



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 116.

An Act to enable the Master and Brethren of the Hospital of King *James*, in *Gateshead*, in the County of *Durham*, to grant Leases of Lands thereto belonging, and to enable the Lord Bishop of *Durham* to make Statutes and Ordinances for the Government of the said Hospital.

[21st May 1811.]

WHEREAS His late Majesty King *James* the First, by His Charter under the Great Seal of *England*, bearing Date the Fourth Day of *January* in the Eighth Year of His Reign, after reciting or taking Notice, that there was a certain Hospital in the Town of *Gateside* within the Bishoprick of *Durham*, commonly called *The Hospital or Free Chapel of Saint Edmund the King and Martyr*, the Founder of which was then unknown; and that the same Hospital consisted of a Master and Three Brethren, who held divers Lands and Tenements in *Frankalmoign*; and that the Foundation Charter of the same Hospital was then lost or destroyed, did grant that the said Hospital, for ever thereafter, should consist of One Master and Three Brethren, which Brethren are thereby directed to be '*Pauperes et egeni viri calibes aut innupti provecta etate*'; and His late Majesty did by the same Charter

Charter of King James the First.

[*Loc. & Per.*]

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create

Power for the Bishop of Durham to revise the Statutes, &c. of the Hospital.

Lands belonging to the Hospital.

Bishop of Durham is the Patron.

Benefit from building and other Works on the Land.

No Statute, &c. to be found.

create the said Master and Brethren of the same Hospital, and their Successors, a Body Corporate and Politick, by the Name of *The Master and Brethren of the Hospital of King James, in Gateside, in the County Palatine of Durham*: And did also thereby grant that the said Lord Bishop of *Durham*, and his Successors, should from Time to Time revise and examine the ancient Laws, Statutes, Ordinances, and Constitutions, as should be contrary or repugnant to the Laws and Statutes of the Realm of *England*, and should make and ordain such other good, convenient, and wholesome Statutes, Laws, Ordinances, and Constitutions in Writing, as well concerning Divine Service to be performed daily in the said Hospital, as also touching the Government and Direction of the said Master and Brethren, as he the said Lord Bishop for the Time being should deem proper, so as not to be repugnant to or derogatory from the ancient Statutes, Ordinances, and Constitutions of the said Hospital, in so far as such ancient Statutes and Constitutions were not contrary or repugnant to the Laws and Statutes of the Realm of *England*; and also revoke, change, determine, or alter, as well the said ancient Statutes as any new Statutes to be made in pursuance of the said Charter, in such Manner as should from Time to Time seem expedient: And whereas the said Master and Brethren, in Right of the said Hospital, are seised of certain Lands in *Gateshead* aforesaid, containing about Ninety-seven Acres, Part of which is conveniently situated for building upon, and other Parts thereof may be let to Advantage for the Purpose of working Mines of Coal or other Minerals, or making Waggon Ways and other Roads, Levels, Drifts, and other Works and Conveniencies to be used in the winning, working, and conveying of Coals and other Minerals in or near the said Lands: And whereas the Lord Bishop of *Durham* is Patron of the Masterhip of the said Hospital, as annexed to the Rectory of *Gateshead*; and the Master of the said Hospital has the Appointment of the said Brethren in case of Vacancy by Death or otherwise: And whereas great Benefit would accrue to the said Hospital, and the Value of their said Lands may be greatly improved, if Power were given to the said Master and Brethren for the Time being to grant Leases of the said Lands, and also of the Mines of Coal and other Minerals within and under the same, for a Term of Years sufficient to encourage Persons as well to build on the said Lands, as to work such Mines or make such Waggon Ways and other Roads, Levels, Drifts, and other Works and Conveniencies as aforesaid, in or upon the same: And whereas no Statutes or Ordinances of any Kind relating to the said Hospital are now known, and therefore it is presumed the said Power vested in the said Bishop of *Durham* for the Time being, of revising and altering the Statutes of the said Hospital, has never been exercised; and it is expedient that Statutes should be made for the Government of the said Hospital, and in respect that the Estate of the said Hospital is capable of considerable Improvement, it is also expedient that the Benefits of the said Hospital should hereafter be extended to a greater Number of poor aged Men, in furtherance of the benevolent Intentions of the Founder thereof: 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,

asssembled, and by the Authority of the same, That, from and after the passing of this Act, it shall and may be lawful to and for the Master and Brethren for the Time being of the Hospital of King James, in *Gatefide* otherwise *Gatehead* aforesaid, in the County of *Durham*, by Indenture or Indentures duly executed under the Seal of the said Hospital, to demise or lease all or any Parts of the Lands belonging to the said Hospital in the Parish of *Gatehead*, in the Schedule to this Act more particularly described or mentioned, and also the Mines of Coal and other Minerals within and under the same Lands, unto any Person or Persons who shall be willing either to build or to work Mines of Coal or other Minerals, or to make any Ways or other Roads, Levels, Drifts, and other Works and Conveniencies in or upon the same Lands, or any Part or Parts thereof, for the Purpose of winning, working, and conveying any Coals or other Minerals in or near the said Lands, or for any other lawful Use or Purpose, whereby the annual Value of the said Lands may be permanently increased in the Manner by such Leases respectively to be specified, and to lay out and appropriate any Part of the Premises to be comprised in any such Demise or Lease, Demises or Leases, as and for a Garden or Gardens, Yard or Yards, Croft or Crofts, to the Messuage or Messuages, Building or Buildings, which may be erected or built upon the Premises, or as or for a Way or Ways for the Use and Convenience of the Lessee or Lessees, and other Tenants or Occupiers of the same Premises, in such Manner and upon such Terms as shall be agreed upon in such Demise or Lease, Demises or Leases respectively, for any Term or Number of Years not exceeding Ninety-nine Years, to commence and take Effect from the making thereof; so that in the said Lease or Leases there be reserved the best and most improved Rent or Rents that can be had or obtained, for the Benefit of the Master and Brethren of the said Hospital for the Time being, to be paid Quarterly, without taking any Sum or Sums of Money or other Thing by Way of Fine, Income, or Foregift for the same (except as herein-after is mentioned); and so that the Lessee or Lessees execute a Counterpart of such Lease or Leases, and enter into Covenants to pay the Rent thereby reserved, and to build and keep in Repair any Messuages and Buildings intended and agreed to be built thereon, and to yield up the same at the Expiration of the Term by such Lease or Leases to be granted; and so that in every such Lease or Leases there shall be contained a Power for Re-entry for Nonpayment of the Rent or Rents thereby to be reserved, and so as such Leases be respectively approved by the said Lord Bishop of *Durham*, and his Successors for the Time being, before the Execution thereof, to be testified by his Signature thereof in the Margin of every such Lease; and so that in every such Letting for the Purpose of Building, there shall not be comprised in any One Lot any further or greater Quantity of the said Land than Four thousand eight hundred and forty Square Yards thereof, being One Statute Acre.

II. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Master and Brethren, and their Successors, to take and receive of and from the Persons to whom any such Leases shall be granted as aforesaid, any Sum or Sums of Money by

Fines may be taken to pay the Expences of the Act.

Way of Fine or Foregift, to be approved by the said Lord Bishop of *Durham*, not exceeding in the Whole the Sum of Four hundred and fifty Pounds, and to apply the same in Payment of the Expences of this Act.

The Bishop of *Durham* may make Statutes, &c. for the Hospital.

III. And be it further enacted, That it shall and may be lawful to and for the Lord Bishop of *Durham* for the Time being, from Time to Time by Writing under his Hand, (but subject as herein-after is mentioned,) to make and establish such good convenient, and wholesome Statutes, Laws, Ordinances, and Constitutions, as well concerning Divine Service to be performed in the said Hospital, and the Allowance to be made for the same, as touching the Government and Direction of the said Master and Brethren, and providing for the Repairs of the Estate of the said Hospital, as also for increasing the Number of the poor and aged Brethren of the said Hospital unmarried; and such Statutes, Laws, Ordinances, and Constitutions from Time to Time, to revise, alter, and amend, so as the same be not contrary either to the Laws of the Realm or to the said Charter, save only as to the Increase of the Number of the poor and aged Brethren of the said Hospital:

Additional Brethren to be appointed in like Manner as the present Brethren.

IV. And be it further enacted, That all such increased Number of Brethren as shall from Time to Time be added to the said Hospital as aforesaid, shall be named, appointed, and admitted, and from Time to Time for ever be filled up in the same Manner as is prescribed by the said Charter for naming, appointing, and admitting of the Three ancient Brethren of the same Hospital, and all such additional Brethren, and their Successors so named, appointed, and admitted as aforesaid, shall be called *The Younger Brethren* of the said Hospital, and shall not be deemed and taken to be or constitute any Part of the said Body Corporate; but the said Body Corporate shall as heretofore consist of the said Master and Three Brethren, by the Name of *The Master and ancient Brethren of the Hospital of King James, in Gateside, in the County Palatine of Durham*: Provided always, that nothing in this Act contained shall authorize the making of any Statutes, Laws, Ordinances, or Constitutions for the Increase of the Number of the Brethren of the said Hospital, which shall reduce or lessen, during the respective Lives of the present Master and Three Brethren, the Income which the said Master and Three Brethren now respectively receive from the Rents and Profits of the Estates belonging to the said Hospital; but that the said Master and Three Brethren shall, during their respective Lives, receive for their Shares of the future Rents and Profits of the said Estates as much as they now actually receive from such Rents and Profits, and that the Shares of the younger Brethren respectively shall always be less than the Shares of the Master and of the Three ancient Brethren respectively.

Restrictions on the Statutes.

Saving to His Majesty.

V. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all other Persons whatsoever, except the said Master and Brethren and their Successors, and the said Lord Bishop of *Durham* and his Successors, all such Estates, Right, Title, Interest, Claim, and Demand, of, in, to, or out of the Estates belonging to the said Hospital,

Hospital, as he or they had before the passing of this Act, or could or might have had in case this Act had not been made.

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

The SCHEDULE above referred to.

Parish.	Tenements.	Tenants' Names.	Annual Rents or Value.	Quantity.	Term.	Observations.
Gateshead in the County of Dur- ham	A Farm called Claxtons	The Represen- tatives of John Kell	£. s. d. 270 — —	A. R. P. 80 0 0	{ Let for 10 Years from 31st Dec. 1804	The Land is subject to the Payment of Tythes to the Rector of Gateshead, but he being also Master of the Hospital, the present Tenants hold their Lands, Tythe- free.
	A Farm called Friars Goofe	Joseph Snowball	75 — —	15 0 0		
	A Clofe	Untenanted	10 — —	2 0 0	In Hand	
	The Mines of Coal under Friars Goofe Farm	Owners of Tyne Main Colliery	100 — —	97 0 0		

R. SHAFTO HAWKS.