CHAPTER lxv.

An Act to provide for the removal of the remains of persons interred underneath Wellington Street United Presbyterian Church, in the City of Glasgow; and for other purposes. [3d July 1879.]

A.D. 1879.

WHEREAS the church or place of worship commonly called Wellington Street United Presbyterian Church, in the city of Glasgow, was erected in or about the year one thousand eight hundred and twenty-six, and the said church and the site thereof, and the land and buildings connected therewith, are vested in trustees for behoof of the United Presbyterian Congregation of Wellington Street, Glasgow (which trustees are herein-after called "the trustees"), under and in virtue of the titles and writs following, viz.: (first) feu disposition, dated the fourth and seventh days of December one thousand eight hundred and twenty-nine, granted by William Mure, of Caldwell, and Robert Davidson, Professor of Law in the University of Glasgow, as trustees therein mentioned, with the consent and approbation of Archibald Campbell, of Blythswood, to and in favour of John McGavin, accountant in Glasgow, and others therein named, as trustees for behoof of the congregation then called the United Associate Congregation of Wellington Street, Glasgow; (second) instrument of sasine following upon the said feu disposition, dated the fourteenth day of October, and registered in the Particular Register of Sasines, &c. kept at Glasgow for the regality of Glasgow, &c., the twenty-second day of November, one thousand eight hundred and thirty; (third) minute of meeting of the members of the United Associate Congregation of Wellington Street, held at Glasgow on the seventeenth day of November one thousand eight hundred and twenty-eight, embodying the constitution of the said congregation, and registered as a probative writ in the Register of Deeds and Probative Writs kept at Glasgow for Lanarkshire, the twenty-sixth day of October one thousand eight hundred and twenty-nine; and (fourth) minute of meeting of

D. 1879. Wellington Street United Presbyterian Church, held at Glasgow on the third day of October one thousand eight hundred and sixty-five, by which last-mentioned minute certain new trustees were appointed in room of deceased trustees:

And whereas at the time of the erection of the said church a crypt underneath the same was formed and appropriated as a place of burial, and the same was divided into compartments called lairs, some of which were sold and disponed to members of the said congregation and others, subject to the regulations of a committee of management appointed by the trustees, and other compartments were reserved as common burial ground or graves in which interments were permitted either on payment of fees or gratuitously; and since the formation of the said crypt many interments have taken place therein:

And whereas, in or about the year one thousand eight hundred and seventy, the said crypt was, at the instance of the sanitary authority for the city of Glasgow, under the provisions of the 30 & 31 Vict. c. 101. Public Health (Scotland) Act, 1867, closed and shut up as a place of burial, except with the special permission of the sanitary authority, and since such last-mentioned date, with few exceptions where such permission has been granted, no interments have taken place in the said crypt:

And whereas, by reason of the changes which have taken place in the city of Glasgow since the erection of the said church, which is now surrounded by business premises and is in close proximity to an extensive central railway station, and of the removal to a great extent of the residential population to other parts of the city and suburbs, the said congregation may find it necessary or expedient to sell and dispose of the said church, and out of the proceeds of such sale to purchase other land and erect another church more conveniently situated and better suited for the purposes of the said congregation:

And whereas it is expedient on sanitary grounds, and in view of such sale and disposal of the said church, that provision should be made for the removal and re-interment elsewhere of the remains of persons buried in the said crypt, for the removal of tombstones and other memorials erected or placed therein, and for the extinguishment of all rights or interests heretofore possessed or claimed in connexion with lairs or burial in the said crypt:

And whereas it is expedient that the said congregation should be authorised to borrow money for carrying into effect the purposes aforesaid, and that other powers should be conferred on them as by this Act provided:

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And whereas by the above-recited minute embodying the constitution of the said congregation it is provided that the regulations respecting the trust therein contained may be altered and amended as circumstances may require, after the alterations and amendments have been submitted to a meeting of the male members of the congregation called for the purpose in manner therein mentioned, and to another meeting thereof adjourned for the purpose of reconsidering the same, to be held not earlier than two and not later than four weeks from the first meeting, and after they have been approved of and passed by at least two thirds of the male members of the said congregation present at such meetings, but not otherwise:

And whereas, pursuant to such last-mentioned provision of the constitution of the said congregation, the Bill for this Act was submitted to a meeting of the male members of the congregation called for the purpose in manner therein directed, and held on the twenty-fourth day of March one thousand eight hundred and seventy-nine, and to another meeting thereof adjourned for the purpose of reconsidering the same, and held on the seventh day of April one thousand eight hundred and seventy-nine, and the said Bill was approved of unanimously by the male members of the said congregation present at both the said meetings:

And whereas the purposes of this Act cannot be effected 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 as the Wellington Street United Presbyterian Church (Glasgow) Act, 1879.

Interpretation of terms.

2. In this Act—

"The church" means the church or place of worship commonly called Wellington Street United Presbyterian Church in the city of Glasgow:

"The crypt" means the crypt or burial place underneath the church and adjoining premises:

"The congregation" means the members for the time being forming the United Presbyterian Church and Congregation of Wellington Street in the city of Glasgow:

"The trustees" means the trustees for the time being appointed and acting under the titles and writs herein-before recited for behoof of the congregation, or a majority or quorum of such trustees:

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"The managers" means the managers for the time being appointed by and having charge of the secular affairs of the congregation, or a majority or quorum of such managers:

"Resolution of the congregation" means a resolution passed by the members present, or a majority of the members present, at any meeting of the congregation called and held in terms of the minutes, titles, and writs for the time being constituting and regulating the affairs of the congregation:

"The sheriff" means the sheriff of the county of Lanark or any of his substitutes.

Power to remove remains and memorials of persons buried in crypt.

3. At any time after the passing of this Act the congregation, by a resolution of the congregation, and either by themselves or by the trustees or the managers under the sanction and authority of such resolution, may take all steps necessary and proper, under the superintendence of the medical officer of health of the city of Glasgow or other officer appointed for this purpose by the sanitary authority of the said city, for effecting the removal from the crypt of the remains of all persons buried therein, and the re-interment of all such remains in burial places to be purchased or provided by or on behalf of the congregation in the Necropolis of Glasgow or other public cemetery or burial ground in or near to the said city wherein burials may lawfully take place; and may also remove any tombstone, monument, tablet, or other memorial erected or placed in the crypt, and re-erect or place the same in or near to the place of re-interment of the remains of the person or persons to whom or to whose memory the same may relate: Provided that the heirs, executors, administrators, relations, or friends of any person whose remains are buried in the crypt may, if they so prefer, under such superintendence as aforesaid, and at the cost of the congregation, such cost not to exceed ten pounds in the case of each lair, remove the remains of any such person to any such ground in which burials may lawfully take place, and may also remove any tombstone, monument, tablet, or other memorial erected to the memory of such person, to any place they may think fit.

Power to borrow money.

4. For the purpose of enabling the congregation to carry into effect the provisions contained in this Act, and to defray all expenses incident thereto and to the obtaining of this Act, or otherwise in relation thereto, the congregation, by a resolution, may borrow money on the security of the church and the site thereof, and the land and buildings connected therewith, and grant all necessary bonds, mortgages, or other deeds for securing the repayment of the money borrowed and the interest thereof.

Congregation may sell site of church and the buildings thereon, and grant conveyances.

5. So soon as the remains of all persons buried in the crypt shall have been removed therefrom as by this Act provided, and a certificate to that effect shall have been granted by the sheriff, or, in the option of the congregation, by a resolution at any time after the passing of this Act previous to such removal, but subject to the condition that possession of the crypt shall not be ceded until after such removal is effected and such certificate is granted as aforesaid, the congregation may sell, exchange, or otherwise dispose of and convey the church and the site thereof, and the land and buildings connected therewith, freed and disencumbered of all rights of sepulture or other rights affecting the same which may have been heretofore granted to the holders of lairs or places of burial in the crypt (whether such rights have been heretofore exercised or not), and as freely in all respects as if such rights had never been granted; and such sale may be either in whole or in lots, and either by public auction or private contract, and for such price or prices or other consideration as the congregation by a resolution may deem sufficient, but always with and under the burden of the feu duty payable in respect of the said land to the heir in possession of the entailed estate of Blythswood, and of the other conditions, stipulations, and provisions of the herein-before recited feu disposition; and the congregation may also grant, execute, and deliver all such dispositions, conveyances, and other deeds as may be necessary or proper for giving effect to any such sale.

Application of proceeds of sale.

6. All moneys which may be received as the price or proceeds of the sale and disposal of the church and the site thereof, and the land and buildings connected therewith, shall (subject to the sanction and authority of the congregation by a resolution) be applied as follows:

First.—In the payment of all costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto;

Secondly.—In the payment of money borrowed by the congregation under the powers and for the purposes authorised by this Act, and the interest of such money, and any other debts of the congregation; and

Thirdly.—In or towards the purchase by the congregation of a new site and the erection and maintenance of a new church or place of worship, and buildings and premises connected therewith, to be settled and vested in the trustees for behoof of the congregation, and to be subject in all respects to the constitution and rules of the congregation; and also in providing all neces-

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sary furniture, fittings, and pertinents for the said new church and buildings, and premises connected therewith.

Exercise of powers of Act, and evidence of resolution of congregation.

7. All powers, rights, and authorities by this Act conferred upon the congregation may be exercised and carried into effect by the congregation either by themselves or, under the sanction and authority of a resolution of the congregation, by the trustees or the managers, or by a special committee or committees, and an extract of the minutes of any meeting of the congregation called and held as aforesaid, certified under the hands of the preses and clerk of such meeting, shall, for all the purposes of this Act, be conclusive evidence of any resolution of the congregation.

Saving feu disposition, &c.

8. Nothing in this Act shall be held or construed to prejudice, alter, or affect the herein-before recited feu disposition and other titles and writs, excepting in so far as may be necessary for carrying into effect the purposes of this Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1879.