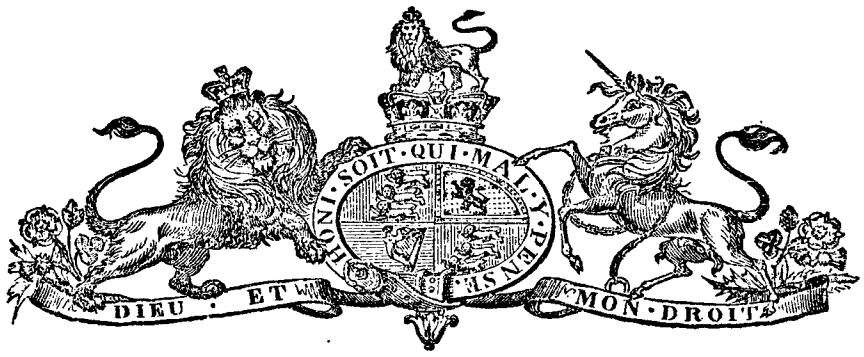


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LVIII.

An Act for the future Appropriation of the Tithe or Tenth of Lead Ores in the Parishes of *Stanhope* and *Wolsingham* in the County of *Durham* belonging to the respective Rectors thereof, subject to the existing Incumbencies, and for making other Provisions for the Endowment of the said Rectories in lieu thereof, and for other Purposes connected therewith.

[23d *July* 1858.]

WHEREAS by a Private Act of Parliament passed in the Nineteenth Year of the Reign of His Majesty King *Charles* the Second, Chapter Fifteen, after reciting that *Humphrey Wharton*, Esquire, was seised for the Term of his Life, by virtue of a certain Grant from *John* then Lord Bishop of *Durham*, of the Office of Moorman otherwise Moormaster of all those Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the Two Parishes of *Stanhope* and *Wolsingham* in the County Palatine of *Durham*, that did appertain to the said Lord Bishop under the antient Rent of the Lott Ure, which was the Ninth Part of all Lead Ure gotten in the said Mines, and

19 Car. 2. c. 15. (*Private.*)

that

that divers great Sums of Money for Six Years last past had already been expended by the said *Humphrey Wharton* in casting of Levels for avoiding of Water, and sinking of Shafts for winning of certain Lead Mines there, which in all Likelihood would be a growing Charge for those Twenty Years next ensuing, without which Charge the Money already expended would be to no Purpose, and the said Lead Mines would be left unwon; and to the End and Purpose that the Lead Trade, then a staple Commodity in *England*, might be advanced by the Adventure of disbursing great Sums of Money, as also that the Episcopal Revenue of *Durham* might be thereby increased, it was enacted, that upon the Surrender of the Grant then in being to the Bishop for the Time being the said Lord Bishop of *Durham* and his Successors was and were thereby enabled to grant, under his or their County Palatine Seal of *Durham*, unto the said *Humphrey Wharton*, his Heirs and Assigns, or unto the Heirs and Assigns of the said *Humphrey Wharton*, the said Office of Moorman otherwise Moormaster, and all and singular the Lead Mines, Lead, and Lead Ures, as well opened as not opened, gotten and to be gotten, within the said Two Parishes, that did appertain to the said Lord Bishop, which were granted by him to the said *Humphrey Wharton*, with all and every their Appurtenances, together with all manner of Fees, Profits, Commodities, Liberties, and Advantages in anywise to the said Office belonging or appertaining, or which had been accepted, reputed, or taken as Part, Member, or Parcel of the said Office, or by any Ways or Means incident thereto, in as large and ample a Manner and Form as any other Person or Persons exercising the said Office of Moorman otherwise called Moormaster had theretofore occupied and enjoyed, or had or of Right might or ought to have enjoyed, had, or occupied the same, for and during the natural Lives of the said *Humphrey Wharton*, and *Humphrey Wharton* the younger and *Robert Wharton*, Two of the Sons of the said *Humphrey Wharton* the elder, and the longest Liver of them, and for and during the Life or Lives of such other Person or Persons, not exceeding the Number of Three Lives and the Life of the longest Liver of them, as the said *Humphrey Wharton* the elder, his Heirs or Assigns, should at the Time of such Grant make, nominate, and appoint, and that the said Grant so made might be good, effectual, and binding in Law to the Successors of the said Bishop, from Time to Time as they should happen to succeed in the said See, yielding and paying for the same unto the said *John* Lord Bishop of *Durham* and his Successors the Lott Ure or Ninth Part of all Lead Ore gotten in the said Mines from Time to Time as the same should accrue and be gotten, clean and well washed, and without Deduction of any manner of Charges for the winning, getting, or washing of the same, or any other Charges whatsoever, at the Feasts of *Pentecost*, *Saint Peter ad Vincula* commonly called *Lammas*

Lammas Day, *Saint Martin* the Bishop in Winter, and the Feast of the Purification of the Blessed Virgin *Mary* commonly called *Candlemas Day*, by equal Portions, and also yielding and paying during the said Term of Three Lives unto the said *John* Lord Bishop of *Durham* during his Continuance in the said See of *Durham* the yearly Rent of One hundred and fifty Pounds, and yielding and paying during the said Term or the Residue thereof unto the Successors of the said present Lord Bishop the Sum of One hundred and fifty Pounds at the Feasts aforesaid, by even and equal Portions; and it was by the said Act further enacted, that the said *John* Lord Bishop of *Durham* and his Successors should and might from Time to Time thereafter for ever be enabled to grant the aforesaid Office and Lead Mines, with their Rights, Members, and Appurtenances, under his or their County Palatine Seal of *Durham*, to any Person or Persons, under the Rent of the Ninth Lot, and Rent in Money so reserved, payable as aforesaid, after the Determination, Surrender, or Expiration of the Grant thereafter to be made unto the said *Humphrey Wharton*, or unto his Heirs and Assigns, for Three Lives, in manner abovesaid, all which said Grants should be effectual and binding in Law to the Successors of the said Bishop from Time to Time as they should happen to succeed in the said See; and in the said Act is contained a Proviso that the said *Humphrey Wharton* and his Successors the Moormasters should pay or cause to be paid unto *Isaac Basere* Doctor in Divinity, and then Rector of *Stanhope* in the County of *Durham*, and to his Successors the Rectors of *Stanhope* aforesaid, as also to the Rector of *Wolsingham* in the said County for the Time being, and his Successors, the full Tithe or Tenth Part of all Lead Oare or Ure digged, won, or gotten, or to be digged, won, or gotten, out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham*, in clean, well washed, and dressed Oare, as soon as it was ready for the Smelting Mill, without any Abatement or Deduction of any Charges whatsoever for digging, working, or getting of the same Lead Oare, or for any other Cause whatsoever: And whereas after the passing of the said recited Act Leases were from Time to Time granted by the Lord Bishop of *Durham* for the Time being of the said Mines and Ures, and of the said Office of Moorman or Moormaster, pursuant to and in conformity with the Powers and Provisions of the said Act: And whereas by virtue of an Act of Parliament passed in the Session of the Third and Fourth Years of Her present Majesty's Reign, Chapter One hundred and thirteen, and of another Act passed in the Session of the Fourth and Fifth Years of Her said Majesty's Reign, Chapter Thirty-nine; and by virtue of an Order of Her said Majesty in Council, dated the Fourth Day of *April* One thousand eight hundred and fifty-six, and published in the *London Gazette* on the Twenty-

3 & 4 Vict. c. 113.
4 & 5 Vict. c. 39.
Order in Council, 4th April 1856.

Twenty-second Day of *April* One thousand eight hundred and fifty-six, ratifying a Scheme of the Ecclesiastical Commissioners for *England*, with the Consent of the Right Reverend *Edward* then Bishop of *Durham*, testified by his Hand and Episcopal Seal being attached to the said Scheme, the Estate in Fee Simple of and in the said Office of Moorman otherwise Moormaster, and the said Lead Mines and Ures, has become and is now vested in the said Ecclesiastical Commissioners, to be held or disposed of in the Manner by the said last Two mentioned Acts or some other Act or Acts of Parliament relating to the said Commissioners concerning their Common Fund provided, but subject to and charged with the Payment to the Rector of *Stanhope* and the Rector of *Wolsingham* for the Time being respectively of the full Tithe or Tenth Part of all Lead Ore or Ure digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, as in the said first recited Act mentioned, and to the Payment of a perpetual yearly Sum of One hundred and forty Pounds charged and made payable to the Perpetual Curate for the Time being of *Lanchester* in the County and Diocese of *Durham*, by a certain Indenture or Deed of Augmentation dated the Thirteenth Day of *September* One thousand eight hundred and thirty-four, and made between the Right Reverend *William* then Bishop of *Durham* of the one Part, and the Reverend *Joseph Thompson* Clerk, the Perpetual Curate of *Lanchester*, of the other Part, and subject also to Two Leases granted of the said Office of Moorman or Moormaster, and several Portions of the said Lead Mines and Ures, by Two Indentures, each bearing Date the Sixteenth Day of *July* One thousand eight hundred and forty-seven, and made between the Right Reverend *Edward* then Bishop of *Durham* of the one Part, and *John Staniforth Beckett* Esquire of the other Part, for the Lives of the Persons in each of the said Indentures mentioned, and the Lives and Life of the Survivors and Survivor of them, at and under the Rents, Covenants, Conditions, and Agreements therein respectively reserved and contained: And whereas, for the Purpose of carrying into effect the Provisions of the said recited Acts of the Third and Fourth and the Fourth and Fifth Years of Her Majesty's Reign, and for promoting the greater Efficiency of the Established Church, it is expedient that the full Tithe or Tenth of Lead Ore or Ure belonging to the respective Rectors of *Stanhope* and *Wolsingham* aforesaid, subject and without Prejudice to the Rights of the Reverend *William Nicholas Darnell*, the present Rector of *Stanhope*, and the Reverend *Charles Duberly*, the present Rector of *Wolsingham*, respectively, so long as they shall continue Rectors of the said Rectories, should be vested in the said Ecclesiastical Commissioners for *England*, to be held and disposed of as Part of their aforesaid Common Fund, and that other Provision should be made in lieu thereof for the Endowment of the

the said Rectories respectively, and of the Churches or Chapels within the said Parishes of *Stanhope* and *Wolsingham*, and otherwise for promoting the Efficiency of the Established Church in the County of *Durham*: But inasmuch as such Object 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,

Certain Parts of 19 Car. 2. c. 15. repealed.

I. The said recited Act of the Nineteenth Year of the Reign of King *Charles* the Second, Chapter Fifteen, so far as the same relates to the Payment or Render of the full Tithe or Tenth of Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, to the future Rectors of the said Parishes respectively, shall be and the same is hereby repealed.

Tithe or Tenth of Lead Ore vested in Ecclesiastical Commissioners.

II. From and after the passing of this Act, the aforesaid full Tithe or Tenth of all the Lead Ore or Ure to be digged, won, or gotten out of all or any of the Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, subject and without Prejudice to the Rights of the said Reverend *William Nicholas Darnell* and *Charles Duberly*, the present Rectors of the said Parishes respectively, to the same Tithe or Tenth, so long as they shall continue Rectors as aforesaid, and as well during the Continuance of the said Leases respectively as at all Times for ever after the Determination thereof, shall be and the same is hereby vested in the said Ecclesiastical Commissioners, their Successors and Assigns, freed and discharged from all Rights, Claims, or Demands of or by the succeeding Rectors thereof respectively, and to be held, possessed, and administered by the said Ecclesiastical Commissioners for the Purposes and according to the Provisions contained in the said Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, or other Act or Acts of Parliament relating to Lands, Tenements, and Hereditaments vested in the said Ecclesiastical Commissioners under the same Acts or any of them, as Part of their Common Fund.

Regulations as to Incomes of Rectors of Stanhope and Wolsingham to be partly made up from Common Fund of

III. From and immediately after the next Vacancy of each of the said Rectories of *Stanhope* and *Wolsingham* respectively by the Death, Resignation, Cession, Deprivation, or other Avoidance of or by the present Rectors thereof, the Common Fund of the said Ecclesiastical Commissioners shall be and the same is hereby charged with the Payment in perpetuity of such annual Sums as, together with and

 including

Ecclesiastical Commissioners.

including all the then existing Endowments of the said Rectories respectively (except Surplice Fees), will make up an annual Income of One thousand six hundred and fifty Pounds for the succeeding Rector of the Parish of *Stanhope* and his Successors, and an annual Income of One thousand Pounds for the succeeding Rector of *Wolsingham* and his Successors, each of the said annual Sums to be payable half-yearly on the First Day of *May* and the First Day of *November* in every Year, and the First Payment to be of a proportionate Part calculated from the Day of the First Vacancy of each Rectory respectively up to the First Day of *May* or the First Day of *November*, whichever shall then next follow, and on every succeeding Vacancy the then current half-yearly Payment shall be divisible between the last Incumbent, or his Representatives, and his Successor, according to the Provisions of the Act passed in the Session of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Twenty-two.

Mode of fixing Amounts to be paid by Ecclesiastical Commissioners.

IV. For the Purpose of permanently fixing the Amount of the said annual Sums, the annual Income arising from the then existing Endowments of each of the said Rectories respectively at the Time of the next Vacancy thereof (except Surplice Fees) shall be ascertained and determined by the said Ecclesiastical Commissioners, with the Concurrence of the Bishop of *Durham* for the Time being, and a Certificate of the Amount of Income arising from such Endowments (except as aforesaid), under the Common Seal of the said Ecclesiastical Commissioners, and the Episcopal Seal of the said Bishop, shall be registered in the Registry of the said See, and the annual Sum to be paid out of the Common Fund for the Rector of each Rectory and his Successors shall thereupon be fixed and for ever thereafter remain and be of such Amount as will make up therewith the Amount of Income herein-before specified in respect of the same Rectory, irrespectively of any subsequent Variation in the Endowments thereof.

Proviso enabling Rectors to concur in Arrangements for Transfer of Tithe or Tenth during Incumbencies.

V. Provided, That by the Authority mentioned in the said recited Acts of the Third and Fourth and Fourth and Fifth Years of Her Majesty's Reign, that is to say, by a Scheme of the said Ecclesiastical Commissioners, and an Order of Her Majesty in Council ratifying the same, and with the Consent of each or either of the said present Rectors of *Stanhope* and *Wolsingham* respectively, at any Time before his Avoidance of such Rectory, an Arrangement may be made for immediately carrying into effect the Substitution herein-before contemplated of a fixed annual Sum to make up the Income of such Rector and his Successors to the Amount herein-before specified, and to be payable out of the Common Fund of the said Ecclesiastical Commissioners as aforesaid, in lieu of his Tithe or Tenth of Lead Ore

Ore or Ure, and for the immediate Transfer or Surrender, by force of such Scheme, and of an Order of Her Majesty in Council confirming the same, of the Tithe or Tenth of the Lead Ore or Ure of such Rector to the said Ecclesiastical Commissioners and their Successors; and in such Case the Amount of the fixed annual Sum to be paid to such Rector and his Successors shall thereupon be ascertained and fixed in like Manner as is herein-before directed in that Behalf, and shall be payable half yearly on the Days aforesaid in each Year, the first Payment, being of a proportionate Part thereof, to be made on such One of the said Days as shall then next follow.

Common Fund to be charged with Payment of annual Sums to Incumbents of St. John Weardale, Frosterley, Heathery Cleugh, Eastgate, Rookhope, and Thornley.

VI. As soon as the said Tithe or Tenth of Lead Ore or Ure at present belonging to the Rector of *Stanhope* aforesaid shall have come into the Possession of the said Ecclesiastical Commissioners, either by the Avoidance of the said Rectory or by Arrangement with the present Rector thereof, under the Provisions herein-before contained, the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and for ever thereafter be and the same is hereby charged with the Payment of such fixed annual Sum as, with other then existing Endowments (if any), exclusive of Surplice Fees, will make up for the Incumbent or Minister of each of the Churches or Chapels of *Saint John Weardale*, *Frosterley*, *Heathery Cleugh*, *Eastgate*, *Rookhope*, and *Thornley* an annual Income of Four hundred Pounds; and the permanent Amount of every such yearly Sum shall be fixed and determined in like Manner, and the same shall be payable by half-yearly Payments, on the same Days, and with the like Rule of Apportionment in respect to the first half-yearly Payments, and to the current half-yearly Payment at the Time of every future Vacancy of each Incumbency, as are herein-before specified in respect of the annual Sums to be provided for the Rectors of *Stanhope* and *Wolsingham*: Provided nevertheless, that, with respect to each of the said Churches or Chapels to which a separate District, with exclusive Cure of Souls, shall not have then already been assigned, a District with Cure of Souls shall by the like Authority as is herein-before mentioned be assigned to the same; and the Patronage of all the said Churches or Chapels, with the Districts already assigned or to be assigned to the same, shall, subject and without Prejudice to the Rights of the said *William Nicholas Darnell* and *Charles Duberly*, the present Rectors of *Stanhope* and *Wolsingham* respectively, so long as they shall continue such Rectors, become and for ever thereafter be vested in the Lord Bishop of *Durham* and his Successors: Provided also, that as to each of the said Churches or Chapels to which a District with separate

separate Cure of Souls shall not then already have been assigned as aforesaid, the annual Sum herein-before provided to be paid to the Incumbent or Minister thereof shall commence only from the Time of a District being assigned thereto pursuant to the Provisions in this Act.

Common Fund to be further charged with annual Sum for augmenting Incomes of Rectories, Curacies, &c. in the County of Durham.

VII. As soon as the Tithe or Tenth of Lead Ore or Ure in the said Parish of *Stanhope* shall have come into the Possession of the said Ecclesiastical Commissioners, the Common Fund of the said Commissioners shall be and is hereby charged with the Payment in perpetuity of such further or additional yearly Sum as, with the aggregate Amount of the several annual Sums to be fixed and determined as herein-before mentioned, and hereby charged on the said Common Fund, for the Endowment or Augmentation of the Rectories of *Stanhope* and *Wolsingham* aforesaid, and the said Churches or Chapels of *Saint John Weardale*, *Frosterley*, *Heathery Cleugh*, *Eastgate*, *Rookhope*, and *Thornley* respectively, will make up a gross annual Charge of Four thousand five hundred Pounds upon the said Common Fund; and such further and additional yearly Sum shall by the Authority in the herein-before secondly recited Act provided be appropriated toward permanently augmenting or endowing such Benefices with Cure of Souls within the County of *Durham*, and in the Patronage or alternate Patronage of the Bishop of *Durham* for the Time being, as shall be selected by the said Bishop, and approved by the said Commissioners.

Ecclesiastical Commissioners may substitute Lands, Tithe Rentcharge, or other Hereditaments for Payment out of Common Fund.

VIII. It shall be lawful for the said Ecclesiastical Commissioners, at any Time after the annual Sum herein-before provided to be paid to the Rectors of *Stanhope* and *Wolsingham*, and the Incumbents or Ministers of the said several Churches or Chapels respectively, shall have been fixed and become payable as aforesaid, by a Scheme prepared by the said Ecclesiastical Commissioners, with the Consent of the Bishop of *Durham* for the Time being, and the Rector, Incumbent, or Minister of each of the said Rectories, Churches, or Chapels for the Time being, and ratified by an Order of Her Majesty in Council to be published in the *London Gazette*, to appropriate and set apart, for the Use of such Rector, Incumbent, or Minister respectively, and his Successors, in lieu of the said annual Sum directed to be paid to him and them out of the Common Fund of the said Ecclesiastical Commissioners, such specific Lands, Tithe Rentcharge, or other Hereditaments as, according to the Certificate of Two competent Surveyors, one to be appointed by the said Ecclesiastical Commissioners and the other by such Rector or Incumbent for the Time being, or of an Umpire to be appointed by such Surveyors, shall

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 the annual Sum herein-before provided for such Rector, Incumbent, or Minister, and his Successors; and from and after the Time which shall be fixed for that Purpose by the said Scheme, and after the same Scheme shall have come into operation, the Lands, Tithe Rentcharge, or other Hereditaments so appropriated for such Rector, Incumbent, or Minister, and his Successors, shall, by force of this Act, and of such last-mentioned Scheme or Schemes so ratified as aforesaid, without any further Conveyance, be vested in such Rector, Incumbent, or Minister, and his Successors, as Part of the Endowment of his Rectory, Church, or Chapel, and the Common Fund of the said Ecclesiastical Commissioners shall thenceforth and at all Times for ever thereafter be and remain vested in the said Ecclesiastical Commissioners and their Successors, 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, or his Successors.

Powers of Ecclesiastical Commissioners over Common Fund not to be prejudiced.

IX. Provided, That, notwithstanding the Payments by this Act charged upon the Common Fund of the said Ecclesiastical Commissioners, which said Payments are hereby declared to be wholly irrespective and independent of the Amount which may from Time to Time be realized by the said Commissioners, and their Successors or Assigns, from the said Tithe or Tenth Part of the Lead Ore or Ure to be digged, won, or gotten out of all or any of the said Lead Mines within the said Parishes of *Stanhope* and *Wolsingham* respectively, as aforesaid, all the Rights, Powers, and Authorities vested in the said Commissioners in or over their Common Fund at the Time of the passing of this Act shall continue in full Force, and be henceforth enjoyed, exercised, and performed by them and their Successors in respect of such Common Fund, including the Tithe or Tenth Part of Lead Ore or Ure vested or which shall become vested in them under this Act.

Rights of Lessees and others not to be prejudiced.

X. Provided also, That nothing in this Act contained shall be deemed or operate to abridge or prejudice any Right, Claims, Privileges, or Immunities whatsoever in respect of the said Lead Ore or Ure to which the Perpetual Curate of *Lanchester* aforesaid for the Time being, or the Person or Persons claiming under the said Indentures of Lease or either of them, is, are, or would have been lawfully entitled if this Act had not been passed.

Short Title.

XI. For all Purposes of Recital or Reference, it shall be sufficient in all Cases to mention this Act as "The *Stanhope* and *Wolsingham* Rectories Act, 1858."

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