



CHAP. lxxvii.

An Act to authorize the sale of St. James' Chapel, Hampstead Road, and the utilization of the residue of the property adjoining thereto, for the benefit of the Parish of St. James', Westminster; and for other purposes. [12th July 1869.] A.D. 1869.

WHEREAS by an Act passed in the twenty-ninth year of His late Majesty King George the Third, intituled "An Act for providing an additional burial ground for the parish of St. James, Westminster, and erecting a chapel adjoining thereto, and also a house for the residence of a clergyman to officiate in burying the dead," the piece of ground therein mentioned and described situate in the parish of St. Pancras, in the county of Middlesex, and which the rector and churchwardens of the said parish of St. James had previously agreed to purchase from the Right Honourable Charles Lord Southampton, was, from and after the twenty-ninth day of September one thousand seven hundred and eighty-nine, vested in the rector and churchwardens of the said parish of St. James and their successors for ever, for the purposes in the said Act mentioned, and in order to the carrying the purposes of the said Act into execution the rector and senior churchwarden of the said parish of St. James for the time being, and the several other persons who at the time of the passing of the said Act were trustees of the school and chapel in King Street, near Golden Square, within the said parish of St. James, were constituted trustees for erecting the said new chapel and a house for the residence of a clergyman to officiate in burying the dead, and for executing the several other powers and authorities given to them by the said Act, and provision was made for the appointment of new trustees in the place of such of the trustees (other than the rector and senior churchwarden of the said parish of St. James) as should from time to time die or refuse to act, or cease to be a householder within the said parish of St. James:

29 G. 3.
c. xlvii.

And whereas, in accordance with the duties and obligations imposed upon them by the said Act, the said trustees erected a chapel upon a part of the said ground, and a house and other

A.D. 1869. — buildings and conveniences upon other portions thereof, and inclosed and fenced in the said ground with a good and substantial brick wall, and have maintained and kept the same in good and proper repair and condition, and have otherwise conformed to the terms of the said Act; and it was in and by the said Act provided that the said piece of ground should, from and after the twenty-ninth day of September one thousand seven hundred and eighty-nine, be for ever deemed to be within and part of the said parish of St. James, and should be freed and exempt from all parochial and parliamentary taxes, rates, and assessments to the said parish of St. Pancras, and also from all tithes, funeral rates, and other dues and payments to the appropriator and vicar of the said parish of St. Pancras, any law or usage to the contrary notwithstanding :

And whereas, in order to make compensation to the said Charles Lord Southampton for the said piece of ground, and to the said parish of St. Pancras and to the appropriator and vicar of the same parish for any loss they might respectively sustain on account of exempting the said piece of ground from taxes and other payments as aforesaid, the said trustees were directed and required to pay to the said Charles Lord Southampton, and the person or persons who would for the time being have been entitled to the rents and profits of the said piece of ground in case the said Act had not been made, for his and their own use, the clear rentcharge or annual sum of one hundred pounds, and to the senior churchwarden of the said parish of St. Pancras for the time being for the use of the said parish the clear rentcharge or annual sum of two pounds ten shillings, and to the appropriator of the great tithes of the said piece of ground the clear rentcharge or annual sum of one shilling and fourpence, and to the vicar of the said parish of St. Pancras for the time being for his own use the clear rentcharge or annual sum of one pound one shilling, which said respective rentcharges or annual sums were to be paid by the instalments and on the days and at the times therein mentioned :

30 G. 3.
c. lxx.

And whereas by an Act passed in the thirtieth year of the reign of His said Majesty King George the Third, said last-mentioned Act was amended and additional trustees appointed :

Indenture
dated 16th
Dec. 1858.

And whereas by an indenture made the sixteenth day of December one thousand eight hundred and fifty-eight, the pieces or parcels of land therein mentioned and described, and situate on the north and south sides of the said chapel, and comprised in and demised by an indenture of lease dated the thirtieth day of September one thousand seven hundred and eighty-nine, made between the said Charles Lord Southampton, mentioned in the said first-recited Act, of the one part, and the said trustees of the other part, were conveyed to George Buzzard, of No. 50, Poland Street, in the said parish of

St. James, in trust for the trustees for the time being acting under or by virtue of the said herein-before mentioned Acts of Parliament, their heirs and assigns :

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And whereas under the operation of the Metropolis Burial Acts the said burial ground has been closed, and the said chapel has consequently ceased to be of utility to the inhabitants of the said parish of St. James, and it is expedient that the persons in whom the same is now vested should have power to sell and dispose of the said chapel as herein-after provided, and that provision should be made for the utilization of the remaining portion of the property (except the burial ground) vested in the rector and churchwardens of the said parish of St. James under the said Acts, and in the said George Buzzard as agent to the said trustees, in the manner herein-after mentioned, and that the trustees named in this Act should have power to raise money upon the security of such last-mentioned property, and that provision should be made for the application of the monies arising from the sale of the said chapel, and from the sale, demise, or other disposition of the said grounds and premises or any part thereof, or otherwise raised under the authority of this Act :

And whereas the several objects aforesaid 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 :

1. This Act may for all purposes be cited as "The St. James' Chapel Act, 1869." Short title.

2. Notwithstanding anything in this Act contained, the said burial ground and the site thereof shall remain vested in the rector and churchwardens of the said parish of St. James, Westminster, and their successors, as at the time of the passing of this Act, and all the obligations imposed upon the trustees by the said recited Acts appointed for carrying the purposes of the said Acts into execution, so far as the same refer to the maintenance and protection of the said burial ground, shall continue in full force and effect. Burial ground to remain vested in and be maintained by the rector and churchwardens of the parish of St. James, Westminster.

3. It shall be lawful for the rector and churchwardens of the said parish of St. James, Westminster, and such other person or persons in whom the same may be vested under the provisions of the above-recited Acts, with the consent of the trustees for the time being under the said Acts, and of the bishop of the diocese, subject nevertheless to the provisions of section nine, to convey the said chapel and the site thereof, and a convenient right of way thereto, including Power to convey chapel.

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the land upon which the said chapel stands, with a piece of land not more than six feet wide at the side and back thereof, (but irrespective of the said burial ground, and irrespective of any houses or other land adjacent or adjoining thereto and belonging to the said rector and churchwardens, or the trustees, or the said George Buz-zard as agent for the said trustees as aforesaid,) to any persons named by the vicar and churchwardens of the district parish of St. James, Hampstead Road, to be used as the parish church thereof, with the consent of the said bishop, upon such trusts for such last-mentioned parish, and subject to such conditions to be performed on behalf of such parish, and with such provision for the appointment of new trustees, as the said bishop may think proper, and such conveyance shall be effectual to pass all the estate and interest vested in the said rector and churchwardens of the said parish of St. James, Westminster, or in any persons in trust for them, and all estates and interests whatsoever in such chapel and the site thereof and the premises thereby conveyed; and after the execution of such conveyance all obligation on the said rector and churchwardens of the said parish of St. James, Westminster, or on such last-mentioned parish, or any trustees or others on behalf thereof, to repair such chapel, or to pay any stipend to the minister or incumbent thereof, or otherwise in relation to or in connexion with such chapel, shall cease, and after the execution of such conveyance the said chapel and premises comprised in such conveyance shall be for ever deemed to be within and part of the parish of St. Pancras.

Application
of purchase
money of
chapel.

4. The net monies arising from such sale shall, subject to the rights of the several persons referred to in section nine, be paid to the said rector and churchwardens, and their receipt shall be a sufficient discharge for the purchase money, and the same shall, after the payment thereof of all charges affecting the said property, or of such portion of such charges as shall be agreed upon between the said rector and churchwardens and the vestry of the said parish of St. James, Westminster, as a fair proportion thereof, and of liabilities incurred by the said rector and churchwardens or by the trustees as aforesaid in their fiduciary capacity, be forthwith invested by them in some Government stocks or securities of Great Britain, in the names of the said rector and churchwardens of the said parish of St. James, Westminster, to be applied by them, with the consent of the bishop of the diocese, in aid of the erection of any additional church or churches in the said parish of St. James, Westminster, as to them shall from time to time seem expedient.

Residue
vested in
trustees.

5. From and after the passing of this Act, the residue of the land and buildings in or upon the ground originally acquired under

the first-mentioned Act, and also any other lands which have been subsequently acquired in connexion with and for the convenience of the said burial ground, including the land and premises conveyed to the said George Buzzard by the said indenture of the sixteenth day of December one thousand eight hundred and fifty-eight (but exclusive of the said burial ground), shall be vested in the trustees for the time being appointed by or in pursuance of the said first-mentioned Act, and who are herein-after called the trustees, and the said lands and buildings so vested in the trustees shall be deemed to be within and part of the parish of St. Pancras, and thereafter the said rentcharge or annual sum of two pounds ten shillings by the first-recited Act made payable to the senior churchwarden of the said parish of St. Pancras for the time being for the use of the said parish shall cease to be payable by the trustees.

6. Subject to the rights of the several persons referred to in section nine, it shall be lawful for the trustees, with the consent of the vestry of the said parish of St. James, Westminster, from time to time to let, demise, or lease any part or parts of the lands or buildings vested in them by virtue of this Act, and to renew or accept surrenders of any leases or tenancies thereof, and to sell and absolutely dispose thereof for money in gross, or for any perpetual or other rent or rents to be made payable thereout, and by public auction or by private contract, and to sell all or any such perpetual or other rent or rents for money in gross, and in manner aforesaid, and for any of the purposes aforesaid to make and execute any contracts, conveyances, leases, or other assurances, and to take any measures and make any arrangements which may be deemed expedient, and upon any such lease or sale as aforesaid a grant or conveyance by such trustees shall be a sufficient assurance of the property thereby purported to be leased or sold, and the receipts of such trustees shall be effectual discharges for the monies therein expressed to have been received, and shall absolve any lessee or purchaser from having to see to or being answerable for the application of such monies.

Power to sell or lease remaining portion of ground, except the burial-ground.

7. The net monies to be received by such trustees under the last preceding section may be applied by them in discharging any incumbrances affecting the said burial ground, or the property hereby vested in them, or such proportion thereof as under the provisions of section four of this Act may be attributed to the said burial ground or such property as last aforesaid, and any debts which such trustees may have properly incurred in their fiduciary capacity, and in maintaining, repairing, or improving the said lands and buildings, and any residue of such monies shall be invested by the trustees in some Government stocks or securities of Great Britain, in

Application of monies to be received by trustees.

A.D. 1869. — their names, and the income arising therefrom (except such portion of the capital as may be required to be expended from time to time in or towards the erection of any schoolhouse or buildings), and also the net income which may otherwise arise from the said hereditaments vested in the trustees, shall be applied for such educational purposes for the benefit of the parishioners of the said parish of St. James, Westminster, as shall from time to time be agreed upon between the trustees and vestry of the said parish; and the trustees are hereby empowered, with the like consent, to enter into such arrangements and agreements with the trustees of any school in the same or any neighbouring parish as to them may seem advisable, and likely to conduce to the efficiency or enlargement of any educational objects for the benefit of the parishioners of the said parish of St. James, Westminster, and of any such neighbouring parish.

Power to borrow money.

8. It shall be lawful for the trustees, for all or any of the purposes mentioned in the sixth section of this Act, from time to time to borrow upon the security of the property which may become vested in them under the provisions of this Act such sum or sums of money as they may deem expedient.

Saving rights of persons interested in lands, &c. authorized to be sold.

9. Nothing in this Act shall in any way prejudice, interfere with, or affect any existing or vested rights of any person or persons (other than the said trustees and the said senior churchwarden of the parish of St. Pancras) interested in any lands, messuages, or premises hereby authorized to be sold or demised, and notwithstanding anything in this Act contained the several annuities and sums payable by the trustees under the seventh section of the said first-recited Act (other than and except the said rentcharge or annual sum of two pounds ten shillings) shall continue to be a charge on the said lands, messuages, and premises, and shall be paid respectively to the several persons entitled thereto, unless and until the same shall respectively have been redeemed by the trustees or released by the several parties respectively entitled thereto, who are hereby respectively authorized and empowered to release the same.

Expenses of Act.

10. All charges and expenses incident to and attending the obtaining and passing of this Act shall be paid by the trustees out of any money which shall be or come into their hands by virtue of the said recited Acts or of this Act.