



CHAPTER civ.

An Act to confirm a Scheme of the Charity Commissioners for the application or management of the Charities consisting of a Baptist Chapel and Proceeds of Sale of a former Congregational Chapel in the parish of Louth in the county of Lincoln. [4th August 1922.]

A.D. 1922.

WHEREAS the Charity Commissioners in their report to His Majesty of their proceedings during the year one thousand nine hundred and twenty-one reported that they had approved and certified a scheme for the application or management of the following charities in the parish of Louth in the county of Lincoln—

- (1) the charity consisting of the Baptist Chapel in Eastgate comprised in an indenture dated the twenty-sixth day of February eighteen hundred and seventy-three; and
- (2) the charity consisting of the Proceeds of Sale of the Congregational Chapel comprised in an Indenture dated the twelfth day of February one thousand eight hundred and twenty-one and regulated by a scheme of the said Commissioners of the third day of June one thousand nine hundred and twenty-one including the subsidiary charity of Stratton Andrews Hillier:

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:

[Ch. civ.] *Louth Baptist and* [12 & 13 GEO. 5.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922.

— 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:—

Confirma-
tion of
scheme.

1. The said scheme is hereby confirmed Provided always that nothing in this Act or in the said scheme shall be held to 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 Louth Baptist and Congregational Chapels Scheme Confirmation Act 1922.

SCHEDULE.

A.D. 1922.

SCHEME FOR THE APPLICATION OR MANAGEMENT OF
THE FOLLOWING CHARITIES IN THE PARISH OF
LOUTH IN THE COUNTY OF LINCOLN :—

- (1) *The Charity consisting of the Baptist Chapel in Eastgate comprised in an indenture dated 26th February 1873;*
- (2) *The Charity consisting of the Proceeds of Sale of the Congregational Chapel comprised in an indenture dated 12th February 1821 and regulated by a scheme of the Charity Commissioners of the 3rd June 1921 including the subsidiary charity of Stratton Andrews Hillier.*

1. The above-mentioned charities and the endowments thereof specified in the schedule hereto and all other the endowments (if any) of the said charities shall be administered and managed subject to and in conformity with the provisions of this scheme by a body of Trustees consisting at first of the following persons :—

GEORGE HENRY ASHTON auctioneers' clerk ;
EDWARD BROUGHAM BACH wholesale grocer ;
DANIEL DAVID RAWLINGS retired postman ;
THOMAS BURKITT gardener ;
JONATHAN CUTHBERT grocer's manager ;
WILLIAM EASTWOOD painter ;
WILLIAM FAULDS draper ;
GEORGE GRAY draper ;
HENRY MARSHALL coach builder ;
ARTHUR SAMUEL MILNS motor driver ;
JAMES JESSE MILSON joiner ;
THOMAS POGMORE engineer ;
PERCY PARKER fellmonger ;
JESSE HEMPSTOCK postman ;
ERNEST ARTHUR SCOTT manager ;
BASIL SHARPLEY solicitor ;
FREDERICK MOTSON THOMPSON contractor ;
ERNEST HARRY THOMPSON builder ;
JOHN HENRY THOMPSON builder ;
TOM ELLIS TOYN platelayer ;
THOMAS JOHN WILKINSON butcher ;
ROBERT WILYMAN coal merchant ;
FREDERICK CHARLES WILYMAN coal merchant ; and
THOMAS WRIGHT fuel controller ; all of Louth.

[Ch. civ.] *Louth Baptist and* [12 & 13 GEO. 5.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922.

2. The land and hereditaments specified in the schedule hereto and all other freehold and leasehold lands and hereditaments (if any) belonging to or held in trust for the charities shall forthwith vest in the said persons for all the estate and interest therein belonging to or held in trust for the charities.

3. Future Trustees may be appointed by an order of the Charity Commissioners or in any other manner permitted by law.

4. The Trustees shall permit the chapel buildings to be used occupied and enjoyed—

(a) as a place for the public exercise of religious worship for and by a church consisting of baptists and congregationalists (hereinafter called the Union Church) and so that adult or infant baptism shall be administered as desired;

(b) for the instruction of children and adults and for the promotion of such other charitable purposes whether religious or philanthropic as the Union Church shall from time to time direct.

In this scheme the expression "the chapel buildings" shall unless the context otherwise requires mean the chapel buildings now belonging to the above-mentioned charity numbered 1 or other the chapel buildings in which the Union Church from time to time assembles for worship.

5. The Trustees shall permit to officiate in the chapel buildings as stated minister or pastor of the Union Church and to exercise other functions as deacons elders or other officers in connexion with the Union Church such person or persons only as shall be baptists or congregationalists and shall be chosen and elected by a special resolution and no person shall be permitted to officiate as minister or pastor in the chapel buildings or exercise other functions as aforesaid who shall be guilty of immoral conduct or shall cease to be a baptist or a congregationalist or be removed from office by a special resolution.

6. The trustees shall permit such occasional ministers or other persons to officiate in the chapel buildings as the stated minister or pastor of the Union Church for the time being (if any) or if there be no such minister or pastor as the deacon or deacons of the Union Church for the time being or any committee from time to time appointed by the Union Church for the purpose shall appoint unless such appointment shall be negatived by a resolution of the Union Church.

7. The Trustees shall permit the deacon or deacons of the Union Church or other person or persons appointed for the purpose by the Union Church to receive all moneys contributed or subscribed the income arising from the investments specified in the schedule hereto the net rents arising from any lease of

[12 & 13 GEO. 5.] *Louth Baptist and* [Ch. civ.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922.

property of the charities and any other money which may come into the hands of the Trustees in connexion with the charities in the nature of income and after payment thereof of the expenses of repairing and insuring the buildings of the charities and the interest of any mortgage or debt secured on the property of the charities or incurred in the erection completion repair alteration enlargement or improvement of the said buildings to pay such sum for the support of the minister or pastor as the Union Church shall have determined and to apply the remainder in payment of the incidental and other expenses attending the maintenance of religious worship in the chapel buildings and for the other purposes of the charities as the Union Church shall direct. Provided nevertheless that moneys contributed or subscribed for any specified purpose shall not be subject to this clause but shall be applied for such specified purpose.

8. The Trustees shall from time to time under the direction of the Union Church permit the buildings for the time being belonging to the charities to be repaired altered enlarged or taken down and rebuilt so as to render the same better adapted for the purposes aforesaid and shall under the like direction from time to time permit the erection of additional buildings.

9. Except as regards any property of the charities 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 charities 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 estates of the charities or any lease thereof in reversion after more than 3 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 21 years. The restrictions contained in this clause are hereinafter called "the said restrictions."

10. Subject to the said restrictions it shall be lawful for the Trustees without the necessity of obtaining the consent of the Union Church to raise by mortgage of the property of the charities or by the deposit of the title deeds thereof such sum or sums of money as in the exercise of their discretion they think proper for the purpose of paying off any debt or debts incurred or to be incurred in the erection or completion of the buildings erected or to be erected on the lands belonging to the charities and not provided for by voluntary subscriptions.

[Ch. civ.] *Louth Baptist and* [12 & 13 GEO. 5.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922.

11. Subject to the said restrictions the Trustees shall whenever required by a special resolution with the consent in writing of the Trustees sell mortgage enfranchise or demise for any term of years the property of the charities or any part thereof or exchange the same or any part thereof for any other freehold copyhold customary or leasehold premises in accordance with the directions of the Union Church. The Trustees shall stand possessed of the moneys arising from any such mortgage sale or exchange and any other moneys which may come to their hands in connexion with the charities in the nature of capital after paying all costs and expenses incurred in relation thereto upon trust to lay out and apply the same in or towards the enlargement rebuilding improvement or repair of the buildings belonging to the charities or in or towards the purchase of other premises of any tenure or towards any of the other purposes of this scheme in relation to the charities in such manner as the Union Church shall by special resolution direct but so that any premises so purchased or so taken in exchange whether freehold copyhold customary or leasehold shall be held by the Trustees upon the same trusts and subject to the same powers and provisions as are herein declared concerning the chapel buildings. If any difference shall arise as to whether moneys coming into the hands of the Trustees are capital or income the decision of the Trustees shall be conclusive.

12. Upon any mortgage lease sale enfranchisement or exchange purporting to be made in pursuance of any trust or power herein contained no mortgagee lessee purchaser or other person dealing bonâ fide with the Trustees shall be bound or concerned to inquire whether the occasion for executing or exercising such trust or power has arisen or as to whether any special or other meeting of the Union Church has been held or as to the competency or regularity of any such meeting or of any requisition or resolution passed or purporting to have been passed thereat or (except as regards the said restrictions) otherwise as to the propriety or regularity of any such mortgage lease sale enfranchisement or exchange and notwithstanding any impropriety or irregularity in such mortgage lease sale enfranchisement or exchange the same shall as regards a mortgagee lessee purchaser or other person as aforesaid (except as regards the said restrictions) be deemed to be within the aforesaid trusts or powers and be varied accordingly.

13. The following provisions shall apply to every special meeting of the Union Church :—

- (a) The meeting shall be convened by the minister or pastor or the deacons or the committee for the time being of the Union Church or by the authority of the Trustees

[12 & 13 GEO. 5.] *Louth Baptist and* [Ch. civ.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922

or of one-fifth in number of the members of the Union Church entitled to vote at such meeting by notice announcing the place day and hour of the meeting and the business or matter to be transacted or considered and such notice shall be given on the two Lord's days immediately preceding such meeting at each service held in the chapel buildings.

- (b) The meeting shall be fixed for and held not earlier than the Wednesday next following the second of such two Lord's days.
- (c) The only persons who shall be entitled to attend and vote at such meeting shall be those who whether male or female have attained the age of 18 years and have been members of the Union Church during at least six calendar months next preceding the meeting. Provided that during the period of six calendar months from the date of this scheme membership of any church which assembled for worship in the existing chapel buildings belonging to the charity numbered 1 shall for purposes of attendance or voting at special meetings be deemed to be membership of the Union Church.
- (d) No votes shall be given by proxy but votes may be given by ballot or otherwise as the Union Church may direct.
- (e) The term "special resolution" in this scheme means a resolution passed at a special meeting of the Union Church by a majority consisting of not less than two-thirds of the persons present and voting on the resolution and the same shall be binding upon all the members of the Union Church whether present or not at such meeting.
- (f) Except where a special resolution is hereby expressly required a resolution passed at a special meeting by a simple majority of the persons present and voting on the resolution shall be binding on all the members of the Union Church whether present or not at such meeting.
- (g) The proceedings and resolutions of the meeting shall be evidenced by a minute thereof under the hand of the chairman who shall have a casting vote and such minute shall be conclusive evidence that any resolution therein expressed to have been passed was passed at a meeting duly convened and held and by the requisite majority and it shall further be presumed that the person subscribing such minute as chairman was duly appointed to the office.

14. Except where it is hereby expressly provided that a special resolution or a resolution of a special meeting is requisite.

[Ch. civ.] *Louth Baptist and* [12 & 13 GEO. 5.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922. the affairs of the Union Church and the provisions of this scheme may in all respects be managed and carried out under the direction of the members of the Union Church at ordinary meetings of the Union Church to which meetings the provisions of the last preceding clause hereof shall not apply but the same shall be held and regulated according to rules to be made by the Union Church which rules shall also apply to special meetings of the Union Church subject to the provisions of such last preceding clause hereof.

15. In the event of the removal of the Union Church to another locality the powers hereby vested in the Union Church in regard to the charities shall not thereby be suspended or in any manner impaired or affected.

16. The Trustees shall keep separate accounts of the endowments of the charities and shall until the fourth day of July one thousand nine hundred and twenty-nine keep separate accounts of the income of the charities as follows :—

- (a) *Baptist Church Account* dealing with the endowments of the above-mentioned charity numbered 1 and the income and expenditure in respect of those endowments.
- (b) *Congregational Church Account* dealing with the endowments of the above-mentioned charity numbered 2 and the income and expenditure in respect of those endowments.
- (c) *Union Church Account* dealing with the separate properties belonging to the Union Church (and including in such separate properties any alterations or additions made to the chapel buildings subsequent to the fourth day of July one thousand nine hundred and nineteen) and the income and expenditure in respect of such properties.

17. At any time after the fourth day of July one thousand nine hundred and twenty-nine the endowments of the above-mentioned charity numbered 2 may with the consent of the Charity Commissioners be applied for any purpose for which capital moneys belonging to the Union Church are applicable hereunder.

18. Notwithstanding anything hereinbefore contained if from any cause whatever the Union Church shall cease to exist as such or in case at any time prior to the fourth day of July one thousand nine hundred and twenty-nine it shall be determined by not less than a two-thirds majority at a separate meeting of either the Baptist members or the Congregational members for the time being of the Union Church (such meeting to be convened and held as nearly as may be in the manner in which special meetings of the Union Church are convened and held)

[12 & 13 GEO. 5.] *Louth Baptist and* [Ch. civ.]
Congregational Chapels Scheme Confirmation
Act, 1922.

that the Baptist members or the Congregational members shall secede from the Union Church or if regular religious worship in the chapel buildings is discontinued for six calendar months together or if the number of the members of the Union Church entitled to vote at a special meeting of the Union Church as hereinbefore provided shall be reduced to 15 or under or if the Union Church by a special resolution decides that it shall cease to be a church consisting of Baptists and Congregationalists then the endowments of the charities shall be dealt with as follows :—

A.D. 1922.

- (a) All property representing the endowments of the charity numbered 1 shall be transferred to the Baptist Union Corporation Limited upon the trusts affecting that charity immediately before the date of this scheme :
- (b) All property representing the endowments of the charity numbered 2 shall be transferred to the Congregational Union of England and Wales (Incorporated) upon the trusts affecting that charity immediately before the said date :
- (c) Any properties belonging to the Union Church shall be apportioned between the charity numbered 1 and the charity numbered 2 in such shares as may be approved or determined by the Charity Commissioners and shall be held upon such trusts as may be approved or determined by the said Commissioners.

19. Any question as to the construction of this scheme or as to the regularity or the validity of any acts done or about to be done under this scheme shall be determined conclusively by the Charity Commissioners upon such application made to them for the purpose as they think sufficient.

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.

21. The date of this scheme shall be the date of the Act of Parliament confirming the same.

[Ch. civ.] *Louth Baptist and* [12 & 13 GEO. 5.]
Congregational Chapels Scheme Confirmation
Act, 1922.

A.D. 1922.

SCHEDULE.

Above-mentioned Charity numbered 1.

A piece of land containing 884 sq. yds. or thereabouts situate in Eastgate Louth together with the chapel and other buildings erected thereon known as Eastgate Baptist Chapel.

Above-mentioned Charity numbered 2.

A sum of 2,218*l.* 8*s.* 1*d.* 5 per cent. War Stock 1929-47 held by "The Official Trustees of Charitable Funds."

A sum of 117*l.* 14*s.* 8*d.* 5 per cent. War Stock 1929-47 standing in the names of Edward Brougham Bach and Thomas Wright and forming the endowment of the subsidiary charity of Stratton Andrews Hillier.

Sealed by Order of the Board this twentieth day of December 1921.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of Acts of Parliament.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C. 2, and 28, ABINGDON STREET, LONDON, S.W. 1;
37, PETER STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
or 23, FORTH STREET, EDINBURGH.