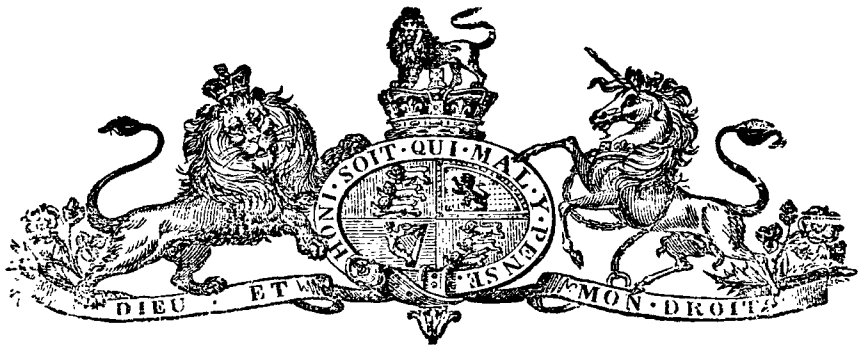


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CVII.

An Act to uncollegiate the Parish of *Canongate* within the Parliamentary Burgh of *Edinburgh*, to reduce the Amount of the Annuity Tax within the said Parish, and to make Provision for the Maintenance of Two Ministers therein.

[20th *August* 1867.]

WHEREAS it is expedient to uncollegiate the Parish of *Canongate* within the Parliamentary Burgh of *Edinburgh*, to reduce the Amount of the Annuity Tax within said Parish, and to make Provision for the Maintenance of Two Ministers therein:

Be it therefore 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:

Interpretation of Terms.

1. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them:

The Expression "Ecclesiastical Commissioners" shall mean the Commissioners appointed and incorporated under the Act Twenty-third and Twenty-fourth *Victoria*, Chapter Fifty, intituled

tuled *An Act to abolish the Annuity Tax in* Edinburgh *and* Montrose, *and to make Provision in regard to the Stipends of the Ministers in that City and Burgh, and also to make Provision for the Patronage of the Church of* North Leith:

The Expression "Magistrates and Council" shall mean the Lord Provost, Magistrates, and Council of the City of *Edinburgh* for the Time being.

Parish of Canongate to be uncollegiated.

2. The Second Charge of the Parish of *Canongate*, of which the Patronage now belongs to the Heritors, Kirk Session, Members, and others, shall be held to have lapsed from and after the Term of *Whitsunday* One thousand eight hundred and sixty-seven; and from and after the passing of this Act the whole Duties of Minister of the Parish of *Canongate*, subject to the Provisions herein-after made for the Constitution of a *quoad sacra* Parish, shall devolve upon the Reverend *Daniel M'Fie*, the present Second Minister, who shall in future be the Minister of the Parish of *Canongate*, and upon his Successors in Office; and his Successors in Office, Ministers of *Canongate*, shall be appointed by the Crown as Patron of said Parish of *Canongate*.

Constitution of quoad sacra Parish of New Canongate.

3. The Church situated within the said Parish of *Canongate* called "*New Street* Church" shall from and after the passing of this Act be erected into a Parish Church *quoad sacra*, to the same Effect as if it had been erected under the Provisions of the Act of the Seventh and Eighth *Victoria*, Chapter Forty-four, intituled *An Act to facilitate the disjoining or dividing of extensive or populous Parishes and the erecting of new Parishes in that Part of the United Kingdom called* Scotland, and the District marked out and designated in Schedule (A.) hereto appended shall be the District to be attached to the said Church *quoad sacra*; and the said Church and District *quoad sacra* are hereby disjoined from the said Parish of *Canongate*, to which the same now belong, and erected into a Church and Parish *quoad sacra* in connexion with the Church of *Scotland*, to be called the Church and Parish of *New Canongate*; and the Minister and Elders of the said Church and Parish shall have and enjoy the Status and all the Powers, Rights, and Privileges of a Parish Minister and Elders of the Church of *Scotland*; and the Patronage of the said Church and Parish shall be and is hereby vested in the Ecclesiastical Commissioners, and the said Church and Parish shall thereafter form a Church and Parish *quoad sacra* in the same Manner in all respects as a Church and Parish *quoad sacra* erected in Terms of the Provisions of the said Act Seventh and Eighth *Victoria*, Chapter Forty-four, with Power to the said Commissioners, if they shall deem it to be proper, to transfer the said Church of *New Canongate*

Canongate and their Rights in the said Parish *quoad sacra*, including the Right of Patronage, to Trustees to be appointed in Terms of the said last-recited Act.

Reduction of Annuity Tax, and Rate which may hereafter be levied.

4. From and after the Term of *Whitsunday* One thousand eight hundred and sixty-eight, the Impost or Tax now levied under the Name of the Annuity Tax within the Parish of *Canongate*, for the Maintenance in part of the Ministers thereof, shall be reduced to a Tax which will be sufficient to produce a clear Sum of Two hundred and fifty Pounds by the Year, said Sum being held to be the Equivalent for an Assessment at the Rate of Threepence for every Pound of the gross yearly Value of the Lands and Heritages, excluding those which belong to Departments of the State, situated within the Limits of the said Parish of *Canongate*, including the said *quoad sacra* Parish; and the said reduced Tax shall be called the *Canongate* Annuity Tax, and shall be levied by the Parochial Board of said Parish along with but separate from the Assessments imposed under the Provisions of the Act Eighth and Ninth *Victoria*, Chapter Eighty-three; and the Collector or Collectors of the Assessments under the said Act shall also be the Collector or Collectors of the said *Canongate* Annuity Tax, and the said Parochial Board shall account for and pay over to the Ecclesiastical Commissioners the said Sum of Two hundred and fifty Pounds by Two Instalments of One hundred and twenty-five Pounds each, at *Candlemas* and *Whitsunday* in each Year, commencing at the Term of *Candlemas* One thousand eight hundred and sixty-nine; and the said Collector or Collectors shall have all the Powers in regard to enforcing Payment of the said *Canongate* Annuity Tax which are at present competent to the Collectors of the Assessments imposed by the said last-recited Act, or by the "*Edinburgh* Police Act, 1848," and the "*Edinburgh* Municipality Extension Act, 1856;" and he or they shall be paid an Allowance for the Collection of the said Tax corresponding to the Allowance paid to him or them for the Collection of the Assessments under the Act Eighth and Ninth *Victoria*, Chapter Eighty-three: Provided always, that in the event of the Rate imposed for any One Year being insufficient to raise said clear Sum of Two hundred and fifty Pounds, the Rate for the succeeding Year or Years shall be increased so as to raise a Sum sufficient to supply the Deficiency in the preceding Year, as well as the clear Sum of Two hundred and fifty Pounds for the Year for which the Assessment is made: Provided also, that it shall not be competent to the said Parochial Board to assess or recover the said Tax from the Occupiers of Lands and Heritages valued at under Five Pounds a Year; and it shall be

be competent to the said Parochial Board to exempt from the Assessment such Persons as they shall consider to be unable from Poverty to pay the same.

Provisions in regard to Churches and other Ecclesiastical Property.

5. The Heritors and other Persons presently liable for the Maintenance and Repair of the *Canongate* Church and Manse shall be bound to put the same in proper Repair, at the Sight of *Robert Matheson*, Assistant Surveyor of the Board of Works for *Scotland*, as at the Term of *Whitsunday* One thousand eight hundred and sixty-eight, and as at said Date the whole Rights, Administration, and Cu tody as respects the said Churches of *Canongate* and *New Canongate*, together with the said Churches themselves, and Cellars, Vaults, and the Churchyard, shall be and the same are hereby vested in the Ecclesiastical Commissioners for Behoof of said Parishes; and the Manse of the Parish of *Canongate* shall also be vested in the said Ecclesiastical Commissioners, with Power to them, if they consider it expedient, to make Alterations on or to sell the said Manse, the Price obtained therefor, after Deduction of Expenses, to be invested in the Purchase of another Manse, or otherwise for Behoof of the Minister of the Parish of *Canongate* and his Successors in Office; and the said Heritors and other Parties presently liable for the Maintenance and Repair of said *Canongate* Church, Manse, and Churchyard shall, as from the said Term, be relieved from all Obligations or Liability connected with said Churches and Manse, and also from Liability for the Maintenance of said Churchyard while the same remains unclosed; and in the event of the said Churchyard being closed as a Burial Ground in Terms of the Provisions of the "Burial Grounds (*Scotland*) Act, 1855," the Liability for the Maintenance of said Churchyard shall be regulated by the Provisions of said Act; and it is hereby provided that the Stipend of the Parish of *Canongate* arising under the existing Law for the Year from *Whitsunday* One thousand eight hundred and sixty-seven to *Whitsunday* One thousand eight hundred and sixty-eight shall, as heretofore, be divided into Two equal Parts, and the one Part shall, as heretofore, be paid to the said Reverend *Daniel Macfie* or his Successors in Office, and the other Part, which shall accrue before the Appointment of the Minister of the *quoad sacra* Church of *New Canongate*, shall be paid to the Ecclesiastical Commissioners, to be applied by them for the Benefit of the Minister who shall be appointed to the said *quoad sacra* Church which is herein-after constituted, and his Successors in Office.

Makcall's Mortification to be applied

6. Whereas by Mortification, dated Twenty-second *August* One thousand six hundred and thirty-nine, *David Makcall*, Merchant Burgess

Burgess of *Edinburgh*, gave certain Sums of Money to be employed by the Magistrates and Council for the Uses therein specified, and, *inter alia*, he gave a certain Sum for Behoof of a Preacher in the Neighbourhood of the said Parish of *Canongate*, which Mortification is at present administered by the Magistrates and Council: And whereas it is desirable that the said Mortification should be applied in aid of the Purposes of this Act: Therefore the Minister for the Time being of *New Canongate* Church shall be appointed by the Magistrates and Town Council Preacher under the Mortification of the said *David Makcall*; and the annual Produce of said Mortification shall be paid to the said Minister by the Magistrates and Town Council, but only so long as the said Minister shall by himself, or in his Absence by a duly qualified Person, continue to perform the Duties of Preacher under the said Mortification. for Purposes of this Act.

7. The Bishop's Rents and the Kirkyard Dues at present payable to the Ministers of the said Parish of *Canongate*, and also such Sum as may be contributed by the Endowment Committee of the Church of *Scotland*, and such annual Sum as may be contributed by any Department of the State in respect of Property in the said Parish, and such Sums as may be contributed from any other Source for the Purposes of this Act, shall be and are hereby vested in the Ecclesiastical Commissioners for the Purposes of this Act: Provided always, that the Sum to be received from the said Endowment Committee shall be appropriated by the Ecclesiastical Commissioners solely to the Use of the Minister of *New Canongate*; provided also, that the Church Collections of *New Canongate* shall be held as made subject to the Provisions of the before-recited Act of the Seventh and Eighth *Victoria*. Bishop's Rents, &c. to be applied for Purposes of this Act.

8. The Pews or Seats in the said Churches shall, from and after *Whitsunday* One thousand eight hundred and sixty-eight, be let by or at the Sight of the Kirk Session of each Church respectively, or at the Sight of the Ecclesiastical Commissioners in the Case of the *New Canongate* Church, so long as there is no Kirk Session in said Church, with the Exception of not less than One Tenth of the Number, which shall be reserved as Free Sittings, but subject to any Directions which the Ecclesiastical Commissioners may issue from Time to Time, and subject also to any Rights or Conditions presently attaching to such Pews or Seats, or, in case the Commissioners shall think it necessary or expedient, the said Pews or Seats shall be let by or at the Sight of the Commissioners or their Secretary, and at such Rents as the Commissioners may from Time to Time determine or approve; and the Kirk Session of each Church Provisions for letting Seats and Application of Rents.

may retain in their Hands, out of the Monies to be received for such Pew or Seat Rents, such Sums as shall be fixed by the Ecclesiastical Commissioners for the Payment of the Salaries of Precentors, Doorkeepers, or other Church Officers, and for cleaning, heating, and lighting the Church, and for providing Communion Elements, and for such other necessary Expenses in connexion with the Church as shall be allowed by the Ecclesiastical Commissioners; and the Kirk Session shall keep an Account of the whole Monies received by them for Pew or Seat Rents, and of the Sums retained for Payment of Expenses, and shall lay the same before the Ecclesiastical Commissioners yearly, or as often as they shall direct; and the Kirk Session shall pay the whole Balance of the Monies received for Pew or Seat Rents (after making the said Deductions); and in case the Monies received for Pew or Seat Rents in either of the said Churches shall in any Year be insufficient to defray the said Expenses, the Ecclesiastical Commissioners may, out of the other Monies received by them under the Provisions of this Act, pay such additional Sum as shall be necessary to make up such Deficiency; and the Right to appoint Session Clerks, Precentors, Doorkeepers, and other Church Officers of the said Churches shall belong to and be exercised by the Kirk Sessions of the said Churches respectively.

Provisions for the Ministers.

9. The Ecclesiastical Commissioners shall, out of the Monies vested in them for the Purposes of this Act, pay, in the first place, in Two equal Portions, at the Terms of *Candlemas* and *Whitsunday* One thousand eight hundred and sixty-nine, and annually thereafter at the said Terms, to the Minister of the Parish of *Canongate* and to his Successors in Office, in lieu of the Emoluments at present received by him, the Sum of Two hundred and fifty Pounds *per Annum;* and the said Minister shall also have Right to the Manse attached to the said Parish of *Canongate;* and the Ecclesiastical Commissioners shall also, out of the said Monies, provide for the Maintenance, Repair, and Insurance against Loss by Fire of the Fabric of the said *Canongate* Church; and the Ecclesiastical Commissioners may, out of the Balance of said Monies then remaining in their Hands, provide for the Maintenance and Repair of the Fabric of the said *New Canongate* Church, and for the Insurance of the same against Loss by Fire; and the Ecclesiastical Commissioners shall thereafter pay to the said Minister of *New Canongate* Church, in Two equal Portions, at the said Terms of *Candlemas* and *Whitsunday* One thousand eight hundred and sixty-nine, and annually thereafter, the Surplus of the annual Produce of said Monies, not exceeding the Sum of Two hundred and fifty Pounds, and not being less than One hundred and twenty Pounds, and if there

there shall be any Balance they shall provide also for Payment of the Proportion of the Expenses of the Ecclesiastical Commissioners, including such Remuneration as they shall see fit to allow to any Persons employed by them in the Execution of this Act or of the said first-recited Act, and of the Proportion of the Salaries of the Clerk of the Synod of *Lothian* and *Tweeddale*, and the Clerk and Officer of the Presbytery of *Edinburgh*, payable for the said Churches or either of them, and of the other Expenses to be incurred in carrying into effect the Purposes of this Act; and if there shall be any Surplus of the Rents of Church Seats of either of the Churches in the Hands of the Ecclesiastical Commissioners after defraying the Charges herein-before specified, said Surplus shall be paid over to the Minister of the Church which produces said Surplus, and that in addition to the said annual Sum herein-before provided: Provided always, that the Portions of said Stipends payable at the Term of *Candlemas* in each Year shall be for the Period from *Whitsunday* to *Michaelmas* preceding, and the Portions payable at the Term of *Whitsunday* shall be for the Period from *Michaelmas* to *Whitsunday*.

Commissioners to keep and publish Account.

10. The Ecclesiastical Commissioners shall cause full and true Accounts to be kept of their whole pecuniary Transactions under this Act, and a State of Accounts or Balance Sheet to be prepared as on the Thirtieth Day of *June* yearly, and inserted not later than the First Day of *August* thereafter once in at least Two Newspapers published in *Edinburgh*, setting forth the Amount of Monies received by them from every Source of Income, and of their Disbursements during the same Period, and the total Amount of the Monies laid out and invested by them or remaining in their Hands; and the Accounts of the Ecclesiastical Commissioners under this Act shall, before the Publication of the same annually, be audited and examined in the same Manner as the Accounts of the Ecclesiastical Commissioners are appointed to be audited and examined under the said first-recited Act.

Disposal of vacant Stipends.

11. All Stipends payable under this Act, in respect of the Charges becoming vacant, for the Period during which such Charges shall be vacant, shall be payable in the same Manner and for the same Purposes as the Stipends of vacant Charges are now payable by Law; and the legal Rights of any of the Representatives of the late Reverend *Andrew R* *Bonar*, One of the Ministers of *Canongate*, shall not be prejudiced by the Provisions of this Act.

Laws, &c. inconsistent with this repealed.

12. All Laws, Statutes, and Usages inconsistent with the Provisions of this Act are hereby repealed.

SCHE-

SCHEDULE (A.)

District to be disjoined from the Parish of Canongate and erected into the quoad sacra Church and Parish of New Canongate.

That Portion of the Parish of Canongate included within a Line drawn through the Centre of Leith Wynd from the High Street of the Canongate to the Foot of the said Wynd and thence in a straight Line to the North Back of the Canongate; thence along the Centre of the North Back of the Canongate to the Foot of the Tolbooth Wynd; thence along the Tolbooth Wynd to the High Street of the Canongate; and thence along the Centre of that Street to the Head of Leith Wynd.

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