ANNO TRICESIMO

VICTORIÆ REGINÆ.

****

Cap. xxvi.

An Act for vesting the Glebe Lands and Endowments of the Rectory of *Bishop Wearmouth* in the County and Diocese of *Durham* in the Ecclesiastical Commissioners for *England,* and for making Provision for the Endowment of the said Rectory in lieu thereof; and for the Promotion of other Ecclesiastical Purposes connected therewith. [31st *May* 1867.]

WHEREAS the Ecclesiastical Commissioners for *England,* in pursuance of an Act passed in the Session of Parliament held in the Third and Fourth Years of Her Majesty's Reign, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues,* duly prepared and laid before Her Majesty in Council a Scheme, bearing Date the Nineteenth Day of *July* in the Year One thousand eight hundred and forty-nine, in the Words following; that is to say, "We, the Ecclesiastical Commissioners for *England,* in "pursuance of an Act passed in the Session of Parliament held in the "Third and Fourth Years of Your Majesty's Reign, intituled *An Act* "*to carry into effect, with certain Modifications, the Fourth Report of*

3 & 4 Vict. c. 113. (*Public.*)

" *the Commissioners of Ecclesiastical Duties and Revenues*, have " prepared and now humbly lay before Your Majesty in Council the " following Scheme for making better Provision for the Cure of Souls " in the Parish of *Bishop Wearmouth* in the County and Diocese of " *Durham* and Province of *York:* Whereas it is by the said Act " enacted that Arrangements may from Time to Time be made by " the Authority therein provided (that is to say, by Schemes prepared " by us, and Orders of Your Majesty in Council ratifying the same,) " for improving the Value or making a better Provision for the " Spiritual Duties of ill-endowed Parishes or Districts by means of " such Exchange of Advowsons, or of such other Alterations in the " Exercise of Patronage as may be agreed upon by Patrons, with the " Consent of the Bishop in every such Case, and where a Bishop " himself is One of the Patrons with the Consent of the Archbishop, " and that Arrangements may be made by the like Authority for the " Apportionment of the Income of Two Benefices belonging to the " same Patron between the Incumbents or Ministers of such Benefices, " or the Churches or Chapels connected therewith, with a Proviso " that no such Arrangement shall be made with respect to Benefices " in Lay Patronage without the Consent of the respective Patrons, nor " in any Case so as to prejudice the Interests of any existing Incum- " bent, nor without the Consent of the Bishop of the Diocese, nor " where a Bishop is himself One of the Patrons without the Consent " of the Archbishop also: And whereas it is by the same Act enacted " that we shall in such Schemes as aforesaid recommend and propose " all such Measures as may, upon further Inquiry which we are " thereby authorized to make, appear to us to be necessary for the " Purpose of carrying the same Act into full Effect, with a Proviso " that nothing in the same Act contained shall be construed to " prevent us from proposing in any such Scheme such Modifica- " tions or Variations as to Matters of Detail and Regulation as shall " not be substantially repugnant to any Provision of the said Act, " or of an Act therein mentioned, being an Act passed in the Session " of Parliament held in the Sixth and Seventh Years of the Reign
6 & 7 W. 4. c. 77. (*Public.*)
" of His late Majesty King *William* the Fourth, intituled *An Act for* " *carrying into effect the Reports of the Commissioners appointed* " *to consider the State of the Established Church in* England *and* " Wales *with reference to Ecclesiastical Duties and Revenues, so far* " *as they relate to Episcopal Dioceses, Revenues, and Patronage:* " And whereas the said Parish of *Bishop Wearmouth* contains a very " large and rapidly increasing Population, and the Rectory thereof " is in the Patronage of the Bishop of *Durham* for the Time being, " and there are in the same Parish the Perpetual Curacies of *Saint* " *Andrew Deptford* and *Saint Thomas*, and the Church or Chapel of " *Ryhope*, all now in the Patronage of the Reverend *John Patrick* " *Eden* as Rector of *Bishop Wearmouth*, and also the Church or Chapel

" of

" of *Hylton* otherwise *Ford* now in the Patronage of *Arthur Gray*
" of *Stockton-upon-Tees* in the same County, Clerk, and in order
" that the said Rectory, Perpetual Curacies, and Churches or Chapels
" may all belong to the same Patron with a view to carrying into
" effect, under the secondly herein recited Provisions of the said
" first-recited Act, the further Arrangements herein-after proposed,
" the said *John Patrick Eden* and *Arthur Gray* have respectively
" agreed to transfer and assign such their Patronage to the Bishop
" of *Durham* and his Successors: We, therefore, with the Consent of
" the Right Honourable and Most Reverend *Thomas* Archbishop of
" *York*, the Right Reverend *Edward* Bishop of *Durham*, the said *John*
" *Patrick Eden*, and the said *Arthur Gray*, testified by their having
" respectively signed and sealed this Scheme, humbly recommend
" and propose that the whole Patronage of and Right of Nomination
" to the said Two Perpetual Curacies of *Saint Andrew Deptford* and
" *Saint Thomas*, and the said Two Churches or Chapels of *Ryhope*
" and *Hylton* otherwise *Ford*, shall, without any Conveyance or
" Assurance in the Law other than this Scheme, and any duly gazetted
" Order of Your Majesty in Council ratifying the same, and upon
" and from the Day of such gazetting, become and be transferred
" and absolutely assigned to and vested in, and may from Time to
" Time be exercised by, the Bishop of *Durham* and his Successors
" for ever: And whereas the Endowments and Revenues of the
" said Rectory of *Bishop Wearmouth* are now vested in the said
" *John Patrick Eden* as such Rector as aforesaid, and the same are
" of large Amount: And whereas the said *John Patrick Eden*
" desires to relinquish a Portion thereof for the Benefit of the said
" Parish of *Bishop Wearmouth*: And whereas such Endowments
" and Revenues consist of and arise from various Sources, that is
" to say, from Tithe Rentcharges, Rent of Glebe Land, and Surplice
" Fees, and also from Rents of Wayleaves, Staiths, and Coal, and
" there are now charged upon and payable out of the said Tithe Rent-
" charges and Rent of Glebe Land and Part Endowment of the said
" Perpetual Curacy of *Saint Thomas* the annual Sum of Two hundred
" Pounds, and in Part Endowment of the said Church or Chapel of
" *Ryhope* the annual Sum of One hundred Pounds, but the said
" Perpetual Curacy and Church or Chapel, and also the said Church
" or Chapel of *Hylton* otherwise *Ford*, are very inadequately endowed,
" and the said Perpetual Curacy of *Saint Andrew Deptford* has no
" certain Endowment, and there is no House of Residence either for
" the Perpetual Curate of *Saint Andrew Deptford* or for the Minister
" of *Hylton* otherwise *Ford*, and the said *John Patrick Eden* is
" desirous that the whole of the Proceeds arising from such Rents of
" Wayleaves, Staiths, and Coal should be appropriated in making
" better Provision for the several Perpetual Curacies and Churches or
" Chapels aforesaid, and in further providing for the Cure of Souls in

" the

" the said Parish in manner herein-after mentioned: And whereas the " Proceeds of the said Tithe Rentcharges, Rent of Glebe, and Surplice " Fees, after making Deductions for Rates and for Costs of Collection, " amount together as nearly as may be to the average annual Sum of " One thousand six hundred and thirty Pounds (subject to the Charge " of Three hundred Pounds as aforesaid), and the said annual Sum " is, and under the Arrangements herein-after proposed will still be, " liable to further Deductions for Payment of Curates: And whereas " the Proceeds of the said Rents of Wayleaves, Staiths, and Coal " amount at present as nearly as may be to the average annual Sum " of One thousand nine hundred and fifty Pounds, but such last- " mentioned Proceeds are from their Nature of uncertain Amount " and Continuance: We, therefore, with the like Consent of the said " Archbishop, Bishop, and Rector, testified as aforesaid, further " recommend and propose that as from and after the Thirteenth " Day of *May* now last past all the Rents, Profits, and Proceeds of " Wayleaves, Staiths, and Coal aforesaid shall be paid to us, and, " after making Deductions for all necessary Expenses, shall be carried " in our Books to the Credit of a Fund to be called the *Bishop* " *Wearmouth* Fund, which shall be held by us in trust, to be " applied, and shall from Time to Time be applied, in manner follow- " ing; that is to say, there shall, as a primary Charge upon such " Fund, be paid by us thereout by equal half-yearly Payments on the " First Day of *June* and the First Day of *December* in each and " every Year, the first such Payment to be made on the First Day " of *December* next, the Two several annual Sums of Two hundred " Pounds and One hundred Pounds herein-before mentioned to the " Incumbent and the Minister for the Time being of *Saint Thomas* " and *Ryhope* aforesaid respectively; provided that if upon any " such Day of Payment such Fund shall not be sufficient to meet the " whole of such primary Charge, a Sum equivalent to the Deficiency " shall be paid to us by the Rector of *Bishop Wearmouth* for the " Time being, but shall be repaid to him by us out of the First Monies " standing to the Credit of such Fund on any subsequent Day of " Payment over and above the Amount of such primary Charge; and " subject to the Proviso last aforesaid, but not otherwise, the Tithe " Rentcharges and Rent of Glebe Land aforesaid shall be absolutely " released and discharged from the said Two several annual Sums of " Two hundred Pounds and One hundred Pounds; and we further " recommend and propose that at the End of each and every whole " Year, if the Remainder of such Fund, after discharging thereout " such Payments and Repayments, if any, as aforesaid, shall amount to " the Sum of Seven hundred and fifty Pounds, there shall forthwith " be paid by us for the Year then past the further Sum of One " hundred Pounds to the Perpetual Curate of *Saint Thomas* aforesaid, " the further Sum of One hundred Pounds to the Minister of *Ryhope*

" aforesaid,

" aforesaid, the Sum of Three hundred and fifty Pounds to the Per-
" petual Curate of *Saint Andrew Deptford* aforesaid, and the Sum of
" Two hundred Pounds to the Minister of *Hylton* otherwise *Ford*
" aforesaid; and if in any such whole Year such Remainder of such
" Fund shall not amount to such Sum of Seven hundred and fifty
" Pounds, then such Remainder shall be divided into Fifteen equal
" Parts, and of such Parts there shall be paid Two Parts to the
" Perpetual Curate of *Saint Thomas*, Two Parts to the Minister
" of *Ryhope*, Seven Parts to the Perpetual Curate of *Saint Andrew*
" *Deptford*, and Four Parts to the Minister of *Hylton* otherwise *Ford*;
" and at the End of every such whole Year as aforesaid the Sum, if
" any, by which such Remainder of such Fund shall exceed the said
" Sum of Seven hundred and fifty Pounds shall be invested by us in
" Government or Real Securities in *England*, and the Dividends,
" Rents, and Profits of every such Investment shall be carried to the
" Credit of the same Fund towards further securing the Payments
" aforesaid, and towards providing Houses of Residence for the
" Perpetual Curate of *Saint Andrew Deptford*, and the Minister of
" *Hylton* otherwise *Ford* aforesaid, and towards the Endowment or
" Augmentation of the Income of any new Church or Chapel,
" Churches or Chapels, or any newly constituted District or Districts,
" within the said Parish of *Bishop Wearmouth*, and providing Houses
" of Residence for the Incumbents or Ministers thereof respectively,
" or to or towards all or any of such additional Purposes, and in such
" Amounts or Proportions as shall from Time to Time be approved
" by the Bishop of *Durham* for the Time being, and by us, and until
" the next Vacancy of the said Rectory by the said *John Patrick*
" *Eden*: And whereas the said *John Patrick Eden* would under
" the existing Law be entitled during his Incumbency as such
" Rector aforesaid to the whole annual Improvement which might
" arise from the Grant of any Lease or the Sale of that Portion of
" the Glebe Land belonging to the said Rectory which is commonly
" called the Rector's Park, but the said *John Patrick Eden* is desirous
" that the Proceeds of any such Improvement shall be also applied to
" the general Benefit of the said Parish: We, therefore, with the Con-
" sents of the said Archbishop, Bishop, and Rector, so testified as afore-
" said, further recommend and propose that if by means of any such
" Lease or Sale during the Incumbency of the said *John Patrick Eden*
" the annual Income accruing from or in respect of the said Park,
" or of any Part or Parts thereof, shall be improved, all the net addi-
" tional annual Proceeds constituting such Improvement shall in like
" Manner be paid over to us, and shall be carried to the Credit of
" the same Fund, and shall be subject to all the same and the like
" Provisions as are herein contained with respect to the Proceeds of
" such Rents of Wayleaves, Staiths, and Coal as aforesaid; and we
" further recommend and propose that nothing herein contained shall

" prevent us from recommending and proposing any further or other " Measures touching the Matters aforesaid, or any of them, in confor- " mity with the Provisions of the said first-recited Act or of any " other Act of Parliament, and particularly any further Measure for " apportioning, if it shall be deemed fit, the Endowments and Reve- " nues of the said Rectory of *Bishop Wearmouth* upon the next or " any subsequent Vacancy or Vacancies thereof, and for appropriating " any additional Portion of such Endowments and Revenues in any " Manner conformable with the said Provisions:" And whereas the said Scheme was duly signed and sealed by the several Parties therein in that Behalf mentioned, and was ratified by an Order of Her Majesty in Council dated the Thirtieth Day of *July* One thousand eight hundred and forty-nine, and published in the *London Gazette* on the Eleventh Day of *August* One thousand eight hundred and forty-nine: And whereas the annual Sums received by the said Commissioners under the Provisions of the said Scheme and Order have exceeded the Aggregate of the Sums of Two hundred Pounds, One hundred Pounds, and Seven hundred and fifty Pounds in the said Scheme mentioned, and the said Commissioners have from Time to Time invested the Excess in the Purchase of Three Pounds *per Cent.* Reduced Bank Annuities, and a Sum of Nine thousand Pounds or thereabouts of such Stock is now held by them on this Account towards further securing the Payments aforesaid, and towards providing such Houses of Residence, Endowments, and Augmentations as are in the said Scheme mentioned: And whereas Houses of Residence have already been provided for the Perpetual Curate of *St. Andrew Deptford* and the Minister of *Hylton* otherwise *Ford* aforesaid: And whereas by an Order of Her Majesty in Council dated the Twenty-ninth Day of *July* One thousand eight hundred and fifty-nine, and published in the *London Gazette* on the Fifth Day of *August* One thousand eight hundred and fifty-nine, ratifying a Scheme of the Ecclesiastical Commissioners dated the Twenty-third Day of *June* One thousand eight hundred and fifty-nine, the Patronage of the said Church or Chapel of *St. Andrew Deptford* was transferred to and vested in the Bishop of *Chester* and his Successors: And whereas no Lease was granted or Sale made during the Incumbency of the said *John Patrick Eden* of any Part of the Rector's Park, and therefore the Provisions of the said Scheme relating to the said Park expired on the Determination of his Incumbency: And whereas the Glebe Lands are valuable for Building Purposes: And whereas the Reverend *William Cockin*, M.A., is the present Rector of the said Rectory, and the Right Reverend Father in God *Charles* by Divine Providence Lord Bishop of *Durham* is the Ordinary thereof, and also as aforesaid the Patron in right of his See: And whereas for promoting the greater Efficiency of the Established Church it is expedient that the Special Trust of the

Bishop

Bishop Wearmouth Fund should be determined, and that the Glebe Lands and Endowments of the Rectory of *Bishop Wearmouth* should be vested in the Ecclesiastical Commissioners for *England*, and that the Rents, Profits, and Proceeds thereof, including the Rents, Profits, and Proceeds of the Wayleaves, Staiths, and Coal, and the Proceeds of the Rector's Park, in the said Scheme mentioned, should be received and applied by the said Commissioners as Part of their Common Fund, and that other Provision should be made for the Endowment of the said Rectory of *Bishop Wearmouth*, and of the Churches or Chapels in the said Scheme mentioned, and of certain other Churches or Chapels built or to be built within the Parish of *Bishop Wearmouth*: And whereas it is further expedient that Power should be given to the said Reverend *William Cockin* and the said Ecclesiastical Commissioners to deal with his vested Interests in manner herein-after appearing: But inasmuch as such Objects cannot be carried into effect 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; that is to say,

The Bishop Wearmouth Fund to be merged in the Common Fund.

1. From and after the passing of this Act the Recommendation and Proposal contained in the said Scheme that the said Rents, Profits, and Proceeds of Wayleaves, Staiths, and Coal after making Deductions for all necessary Expenses, shall be carried in the Books of the Ecclesiastical Commissioners to the Credit of a Fund, to be called the *Bishop Wearmouth* Fund, which shall be held by the said Commissioners in trust to be applied, and shall from Time to Time be applied, in manner in the said Scheme mentioned, and so much of the said Order in Council as ratifies such Part of the said Scheme, shall hereafter be and are hereby declared to be null and void, and the said Sum of Three Pounds *per Centum* Reduced Bank Annuities held as aforesaid on account of the *Bishop Wearmouth* Fund, together with the Cash Balance at the Credit of the said Fund, and all Sums which under the annulled Provisions of the said Scheme and Order would hereafter accrue due on the same Account, shall be carried to the Account of the Common Fund of the said Commissioners.

The Endowments of the District Incumbents to be paid out of the Common Fund.

2. From and after the passing of this Act the Ecclesiastical Commissioners, in lieu of paying to the Incumbent or Minister of each of the Four District Churches or Chapels mentioned in the said Scheme, and to his Successors, such annual Sums and further Sums as are therein in that Behalf mentioned out of the *Bishop Wearmouth* Fund, shall pay the like Sums out of their Common Fund, (that is to say,) shall, out of their Common Fund, pay to the Incumbent or Minister of the Church or Chapel of *Saint Thomas*, and to his Successors, the annual

annual Sum of Three hundred Pounds, to the Incumbent or Minister of the Church or Chapel of *Ryhope*, and to his Successors, the annual Sum of Two hundred Pounds, to the Incumbent or Minister of the Church or Chapel of *Saint Andrew Deptford*, and to his Successors, the annual Sum of Three hundred and fifty Pounds, and to the Incumbent or Minister of the Church or Chapel of *Hylton* otherwise *Ford*, and to his Successors, the annual Sum of Two hundred Pounds, subject to such Alterations and Augmentations as are herein-after provided for.

The Parsonages of St. Andrew Deptford and St. Paul Hendon to be improved out of the Common Fund.

3. As soon as conveniently may be after the passing of this Act the Ecclesiastical Commissioners shall out of their Common Fund expend a Sum not exceeding Three hundred Pounds in improving the Parsonage of *Saint Andrew Deptford*, and a further Sum not exceeding Three hundred Pounds in or towards purchasing and walling in, for the Improvement of the Parsonage of *Saint Paul Hendon*, a Plot of Ground containing about One thousand Square Yards, and immediately adjoining thereto.

Four new Districts to be constituted, and 2,000*l.* each for Parsonages to be provided out of the Common Fund.

4. As soon as conveniently may be after the passing of this Act the Ecclesiastical Commissioners, with the Concurrence of the Bishop of the Diocese, shall proceed to constitute Four new Districts now contemplated, and proposed to be called *Saint Peter's Bishop Wearmouth*, *Saint Mark's Millfield*, *Saint Matthew's Silksworth*, and *Saint Luke's Pallion*, and the said Commisioners shall out of their Common Fund appropriate for each such District a Sum of not less than Two thousand Pounds in or towards providing a Parsonage House for the same.

In the event of the Church in the Stockton Road having a District, a further Sum of 2,000*l.* to be provided for a Parsonage.

5. In the event of a certain Church lately built in the *Stockton Road*, and now dependent upon the Rector of *Bishop Wearmouth*, as a Chapel of Ease, having a District assigned thereto, or being specified as the Parish Church of a new District or Parish, the Ecclesiastical Commissioners shall out of their Common Fund appropriate a like Sum of Two thousand Pounds in or towards providing a Parsonage House for such District.

The Glebe and Endowments of the Rectory to vest in the Ecclesiastical Commissioners on the next Avoidance.

6. Upon the first Avoidance of the Rectory of *Bishop Wearmouth* the Glebe Lands, Tithes, Tithe Rentcharges, Mines, Minerals, Messuages, Tenements, and Hereditaments of or belonging to the Rectory, (including the Rector's Park, and the Manor known as the *Bishop Wearmouth* Rectory Manor, and including the said Rents, Profits, and Proceeds of Wayleaves, Staiths, and Coal, so far as such Rents, Profits, and Proceeds, and every Part thereof, and Interest therein, are not already vested in the said Commissioners, but excepting the Parsonage House and the Grounds now occupied therewith, which said Parsonage House and Grounds are particularly described in the Schedule hereto annexed

annexed, and excepting the Parish Church of *Bishop Wearmouth* with its Appurtenances,) together with all Monies and Securities for Money, and all Stock in the Government Funds or elsewhere, standing in the Name of the Accountant General, or in any other Name or Names, for or to the Credit or for the Benefit of, or in trust for, the Rector of *Bishop Wearmouth* and his Successors, whether for the Purpose of being laid out in Land or otherwise, shall vest in the Ecclesiastical Commissioners, their Successors and Assigns, for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners, freed and discharged from the Rights, Claims, and Demands of the respective Successors of the Incumbents or Ministers existing at the Time of the passing of this Act of the Four District Churches or Chapels mentioned in the said Scheme.

The present Rector may agree to accept a fixed Income of 2,000*l.* a Year.

7. In case the present Rector of *Bishop Wearmouth* at any Time before his Avoidance of the said Rectory shall signify his Willingness to accept a fixed annual Sum of Two thousand Pounds in lieu of his Income from the Glebe Lands and Premises aforesaid, it shall be lawful for the Ecclesiastical Commissioners to agree with the said Rector for the Payment to him of such fixed annual Sum, and thereupon an Instrument in Writing containing the Terms of the said Agreement, and under the Hand of the said Rector and the Common Seal of the said Commissioners, shall be registered in the Registry of the Diocese, and published in the *London Gazette*; and from and after the Date of such Publication the said Agreement shall be binding, and the Glebe Lands and Premises aforesaid shall, without any further Conveyance, be vested in the Ecclesiastical Commissioners for the Purposes and subject to the Provisions applicable to other Hereditaments vested in the said Commissioners, freed and discharged as aforesaid, and the said Commissioners shall be entitled to the Proceeds as from that Date, and shall have no Claim for the Dilapidations then existing on the said Glebe Lands and Premises, or for the Dilapidations or future Repairs of the Chancel.

Saving the Rights of the present District Incumbents.

8. The Annulment and Avoidance of such Provisions as aforesaid of the said Scheme and Order, and the vesting of the Glebe Lands and Premises in the said Commissioners, shall be without Prejudice to the Rights, Claims, and Demands on the said Property of the Incumbents or Ministers existing at the Time of the passing of this Act of the Four District Churches or Chapels mentioned in the said Scheme for the further Security of their Incomes: Provided that it shall be lawful for any such present Incumbent or Minister, if he shall be satisfied that his vested Interests are sufficiently provided for by this Act, to sign a Memorandum purporting to release to the said Commissioners such Charge or Lien as he may have on the said Glebe Lands and

Premises, and every Part thereof, whether arising under the said Scheme and Order, or existing prior thereto, or otherwise howsoever; and the said Memorandum shall be registered in the Registry of the Diocese, and operate as such Release accordingly, and no present Incumbent or Minister shall become entitled to any Augmentation or other Benefit under this Act until he shall have signed such a Memorandum.

The Ecclesiastical Commissioners to pay out of their Common Fund 2,000*l.* a Year to future Rectors subject to Reduction.

9. From and after the next Vacancy of the said Rectory by the Death, Resignation, Cession, Deprivation, or other Avoidance of the present Rector thereof the Ecclesiastical Commissioners shall pay out of their Common Fund the annual Sum of Two thousand Pounds to the succeeding Rector of the said Rectory and his Successors, subject to Reduction as hereafter mentioned to provide for the Endowment of the Church in *Stockton Road*; provided that each succeeding Rector and his Successors shall remain liable to the Payment of First Fruits and Tenths, but shall not be liable for the Repairs of the Chancel or for any Dilapidations other than those of the Parsonage House with its Appurtenances.

The Four new Districts to be endowed out of the Common Fund.

10. As soon as conveniently may be after the Rectorial Endowments shall have come into the Possession of the Ecclesiastical Commissioners the said Commissioners shall out of their Common Fund proceed to endow the Four new Districts to be constituted as aforesaid in manner following; (that is to say,) to endow each of the Districts of *Saint Matthew's Silksworth* and *Saint Luke's Pallion* with the annual Sum of Two hundred and fifty Pounds, to be raised in the Case of each such District to the annual Sum of Three hundred Pounds so soon as a Church for such District shall be built and consecrated, and to endow each of the Districts of *Saint Peter's Bishop Wearmouth* and *Saint Mark's Millfield* with the annual Sum of Three hundred Pounds, to be raised in the Case of each such District to the annual Sum of Four hundred Pounds, with a further Allowance of One hundred and twenty Pounds for the Salary of an Assistant Curate so soon as the Church of such District shall be built and consecrated: Provided that if in either of the said Districts of *Saint Peter's Bishop Wearmouth* and *Saint Mark's Millfield* the Church shall be built and consecrated before the Expiration of Three Years from the Time when the Rectorial Endowments shall come into the Possession of the Ecclesiastical Commissioners, the Augmentation and further Allowance aforesaid shall not take effect in such District until the Expiration of such Period of Three Years: Provided also, that no Payment shall be made in respect of the Salary of an Assistant Curate unless the Bishop of the Diocese shall certify that a Curate has been employed, and that he has discharged his Duties to the Satisfaction of the said Bishop.

11. In

In the event of the Church in the Stockton Road having a District, an Endowment to be provided out of the Common Fund.

11. In the event of the said Church in the *Stockton Road* having a District assigned thereto, or being specified as the Parish Church of a new District or Parish, it shall be lawful for the Ecclesiastical Commissioners to endow it with such annual Sum as they, with the Concurrence of the Bishop of the Diocese, shall think fit, and thereupon the annual Sum payable to the succeeding Rectors of *Bishop Wearmouth* shall be reduced by a like Amount; provided that the annual Sum which may become payable to the Rector existing at the Time of the passing of this Act shall not be liable to Reduction on this Account.

The Patronage of new Districts to be vested in the Bishop.

12. The Patronage of and Right of nominating the Minister or Incumbent of each of the Five new Districts before referred to, or of the new Parishes which such Districts may eventually become, shall be vested in and be exercised by the Bishop of the Diocese for the Time being.

Certain existing Districts to be augmented out of the Common Fund after Three Years.

13. From and after the Expiration of Three Years from the Time when the Rectorial Endowments shall have come into the Possession of the Ecclesiastical Commissioners the said Commissioners shall raise the annual Sum payable as aforesaid out of their Common Fund to the Incumbent or Minister of each of the Churches or Chapels of *Saint Thomas Bishop Wearmouth* and *Saint Andrew Deptford* to the annual Sum of Four hundred Pounds, and shall raise to the annual Sum of Three hundred and twenty Pounds an annual Grant of Eighty-seven Pounds made by them to the Incumbent or Minister of the Church or Chapel of *Saint Paul Hendon* under the Provisions of an Order of Her Majesty in Council dated the Twenty-sixth Day of *April* One thousand eight hundred and sixty-two, and published in the *London Gazette* on the Second Day of *May* One thousand eight hundred and sixty-two, ratifying a Scheme of the said Commissioners dated the Tenth Day of *April* One thousand eight hundred and sixty-two, and shall also raise to the annual Sum of One hundred Pounds an annual Grant of Eighty-seven Pounds made by them to the Incumbent for the Time being of the Perpetual Curacy of *Ryhope*, and to the annual Sum of Seventy-four Pounds an annual Grant of Sixty-four Pounds made by them to the Incumbent for the Time being of the Perpetual Curacy of *Hylton* otherwise *Ford*, both of which Grants of Eighty-seven Pounds and Sixty-four Pounds were made under the Provisions of an Order of Her Majesty in Council dated the Eleventh Day of *October* One thousand eight hundred and sixty-one, and published in the *London Gazette* of the Fifteenth Day of *October* One thousand eight hundred and sixty-one, ratifying a Scheme of the said Commissioners dated the Twenty-fifth Day of *July* One thousand eight hundred and sixty-one; and the said Commissioners shall also, from and after the Expiration of the

same

same Period, pay to the Incumbent or Minister of each of the said Churches or Chapels of *Saint Thomas Bishop Wearmouth*, *Saint Andrew Deptford*, and *Saint Paul Hendon* the annual Sum of One hundred and twenty Pounds for the Salary of an Assistant Curate upon the Certificate of the Bishop of the Diocese that such Curate has been employed, and has discharged his Duties to the Satisfaction of the said Bishop.

The Ecclesiastical Commissioners with Consent of the Bishop may declare that the Pews of augmented Churches shall be free.

14. It shall be lawful for the Ecclesiastical Commissioners, with the Consent of the Bishop of the Diocese under his Hand, at any Time after an Augmentation shall become payable in respect of any One of the Churches or Chapels aforesaid, to order and declare by an Instrument in Writing under their Common Seal that such of the Pews or Sittings of the said Church or Chapel as they shall think fit shall be absolutely free, and that such Rents shall be charged, levied, and taken by the Church or Chapel Wardens for the Time being of such Church or Chapel for the Residue of such Pews or Sittings as shall be specified in such Instrument, and that the Proceeds shall be applied towards the Repair and Maintenance of the same Church or Chapel: Provided that if it shall appear that the Rents of the Pews or Sittings of such Church or Chapel are already appropriated, altogether or in part, for specific Purposes, such Instrument shall take effect subject to such Purposes, or to such of them as shall from Time to Time remain undischarged.

District Parishes to be deemed Vicarages.

15. All Ecclesiastical Divisions already existing, or hereafter to be created, which may have been or may hereafter be formed wholly out of the ancient Parish of *Bishop Wearmouth* (not including the Parish of *Sunderland* which has been separated therefrom), or may consist wholly of Portions of such ancient Parish, and wherein the Ministers or Incumbents thereof have and exercise exclusive Cure of Souls, shall be deemed to be Vicarages, and the Incumbents thereof Vicars, without Prejudice nevertheless to the Rights of any other Persons.

Provision to be made for the Service of the Burial Ground, the Workhouse, and the Infirmary.

16. The Ecclesiastical Commissioners shall, with the Consent of the Bishop of the Diocese, pay to the Rector of *Bishop Wearmouth* such annual Sum as they in their Discretion shall from Time to Time think fit (but at no Time exceeding the annual Sum of Two hundred Pounds), in order that he may provide an Assistant Curate, to be approved and licensed by the said Bishop for the Service of the Burial Ground, of the Workhouse, and of the Infirmary, or for some or one of such Purposes: Provided that no Part of the said annual Sum shall be payable unless the Bishop shall certify that such Curate has been employed, and has discharged his Duties to the Satisfaction of the said Bishop: Provided also, that the Rector of *Bishop Wearmouth*

Wearmouth shall be entitled to retain for his own Use the Burial Fees in respect of Interments.

The Ecclesiastical Commissioners to appropriate Land to the Extent of Two Acres as a Site for a Church, &c. for St. Mark, Millfield.

17. The Ecclesiastical Commissioners shall, at the Request of the Bishop of the Diocese, declare by an Instrument in Writing under their Common Seal that such Part as the said Bishop shall direct of the Glebe Lands and Premises, not exceeding in Extent Two Acres, shall vest in the Incumbent or Minister of the proposed new District of *St. Mark Millfield* and his Successors for ever, to be applied as a Site for a Church and a House of Residence, and Schools in connexion therewith, or for such analogous Purposes as shall be specified in the said Instrument, and the said Instrument shall be registered in the Registry of the Diocese, and published in the *London Gazette*, and from and after the Date of such Publication the Lands and Hereditaments described in the said Instrument shall vest in such Incumbent and his Successors accordingly.

Regulations as to the Mode of paying the Incomes of the Rector and Incumbents.

18. The annual Sums payable under the Provisions of this Act to the Rector of *Bishop Wearmouth* and the Incumbents or Ministers of the District Churches or Chapels shall respectively be payable in Moieties on the First Day of *May* and the First Day of *November* in every Year; and on every Vacancy the then current half-yearly Payment shall be paid to the Successor in full, who shall be bound to account to the Predecessor or his Representatives for a proportionate Part corresponding to the Portion of the Half Year before the Vacancy took place.

The Ecclesiastical Commissioners may substitute Lands or other Hereditaments for any Money Payment.

19. At any Time after any of the annual Sums aforesaid to be respectively paid to the Rector of *Bishop Wearmouth*, and to the Incumbents or Ministers of the said several Churches or Chapels, or to the Incumbents or Ministers of such new Parishes or Districts as aforesaid, shall have become payable, it shall be lawful for the Ecclesiastical Commissioners, with the Consent of the Bishop of the Diocese, and of the Rector, Incumbent, or Minister, to appropriate and set apart for the Use of any such Rector, Incumbent, or Minister, and his Successors, in lieu of the annual Sum directed to be paid to him and them, or of any Part thereof, such specific Lands and Hereditaments as, according to the Certificate of Two competent Surveyors, one to be appointed by the said Commissioners, and the other by such Rector, Incumbent, or Minister, or of an Umpire to be appointed by such Surveyors, shall appear to be equivalent at least to produce a clear yearly Sum, after Payment of all Outgoings (except the Income Tax, if any), equal to such annual Sum or to such Part thereof; and an Instrument in Writing containing the Terms of such Appropriation, and under the Hand of the Rector, Minister, or Incumbent, and the Episcopal Seal of the said Bishop, and the Common Seal of the

said Commissioners, shall be registered in the Registry of the Diocese, and published in the *London Gazette*; and from and after the Time which shall be fixed for that Purpose by the said Instrument, and after the said Publication, the Lands or other Hereditaments so appropriated for such Rector, Incumbent, or Minister, and his Successors, shall, by force of this Act and of such Instrument, without any further Conveyance, be vested in such Rector, Incumbent, or Minister, and his Successors, as the Endowment or Part of the Endowment of his Rectory, Church, or Chapel, and the Common Fund of the said Commissioners shall thenceforth be freed and discharged from all Claims and Demands by or on behalf of the Rector, Incumbent, or Minister of the same Rectory, Church, or Chapel in respect of the said annual Sum, or of the Part thereof for which the said Lands or Hereditaments have been so declared to be an Equivalent; provided that any such Instruments may relate to several Appropriations, or to One Appropriation, as may be most convenient.

The Ecclesiastical Commissioners to have all legal Powers of enforcing Payments.

20. The Ecclesiastical Commissioners shall, for the Purpose of enforcing Payment of all Profits and Emoluments to be paid to them, and of obtaining Possession of the Hereditaments and Premises vested in them under the Provisions of this Act, and of recovering the Rents and Profits thereof, have and enjoy all the Rights, Powers, and Remedies in that Behalf at Law or in Equity of the Rector of *Bishop Wearmouth* and his Successors.

Receipt of Treasurer, &c. of Commissioners to be a sufficient Discharge.

21. The Receipt of the Treasurer or Treasurers of the Ecclesiastical Commissioners, or of any Agent of the said Commissioners duly authorized in that Behalf, for any Monies payable or any Stock transferable to the said Commissioners under the Provisions of this Act, shall be a sufficient Discharge for the said Monies and Stock respectively.

Commissioners to pay the Costs of the Act.

22. The Ecclesiastical Commissioners shall forthwith pay the Costs of and incident to the passing of this Act.

Short Title.

23. For all Purposes of Recital or Reference it shall be sufficient to mention this Act as "The *Bishop Wearmouth* Rectory Act, 1867."

SCHE-

SCHEDULE.

All that Messuage or Dwelling House called and known by the Name of Bishop Wearmouth Rectory, together with the Coach House, Stables, Outbuildings, Pleasure Ground, and Garden, with the Appurtenances, situate and being in the Parish of Bishop Wearmouth aforesaid, bounded on the North by the Gray Road, on the East and West by Land belonging to William Gray, Esquire, as Trustee under the Will of the late George Isaac Mowbray, and on the South by Land belonging to Thomas Hunter, Esquire, and which said Pleasure Ground, Garden, and Premises contain by Estimation Two Acres of Land, and are enclosed on the East, West, and South Sides by Brick Walls, and on the North Side partly by a Brick Wall and partly by Iron Railings.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.