



CHAPTER cxvi.

An Act for repealing certain Acts relating to the Church and disused Burial Ground of Saint James's Bermondsey in the county of Surrey and for vesting the said Church and Burial Ground in new Trustees for the abolition of Easter Dues or Offerings and for other purposes.

A.D. 1885.

[22nd July 1885.]

WHEREAS by an Act passed in the year one thousand eight hundred and twenty-six being an Act of the seventh year of the reign of His late Majesty King George the Fourth chapter one hundred and four (local) intituled "An Act for raising money for building a crypt and tower to the additional church erecting in the parish of Saint Mary Magdalen Bermondsey in the county of Surrey for vesting the said church and the burial ground thereof in trustees and for other purposes relating thereto" (in this Act referred to as the Act of 1826) it was provided that certain persons therein mentioned and their successors to be appointed as therein mentioned should be Trustees for the purpose of putting the said Act into execution and should have power (section 15) to appoint a clerk or clerks and other officers and from time to time to remove such officers or persons respectively as they the said Trustees should think proper or see occasion and out of the moneys to be received by virtue of the said Act to allow and pay such salaries wages gratuities and allowances as they the said Trustees should think reasonable.

7 Geo. 4.
c. civ.

And whereas it was by the said Act (section 24) provided that a certain piece or parcel of ground theretofore purchased by the inhabitants of the said parish for the erection of a church and for the purposes of a cemetery containing by estimation one acre three roods and twenty-four perches and a church then erecting thereon and everything therein to be contained should from and after the passing of the said Act be vested in the said Trustees and their successors for the time being for ever to the intents and purposes that such church with the cemetery to the same should when consecrated for ever thereafter be set apart and dedicated to the service of the

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Almighty God as a place of divine worship according to the liturgy and usages of the United Church of England and Ireland as by law established and be subject to the bishop of the diocese and (section 26) the said Trustees were also empowered to erect a tower or steeple and also to construct a crypt vaults and catacombs for the said then erecting church and (section 36) to sell the said catacombs and vaults (except those under the chancel of the said church) for the purposes of burial such catacombs and vaults to be conveyed as freehold of inheritance in fee simple to the purchasers of the same respectively.

And whereas it was provided by the said Act (section 34) that it should and might be lawful to and for the said Trustees by and out of the moneys to be collected raised or received under or by virtue of that Act to pay and discharge the expenses of lighting watching cleansing and keeping the churchyard of the said additional church.

And whereas it was by the said Act (section 35) provided that it should be lawful for the said Trustees from time to time to pay to the rector of the said parish of Saint Mary Magdalen Bermondsey for the time being and also to the minister of the said additional church for the time being such sum or sums of money as should be directed to be respectively paid to them the said rector and minister by the inhabitants of the said parish who should be duly assembled in vestry on the Tuesday in Easter week in each and every year so that the sum or sums to be paid in any one year to the said rector should not exceed the sum of two hundred pounds and should be taken and accepted by him in lieu of Easter offerings and so that the sum or sums of money to be paid in any one year to the said minister of the said additional church should not exceed the sum of one hundred and fifty pounds.

And whereas by the said Act it was further provided (sections 46 51 54 and 59) that for the purpose of executing the provisions of the said Act it should be lawful for the said Trustees from time to time as they should think necessary to raise money by way of annuities and to make an assessment or rate on the occupiers of all lands houses shops warehouses vaults coach-houses cellars stables gardens tenements and hereditaments within the said parish of any sum of money not exceeding sixpence in the pound in any one year and to collect receive and levy the same.

1 Will. 4.
c. xxii.

And whereas by another Act passed in the year one thousand eight hundred and thirty-one being an Act of the 1 of William IV. cap. xxii. intituled "An Act for raising a further sum of money to defray the
" outstanding claims in respect of the building the crypt and tower
" to the additional church erected in the parish of Saint Mary Mag-
" dalen Bermondsey in the county of Surrey and of inclosing the

“ burial ground thereof ” (in this Act referred to as the Act of 1831) the said Trustees were empowered to raise by way of mortgage annuity or otherwise an additional sum of three thousand pounds for the purposes of the said Act of 1826 and to levy further rates in respect thereof provided that the combined rates should not exceed eightpence in the pound in any one year. A.D. 1885.

And whereas the said tower or steeple with the crypt vaults and catacombs were erected and the said burial ground inclosed as the Acts provided and certain of the said catacombs vaults and arches were sold and conveyed in fee simple to divers persons and their respective heirs and assigns and are now held by them but the said burial ground has for the purposes of interment been long since closed.

And whereas the church and churchyard were consecrated under the title of Saint James's Bermondsey and an ecclesiastical district has since been assigned to the said church which now forms a separate district parish with a vicar and churchwardens.

And whereas under and by virtue of the Metropolis Local Management Acts the powers and duties of the open vestry of the said parish of Saint Mary Magdalen Bermondsey were transferred to and are now vested in the vestry of the said parish as constituted under those Acts.

And whereas the said Trustees have from time to time in obedience to the directions of the vestry of the said parish of Saint Mary Magdalen Bermondsey paid the annual sum of two hundred pounds to the rector for the time being of the said parish and the said rector has taken and accepted the same in lieu of Easter offerings and an annual payment of two hundred pounds has been secured to the said rector and his successors as a permanent annual stipend in lieu and in satisfaction of Easter offerings.

And whereas all moneys borrowed by the said Trustees under the authority of the said Acts have been repaid and all annuities have expired and there are now no claims or liabilities of any description outstanding against the said Trustees for these purposes and it is expedient that the trust should be abolished and the said recited Acts of 1826 and 1831 be repealed and that the said church and burial ground of Saint James's Bermondsey should be vested in the vicar for the time being of the district parish of Saint James's Bermondsey without prejudice to any existing rights and that other provisions should be made in respect thereof as herein-after contained.

And whereas the patrons of the said rectory the Reverend Charles D'Aguilar Lawrence M.A. the present rector and the Reverend William Allan, M.A., the present vicar of Saint James's Church

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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 for all purposes as the Bermondsey Vestry Act 1885.

Repeal of Acts--
7 Geo. 4.
c. civ.
1 Will. 4.
c. xxii. 2. From and after the passing of this Act the two Acts mentioned in the schedule to this Act annexed shall be and the same are hereby repealed Provided always that such repeal shall not affect anything done or suffered or any liability incurred under the enactments repealed.

Definition of terms. 3. In this Act the following expressions unless there is something in the context inconsistent therewith shall have the meanings hereby assigned to them :

"The vestry" and "the parish" mean respectively the vestry and the parish of Saint Mary Magdalen Bermondsey in the county of Surrey.

"The district parish" "the church" and "the burial ground" mean respectively the church and the burial ground of the ecclesiastical district or district parish of Saint James's Bermondsey.

Abolition of Easter offerings. 4. From and after the passing of this Act any custom or right of the rector of the parish and his successors to demand or receive any Easter offerings shall absolutely cease and no suit shall be instituted or proceeding taken in any ecclesiastical or other court or before any justice or magistrate to enforce or compel the payment of any Easter offerings to the rector of the said parish and his successors.

Abolition of trust and vesting of church and burial ground in vicar of St. James's district parish. 5. From and after the passing of this Act all the powers rights duties and obligations of the said trustees and of their officers and servants shall cease and determine and the said church and burial ground containing by estimation one acre three roods and twenty-four perches or thereabouts and including all the premises mentioned in the said Acts of 1826 and 1831 together with all ways rights of way easements and appurtenances belonging or appertaining thereto and also the organ bells communion plate ornaments fixtures fittings seats and all other fixed or moveable property necessary and proper for use in the said church and now therein or now vested in the

said Trustees for the purposes thereof but excepting such catacombs vaults or arches as have been heretofore sold for the purposes of burial and conveyed to the purchasers in fee simple shall be vested in the vicar for the time being of the said district parish and his successors for ever thereafter to be set apart and dedicated to the service of Almighty God as a place of divine worship according to the liturgy and usages of the Church of England as by law established and as the parish church of the said district parish and subject to the lord bishop of the diocese in such and the same manner as other parish churches are subject.

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6. The present churchwardens of the said district parish and church shall remain in office until others shall be chosen in their stead in manner following that is to say on Tuesday in the first Easter week after the passing of this Act and on the same day in every Easter week thereafter two fit and proper persons being male inhabitant householders of the said district parish shall be appointed to act as churchwardens for the said district parish and church and shall be chosen one by the vicar for the time being and the other by the inhabitants of the said district parish who are hereby specially empowered to assemble in vestry on Tuesday in Easter week in every year for that purpose and the two persons when so appointed shall do and perform and execute all lawful acts matters and things necessary and requisite for and concerning the management good order and decency of behaviour to be kept and observed in the church by the congregation thereof and shall do and perform all other duties and exercise all the powers of and belonging to the office of churchwarden and the persons so to be appointed or chosen churchwardens shall continue in the said office until others shall be chosen in like manner in their stead Provided always that any churchwardens appointed under the provisions of this Act shall not in virtue of such office be deemed overseers of the poor or have any authority to act in the execution of any Act or Acts for the relief or maintenance of the poor.

Annual appointment of churchwardens.

7. The churchwarden to be appointed by the inhabitants of the said district parish as aforesaid shall be chosen by the majority of the voices of the inhabitant householders of the said district parish present at the said vestry and any person then being an inhabitant householder of the said district parish may at such vestry meeting nominate one fit and proper person duly qualified as aforesaid to be one of such churchwardens The vicar of the said district parish for the time being or in his absence some fit and proper person to be appointed by those present shall act as chairman and in case of equality of voices the chairman shall be considered as having two votes unless a poll shall be demanded for and on behalf of any of

Election of one churchwarden, by parishioners.

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the persons so nominated in which case the election and appointment shall be finally determined by a poll of the inhabitant householders of the said district parish qualified to vote as being such inhabitant householders on the day of the holding of the said vestry such poll shall be held and commence before the said chairman of the said vestry meeting or before such other inhabitant householder of the said district parish as he may by writing under his hand appoint for that purpose at the hour of ten in the forenoon on the Monday next after the said Tuesday in Easter week and shall be held at some convenient place within the said district parish to be appointed by the said chairman of the said vestry meeting and shall there be duly and regularly kept open and proceeded with until four of the clock in the afternoon of the said day when the same shall be closed and the said chairman or other person presiding at the said poll shall immediately after the closing thereof truly and publicly declare the name of the person who shall have the majority of votes on the said poll and that he is duly elected to the said office of churchwarden and whenever the number of votes on such poll shall be equal the said chairman of the said vestry meeting shall be considered as having two votes. Provided always that the candidate or candidates in respect of whom a poll may be demanded shall on the day next after the demand of the poll enter into recognisances before a justice of the county of Surrey or before a metropolitan police magistrate with two sufficient sureties conditioned to pay to the said chairman of the said vestry meeting the reasonable costs of taking the said poll and in default thereof no poll shall be taken and in such case the said chairman of the said vestry meeting shall have the same powers and duties in respect of the said election as if no poll had been demanded and the person who would in such case have been elected shall be deemed and declared to be elected churchwarden.

Trustees to
wind up
their affairs
and transfer
their books
&c.

8. As soon as may be after the passing of this Act the said Trustees shall proceed to wind up their affairs and shall transfer and hand over to the vicar and churchwardens of the said district parish all records books books of account title deeds muniments writings papers and documents of every kind whatsoever relating to their said trust and all their reasonable costs charges and expenses of so doing shall be borne and paid by the vestry as part of the expenses incidental to the passing of this Act and all moneys (if any) remaining unexpended in the hands of the said Trustees shall be paid over to the vestry.

Expenses to
be paid out
of general
rate.

9. The vestry shall pay out of the rate or rates from time to time made or caused or required by them to be made for defraying the general expenses of the vestry in the execution of the Metropolis Management Acts 1855 and 1862 and the Acts amending

the same all expenses of carrying into execution the purposes of this Act which are properly payable out of revenue and the costs charges and expenses preliminary of and incidental to the preparing for obtaining and passing this Act and shall from time to time make or cause or require to be made such rate and rates of such an amount as will provide for the foregoing payments as though such payments were expenses necessarily incurred in executing the said Acts. A.D. 1885.

10. The churchwardens of the said district parish may for the purposes of the maintenance of the churchyard or burial ground adjoining the said church exercise the powers in that behalf conferred upon churchwardens by the Act 18 and 19 Victoria c. cxxviii. intituled "An Act further to amend the laws concerning the burial of the dead in England." Power to churchwardens for repair and maintenance of churchyard.

11. Nothing in this Act shall prejudice or interfere with the rights privileges or easements which any person immediately before the passing of this Act had or his heirs assigns or personal representatives may hereafter have in respect of any catacomb vault arch grave tombstone or monument of or in the said church or burial ground or the maintenance thereof or the access thereto respectively and the person or persons for the time being entitled or claiming to be entitled whether as trustees or otherwise to any freehold interest in any of the said catacombs vaults or arches shall from time to time amend uphold and keep the same in decent and substantial repair at their own expense as occasion may require. Saving rights of heirs &c. persons interred in burial ground.

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SCHEDULE referred to in the foregoing Act.

Session and Chapter.	Title or Short Title.
7 George IV. cap. civ.	An Act for raising money for building a crypt and tower of the additional church erecting in the parish of Saint Mary Magdalen Bermondsey in the county of Surrey for vesting the said church and the burial ground thereof in trustees and for other purposes relating thereto.
1 Will. IV. cap. xxii.	An Act for raising a further sum of money to defray the outstanding claims in respect of the building the crypt and tower to the additional church erected in the parish of Saint Mary Magdalen Bermondsey in the county of Surrey and of enclosing the burial ground thereof.

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