



**CHAPTER xxxiv.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Christ Church Glasgow. A.D. 1911.  
—  
[2nd June 1911.]

**W**HEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.  
c. 47.

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 Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation  
of Order in  
schedule.

**2.** This Act may be cited as the Christ Church Glasgow Order Confirmation Act 1911. Short title.

A.D. 1911.

SCHEDULE.

CHRIST CHURCH GLASGOW.

*Provisional Order to authorise the Trustees of the Church and ground known as Christ Church Glasgow to erect certain buildings and to use the same or permit the same to be used in connexion with the work of the Scottish Episcopal Church in the East End of Glasgow and for other purposes.*

WHEREAS by Trust Disposition dated the second day of May one thousand eight hundred and thirty-eight the Reverend David Aitchison Master of Arts minister of Christ Church Glasgow conveyed to the Right Reverend James Walker Doctor in Divinity Bishop of Edinburgh and Primus of the Scottish Episcopal Church and others their survivors and assignees the ground or lowest storey (except the vestry) of a building which he had erected in the village of Mile End barony of Barrowfield and Barony parish of Glasgow the upper storey of which formed the episcopal chapel of Christ Church in trust to be used and occupied solely for the purpose of schools under the style and denomination of Christ Church Schools for the education of children belonging to Bridgeton Calton Mile End and other eastern suburbs of the city of Glasgow the children however residing in the said districts whose parents were in communion with the said Scottish Episcopal Church having at all times the preference in case of competition for admission to the said schools And the grantor further authorised the school trustees to sell the said schools and invest the proceeds of sale:

- And whereas by Trust Disposition dated the twenty-fifth day of August one thousand eight hundred and forty-one the said Reverend David Aitchison conveyed the chapel of Christ Church hereinbefore referred to with the adjoining ground but excepting the portion of the said ground or lowest storey then used and occupied for the purpose of the said schools to Humphrey Ewing McLae of Cathkin and others their survivors and assignees subject to the reservations provisions and declarations contained in the said Trust Disposition in trust always for the Scottish Episcopal Church the purposes of the trust being thereby declared to be as follows viz. That the said chapel called Christ

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Church should in all time coming be held by the Trustees mentioned in the said Trust Disposition in trust as a place of divine worship in connexion with the Scottish Episcopal Church and the ground contiguous to it and included in the said Trust Disposition should be held by them in trust as a burial ground in connexion with the said chapel: A.D. 1911.

And whereas the subjects conveyed by the said Trust Dispositions of 1838 and 1841 are by virtue of a deed of Assumption and Conveyance dated the sixth and twenty-fourth days of July and recorded in the division of the General Register of Sasines applicable to the barony and regality of Glasgow and also as in the books of council and session on the third day of August all in the year one thousand nine hundred and three now vested in one and the same persons namely The Right Honourable Charles Alexander Douglas Earl of Home K.T. and the Right Reverend Archibald Ean Campbell bishop the Very Reverend Michael Balfour Hutchison dean the Reverend Canon William Leslie Low synod clerk John Alexander Spens writer chancellor and Frederick Gordon Mackillop writer registrar all of the diocese of Glasgow and Galloway in the Scottish Episcopal Church and the successors of the said Right Reverend Archibald Ean Campbell the Very Reverend Michael Balfour Hutchison the Reverend Canon William Leslie Low John Alexander Spens and Frederick Gordon Mackillop in the said several offices of bishop dean synod clerk chancellor and registrar for the purposes contained in the said Trust Dispositions all of whom are herein-after referred to as "the Trustees":

And whereas the said chapel of Christ Church (herein-after referred to as "Christ Church") is still used for divine service in compliance with the stipulations contained in the said Trust Disposition of 1841 but the portion of the lowest storey thereof conveyed by the said Trust Disposition of 1838 has not been used as a school for many years and is not suitable for that purpose:

And whereas the ground contiguous to Christ Church was for some time used as a burial ground in connexion with the said church but by order of the sheriff of the county of Lanark dated the 2nd day of June 1870 and made under and in terms of the Public Health (Scotland) Act 1867 the said burial ground was closed and thereafter burials were made therein only by special reservation and special application and ceased in the

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A.D. 1911. year one thousand eight hundred and eighty-three with the exception of one burial made in the year one thousand eight hundred and ninety:

And whereas some part of the said ground has not been used for burial purposes:

And whereas the land occupied by Christ Church and the said burial ground has an area of three thousand two hundred and ninety-nine square yards and is bounded on the northern western and southern sides by Crown Point Road Brook Street and George Street respectively and is by reason of the expansion of the city of Glasgow now situated in a densely populated part of the east end of the city and is in a suitable position for the establishment of a settlement for the carrying on by the Scottish Episcopal Church of philanthropic religious and educational work in the district and a sum of money has been collected and is available for that purpose:

And whereas it is expedient that the Trustees should be authorised to use the site of Christ Church and the said burial ground for the purpose of erecting thereon and maintaining a larger church and suitable buildings for carrying on the work of the Scottish Episcopal Church in the east end of Glasgow and to apply to those purposes any moneys arising from the trusts created by the said Trust Dispositions of 1838 and 1841:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows:—

Short title.

1. This Order may be cited as the Christ Church Glasgow Order 1911 and shall come into operation at the date of the passing of the Act confirming the same.

Interpretation.

2. In this Order unless there be something in the subject or context repugnant to such construction—

The expression "the Trustees" means the Right Honourable Charles Alexander Douglas Earl of Home K.T. and the Right Reverend Archibald Ean Campbell bishop the Very Reverend Michael Balfour Hutchison dean the

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Reverend Canon William Leslie Low synod clerk John Alexander Spens writer in Glasgow chancellor and Frederick Gordon Mackillop writer there registrar all of the diocese of Glasgow and Galloway in the Scottish Episcopal Church and the successors of the said Right Reverend Archibald Ean Campbell the Very Reverend Michael Balfour Hutchison the Reverend Canon William Leslie Low John Alexander Spens and Frederick Gordon Mackillop in the said several offices of bishop dean synod clerk chancellor and registrar acting as Trustees under the Trust Dispositions by the Reverend David Aitchison dated respectively the second day of May one thousand eight hundred and thirty-eight and the twenty-fifth day of August one thousand eight hundred and forty-one. A.D. 1911.

3.—(1) Subject to the provisions of this Order the Trustees may on any part of the land of the Trustees comprised within the site of Christ Church and the old burial ground attached thereto situated at Brook Street Mile End Glasgow erect equip and maintain a new church or rebuild alter or enlarge the existing chapel of Christ Church and may on any part of the said land erect equip and maintain buildings in connexion with the Scottish Episcopal Church including hall clergy-house school class-room gymnasium and other buildings of the like description and they may from time to time rebuild alter or enlarge any such building and shall use the same in connexion with the work of the Scottish Episcopal Church in the east end of the city of Glasgow. Power to Trustees to erect buildings on old burial ground.

(2) The Trustees shall in executing the powers of this section observe and comply with the reservations provisions and declarations affecting the said land contained in the titles thereof and with the local Acts rules and regulations relating to erection of new buildings for the time being in force in the city of Glasgow.

(3) Subject always to the right of the Trustees to utilise the site of Christ Church and the said burial ground in accordance with the provisions contained in this section they are hereby authorised to enter into agreements with the corporation of the city and royal burgh of Glasgow for improving and maintaining the said site and burial ground or any part thereof in terms of and for the purposes mentioned in section 15 of

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A.D. 1911. the Glasgow Public Parks Act 1878 and the Trustees shall submit to the said corporation the plans for the utilisation of the said site and burial ground or any part thereof and of any buildings to be erected thereon and failing agreement in regard to the said plans the Trustees shall not object to the said corporation for their interest appearing in the Dean of Guild Court of the city of Glasgow as respondents in any application by the Trustees for a lining in connexion with the said plans and there making any competent objections.

Removal  
of human  
remains.

4.—(1) Before the Trustees shall commence to erect any buildings on that part of the burial ground of Christ Church in which bodies have been interred they shall publish a notice once in each of three successive weeks in two local newspapers circulating in the city of Glasgow intimating the portion of the burial ground over which it is proposed to build and the purposes for or to which the said portion is intended to be used or appropriated and such notice shall have embodied in it the substance of subsections (2) (3) (4) (5) (6) and (7) of this section.

(2) At any time within two months after the first publication of such notice any person who is an heir executor or administrator or relative of any person whose remains are interred in the said portion of the burial ground proposed to be built over or are liable to be disturbed in laying the foundations of or otherwise through the operations necessary for the erection of the said buildings may give notice in writing to the Trustees of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place.

(3) If any person giving such notice as aforesaid shall fail to satisfy the Trustees that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the sheriff of Lanarkshire who shall have power to make an order specifying who shall remove the remains.

(4) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Trustees and such sum shall be apportioned if necessary equally according to the number of remains in the grave.

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(5) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Trustees in respect of the remains in any grave or if after such notice has been given the person giving the same shall fail in any respect to comply with the provisions of this section the Trustees shall remove such remains as are liable to be disturbed in laying the foundations of or otherwise through the operations necessary for the érection of the said buildings and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place as the Trustees think suitable for the purpose.

(6) All monuments tombstones or other marks of identification relating to the remains of any deceased person removed under this section shall at the expense of the Trustees be removed and re-erected at the place of re-interment of such remains or at such place within the city of Glasgow as the sheriff of Lanarkshire may direct on the application of any such heir executor administrator or relative as aforesaid.

(7) The removal of the remains of any deceased person under this section shall be carried out to the satisfaction of the medical officer of health for the city of Glasgow.

(8) The Trustees may remove and replace in such position in the adjoining portion of the burial ground as may be found convenient all such monuments tombstones and other marks of identification as may be necessary for the carrying out of the purposes of this Order.

5. The Trustees may apply to all or any of the purposes of this Order any moneys arising from the Trust Dispositions by the Reverend David Aitchison dated respectively the second day of May one thousand eight hundred and thirty-eight and the twenty-fifth day of August one thousand eight hundred and forty-one.

Application  
of trust  
funds to  
purposes  
of Order.

6. All costs charges and expenses of or incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the funds collected by them or coming into their hands for the erection of buildings in connexion with the work of the Scottish Episcopal Church in the east end of Glasgow.

Costs of  
Order.

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