be determined or ascertained to be payable by the company in respect of the church site by or in accordance with any such order and the payment and transfer to the Ecclesiastical Commissioners shall be subject also to such limitations terms and conditions (if any) as may be declared or imposed by the House of Lords:

(3) Any money or investments standing to the credit of the said account which shall not be determined or ascertained to be payable or transferable to the Ecclesiastical Commissioners as aforesaid shall be paid or transferred in such manner as the court may on the application of the company direct.

Application of money by Ecclesiastical Commissioners.

3. The Ecclesiastical Commissioners shall apply all moneys so paid to them and the said sums of stock so transferred to them and all interest on the said sums of stock and the proceeds of sale thereof or of any part thereof in manner following (that is to say):—

(1) In payment of the taxed costs charges and expenses of the Ecclesiastical Commissioners of and incident to the preparing applying for and obtaining this Act and of the expenses incurred and to be incurred by the said Commissioners in carrying the same into execution:

(2) In satisfaction of any claims for payment of any portion of the moneys so paid to the Ecclesiastical Commissioners which the said Commissioners may determine or be ordered or directed to pay:

(3) For the benefit of the united parishes or benefices of St. Mary Woolnoth and St. Mary Woolchurch Haw and any other parish or parishes benefice or benefices in the metropolis or its vicinity (as defined by the Union of Benefices Acts 1860 and 1898) in such manner as the Ecclesiastical Commissioners may determine.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
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