

IN THE MATTER of the Pastoral Reorganisation Measure, 1949; the Union of Benefices Measures, 1923 to 1936; and the Ecclesiastical Commissioners (Powers) Measure, 1938

AND

IN THE MATTER of a Scheme for effecting the Union of the Benefice of Barton Hill, Saint Luke and the Benefice of Barton Hill, Christ Church, both situate in the Diocese of Bristol

BETWEEN

The Reverend John Stacey Bevan and others - - - *Appellants*

AND

The Church Commissioners for England - - - *Respondents*

AND

IN THE MATTER of a Scheme for effecting the Union of the Benefice of Bristol, Saint Gabriel and the Benefice of Bristol, Saint Lawrence, both situate in the Diocese of Bristol

BETWEEN

Ernest Leslie Rich and others - - - *Appellants*

AND

The Church Commissioners for England - - - *Respondents*

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE
OF THE PRIVY COUNCIL, DELIVERED THE 22ND MARCH, 1954

Present at the Hearing:

LORD PORTER

LORD TUCKER

SIR JOHN BEAUMONT

[*Delivered by* LORD PORTER]

These schemes form part of a general attempt to organize the activities of some five parishes in Bristol, to decrease the manpower at present required and to put their finances on a sounder basis. Accordingly they must be considered together.

Both schemes are concerned with what has been described as the inner fringe of the City of Bristol, i.e., that portion which lies immediately outside the City proper.

There are five parishes involved and two more to be considered.

The five lie in a block which begins in the north with St. Gabriel and continues southward in the order St. Lawrence, Christ Church, St. Luke with Holy Trinity on the west and lying alongside the other four.

The Churchmanship of all five is stated by the Commissioners to be of the same character, and it appears that there is no wide divergence though it is claimed on behalf of St. Lawrence that whereas three of the five, viz. :—St. Gabriel, Holy Trinity and St. Luke are markedly low Church (or as the Bishop of the Diocese preferred to call it evangelical) the other two, St. Lawrence and Christ Church have been described as

exhibiting a moderate Churchmanship. There may be such a difference, but their Lordships are not persuaded that it is a marked one and they are prepared to accept the view expressed in the Commissioners' Answer in the case of the scheme to unite St. Gabriel and St. Lawrence—an Answer which in this respect has been verified by the Archdeacon of Bristol, viz. :—that a parishioner accustomed to worship in any one of the five would be as much at home in one as in any other.

On the other hand both St. Jude and St. Matthew are admitted by the Commissioners and those opposing the schemes to represent an advanced type of Churchmanship.

Their Lordships will at a later stage find it necessary to draw certain conclusions from these facts but for the moment they merely record them.

It appears that at an earlier period, whilst the Measures of 1923 and 1936 were in force and before the passing of the 1949 Measure there was a suggestion of uniting the parishes of St. Lawrence and Christ Church leaving the other three parishes untouched, but since 1948, even before the 1949 Act came into force, the schemes suggested have been to unite the parishes of St. Luke and Christ Church on the one hand and those of St. Gabriel and St. Lawrence on the other. Those are the two schemes now before their Lordships.

On all hands it is admitted that some union must take place but there is controversy as to which parish shall be joined with which and how many parishes are to be merged in others and what Churches must be sacrificed.

The scheme for the union of St. Luke and Christ Church was opposed both by the Parochial Church Councils of St. Luke and of Christ Church and also by the Rev. John Stacey Bevan the vicar of St. Luke and patron of Christ Church who attended at the hearing before their Lordships and gave them assistance by his advocacy, his local knowledge and certain alternative suggestions. As their Lordships understand there was some mistake at one time in the information given him as to the continuance of his right to appoint to the incumbency of Christ Church but no other appointment has been made and it has been stated that it will not be made should Mr. Bevan claim to exercise his power. The case of the petitioners had the support of Viscount Alexander of Hillsborough, who gave evidence before the Board but as there was little difference of fact and circumstance between the parties it was not thought necessary to call further evidence.

It is, their Lordships think, desirable to set out the population and endowments of the several parishes as this information did and was bound to have some influence upon the conclusions at which they have arrived. The figures cannot of course be entirely accurate but are taken from those provided by the Engineer Surveyor and Planning Officer of the County Borough of Bristol and are estimates based on the results of the Land Use survey carried out by his department between 1949 and 1951. They are as follows, and with them is conjoined the nett endowment income of each parish.

	<i>Population.</i>	<i>Income.</i>
(1) Christ Church	2,638	£371
(2) St. Luke	5,481	£297
(3) St. Gabriel	3,529	£289
(4) St. Lawrence	2,589	£307
(5) Holy Trinity	5,085	£262
(6) St. Jude	669	£562
(7) St. Matthew	9,386	—

The endowment income of St. Matthew is unknown to their Lordships and has not been inserted as none of the objectors suggested any interference with that parish.

To the figures of population given above should be added the estimated future population of the several parishes, not that any great reliance can be placed upon them inasmuch as they are estimates and look forward to a period which may extend to twenty years hence. The objectors to the Barton Hill scheme however accept the view that the present construction of housing in the parish of St. Jude does indicate the likelihood of expansion to at least 1,000. The figures are as follows:—

(1) Christ Church	...	...	...	...	1,480
(2) St. Luke	...	...	...	...	2,820
(3) St. Gabriel	...	...	...	...	2,680
(4) St. Lawrence	...	...	...	...	1,830
(5) Holy Trinity	...	...	...	...	5,010
(6) St. Jude with St. Matthias	...	...	...	...	1,340
(7) St. Matthew	...	...	...	...	9,160

Save as indicated above their Lordships have only taken these figures as showing a possible trend over a period of years and have paid attention to the present position rather than to the future possibilities.

The first scheme provides that the parishes of St. Luke and Christ Church shall be united, that the Church of the latter parish shall be demolished, that St. Luke shall be the parish Church of the united parish and that its parsonage house shall be the residence of the incumbent of the united parish.

The two schemes, if carried out, would on the present estimated population establish a suitable relationship between the population of the parishes concerned and would not in their Lordships' opinion result in the creation of a parish beyond the capacity of one incumbent in either case.

The resultant parish under the first scheme would contain 4,300 parishioners upon the present figures and would have an endowment of £550 after providing a sum to augment the endowment of Holy Trinity.

Similarly the second scheme by uniting the parishes of St. Gabriel and St. Lawrence would provide a similar sum together with a further addition to that of Holy Trinity with the result that the lastnamed parish would enjoy an endowment of a sum little short of the £550 which is now aimed at as the minimum sum required for a parish.

Mr. Bevan's scheme on the other hand would make a much more drastic change since he is only able to provide the necessary finance by contemplating the absorption of the parish of St. Jude in that of Holy Trinity and the diversion of its revenues to the other parishes. Even if this plan were carried out it would not only not provide an adequate endowment for the parish of St. Luke, but in their Lordships' view would also neglect a matter enjoined by section 2 (b) of the Pastoral Reorganization Measure of 1949, inasmuch as it would fail to have regard to the traditions, needs and characteristics of St. Jude by altering the character of the Churchmanship now prevailing therein. It is true that that parish is and will be a small one but their Lordships are informed, and indeed it was one of the arguments used by Mr. Bevan, that it draws many adherents from outside the parish itself. In their Lordships' view the disadvantage of the step in question is not disposed of by the suggestion that those who now worship at St. Jude should in future worship at St. Matthew. Such a change involves not only the adoption of a fresh centre of worship, but the inclusion of the parish of St. Jude in that of Holy Trinity which would, as their Lordships think, unduly increase the numbers in that parish and entail a rejection of both schemes inasmuch as it would *inter alia* require the ascertainment of the views of the parishioners of St. Jude, their incumbent and patron and those of Holy Trinity. Apart from these considerations the parish of Christ Church, from whatever cause it may arise, has at any rate a less numerous congregation at the present time than St. Luke.

In architecture no great distinction can be drawn between the two churches, but according to the evidence the cost of repair and redecoration of Christ Church would be considerable even if it is reduced below the figure of £5,000 suggested by Mr. Hannam and its annual repair would add to the expense unless it were united to another parish.

The only other union which has been suggested is that with St. Lawrence and that combination must be dealt with in connection with the other scheme for uniting the parishes of St. Gabriel and St. Lawrence, which their Lordships now proceed to consider.

They have indeed no express information as to the attitude of the parishioners of St. Gabriel to this question, but as no opposition has been shown on their behalf their Lordships must assume that they are not unfavourable.

The scheme envisages the Church of St. Gabriel becoming the parish church of the united parish, the parsonage of that parish being the residence of the incumbent and the demolition of St. Lawrence Church, and the sale of its site. Some dispute as to the value of the site has been adumbrated to their Lordships, but its greater or less value is one which can legitimately and to a similar degree be used as an argument favourable to either party, and therefore cannot affect their Lordships' decision.

The population consequent upon the union would be roughly 6,100, but part of the scheme is to take away a portion of the parish of St. Lawrence and attach it to the parish of Holy Trinity thereby cutting off that part of the former parish which was divided from the rest by a main thoroughfare. If this plan is adopted the figures of population would be somewhat altered. The transference of that part of the parish of St. Lawrence would add 900 persons to those residing in Holy Trinity and so subtract that number from the united parish of St. Gabriel and St. Lawrence. Their Lordships have no evidence nor has it been suggested that any objection has been made on the part of Holy Trinity to the increase in its numbers. The resultant figures are Holy Trinity 5,985; the united parish about 5,000, a number not too great to be under the care of one parish priest according to the affidavit of the vicar of St. Gabriel who states that in his view the incumbent of that church assisted by a lay worker could minister adequately even to this increased population.

There is little to choose between the two churches. Of the two, St. Gabriel is a little more central, but the difference is not great and neither has any special architectural features. St. Lawrence, however, has lost both its Church Halls and even before their destruction there was no Church School in that parish so that the children had either to attend that of St. Gabriel or the school provided by the Local Education Authority. Both parsonage houses have certain disadvantages—that of St. Gabriel is some distance outside either parish but is a better house and better suited to the needs of the combined parish, whereas that of St. Lawrence is suffering from an outbreak of dry rot and stands at the entrance to a corporation 'bus depôt.

As has been said, admittedly there must be some union of parishes but the petitioners suggest, firstly, that the most satisfactory scheme would be to unite St. Lawrence with Christ Church and leave the other three as separate parishes.

The difficulty of such a scheme is that it leaves a sum totally inadequate to augment the endowment of St. Luke or Holy Trinity or St. Gabriel to a sufficient figure.

The alternative proposal of uniting St. Gabriel to Holy Trinity would create a large and unwieldy parish and so far as their Lordships are aware has never been considered until the suggestion was placed before the Board.

As a further alternative, it was however suggested that if St. Lawrence and St. Gabriel are to be united, St. Lawrence and its parsonage should be preserved and St. Gabriel pulled down and its parsonage disposed of. Such a plan would it is plain require a fresh consideration of the whole matter and a consultation with the various persons and organizations in

the parish of St. Gabriel. Admittedly St. Lawrence exhibits a vigorous Church life and its preservation might be contemplated if the evidence established a marked preponderance in its favour, or possibly even in a case where the scales were slightly in favour of the alternative scheme. But, in the present case, their Lordships are of opinion that the solution elected for by the Commissioners is the more advantageous and are satisfied that the activities of the parish of St. Lawrence can and will be carried on under the scheme now approved.

Obviously both the schemes now put forward have been very carefully considered by the Pastoral Committee, the Bishop and the Church Commissioners and in their Lordships' view no adequate alternative schemes have been suggested.

No one would, unless it were necessary, desire to abolish a parish or demolish its parish church with the result of destroying what the parishioners may naturally regard as the centre of their spiritual life, but, having regard to the present difficulty as to manpower and as to the provision of a living emolument some steps must immediately be taken more especially as large new centres of population are beginning to grow round Bristol and are likely to continue to do so.

It is true that the anticipated decrease in the population of the area now under consideration has not yet come to pass and the expected changes are unlikely to take place for some time and cannot be said to be certain to occur, but even on the present figures their Lordships think that the unions envisaged in the schemes are justified.

Moreover, however much the individual parishes involved may feel and dislike the change and regard it as not conducing to their welfare, the Pastoral Committee have a broader field to cover. They must make a survey of the diocese as a whole and follow this survey by making recommendations for the better provision of the cure of souls within the diocese or any part thereof.

In all these matters that Committee and their Lordships, where objection is made to the affirmation of a scheme, must in the words of section 3, subsection 2 (a) of the Measure of 1949 "make the best provision for the ministry of the Word and Sacraments in the diocese as a whole, including", as the subsection continues, "the provision of appropriate spheres of work and conditions of service for all persons engaged in the cure of souls and the provision of reasonable remuneration for such persons".

In coming to their conclusion their Lordships have carefully weighed these considerations, have formed the opinion that no adequate provision can be made unless two of the five churches are disposed of and are unable to reach a better result than the Pastoral Committee.

All the alternative schemes have in their opinion greater disadvantages than those put forward by the Church Commissioners and they will therefore humbly advise Her Majesty that both schemes be affirmed.

In the Privy Council

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AND OTHERS

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BETWEEN

ERNEST LESLIE RICH AND OTHERS

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THE CHURCH COMMISSIONERS FOR
ENGLAND

DELIVERED BY LORD PORTER

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