CHAPTER xxix.

An Act to authorise the appropriation of a part of the disused burial ground of Saint Andrew's, Gray's Inn Road, in the county of Middlesex, to the purpose of erecting thereon school buildings for the district parish of the Holy Trinity, Gray's Inn Road; and for other purposes. A.D. 1872.

[27th June 1872.]

WHEREAS by an Act passed in the twentieth year of the reign of His late Majesty King George the Second, intituled "An "Act to enable the parishioners of the parish of Saint Andrew, "Holborn, in the city of London and county of Middlesex, to "purchase a convenient piece of ground for an additional burying "ground for the use of the said parish, and to enable the said "parishioners to raise such sum and sums of money as shall be "necessary for that purpose," it was enacted that it should be lawful for the trustees by that Act appointed, or any seven or more of them, and they were thereby enabled and empowered to purchase in the names of the rector and churchwardens of the said parish (who were thereby enabled to accept and take a conveyance thereof to them and their successors) any piece or parcel of ground lying in or near the said parish not exceeding three acres, in order to be consecrated, and the same ground when purchased to enclose with a brick wall or other fence, and to do all other things necessary and proper for making such ground fit and convenient, in such manner as the said trustees thereby appointed, or any seven or more of them, should judge most convenient for the burial of the dead therein, and such ground was for ever to be appropriated and used for the purpose of burying the bodies of such persons as should die in the said parish or should be required to be buried therein, and for no other purpose whatsoever: And it was in and by the

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said Act provided that in case the ground so to be purchased or any part thereof should happen to lie without the bounds or limits of the said parish of Saint Andrew, Holborn, the ground so purchased and every part thereof should for ever, after such purchase, be deemed and taken to be part of the said parish of Saint Andrew, Holborn, and should be for ever discharged from any rates or taxes, tithes or duties, to the parish out of which it should be so taken, or to any other parish or place whatsoever:

And whereas pursuant to the said Act the said trustees purchased in the names of the rector and churchwardens of the said parish a piece of ground situate in the parish of Saint Pancras in the county of Middlesex, lying on the east side of and abutting upon the road now called the Gray's Inn Road, and in accordance with the duties and obligations imposed upon them by the said Act the said trustees enclosed the said piece of ground with a brick wall, and have otherwise conformed to the terms of the said Act, and the said piece of ground was duly conveyed to the rector and churchwardens of the said parish of Saint Andrew, Holborn, and has been used for the purposes of a burial ground as provided by the said Act:

And whereas under the operation of the "Metropolis Burial Act" the said burial ground has been for many years closed, and there has been no interment therein since the year 1856:

And whereas in the year one thousand eight hundred and twenty-nine the church or chapel of Holy Trinity, Gray's Inn Road, in the county of Middlesex, was erected and consecrated upon a portion of the said burial ground, and by a representation prepared by the Ecclesiastical Commissioners for England and ratified by an Order of Her Majesty in Council made on the twenty-first day of October one thousand eight hundred and thirty-nine, and duly published in the "London Gazette" on the twelfth day of November one thousand eight hundred and thirty-nine, a part of the said parish of Saint Andrew, Holborn, in the said representation particularly described was assigned as a district to such church or chapel, and the same was named the district of the Holy Trinity:

And whereas since the erection of the said church or chapel and the formation of the said district the population of such district has greatly increased:

And whereas schools for the education of boys and girls have been established in the district of the Holy Trinity aforesaid, but there are no suitable school buildings provided for such schools, and the number of children now applying for admission to such schools is greatly in excess of the number which can be received therein owing to the want of the necessary school buildings, and there is and

has been for some time past great and urgent need for the erection of new school buildings in the said district:

And whereas the rector and churchwardens of the said district of the Holy Trinity have for some years past been in search of a suitable and convenient site for the erection of schools for the said district, but great difficulty is experienced in meeting with a suitable and convenient site for such new schools:

And whereas a portion of the said disused burial ground immediately adjoining the said church or chapel of Holy Trinity, and on part whereof a lodge now stands, would afford a most convenient and desirable site for the erection thereon of such new schools, and the rector and churchwardens of the said district of the Holy Trinity have applied to and requested the rector and churchwardens of the said parish of Saint Andrew, Holborn, to appropriate for the purpose of a site for such new schools the piece of land, being a portion of the said disused burial ground, delineated and coloured red on a plan thereof which has been prepared, and is signed by the Reverend Henry George Scawen Blunt, M.A. the rector of the said parish of Saint Andrew, Holborn, and by the Reverend James William Worthington, D.D., the rector of the said district of the Holy Trinity, and the said rector and churchwardens of Saint Andrew, Holborn, so far as they lawfully can do so, but not further or otherwise, have consented to appropriate such site, subject to the authority of Parliament being obtained to such appropriation, and subject also to the terms and conditions in that behalf contained in this Act:

And whereas it is expedient that powers should be given for carrying the objects aforesaid into effect, but the same cannot be done without the authority of Parliament:

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 for all purposes as "Trinity Church, Gray's Inn Road, Schools Act, 1872."

Burial ground except as to school site to remain vested as at passing of Act.

2. Notwithstanding anything in this Act contained the said burial ground (save as to the part thereof appropriated by this Act to the purposes of a school site as in this Act mentioned, and which part is coloured red in the plan in this Act referred to) shall remain vested in the rector and churchwardens of the said parish of Saint Andrew, Holborn, and their successors, as at the time of the passing of this Act.

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Appropriation of part of burial ground as site for schools.

3. Notwithstanding anything to the contrary contained in the said herein-before recited Act, the piece of land, being part of the said burial ground, and delineated and coloured red upon the said plan in this Act referred to, shall be and is hereby appropriated for a site for the erection thereon of schools for the said district of the Holy Trinity, and such piece of land shall be used for such purpose only, and shall accordingly vest in the rector and churchwardens of the said district of the Holy Trinity, and their successors for the time being: Provided always, that if within five years from the passing of this Act schools for the said district shall not be erected upon the said piece of land, then the said piece of land shall revert to and re-vest in the rector and churchwardens of the parish of Saint Andrew, Holborn, and their successors, freed and discharged from the provisions of this Act.

Power to build schools on the site appropriated.

4. It shall be lawful for the rector and churchwardens of the said district of the Holy Trinity, and their successors, to erect and build on the said site schools for the education of boys and girls: Provided always, that such buildings shall not at any time hereafter be deemed to have acquired by prescription or user any easement of light affecting or to the prejudice of any part of the said burial ground which is not appropriated under or by virtue of this Act.

Site of schools to be part of district of the Holy Trinity.

5. While the said piece of ground shall remain vested in the rector and churchwardens of the said district of the Holy Trinity, and their successors, it shall be deemed to be within and part of the said district of the Holy Trinity, and shall be discharged from any rates or taxes, tithes or duties, to the said parish of Saint Andrew, Holborn, or to any other parish or place whatsoever.

New lodge to be erected.

6. The rector and churchwardens of the said district of the Holy Trinity shall, at their own expense, out of school funds in their hands, erect and finish upon part of the said burial ground not appropriated by this Act, a lodge of not less value and accommodation than the lodge now standing upon the said burial ground, and belonging to the said rector and churchwardens of the said parish of Saint Andrew, such new lodge to be erected and finished before the existing lodge is removed, and according to and in conformity with plans to be approved by the said rector and churchwardens of the said parish of Saint Andrew, and to be erected upon such part of the said burial ground as they shall select.

Site of schools to be fenced off.

7. The rector and churchwardens of the said district of the Holy Trinity shall, at their own expense, out of school funds in their hands, fence off the piece of land appropriated for schools under this Act from the remainder of the said burial ground, by the erection

of a brick wall of the height of ten feet on the said piece of land so appropriated by this Act.

Exhumation of bodies.

8. Any bodies or human remains which, in the opinion of one of Her Majesty's Principal Secretaries of State, it may be found necessary to disturb or exhume in the erection of the intended school buildings upon the said piece of land by this Act appropriated for a site for the said schools, and on the site to be appropriated for the said new lodge, shall be carefully and decently exhumed, removed, and re-interred in such other part of the said burial ground as the said rector and churchwardens of the said parish of Saint Andrew shall direct, but by and at the expense of the said rector and churchwardens of the said district of the Holy Trinity: Provided that such exhumation and re-interment shall be subject to the approval of any one of Her Majesty's said Principal Secretaries of State.

Saving rights of Metropolitan Board of Works.

9. Nothing in this Act contained shall prejudice, affect, or interfere with any of the rights, powers, and authorities (if any) of the Metropolitan Board of Works, or of any vestry or district board, with reference to any works of drainage or sewers, drains, and watercourses connected with the said schools and land by this Act appropriated to the purposes of schools, but all such powers shall remain unaffected.

Expenses of Act.

10. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the rector and churchwardens of the said district of the Holy Trinity out of any moneys in their hands belonging to the said schools.

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