



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 81.

An Act for vesting several Yearly Rents and Fines, payable to the Lord Bishop of *Durham*, in Trustees to be sold, and for enabling the Lord Bishop of *Durham*, and his Successors, to enfranchise certain Copyhold or Customary Estates holden of Manors belonging to the See of *Durham*, and for applying the Monies thence arising in the Purchase of Freehold Estates, to be settled upon the said Lord Bishop and his Successors. [20th June 1806.]

WHEREAS the Honourable and Right Reverend *Scute* Lord Bishop of *Durham*, in Right of his See of *Durham*, is Lord of several Manors or Lordships, and entitled to several chief Rents and other Rents, and to several Fines due, and issuing in respect or out of Freehold and Copyhold or Customary Estates in the County of *Durham* and elsewhere; and many of the said Rents and Fines are of small Amount, and the Collection of them is inconvenient to the Tenants of the said Estates, and attended with Expence and Trouble to the See of *Durham*: And whereas the Copyhold or Customary Tenants of the Manors belonging to the said Lord Bishop are by the respective Customs of the said Manors restrained (except for the necessary Repairs of their respective Copyhold or Customary Tenements) from selling or cutting down

The Bishop of Durham's Right to Rents and Fines,

and to the Timber on Copyhold.

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Benefit of en-
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and selling.

The Rents
and Fines
vested in
Trustees to
be sold.

down any Timber Trees, or other Trees growing on their Lands, without the Licence of the Lord Bishop of *Durham*, for the Time being, as Lord of the said Manors; and where Licence for felling or cutting down such Timber has been given; the said Lord Bishop has been accustomed to receive One-third Part of its Value: And whereas the said Restriction on felling and cutting Timber Trees, and other Trees, is found to operate as a great Discouragement and Impediment to the Planting, Growth, and Increase of Timber and Wood on the said Copyhold or Customary Estates: And whereas it would be greatly for the Advantage of the said Lord Bishop and his Successors, and of his said Tenants, and it would greatly tend to the Improvement of the said Estates, and particularly to the Planting, Growth, and Increase of Timber and Wood thereupon, and would also be attended with great publick Benefit, that the Persons hereinafter named should have the Powers of selling, licensing, enfranchising, and releasing, herein-atter expressed and contained; but the said Objects cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all ancient Chief Rents, Quit Rents, Fee Farm Rents, Acre Rents, and other annual Payments in the Nature of such Rents, and also all Fines due and issuing in respect or out of Freehold and Copyhold or Customary Estates, payable to the said Lord Bishop of *Durham*, and his Successors, in Right of his See, and comprised in the Schedule annexed to this Act; and the Inheritance of the same respectively in Fee Simple shall, from and after the passing of this Act, be settled upon and vested in, and the same are hereby settled upon and vested in *Thomas Bernard* Doctor of Laws, the present Vicar General of the Lord Bishop of *Durham*, and Official Principal of his Consistorial and Episcopal Court; *Sir Samuel Romilly* Knight, the present Temporal Chancellor of the Bishoprick and County Palatine of *Durham* and *Sadberge*; *James Allan Park*, One of His Majesty's Counsel learned in the Law; the present Attorney General of the County Palatine of *Durham*; *William Price Esquire*; the present Clerk of the Halmote Courts of the said Lord Bishop of *Durham*; and *George Brooks Esquire*, the present Auditor of the Exchequer of the said Lord Bishop of *Durham*; and in their Successors, upon the Trusts herein-atter expressed and contained of and concerning the same; that is to say, upon Trust, that the said Trustees, or any Two or more of them, shall, and do, at any Time before the First Day of *June*, which will be in the Year of our Lord One thousand eight hundred and twelve (by and with the Consent in Writing of the Lord Bishop of *Durham* for the Time being, to be signified as herein-atter is mentioned), sell and dispose of all and every the said ancient Chief Rents, Quit Rents, Fee Farm Rents, Acre Rents, and other annual Payments, and Fines hereby vested in them the said Trustees and their Successors, unto or in Trust for any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, for such Sum or Sums of Money as to them shall appear a fair and reasonable Consideration for the same, and shall and do, upon Payment of the Money arising by such Sale or Sales to the Treasurer herein-atter directed to be appointed to receive the same, convey and assure the said Rents and Payments, and Fines to to be sold and disposed of, and the

the Inheritance of the same respectively in Fee Simple, unto or in Trust for the Person or Persons who shall agree to purchase the same, and their several and respective Heirs and Assigns, or as they respectively shall appoint.

II. And be it further enacted and declared, That it shall be lawful for the said Lord Bishop of *Durham*, and his Successors, with the Consent, in Writing, of the said Trustees for the Time being, or any Two of them, for such Considerations in Money, and with such Exceptions and Reservations of Mines and Wayleaves, or with such other Exceptions and Reservations, and upon such other Terms as he and they shall think proper, upon Payment of the Consideration Money to the said Treasurer, by any Deed or Writing, under the Episcopal Seal of the said See of *Durham*, to enfranchise all or any Part of the Copyhold or Customary Messuages, Lands, Tenements, or Hereditaments, which are Parcel of any of the Manors or Lordships belonging to the said See, but nevertheless with the Consent in Writing and Concurrence of the Lessee or Lessees for the Time being, of any such Manor or Manors as now is, are, or may be held under or by virtue of any Lease or Leases granted or to be granted thereof by the said Lord Bishop of *Durham*, or his Successors, unless such Lessee or Lessees shall be under Age, and then with the Consent in Writing of his or their Guardian or Guardians during his or their Minority or respective Minorities, and to release the respective Tenants and Vassals of any Copyhold or customary Messuages, Lands, Tenements, and Hereditaments, which shall be so enfranchised, of and from all Copyhold or Customary Tenures, Rents, and Services whatsoever; and also of and from all Right and Title whatsoever to the Timber, Trees, or Wood, upon any Part or Parts of the said Copyhold or Customary Lands.

The Bishop empowered to enfranchise and to release his Right to the Timber.

III. Provided always, and be it further enacted and declared, That all and every the Copyhold or Customary Messuages, Lands, Tenements, or Hereditaments, which shall be enfranchised in pursuance of this Act, shall be and remain subject and liable to the Payment of all Tithes, Modures, Pensions, and other ecclesiastical Dues or Payments in lieu of Tithes, as, and no further or otherwise than the same Messuages, Lands, Tenements, and Hereditaments, were subject and liable to before the passing of this Act, or would have remained subject and liable to if such Enfranchisement had not been made.

Tithes, &c. to remain as before Enfranchisement.

IV. And for providing for the Receipt and Application of the Money arising by the Ways herein-before mentioned be it further enacted, That it shall be lawful for the said Lord Bishop of *Durham*, and his Successors, by any Writing or Writings under his or their Hand, or respective Hands, to appoint a Treasurer for the Receipt and Application of the said Monies; and that the Treasurer so appointed shall give such Security for the due and faithful Execution of his Office, and shall receive such Allowance for the Trouble attending the Receipt and Application of the said Monies, as the said Lord Bishop of *Durham*, with the Concurrence of any Two or more of the said Trustees shall judge to be a proper Compensation for the same; and it shall be lawful for the said Lord Bishop of *Durham*, and his Successors, from Time to Time, to remove any such Treasurer, and to appoint a Treasurer in his Place, in case of his Removal or Death,

Power for the Bishop to appoint a Treasurer.

before the several Purposes mentioned in or intended to be effected by this Act, shall be performed and carried into Execution.

to whom the Money shall be paid.

V. And be it further enacted, That all the Monies arising by the Ways herein-before mentioned, except so much of the Money to be paid for or in respect of any such Enfranchisements as aforesaid, as in pursuance of any previous Agreement or Agreements in that Behalf, shall be paid to or for the Use of any Lessee or Lessees of any such Manor or Manors as aforesaid, for his, her, or their Consent to and Concurrence in the Enfranchisement of any of the Copyhold or Customary Hereditaments, being Parcel or held of the same Manor or Manors, shall be paid to the said Treasurer for the Time being, upon his or their Receipt or Receipts; and that such Receipt or Receipts shall discharge the Persons to whom the same shall be given, from being bound to see to the Application, or being in anywise answerable for the Misapplication thereof,

Conveyances to be enrolled with the Clerk of the Peace.

VI. Provided always, and be it further enacted, That no Deed whereby any Enfranchisement or Release shall be made by virtue of this Act. shall be valid and effectual, unless the same shall, within Six Calendar Months after the Date and Execution thereof, be enrolled in the Office of the Clerk of the Peace for the County of *Durham*.

Expences of this Act provided for.

The Residue to be invested in Land;

VII. And be it further enacted and declared, That the said Treasurer for the Time being shall, out of the Money which shall be produced by such Enfranchisements, Releases, and Sales as aforesaid, in the first Place, pay and defray the Charges and Expences incident to or attending this Act, and the carrying the Trusts thereof into Execution; and shall, under the Direction of the High Court of Chancery, to be obtained in the Manner herein-after mentioned, and with the Approbation of the Lord Bishop of *Durham* for the Time being, and of the said Trustees for the Time being, or any Two of them, lay out and invest the Residue of the said Monies in the Purchase of Manors, Messuages, Lands, Tenements, or Hereditaments, in Fee Simple in Possession, situate and being within the County of *Durham*, or in the Counties of *York*, *Northumberland*, *Cumberland*, or *Westmoreland*; and convey, or cause the same to be conveyed, unto and to the Use of the Lord Bishop of *Durham* and his Successors for ever; and he the said Lord Bishop and his Successors shall for ever thenceforth hold and enjoy the same in perpetual Succession as Part of the Estates of the said See, any Law, Statute, or Usage of the Realm to the contrary in anywise notwithstanding.

and until invested in Land, to be laid out in Navy, Victualling, or Exchequer Bills.

VIII. And be it further enacted, That in the mean Time and until the Residue of the Monies shall be laid out and invested in the Purchase of such Hereditaments as aforesaid, such Residue shall be paid by the said Treasurer, to be appointed in pursuance of this Act, into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery *ex parte* the Treasurer of this Act, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of King *George* the Second, Chapter Twenty-four; and so soon as conveniently

veniently may be, after such Monies shall have been so paid in as aforesaid, the same shall, upon a Petition to be preferred to the Court of Chancery in a summary Way by the Lord Bishop of *Durham* for the Time being, from Time to Time be laid out in the Purchase of Navy or Victualling Bills, or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy or Victualling Bills, or Exchequer Bills, and the Money received for the same, as they shall be respectively paid off by Government, shall be laid out in the Name of the said Accountant General in the Purchase of other Navy or Victualling Bills, or Exchequer Bills; all which said Navy and Victualling Bills, and Exchequer Bills, shall be deposited in the Bank, in the Name of the said Accountant General, and shall there remain until such Purchase or proper Purchases as aforesaid shall be found and approved of by the Court of Chancery; and until the same shall, upon a Petition setting forth such Approbation, to be preferred to the said Court of Chancery in a summary Way by the said Lord Bishop of *Durham*, be ordered to be sold by the Accountant General, for the completing of such Purchase or Purchases, in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of such Navy or Victualling Bills, or Exchequer Bills, shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then, and in such Case only, the Surplus, which shall remain after discharging the Expences of the Application to the Court, shall be paid to the said Lord Bishop of *Durham* for the Time being, or his Representatives.

IX. And be it hereby further enacted, That until such Sale or Sales shall be respectively made in pursuance of this Act as aforesaid, it shall and may be lawful for the said Lord Bishop of *Durham*, and his Successors respectively, to hold, enjoy, and receive the Rents, Profits, Advantages, and Privileges accruing and arising from or in respect of the said Freehold and Copyhold or Customary Estates, in such and the same Manner as he or they would respectively have been entitled thereto, in case this Act had not been made.

Until a Sale, the Rents, &c. to be enjoyed as before this Act.

X. And be it hereby further enacted, That the said Rents and Premises hereby vested in the said Trustees, or so much and such Part or Parts thereof as shall not have been sold and disposed of on or before the First Day of *June* One thousand eight hundred and twelve, shall immediately, from and after the said First Day of *June* One thousand eight hundred and twelve, be vested in the Lord Bishop of *Durham* for the Time being, and in his Successors, to be held and enjoyed in perpetual Succession for ever, as in their present and former Estates, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

Parts not sold to be reverted.

XI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators (other than and except the said Lord Bishop of *Durham* and his Successors), all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, unto, in, and out of the said Rents, Privileges, Powers, Authorities, and Premises by this Act authorized to be sold, disposed of, enfranchised, and released, and every or any of them, as they

Saving Clause.

or any of them have or hath, or could or might have held or enjoyed under or by virtue of any Lease or Leases of any Manor or Manors now subsisting, or hereafter to be made or granted by the said Lord Bishop, or his Successors, or otherwise howsoever, in case this Act had not been made.

Publick Act.

XII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

The SCHEDULE referred to by this Act.

Names of Manors.	Wards.	Annual Amount of Customary, Copyhold, & Free Rents.	Yearly Average of Fines for the last Fourteen Years.
In the County of Durham.			
Bondgate in Auckland	Darlington	£. s. d. 1,173 17 10 $\frac{1}{4}$	50 12 10 $\frac{1}{2}$
Bondgate in Darlington			
Evenwood and West Auckland			
Wolsingham			
Chester	Chester	1,225 1 5	
Lanchester			
Bedlington			
Whickham			
Eafington	Eafington	135 6 8	
Houghton			
Bishop Middleham	Stockton	210 19 9 $\frac{1}{2}$	
Stockton			
In the County of York.			
Howden and Howdenshire	}	425 11 8 $\frac{1}{2}$	
Allerton and Allertonshire			
		126 18 0 $\frac{1}{4}$	
		3,297 15 5 $\frac{1}{2}$	

Arthur Mowbray.

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