



ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. lxxxix.

An Act for removing Doubts as to the Legality of the Erection of the Portico of the Parish Church of the Parish of *Saint Mary-le-bone* in the County of *Middlesex*; for declaring the whole of the Site of *Trinity* Church to be within the said Parish; and for altering the Boundary between the said Parish and the Parish of *Saint Pancras*.

[14th June 1827.]

WHEREAS by an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to enable the Vestrymen of the Parish of Saint Mary-le-bone in the County of Middlesex to build a new Parish Church and Two or more Chapels, and for other Purposes relating thereto*, the Vestrymen of the said Parish were empowered and required to purchase Lands, Tenements, or Hereditaments within the said Parish, not exceeding Ten Acres in the whole, for the Purpose of building and erecting a new Parish Church, and Steeple, Tower, or Dome; and also Two or more Chapels, with other Buildings and Conveniences thereto; and of laying out any Land contiguous to the said Church and Chapels, or to any

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51G.3.c.151.

of them ; and of making any Road or Approaches to the said Church and Chapels, or to any of the Cemeteries or Burial Grounds within the said Parish : And whereas in pursuance of the Powers and Provisions of the said Act, a Parish Church was built upon Ground adjoining the Turnpike Road called *The New Road*, and near to *High Street* in the said Parish of *Saint Mary-le-bone*, and duly consecrated : And whereas the Portico of the said Parish Church stands within Fifty Feet from the Side of the said Turnpike Road called *The New Road* : And whereas by an Act passed in the Twenty-third Year of the Reign of King *George the Third*, intituled *An Act for enlarging the Terms and Powers of Two Acts, made in the Seventh Year of King George the First and the Eighth Year of King George the Second, for repairing the Road from Saint Giles's Pound to Kilbourne Bridge, and for paving Oxford Road ; and also of an Act made in the Twenty-ninth Year of King George the Second, to enable the respective Trustees of the Turnpike Roads leading to Highgate Gatehouse and Hampstead, and from Saint Giles's Pound to Kilbourne, to make a new Road from the Great Northern Road at Islington to the Edgware Road near Paddington, so far as the same is by the said Act directed to be under the Management of the Trustees of the said Two first-mentioned Acts ;* which Act was continued in force by an Act passed in the Forty-eighth Year of the Reign of King *George the Third*, intituled *An Act for enlarging the Terms and Powers of several Acts for repairing the Road from Saint Giles's Pound to Kilbourne Bridge, and for making a new Road from the Great Northern Road at Islington to the Edgware Road near Paddington in the County of Middlesex ;* it was enacted, that no new Building whatsoever should be erected on any new Foundation by any Person or Persons whomsoever, upon any of the Lands adjacent to the said Road leading from the *Edgware Road near Paddington to Tottenham Court Road*, within Fifty Feet from the Side of the said Road, other than Toll Houses and Watch Houses to be erected or continued by virtue of the said Act of the Twenty-third Year of King *George the Third* : And whereas by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of the Metropolis, North of the River Thames*, the said Acts of the Twenty-third and Forty-eighth Years of King *George the Third* were repealed, and it was re-enacted, that no Building whatsoever should be erected on any new Foundation by any Person or Persons whomsoever, upon any of the Lands adjacent to the Road leading from the *Edgware Road near Paddington to the Great Northern Road in Islington*, within Fifty Feet from the Side of the said Road, other than and except as in the same Act is mentioned : And whereas it is expedient that all Doubts should be removed respecting the Legality of the Erection of the Portico of the said Parish Church : And whereas an Act was passed in the First and Second Years of His present Majesty King *George the Fourth*, intituled *An Act to enable the Vestrymen of the Parish of Saint Mary-le-bone in the County of Middlesex to effectuate the building of Four District Churches in the said Parish, and for other Purposes relating thereto ;* and by the last-mentioned Act the Commissioners for

for building and promoting the building of additional Churches were empowered to build Four District Churches in the said Parish of *Saint Mary-le-bone*; and it was thereby enacted, that it should be lawful for the said Commissioners, with such Consent as therein mentioned, to assign a particular District to each and every or any of the said District Churches, such Assignment to be confirmed by His Majesty in Council: And whereas in pursuance of the Powers and Provisions of the said Act of the First and Second Years of King *George* the Fourth, a District was assigned in the Eastern Part of the said Parish; and the said Vestrymen, in pursuance of the Powers vested in them as aforesaid, purchased, as the Site for the District Church in the Eastern Part of the said Parish, a Piece or Parcel of Ground lying and being on the North Side of the said Turnpike Road called *The New Road*, within the County of *Middlesex*, abutting Southward on the *New Road* aforesaid, Northward on Ground then belonging to His Majesty, but which now forms a Public Highway or Street called *Osnaburgh Terrace*, Eastward on a certain Street there lately formed and called *Osnaburgh Street*, and Westward on a certain other Street there lately formed and called *Albany Street*, containing from East to West on the South Side thereof, toward the *New Road* aforesaid, One hundred and twenty Feet or thereabout, and on the North Side thereof One hundred and sixty Feet or thereabout, and from South to North on the East Side thereof, toward *Osnaburgh Street* aforesaid, Two hundred and thirty Feet or thereabout, and on the West Side thereof, toward *Albany Street* aforesaid, Two hundred and twenty-five Feet or thereabout: And whereas an Act was passed in the Sixth Year of the Reign of His present Majesty, intituled *An Act for making the Four Districts in the Parish of Saint Mary-le-bone in the County of Middlesex, District Rectories for certain Purposes*; and it was thereby enacted, that the Church then intended to be built in *Osnaburgh Street* should be called *Trinity Church*; and that the District thereof should be called *The District Rectory of the Trinity*, or *Trinity District Rectory*, in *Saint Mary-le-bone*; and that the Incumbent Minister thereof should be called and denominated the District Rector thereof; but it was provided by the said Act, that the same should have no Effect as to the said District Rectory to be called *Trinity District Rectory*, until the Consecration of the Church in such District: And whereas the said Church directed to be called *Trinity Church* has been erected upon the Site near *Osnaburgh Street*, so provided by the said Vestrymen for that Purpose, but the said Church hath not yet been consecrated, nor hath a Rector been appointed to the same: And whereas the North-eastern Corner of the said Piece or Parcel of Ground, so provided by the said Vestrymen for the Site of the Church directed to be called *Trinity Church*, is situate within the Parish of *Saint Pancras* in the County of *Middlesex*; and it is expedient that such Part of the said Piece or Parcel of Ground should be made Part of the said Parish of *Saint Mary-le-bone*: And whereas the Vestrymen of the said Parish of *Saint Mary-le-bone* have agreed with the Vestrymen of the said Parish of *Saint Pancras* acting under the Authority of an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act for establishing*

6 G. 4. c. 124.

59 G. 3. c. 39.

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ing a Select Vestry in the Parish of Saint Pancras in the County of Middlesex, and for other Purposes relating thereto, to vary, in the Manner herein-after mentioned, the present Boundary Line of the said Parishes, between the following Points, (that is to say,) the Centre of the said Turnpike Road called *The New Road*, opposite the Centre of *Cleveland Street*, and the Centre of the Turnpike Road called *Albany Street*: And whereas the King's most Excellent Majesty, in Right of His Crown, is the Patron of the Rectory and Parish Church of the said Parish of *Saint Mary-le-bone*: And whereas the Reverend *John Hume Spry* Doctor of Divinity is Rector of the said Rectory and Parish Church of *Saint Mary-le-bone*: And whereas the several Objects aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted and declared; and be it enacted and declared 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, That all the Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Provisions, Matters, and Things contained in the said recited Acts of the Fifty-first Year of the Reign of His late Majesty King *George* the Third, and the First and Second Years and the Sixth Year of the Reign of His present Majesty, (except such Parts thereof as are varied, altered, or repealed,) shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of recited Acts extended to this Act.

Vestrymen empowered to execute the Acts.

II. And be it further enacted, That it shall be lawful for the Vestrymen of the Parish of *Saint Mary-le-bone* in the County of *Middlesex* for the Time being, and they are hereby authorized and empowered, to carry the said Acts of the Fifty-first Year of the Reign of His said late Majesty, and of the First and Second Years of the Reign of His present Majesty, and this Act, into Execution.

The Erection of the Portico of the Parish Church to be deemed legal.

III. And be it further enacted, That the Erection of the Portico of the said Parish Church shall be deemed legal, and that the said Portico may lawfully be continued; any of the Provisions contained in the said recited Act of the Seventh Year of the Reign of His present Majesty, or any other Law, to the contrary notwithstanding.

The whole of the Site of Trinity Church to be Part of the Parish of St. Mary-le-bone; and Purchases by the Vestrymen confirmed.

IV. And be it further enacted and declared, That the whole of the said Piece or Parcel of Ground so purchased by the said Vestrymen as the Site for the said Church called *Trinity Church* shall be to all Intents and Purposes within and Part and Parcel of the said Parish of *Saint Mary-le-bone*, and shall be deemed to have been legally purchased by the said Vestrymen, and to be well vested in them the said Vestrymen and their Successors, according to the true Intent and Meaning of the said Acts of the Fifty-first Year of the Reign of King *George* the Third, and the First and Second Years of the

the Reign of His present Majesty; and all Purchases of Hereditaments made by the said Vestrymen for the Purposes of the said Acts or either of them shall be and the same are hereby confirmed and established, and the same Hereditaments are hereby declared to be well vested in the said Vestrymen and their Successors.

V. And whereas His Majesty hath been pleased to declare His Royal Pleasure that a Slip of Ground on the East Side of the said Site, and running from South to North the whole Length of the said Site, and containing in Width from West to East Four Feet Three Inches or thereabout, and another Slip of Ground on the Western Side of the said Site, and running from South to North the whole Length of the said Site, and containing in Width from East to West Four Feet Three Inches or thereabout, Parts of the Lands belonging to His Majesty, should be granted to the Vestrymen of the said Parish of *Saint Mary-le-bone*, for the Purpose of being added to the Site of the said Church, for improving the Appearance of the same; therefore, for the Purpose of giving Effect to His Majesty's Royal Intention, be it enacted, That from and after the passing of this Act the said Two several Slips of Ground shall be and the same are hereby vested in the Vestrymen of the said Parish of *Saint Mary-le-bone* in the County of *Middlesex*, and their Successors, for the like Purposes as the said Site is vested in the said Vestrymen and their Successors.

Two Pieces of Land adjoining the new Church vested in the Vestrymen.

VI. And be it further enacted, That a Line commencing at the old Boundary Line, in the Centre of the said Turnpike Road called *The New Road*, opposite the Centre of *Cleveland Street*, thence continuing Westward along the Centre of the *New Road* as far as the Centre of *Osnaburgh Street*, and thence turning Northward and proceeding up the Centre of *Osnaburgh Street*, so far as the Centre of *Osnaburgh Terrace*, and thence proceeding Westward along the Centre of *Osnaburgh Terrace*, so far as the Centre of the Turnpike Road called *Albany Street*, and thence turning Northward so far as the old Boundary Line between the said Parishes, shall henceforth be the Boundary of the same Parishes; and that so much of the Ground and Buildings, heretofore Parcel of the said Parish of *Saint Pancras*, as lies on the West Side of the Line herein-before declared to be the Boundary between the said Parishes, so far as the said Line runs North and South, and on the South Side of the same Line, so far as it runs East and West, shall henceforth be, to all Intents and Purposes, within and Parcel of the said Parish of *Saint Mary-le-bone*, and also within and Parcel of the District Rectory of *Trinity*, or *Trinity* District Rectory, in the said Parish of *Saint Mary-le-bone*, and shall be subject to all the same Enactments, Regulations, Burthens, and Immunities as apply to the other Parts of the same Parish and Rectory; and that so much of the Ground and Buildings heretofore Parcel of the said Parish of *Saint Mary-le-bone*, as lies on the Northwest Side of the Line herein-before declared to be the Boundary of the said Parishes, so far as the said Line extends along the said Turnpike Road called *The New Road*, and on the East Side of the said

Defining the Boundaries of the Parishes of *St. Mary-le-bone* and *Pancras*.

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Line, so far as the same runs North and South, and on the North Side of the said Line, so far as the same runs East and West, shall henceforth be, to all Intents and Purposes, within and Parcel of the said Parish of *Saint Pancras*, and shall be subject to all the same Enactments, Regulations, Burthens, and Immunities as apply to the other Parts of the said Parish of *Saint Pancras*.

Form of Conveyance.

VII. And be it further enacted, That all Conveyances and Assurances of any Lands, Buildings, or Hereditaments which shall be purchased by the said Vestrymen, under the said Acts of the Fifty-first Year of the Reign of His late Majesty King *George* the Third, and the First and Second Years of the Reign of His present Majesty, may be made in the Form or to the Effect following; that is to say,

‘ I of in consideration of the Sum of
 ‘ to be paid by the Vestrymen of the Parish of
 ‘ *Saint Mary-le-bone* in the County of *Middlesex*, acting by virtue of
 ‘ an Act passed in the Eighth Year of the Reign of King *George* the
 ‘ Fourth, intituled [*here insert the Title of this Act*], do hereby grant
 ‘ and release to the said Vestrymen and their Successors all [*describe*
 ‘ *the Premises intended to be conveyed*], to hold to the said Vestrymen
 ‘ and their Successors. In witness whereof I have hereunto set my
 ‘ Hand and Seal, this Day of in the Year of
 ‘ our Lord

Conveyance to have the Force of Fines and Recoveries.

VIII. And be it further enacted, That every such Sale, Conveyance, and Assurance by virtue of this Act, shall be good, valid, and effectual to all Intents and Purposes whatsoever, and that the same shall be deemed and construed to bar the Dower of married Women, and all Estates Tail and other Estates, in Possession, Reversion, or Remainder or Expectancy, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

Application of Purchase Money when amounting to 200*l*.

IX. And be it further enacted, That when any Money shall be agreed to be paid for any Lands, Buildings, or Hereditaments to be purchased under the Powers of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money, in case the same amounts to the Sum of Two hundred Pounds, shall with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the said Vestrymen, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to
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1 G. 4. c. 35.

the Intent that such Money may be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Buildings, or Hereditaments, in the Purchase of Land Tax, or the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, Buildings, or Hereditaments, or affecting other Hereditaments standing settled with the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Hereditaments which shall be so purchased as aforesaid stood settled or limited to, for, or upon, or such of them as at the Time of making such Conveyance or Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

X. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Building, or Hereditaments purchased for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in such Case the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Hereditaments so purchased, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Vestrymen, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the

Application
of Purchase
Money when
less than
200*l.*, and
exceeding
20*l.*

the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Application of the Purchase Money where it is less than 20%.

XI. Provided also, and be it further enacted, That where such Money so agreed to be paid as before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Hereditaments so purchased for the Purposes of this Act, in such Manner as the said Vestrymen shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or Persons entitled not being found.

XII. And be it further enacted, That in case the Corporation or Person or Persons to whom any Sum or Sums of Money shall be awarded or assessed for any Lands, Buildings, or Hereditaments to be so purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Vestrymen; or in case any Person or Persons to whom such Sum or Sums of Money shall be awarded or assessed as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Buildings, or Hereditaments be not known or discovered; then and in every such Case it shall be lawful for the said Vestrymen to order the said Sum or Sums of Money so awarded or assessed as aforesaid, to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Buildings, or Hereditaments (describing them), subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money (mentioning and specifying for what and for whose Use the same is or are received) to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Persons in Possession presumptively entitled.

XIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Corporation or Person or Persons to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any
Lands,

Lands, Buildings, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Buildings, or Hereditaments to be purchased in pursuance thereof, or of any Bank Annuities to be purchased with any such Sum, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Buildings, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to be lawfully entitled to such Lands, Buildings, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made apparent to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Buildings, or Hereditaments, or to some Estate or Interest therein.

XIV. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Corporation or Person or Persons entitled to any Lands, Buildings, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Buildings, or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Vestrymen, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by Vestrymen.

XV. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, for and on the Behalf of His Majesty, as Patron of the Rectory of the said Parish, by any Instrument in Writing to be signed by them or any Two of them, from Time to Time to appoint One Churchwarden of the said Parish, and a Sidesman (to assist the said Churchwarden in the Execution of his Office), and likewise One of the Beadles of the said Parish.

Commissioners of Woods, Forests, and Land Revenues, to appoint certain Parish Officers.

XVI. And be it further enacted, That the Charges and Expences incident to and attending the making and passing of this Act, and all other Expences attending the carrying of this Act into Execution, shall be defrayed by the said Vestrymen out of any Monies arising from the Rates or Assessments authorized and directed to be made by the said Acts of the Fifty-first Year of the Reign of King *George* the Third, and the First and Second Years of the Reign of His present Majesty.

Expences of obtaining and executing Act.

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Public Act.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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