



CHAPTER xiv.

An Act to provide for the abolition of the rector's rate leviable in the parish of Saint George the Martyr Southwark in the county of Surrey for securing otherwise an income for the rector of that parish and for other purposes. A.D. 1893.

[29th April 1893.]

WHEREAS by an Act passed in the year 1807 being an Act of the forty-seventh year of the reign of His late Majesty King George the Third (Session 2) chapter cxxxii. intituled "An Act for making better provision for the support and maintenance of the rector for the time being of the parish of Saint George the Martyr Southwark in the county of Surrey" (herein-after called "the Act of 1807") it was (amongst other things) enacted that for a competent provision for the rector of the said parish the annual sum of four hundred pounds should be raised and levied by a pound rate not exceeding fivepence in the pound upon the inhabitants and occupiers of all lands houses tenements and hereditaments (except the rector for the time being) in the manner in that Act directed and when raised should be paid by quarterly payments to the said rector as in that Act mentioned and the Act of 1807 also provided for the building of a suitable house within the said parish for the residence of the rector thereof and that until such house was built for the payment to the rector of the said parish so long as he should be a resident householder in the said parish of a further sum of eighty pounds per annum by equal quarterly payments :

47 Geo. 3.
(Session 2)
c. cxxxii.

And whereas by sections 21 and 24 of an Act passed in the year 1810 being an Act of the fiftieth year of the reign of His late Majesty King George the Third chapter xlv. intituled "An Act for better assessing and collecting the poor and other rates in the parish of Saint George the Martyr in the borough of Southwark in the county of Surrey and regulating the poor thereof" (herein-after called "the Act of 1810") certain powers to borrow money upon the

50 Geo. 3.
c. xlv.
(sections 21
and 24).

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rector's rate authorised by the Act of 1807 were conferred and the method of levying and recovering the payment of the said rate was amended :

And whereas dissensions and disputes have from time to time arisen in and by reason of the assessing and collecting of the said rate authorised by the Act of 1807 and it is expedient in the interests of peace in the said parish that the said rate should be abolished and that the income of the rector for the time being of the said parish should be provided for otherwise :

And whereas in order to remove such dissensions and disputes the vestry of the said parish have resolved to borrow moneys on the security of the general rate leviable in the said parish and thereout to pay a sum of five thousand pounds to the Ecclesiastical Commissioners for England towards a provision for the payment of a stipend to the rector of the said parish in lieu of the said rate authorised by the Act of 1807 :

And whereas the vestry of the said parish have by a resolution passed at a vestry meeting duly held for the purpose on the eighth day of August one thousand eight hundred and ninety-two approved of the provisions of this Act :

And whereas the Ecclesiastical Commissioners for England are willing to accept the said sum of five thousand pounds and in consideration thereof to pay to the rector of the said parish and his successors an annual sum of one hundred and fifty pounds and also to secure out of their common fund another annual sum of one hundred and fifty pounds towards the stipend of the said rector and the said Commissioners have consented to the provisions of this Act :

And whereas the Reverend Thory Gage Gardiner Master of Arts the present rector of the said parish has consented to the provisions of this Act :

And whereas the Right Honourable Farrer Baron Herschell Lord High Chancellor of Great Britain on behalf of the Crown as patron of the said rectory has consented to the provisions of this Act :

And whereas the Right Reverend Randall Thomas Lord Bishop of Rochester in whose diocese and jurisdiction the said parish is situate has consented to the provisions of this Act :

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:— A.D. 1893.

1. This Act may be cited for all purposes as the Saint George the Martyr Southwark (Rector's Rate) Act 1893. Short title.

2. In this Act unless it be otherwise provided or there be something in the context inconsistent therewith the several words and expressions following shall have the respective meanings assigned to them (that is to say):— Interpretation of terms.

“Ecclesiastical Commissioners” means the Ecclesiastical Commissioners for England;

“Common fund” means the common fund of the Ecclesiastical Commissioners;

“The vestry” means the vestry of the parish of Saint George the Martyr Southwark in the county of Surrey;

“The vestry clerk” means the clerk of the vestry;

“The general rate” means the general rate authorised by the 161st section of the Metropolis Management Act 1855;

“The rector” means the rector for the time being of the parish of Saint George the Martyr Southwark including the said Reverend Thory Gage Gardiner the present rector thereof.

3. Subject to the provisions herein-after contained with respect to the recovery of arrears of any rate or assessment and to the payment of five thousand pounds to the Ecclesiastical Commissioners as herein-after provided the Act of 1807 and sections 21 and 24 of the Act of 1810 shall as from and after the twenty-fifth day of December one thousand eight hundred and ninety-three be repealed and the right to make assess collect levy or recover any rate or assessment under the Acts of 1807 and 1810 shall as from that day cease and determine. Provided always that the rector shall be entitled to receive his stipend at the rate provided by and payable under the Act of 1807 up to the said twenty-fifth day of December one thousand eight hundred and ninety-three and any surplus remaining after payment to the rector of the said stipend up to that day shall after payment of such expenses as under the Acts of 1807 and 1810 would be payable thereout be applied in such way as the vestry shall think fit in or towards repayment so far as the said surplus shall extend of the moneys herein-after authorised to be borrowed or any part thereof. Repeal of 47 Geo. 3 (Session 2) c. cxxxii. and 50 Geo. 3. c. xlv. (Sections 21 and 24). Abolition of rector's rate.

4. The vestry shall on or before the twenty-fifth day of December one thousand eight hundred and ninety-three pay to the account of the Ecclesiastical Commissioners at the Bank of England the sum of Vestry to pay Ecclesiastical Commissioners.

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5,000*l.*
Annual
payment in
respect
thereof to
be made to
rector.

five thousand pounds to be raised in manner herein-after provided and the Ecclesiastical Commissioners shall receive and hold the said sum and commencing from the said twenty-fifth day of December one thousand eight hundred and ninety-three shall in respect thereof pay to the rector the annual sum of one hundred and fifty pounds by equal half-yearly instalments on the first day of May and the first day of November in every year the first proportionate payment in respect thereof to be paid on the first day of May one thousand eight hundred and ninety-four.

Payment of
further
annual sum
to rector by
Ecclesi-
astical
Commis-
sioners out
of their
common
fund.
Commence-
ment and
mode of
payment.

5. Provided the said sum of five thousand pounds shall have been duly paid to them as herein-before directed the Ecclesiastical Commissioners shall also pay to the rector one other annual sum of one hundred and fifty pounds to be charged upon their common fund and to be payable by equal half-yearly instalments commencing from the twenty-fifth day of December one thousand eight hundred and ninety-three on the first day of May and the first day of November in every year the first proportionate payment to be made on the first day of May one thousand eight hundred and ninety-four Both the said annual sums shall be free from all deductions whatsoever except the income tax and shall be deemed to accrue due from day to day although paid half-yearly in manner aforesaid.

Saving
right to
recover
arrears of
rate.

6. Nothing in this Act contained shall prejudice or affect the right of the rector to receive and recover so much of any rate made assessed collected levied or recovered under the Acts of 1807 and 1810 as shall become due previously to the twenty-fifth day of December one thousand eight hundred and ninety-three and shall be in arrear and unpaid at that date and for the purpose of recovering any such arrears all the powers and provisions of those Acts shall apply and may be exercised and enforced in the same manner in all respects as if this Act had not been passed.

Saving
right of
rector to
receive
surplice
and other
fees.

7. Nothing in this Act shall be construed to deprive the rector of his right to the fees commonly called surplice fees or to any other fees or payments in the nature of fees or other emoluments except the before-mentioned rate or assessment to which he was entitled immediately before the passing of this Act.

Vestry may
borrow
money
for the
purposes of
this Act.

8. The vestry may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any other Act borrow at interest on the security of the general rate for the following purposes the following sums (that is to say):—

For the purpose of paying the costs of this Act as herein-after defined;

For the purpose of the payment to the Ecclesiastical Commissioners herein-before directed the sum of five thousand pounds ;

For the purpose of paying all costs charges and expenses incurred by the vestry in and about or incidental to the raising of the said sum of five thousand pounds the sums requisite for that purpose :

Provided always that in calculating the moneys the vestry may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

9. The vestry may if they think fit borrow any moneys which they are by this Act authorised to borrow under the power and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed in manner by this section authorised by the vestry shall be a charge upon and shall be paid out of the general rate which shall be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act and such discharge or the discharge of any part thereof shall be effected by means of a sinking fund under the Local Loans Act 1875 if the vestry shall so think fit.

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Power to vestry to borrow moneys under the provisions of the Local Loans Act 1875.

10. The following sections of the Metropolis Management Act 1855 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Section 185 (Form of mortgage Register of mortgages) :

Section 188 (Payment of principal and interest may be enforced by the appointment of a receiver) :

Section 189 (Transfer of mortgages Register of transfers).

Application of certain sections of Metropolis Management Act 1855.

11. The vestry shall out of the general rate pay off all moneys borrowed by them as aforesaid within the period of six years from the borrowing of the same by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund created invested and applied in manner provided by the Local Loans Act 1875 and section 15 of that Act shall apply accordingly and is hereby incorporated with this Act.

Vestry to pay off borrowed moneys out of general rate within six years. Sinking fund.

12. If the vestry pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period herein-before prescribed and shall for the purpose of re-payment be deemed to form the same loan as the moneys originally borrowed and the obligations of the

Power to re-borrow.

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vestry with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Vestry not bound to recognise trusts. Receipts by trustees.

13. The vestry shall not be bound to see to the exercise of any trust whether expressed or implied or constructive to which any loans or security for loans given by them under this Act may be subject but the receipt of the person or any one of the persons or (as the case may be) of the personal representatives of the person or the survivors or last survivor of the persons in whose names or name any loans or security for loans stand in the books of the vestry shall from time to time be a sufficient discharge to the vestry in respect thereof notwithstanding any trusts to which such loans or securities may be subject and whether or not the vestry have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loans or securities or any part thereof or interest thereon and the vestry shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

Annual return to Local Government Board.

14. The vestry clerk shall within twenty-one days after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such a form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund or any interest thereon has been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the vestry clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appear to the Local Government Board by such return or otherwise that the vestry have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any instalment thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been

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made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

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15. The vestry may from time to time make assess or levy as part of the general rate such sums as may be necessary for the purpose of carrying into execution the provisions of this Act but so that such addition to the general rate shall not exceed in amount one penny in the pound.

Vestry may levy as part of general rate for purposes of this Act but not to exceed one penny in the pound.

16. All the costs charges and expenses preliminary to and of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of one of the Houses of Parliament and also all expenses incurred by the vestry in carrying into execution the provisions of this Act shall be paid by the vestry out of the general rate or out of money to be borrowed for the purpose under this Act.

Costs of Act and carrying same into execution.

Printed by EYRE and SPOTTISWOODE,

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