



## CHAPTER xxv.

An Act to confirm a Scheme of the Charity Commissioners A.D. 1917.  
for the application or management of the Charity  
consisting of the Presbyterian Church in Victoria Street  
in the ancient township of Crook in the ancient  
parish of Brancepeth in the county of Durham.

[2nd August 1917.]

**W**HEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year nineteen hundred and sixteen reported that they had approved and certified a scheme for the application or management of the charity consisting of the Presbyterian Church in Victoria Street in the ancient township of Crook in the ancient parish of Brancepeth in the county of Durham comprised in an indenture dated first July eighteen hundred and seventy-two to which charity the Charitable Trusts Acts 1853 to 1914 were extended by an Order of the Charity Commissioners of the twenty-eighth September nineteen hundred and fifteen :

And whereas the said scheme is set out in an appendix to the said report :

And whereas it is expedient that the scheme as the same is fully set out and defined in the schedule to this Act should be confirmed :

Be it therefore 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 :—

1. The said scheme is hereby confirmed Provided always Confirmation  
of scheme.  
that nothing in this Act or in the said scheme shall be held to

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A.D. 1917.    interfere with the ordinary jurisdiction over endowed charities  
—            now exerciseable or hereafter to become exerciseable by the High  
              Court of Justice and the Charity Commissioners.

Short title.            **2.** This Act may be cited as the Presbyterian Church (Crook)  
Charity Scheme Confirmation Act 1917.

SCHEDULE.

A.D. 1917.

*Scheme for the application or management of the charity consisting of the Presbyterian Church in Victoria Street in the ancient township of Crook in the ancient parish of Brancepeth in the county of Durham comprised in an Indenture dated 1st July 1872.*

1. The above-mentioned charity and the endowment thereof consisting of the above-mentioned church with the site and appurtenances comprised in the above-mentioned indenture shall be administered and managed subject to and in conformity with the provisions of this scheme.

2. The following persons shall be the first Trustees of the charity under this scheme:—

Robert Sloan cokeburner ;  
Alexander McWilliams retired cokeman ;  
Alexander McGaughey miner ;  
George Lax joiner ;  
Robert Lockerbie engineman ;  
William Alexander Lockerbie ironmonger ;  
Thomas Longstaff manager ;  
William Sloan clerk ; and  
John George Parker labourer all of Crook ; and  
George Lister of East Benton House Scotswood in the  
county of Northumberland builder.

3. The said church with the site and appurtenances shall forthwith vest in the persons hereby constituted the first Trustees of the charity for all the estate and interest therein belonging to or held in trust for the charity.

4. The said church shall be used and occupied for a place of religious worship in connexion with the Synod of the Presbyterian Church of England as the same is now constituted or as it may hereafter be constituted by association or union from time to time with any other body or associated bodies of Christians (which Synod is hereinafter referred to as "the Synod") and any other buildings which may be erected on the said site shall be used and occupied for purposes connected with the said church and auxiliary thereto.

5. The doctrines to be preached or taught in the said church or in any school or schools for religious or for secular and religious instruction in connexion therewith shall be such as are agreeable to

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A.D. 1917. the body of Christian doctrine which is set forth in the following standards of the Assembly of Divines convened at Westminster in the year 1643 that is to say The Confession of Faith and the Larger and Shorter Catechisms and which is briefly expressed in the Twenty-four Articles of the Faith adopted by the Synod held in 1890 with and subject to such (if any) interpretation modification or alteration of or in the said standards and to such definition or explanation of what enters into or constitutes the body of Christian doctrine therein set forth as may from time to time be made by the Synod according to the constitution of the said Presbyterian Church of England for the time being Provided that every such interpretation modification alteration definition or explanation shall be entered in the minutes of Synod and signed by the moderator and clerk thereof.

6. The worship to be observed and conducted in the said church and the government and discipline of the congregation from time to time belonging to the said church and the ministrations and duties of the ministers elders deacons or managers and members thereof shall be such as are consistent with the Presbyterian form of church government with and subject to such (if any) interpretation modification or alteration thereof as may from time to time be made by the Synod according to the constitution of the Presbyterian Church of England for the time being and also such as shall be consistent with and agreeable to such additional directions (if any) as may from time to time be prescribed or ordained by the Synod Provided that any such interpretation modification alteration or additional directions shall be entered in the minutes of Synod and signed by the moderator and clerk thereof.

7. The congregation consisting of ministers elders deacons or managers and members shall be subject to the judicatories of the Presbyterian Church of England and the administration of the affairs of the congregation in all respects shall be in accordance with such rules regulations and forms of procedure as are or may be approved and adopted from time to time by the Synod of that church.

8. Subject to the revision of the presbytery hereinafter mentioned and of the Synod the superintendence and control of the spiritual and ecclesiastical affairs of the said congregation shall be vested in the session that is to say the minister or ministers and elders thereof for the time being and subject to the same revision the management of the pecuniary and temporal concerns of the congregation and of the trust estate shall be vested in the deacons' court consisting of the minister or ministers elders and deacons or in a board of managers (which term shall be deemed to include a committee of management) consisting of members of the congregation elected and removed from

time to time by the congregation in accordance with such rules as to A.D. 1917.  
tenure of office as may from time to time be adopted by the con-  
gregation and the proceedings of the major part of those present and  
voting at any meeting of session deacons' court or managers respectively  
shall be binding upon the whole body.

9. Whenever any minister elder deacon or manager or other person shall be deposed suspended or removed from his office he shall ipso facto immediately cease to occupy any part of the said premises or to have any trust estate or interest therein or exercise any function or office in the said congregation and shall be absolutely deprived of all the civil and pecuniary rights emoluments or salary to which by virtue of his office he would but for such sentence have been entitled and shall forthwith deliver up to the clerk of session deacons' court or managers as the case may be all such parts of the said trust estate and premises and all such deeds books papers moneys and effects belonging or relating thereto as may then be in his occupation possession or power.

10. It shall be lawful for the Trustees at the request of the deacons' court or managers as the case may be to take down alter enlarge repair or rebuild the said church or other buildings and premises or any of them or any part or parts thereof.

11. Except as regards any property of the charity which for the time being is registered as a place of meeting for religious worship with the Registrar-General of Births Deaths and Marriages in England and is bonâ fide used as a place of meeting for religious worship and except as regards such other property (if any) of the charity as for the time being by virtue of any provision of the Charitable Trusts (Places of Religious Worship) Amendment Act 1894 is exempt from the operation of the Charitable Trusts Acts 1853 to 1914 the Trustees shall not make or grant otherwise than with the approval of the Charity Commissioners any sale exchange mortgage or charge of the charity estate or any lease thereof in reversion after more than three years of any existing term or for any term of life or in consideration wholly or in part of any fine or for any term of years exceeding twenty-one years.

12. For the purpose of making such alterations enlargements reparations or rebuildings as aforesaid or any of them the Trustees may subject to the restriction contained in the last preceding clause whenever they shall be requested so to do by the deacons' court or managers as the case may be with the consent in writing of the presbytery having jurisdiction over the premises (such consent to be signified under the hands of the moderator and clerk for the time being of such presbytery) raise borrow take up and receive from any person or persons or company who shall be willing to advance and lend the same any sum or

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A.D. 1917.      —      sums of money upon mortgage or lien of the said trust premises and for that purpose from time to time convey and assure with or without power of sale the said trust premises or any part thereof to any person or persons or company or deposit the title deeds of the said trust premises or any of them or create any equitable charge or lien on the said trust premises or any of them for securing such sum or sums of money as may be necessary for the purposes aforesaid or any of them. Provided always that no Trustees or Trustee shall be bound to incur any personal responsibility for any debt or debts which may be contracted for any of the purposes aforesaid.

13. Subject to the said restriction contained in clause 11 hereof it shall be lawful for the Trustees at the request of the deacons' court or managers as the case may be with the consent of the presbytery to be signified in writing under the hands of the moderator and clerk for the time being of the presbytery at any time or times hereafter absolutely to sell and dispose of the whole or any part or parts of the said trust premises either altogether or in parcels and for such price or prices as they may be able to obtain and to assure the same to the purchaser or purchasers for all their estate and interest therein freed and absolutely discharged from the trusts of this scheme and the Trustees shall apply the money which shall arise from every such sale in discharging all incumbrances and liabilities lawfully contracted or occasioned in execution of the trusts of this scheme and subject thereto the surplus (if any) shall be applied by the Trustees for such religious purposes in connexion with and within the bounds of the presbytery as the presbytery may direct in writing signed by the moderator and clerk thereof or the Trustees may pay the same to the treasurer of the presbytery for application by the presbytery for the purposes and in manner aforesaid.

14. Subject to the said restriction contained in clause 11 hereof the Trustees may when thereunto required by the deacons' court or managers (as the case may be) and with the consent of the presbytery having jurisdiction over the premises signified as aforesaid let any portion of the trust premises other than the said church for any period not exceeding 14 years for such rent or remuneration as they may be able to obtain.

15. Except in respect of the said restriction contained in clause 11 hereof it shall not be incumbent on any mortgagee purchaser or lessee to inquire into the necessity or propriety of any mortgage sale or demise or the purposes for or the circumstances under which the same may be made.

16. Whenever the number of Trustees shall be diminished or if at any time it shall be deemed advisable to increase the number of Trustees it shall be lawful and if the number be reduced below four

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it shall be imperative for the congregation to appoint so many persons being members of the congregation or of some other congregation in connexion with the Synod as they may deem expedient to be Trustees of the charity In order to save the expense of frequent conveyances every Trustee so appointed shall be fully competent to act immediately upon his election or appointment although the legal estate in the trust premises may not be effectually vested in him but whenever the number of Trustees in whom the legal estate is vested for the time being shall be reduced below four the said trust estate and premises shall without delay be duly conveyed to and vested in the continuing and new Trustees or to or in the new Trustees solely as the case may be upon the trusts herein contained or referred to or such of them as may be subsisting and capable of taking effect If any Trustee shall cease to be a member of some congregation in connexion with the Synod he shall thereupon cease to be a Trustee of the charity and the statutory power for retirement of Trustees shall apply to this scheme but varied so that the clerk of the deacons' court or board of managers thereunto authorised by resolution of such court or board shall exercise the power of consent therein vested in the person empowered to appoint Trustees.

17. Notwithstanding anything herein contained to the contrary it shall be lawful for the congregation by a majority of votes at a meeting duly convened and with the sanction of the session presbytery and Synod (such last-mentioned sanction to be signified under the hands of the moderator and clerk for the time being of the Synod and to be written in or upon the deed or instrument in writing in or by which any of the provisions of this scheme may be revoked or altered or in or by which any new or amended provisions may be declared) to alter revoke or annul or to add to or diminish amend explain or modify all or any of the provisions of this scheme and to declare such new and additional or other provisions as the Synod may permit without reference or regard to the original provisions hereof or the usage or practice of the congregation or their government discipline mode of worship or any other matter or thing whatsoever and without being controlled or restrained by any such original provisions usage or practice so nevertheless that such alterations revocations and additional or diminished amended explained or modified provisions shall not be inconsistent with clauses 4 5 6 and 11 hereof and such altered revoked and new or additional or other provisions in like manner as this scheme shall from time to time and at all times be and remain subject to this present clause and to the power therein contained.

18. In case the Synod shall determine to institute or form part of a general assembly solely or in conjunction with any other body or associated bodies of Christians then every sentence and decision of the Synod shall be subject to the revision and control of such general

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A.D: 1917.      assembly and the powers and authorities hereinbefore in the 5th 6th and 17th clauses respectively contained shall thenceforth be vested in and exercised by such general assembly and not by the Synod. It shall also be lawful for such general assembly to exercise any other or others of the powers herein mentioned as belonging to the Synod and for that purpose such general assembly shall have original powers and jurisdiction concurrent with the powers and jurisdiction of the Synod as well as such appellate jurisdiction as aforesaid and the powers and stipulations hereinbefore contained which have reference to the Synod and the moderator and clerk thereof shall thenceforth apply to and be exercised by such general assembly and the moderator and clerk or other similar officers thereof and the powers and stipulations herein contained which have reference to the presbyteries composing or forming part of the Synod and to the churches and congregations within the bounds or forming part of such presbyteries and to members of such churches or congregations shall thenceforth apply to and be exercised by the presbyteries composing or forming part of such general assembly and the churches and congregations within the bounds or forming part of such last-mentioned presbyteries and the members of such last-mentioned churches and congregations.

19. If such general assembly shall resolve or declare that the Synod has ceased to exist or that the same shall cease to exist at any future time to be appointed by such general assembly and if such general assembly shall form the presbyteries of which it shall or may be composed into two or more provincial synods subordinate to such general assembly then the powers and stipulations hereinbefore contained (other than those contained in the 5th 6th and 17th clauses) which have reference to the Synod and the moderator and clerk thereof shall thenceforth apply to and be exercised by the provincial synod within the bounds of which the said trust premises shall be situate or of which the said congregation shall form a part and the moderator and clerk or other similar officers of such provincial synod. Provided always that it shall be lawful to appeal from such provincial synod to the said general assembly whose decision shall be final.

20. The Charity Commissioners may from time to time in the exercise of their ordinary jurisdiction establish schemes for the alteration of any of the provisions of this scheme as if those provisions had been made by the founder in the case of a charity having a founder.

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