



ANNO PRIMO

VICTORIÆ REGINÆ.

Cap. 24.

An Act to enable the Rector of the Parish of *Wigan* in the County Palatine of *Lancaster* to grant Leases of the Mines and Building Leases, subject to Ground Rents, of the Glebe Lands belonging to the said Rectory; and for other Purposes.

[30th *June* 1837.]

WHEREAS the Reverend *Henry John Gunning* Clerk, Master of Arts, is Rector of the Rectory and Parish Church of *Wigan* in the County Palatine of *Lancaster*, and is, in right of the said Rectory and Parish Church, seised of certain Glebe Lands situate in the said Parish of *Wigan*: And whereas the Right Honourable *George Augustus Frederick Henry* Earl of *Bradford* is Patron, and the Right Reverend Father in God *John Bird*, by Divine Permission Lord Bishop of the Diocese of *Chester*, is Ordinary of the said Rectory: And whereas there are believed to be within and under the said Glebe Lands of the said Rectory or some Parts thereof divers Mines of Coal, Cannel, and other Minerals of considerable Value, which have not hitherto been opened or worked: And whereas certain Parts of the said Glebe Lands are conveniently situated and well adapted for building upon and for other Improvements, and there is Reason to believe that many Houses and other Buildings

[*Private.*]

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and

Power to
grant Mining
Leases.

and Erections would be erected upon the said Glebe Lands if Power was granted to demise or lease such Parts thereof for long Terms of Years at Ground Rents, to be reserved thereout and secured thereon to the Rector for the Time being : And whereas it would be of great Benefit and Advantage to the Rector of the said Rectory for the Time being if Power was granted to him to grant Mining and Building Leases of certain Parts of the said Glebe Lands ; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament : Therefore Your Majesty's most dutiful and loyal Subjects, the said *George Augustus Frederick Henry* Earl of *Bradford*, the Patron of the Rectory of *Wigan*, the said *John Bird* Lord Bishop of *Chester*, the Ordinary of the said Rectory, and the said *Henry John Gunning*, the Rector of the said Rectory, do most humbly beseech 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 from and after the passing of this Act it shall be lawful for the Rector for the Time being of the said Parish and Parish Church, by Indenture or Indentures, to be sealed and delivered by him in the Presence of and to be attested by Two or more credible Witnesses, to demise or lease to any Person or Persons willing to take the same all or any of the Mines, Delfs, Quarries, Beds, Veins, and Seams of Coal, Cannel, or other Minerals, and the Ores thereof, found or to be found in or under all or any Part of the said Glebe Lands and Premises (except such Part as is herein excepted), described and comprised in the Schedule to this Act, and also of any Part or Parts of the same Glebe Lands (except as aforesaid), with the Appurtenances which it shall be thought expedient to demise and lease with such Mines, Delfs, Quarries, Beds, Veins, and Seams, for the better and more effectually working the same, for any Term or Number of Years not exceeding Thirty-one Years, to take effect in Possession, or within Three Years from the Date of each Lease respectively, together with full and free Liberty, Licence, Power, and Authority to dig, search for, take, get, use, and dispose of all such Coals, Cannel, and other Minerals whatsoever, and the Ores thereof respectively, as shall be found in or upon or in winning or working the same Mines, Delfs, Quarries, Beds, Veins, and Seams ; and to dig, sink, win, work, and make Groves, Pits, Shafts, Tunnels, Drifts, Soughs, Drains, or Trenches, Sluices, Waygates, Watergates, and Watercourses ; and to lay down, construct, and use Waggonways, Railroads, and other Ways or Roads ; and to erect any Furnace or Furnaces, Fire Engines, Steam Engines, or other Erections or Contrivances for finding, discovering, winning, working, procuring, and conveying Coal, Cannel, and other Minerals, or the Ores thereof respectively, out of and from the said Mines, Quarries, Delfs, Beds, Veins, and Seams, and for bringing and carrying Water for working the Machinery of the said Mines, Quarries, Delfs, Beds, Veins, and Seams, and also for avoiding and carrying away Water, foul Air, and Stench from and out of the same Mines, Quarries, Delfs, Veins, Beds, and Seams respectively ; and also full and free Liberty, Licence, Power, and Authority to take and use sufficient Ground-room, Heap-room, and Pit-room for laying and placing the Coals, Earth, and Rubbish which shall from
Time

Time to Time proceed from or be wrought, dug, or gotten out of the said Mines, Quarries, Delfs, Veins, and Seams respectively; and also full and free Liberty, Licence, Power, and Authority to erect, build, set up, and hold, occupy and enjoy, in any convenient Place or Places on any Part of the said Lands and Hereditaments comprised in the said Schedule, and near any of the said Mines, Quarries, Delfs, Veins, Beds, and Seams so to be demised and leased, all such Houses, Cottages, Hovels, Lodges, Store-rooms, Heap-rooms, Sheds, Walls, Fences, or other Buildings, Steam and other Engines and Machinery, with such Yards, Gardens, and Curtilages, Store-yards or Places, as shall from Time to Time be needful or convenient for the more convenient Enjoyment of and working the said Mines, Quarries, Delfs, Veins, Beds, and Seams, or for the Habitation or Convenience of Workmen, or for storing, standing, laying, or placing of Minerals or Produce to be respectively employed or used or gotten in or about the same Mines, Quarries, Delfs, Veins, Beds, and Seams respectively; and to dig Clay and make Bricks thereof, and to dig and get Peat, Stones, Sand, Gravel, and Spar for erecting, building, and repairing such Houses or other Buildings, Walls and Fences, and all such other Easements or Privileges as shall be requisite or necessary or be deemed expedient for, in, or about the winning, working, obtaining, and getting and rendering merchantable or marketable, manufacturing, storing, laying up, taking, and carrying away or disposing of the Coals, Cannel, and other Minerals, and the Ores thereof respectively, which are or shall be found in the said Mines, Quarries, Delfs, Veins, Beds, and Seams respectively, or in or upon any of the said Lands and Grounds; so as upon every such Lease there be reserved and made payable yearly or oftener during the Continuance thereof the best or most improved yearly Sum or Sums of Money, or Rent or Rents, Royalties, Tolls, Dues, or other Reservations in Money, which can be reasonably had or gotten for the same, without taking any Fine, Premium, or Foregift in respect of the making thereof; and so as in each such Lease there be contained a Clause of Re-entry in case the Rent or Rents thereupon to be reserved should be behind and unpaid for the Space of Thirty Days after the Times to be appointed for the Payment thereof, or in case the Mines, Quarries, Minerals, and Mineral Property so to be demised shall not be worked so as to be rendered productive of Income to a given Extent to be specified in each Indenture of Lease; and so as the Lease of all Lands or Grounds to be leased with any Mine or Mineral Property shall cease with the Lease in the same Mines or Mineral Property; and so as the Lessee or Lessees to whom each such Lease shall be made as aforesaid shall at the same Time, or within One Year after the Date of the same Lease, seal and deliver a Counterpart or Duplicate of such Lease.

II. And be it further enacted, That the Rent or Rents or other Reservations which shall be reserved to the said Rector for the Time being of the said Rectory in or by any Lease or Leases to be granted under the Powers or Authorities of this Act of the said Mines, Veins, and Seams of Coal, Cannel, and other Minerals, and of the Lands to be held therewith as aforesaid, shall from Time to Time, when and as the same respectively shall become due and payable, be paid by the Lessee or respective Lessees in manner following; (that is to say,)

Payment of
the Rents
reserved in
such Leases.

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One equal Seventh Part thereof unto the Rector for the Time being of the said Rectory for his own Use and Benefit, and the remaining Six equal Seventh Parts thereof into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be there placed to an Account to be intituled "*Ex parte* the Rector of *Wigan* Mine Account," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His Majesty King *George* the First, Chapter the Thirty-second, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His Majesty King *George* the Second, Chapter the Twenty-fourth; and the Receipt or Receipts of any Cashier of the Bank of *England* for the Six Sevenths of the said Rents or other Reservations, and the Certificate or Certificates of the said Accountant General annexed to the same, and filed in the Register Office of the said Court of Chancery, shall be a good and effectual Discharge or good and effectual Discharges to the Person or Persons paying the same for the Money therein respectively mentioned and acknowledged to be received; and after the filing of such Certificates and Receipts as aforesaid such Person or Persons shall not be answerable for the Misapplication or Nonapplication, or be liable or bound to see to the Application of such Money or any Part thereof.

Rector may mortgage Mines for repairing Rectory House.

III. And whereas the Rectory House of the said Rectory and the Outbuildings belonging thereto are in a very dilapidated State, and are unfit and inconvenient for the Residence of the Rector of the said Rectory and Parish Church, and it is desirable that Power should be given to apply the Whole or some Part of the said Monies paid into the Bank of *England* as aforesaid in order to restore and render the same fit and convenient for a Residence: And whereas it may happen that it will require considerable Time to open the said Mines and other Works, and it is necessary that the said Parsonage House should be put in immediate Repair; be it therefore further enacted, That it shall and may be lawful for the said Rector for the Time being, after having procured from some skilful and experienced Workman or Surveyor a Certificate containing a State of the Condition of the said Rectory House and Outbuildings, and also a Plan and Estimate of the Work proposed to be done, (such State and Estimate to be verified upon Oath taken before some Justice of the Peace or Master in Chancery, Ordinary or Extraordinary,) and after Application made to the said High Court of Chancery and an Order made thereupon, by Writing under his Hand in the Form for that Purpose herein-after mentioned to borrow and take up at Interest such Sum or Sums of Money as the said Estimate shall amount unto not exceeding Two thousand Pounds, and as a Security for the Money so to be borrowed to mortgage so much of the Rents arising from the said Mines herein-before authorized to be leased as shall remain after the Payment of the said One Seventh Part to the said Rector, and after the several other Payments by this Act directed to be made, to the Person or Persons who shall advance the same, out of such surplus Rents as herein mentioned, by One or more Deed or Deeds, until the Money so to be borrowed, with Interest for the same, and such Costs and Charges as may attend the Recovery thereof,

aforesaid, shall be paid and discharged according to the true Intent and Meaning of the said Act and of these Presents, and also all Costs and Charges which shall have been occasioned by the Non-payment thereof, these Presents and every thing herein contained shall cease and be void. In witness, &c.

And all Costs, Charges, and Expences incurred in making and completing any such Mortgage or Mortgages shall be paid out of the same Rents as shall be so mortgaged as aforesaid; and such Mortgage Deed or Deeds shall bind every succeeding Rector of such Living until the Principal and Interest, Costs and Charges, shall be paid off and discharged, as fully and effectually as if such Successor had executed the same.

Surplus
Rents to be
invested in
Land.

V. And be it further enacted, That the Surplus or Remainder of the aforesaid Rents or Reservations arising from the said Mines after answering the several Purposes aforesaid, and the Payments by this Act directed to be made, and after the Payment of the Principal Money and Interest of the said Mortgage or Mortgages, shall be laid out and invested, under the Direction and with the Approbation of the said High Court of Chancery, in the Purchase of Manors, Messuages, Farms, Lands, Tenements, or Hereditaments to be settled, conveyed, surrendered, and assured unto and to the Use of the said *Henry John Gunning*, Rector, and his Successors, Rectors of the said Rectory and Parish Church for ever, or unto and to the Use of the Rector for the Time being of the said Rectory and his Successors for ever.

Application
of surplus
Money paid
into the
Bank.

VI. And be it further enacted, That all Monies to be paid into the Bank of *England* as aforesaid, or so much thereof as shall remain after answering and satisfying the several Payments herein directed to be made thereout as aforesaid, shall in the meantime, and until the same shall be invested in the Purchase of Manors, Messuages, Lands, Tenements, and Hereditaments as herein-before directed, be from Time to Time laid out by the Accountant General of the said Court of Chancery in the Purchase of Navy, Victualling, or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy, Victualling, or Exchequer Bills, and the Monies received for the same as they shall respectively be paid off by Government, shall from Time to Time be laid out in the Name of the Accountant General in the Purchase of other Navy, Victualling, or Exchequer Bills; provided that it shall be lawful for the said Court to make such General Order or Orders, or Special Order or Orders, if necessary, that whenever the Exchequer Bills of the Date of those in the Hands of the Accountant General shall be in the Course of Payment by Government, and new Exchequer Bills shall be issued, such new Exchequer Bills may be received in Exchange for those which are so in the Course of Payment as shall be effectual for enabling such Receipt in Exchange, and that in that Event the Interest of the old Bills shall be laid out as before directed with respect to the Interest where the Bills are paid off; all which Navy, Victualling, and Exchequer Bills shall be deposited in the Bank of *England* in the Name of the said Accountant General, and shall there remain until the same shall, upon Petition to be preferred to the said Court of Chancery in a summary
Way,

Way, be ordered to be sold by the said Accountant General for completing any such Purchase or Purchases as aforesaid; and if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills shall exceed the Amount of the original Purchase Money so laid out as aforesaid, then and in that Case only the Surplus which shall remain after discharging the Expences of the Application to the Court shall be paid to such Person or Persons respectively as would have been entitled to receive the Rents and Profits of the Land directed to be purchased in case the same had been purchased pursuant to this Act, or to the Representative or Representatives of such Person or Persons respectively.

VII. And be it further enacted, That from and after the passing of this Act it shall be lawful for the Rector for the Time being of the said Parish and Parish Church, by Indenture or Indentures to be sealed and delivered by him in the Presence of and to be attested by Two or more credible Witnesses, to demise or lease all or any Part or Parts of the said Glebe Lands and Premises (except as herein-after is excepted) in the said Schedule to this Act annexed particularly described, unto any Person or Persons who shall be willing to covenant and agree to build upon the same Lands any Messuages, Cottages, Erections, or other Buildings, or to rebuild or otherwise repair or improve any of the Messuages, Cottages, Erections, or Buildings now erected or hereafter to be erected and built upon the said Glebe Lands, or to expend such Sum and Sums of Money in the Improvement thereof respectively as shall be thought necessary, and with or without Liberty for the Lessee or Lessees to take down all or any Part of the said Messuages, Cottages, or Buildings which are now standing on the Premises in any such Leases or Demises respectively to be comprised, and to convert and dispose of the Materials thereof to such Uses and Purposes as shall be therein respectively agreed upon for any Term or Number of Years not exceeding Ninety-nine Years, to take effect in Possession and not in Reversion or by way of future Interest; and also to lay out and appropriate convenient Yards and Gardens or Pleasure Grounds to be attached to the Messuages and Houses which may be built upon the said Glebe Lands or any Part thereof, with proper and necessary Streets, Ways, Passages, and Avenues for the more convenient, easy, and better Occupation and Enjoyment of the same Houses and Buildings already erected and built or hereafter to be erected and built, in such Manner as in such Indenture or Indentures respectively shall be mentioned and agreed upon; so as in every such Demise or Lease, Demises or Leases, there be reserved and made payable half-yearly, during the Continuance of the respective Terms of Years to be demised or granted by such Demises or Leases respectively, the best and most improved yearly Rent or Rents to be incident to the Reversion of the Hereditaments and Premises to be thereby demised that can or may be reasonably had or gotten for the same, clear of all Taxes and Deductions, (Regard being had to the Value of the Buildings, if any, to be comprised in such Demises or Leases respectively,) without taking any Sum or Sums of Money or other Thing by way of Fine, Premium, or Foregift for making the same; and so as the Lessee or Lessees of the said Premises or any Parts thereof

Power to
grant Build-
ing and Re-
pairing
Leases.

thereof do execute and deliver a Duplicate or Counterpart, Duplicates or Counterparts of such Demises or Leases respectively, and therein enter into Covenants to pay the Rent or Rents to be respectively reserved by such Demises or Leases by half-yearly Payments as aforesaid; and also to pay all Taxes, Charges, Assessments, and Impositions affecting the Premises; and also to erect and build and from Time to Time keep in repair the Messuages, Erections, and other Buildings which may have been then or may thereafter be erected, or which may be agreed to be erected and built on the Premises, or may be built or building thereon at the Time of the Execution of such Demises or Leases respectively, so that the same Messuages, Erections, and other Buildings may at all Times during the Continuance of the Term so to be granted remain and be of the annual Value of at least Double the yearly Rent to be reserved upon such Demises or Leases respectively, over and above all Reprizes; and to make, and from Time to Time to keep in repair, all Streets, Ways, and Passages which shall have been or shall be laid out and appropriated for the Purposes aforesaid, or a reasonable Part or Proportion thereof, in such Manner as shall be stipulated and agreed upon in and by such Demises or Leases respectively; and also Covenants by the Lessees respectively when the said Messuages, Erections, or other Buildings erected and built at the Time of making such Demises or Leases, or thereafter to be erected and built, shall by Age or any other Means go to Decay, fall down, or be destroyed, to rebuild and reinstate the same Buildings respectively with good sound Materials of such clear yearly Value as aforesaid, and to surrender and deliver up to the Rector for the Time being of the said Rectory the peaceable and quiet Possession of the Premises to be comprised in such Demises or Leases respectively, and of the Buildings to be erected thereupon, in good Order, Repair, and Condition, at the Expiration of the Term or Terms thereby to be demised or granted respectively; and so as in every such Demise or Lease, Demises or Leases, there be contained a Power of Entry and Perception of the Rents and Profits of the Premises thereby demised, and of any Buildings then or thereafter to be erected thereon, on Nonpayment of the Rent or Rents thereby to be respectively reserved for the Space of Twenty Days next after the same Rents shall respectively become payable.

Rectory
House not to
be leased.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the present or any Rector for the Time being of the said Rectory to grant any Lease or Leases by virtue of this Act of the Rectory House, Gardens, and Pleasure Grounds mentioned and described as No. 1 in the Schedule to this Act annexed, nor of such Part or Parts of the Lands or Grounds mentioned and described as Number Two and Three in the said Schedule as are situate, lying, and being on the Eastern Side of the Line of the North Union Railway, nor of such Part or Portion of the Lands or Grounds mentioned or described as No. 4 in the said Schedule as contain in the whole Twelve Statute Acres, lying in the North-west Corner of the said Lands or Grounds called the *Mesnes*, and commencing Five Yards South of a certain Well called the *Mesnes Well*, situate in the said Close, and extending in a North-easterly

easterly Direction therefrom Two hundred and fifteen Yards or thereabouts, bounded on the West Side thereof by the Fence dividing the same from the Close called the *Bull Field*, being No. 2 in the said Schedule, and on the North Side thereof by Lands claimed to belong to *John Fowdler Hodson* Esquire, or of the Mines of Coal, Cannel, or other Minerals under the same Rectory House and Offices, or within Forty Yards of the outside Walls, nor shall any Steam Engine be erected for the Purpose of working any of such Mines within the Distance of One hundred Yards of the said Rectory House.

IX. And be it further enacted, That it shall be lawful for the said High Court of Chancery, upon Motion or Petition to be preferred in a summary Way, from Time to Time to make such Order or Orders as the said Court shall think expedient, just, or reasonable for allowing, taxing, and settling all Costs, Charges, and Expences which have been or shall be incurred in obtaining or passing this Act and incidental thereto, together with Interest on such Monies as may have been or shall be advanced by any Person or Persons for or towards raising and providing the same Costs, Charges, and Expences, and of or relating to the making the several Applications to the said Court for the Purpose of carrying the same Act, or any of the Powers or Provisions thereof, into execution; and in making or completing the Demise or Demises of the Hereditaments hereby made demisable, and in surveying and measuring the said Mines and Hereditaments, and ascertaining from Time to Time the Quantities of Coal, Cannel, and Minerals to be dug or gotten by virtue of any Demise or Demises which may be granted in pursuance of this Act; and in making and completing any Mortgage or Mortgages hereinbefore authorized to be made of the Rents arising from the said Mines, and any Assignment, Transfer, or Re-conveyance, Assignments, Transfers, or Re-conveyances of any such Mortgage or Mortgages, and the Whole or any Part or Parts of the Principal and Interest Monies intended to be thereby respectively secured; and in paying into the Bank of *England* as aforesaid such Rents as are hereinbefore directed to be so paid, and in investing all or any Monies which under this Act shall be paid into the Bank of *England* in the Purchase of Manors, Messuages, Farms, Lands, Tenements, or Hereditaments as herein is directed, and in investigating the Title of the same, or otherwise in carrying any of the Trusts and Purposes of this Act into execution; and also from Time to Time to make such Order as the said Court shall think expedient for Payment of all such Costs, Charges, and Expences aforesaid out of the Monies so to be paid into the Bank, or out of the Monies arising by Sale of the Navy, Victualling, or Exchequer Bills so to be purchased as aforesaid.

The Court of Chancery empowered to make the requisite Orders.

X. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Persons and Person, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the said *George Augustus Frederick Henry* Earl of *Bradford* and his Heirs, and the said *John Bird* Lord Bishop of *Chester* and his Successors, Ordinaries of the said Rectory, and the said *Henry John Gunning*

General Saving.

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and his Successors, Rectors of the same Rectory,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever of, in, to, or out of the said Glebe Lands, Mines, Minerals, Hereditaments, and Premises hereby authorized to be granted, leased, or sold, and every or any Part thereof, and of, into, or out of all public Ways or Footpaths over the same, as they, every or any of them, had before the passing of this Act, or could or might have had, held, or enjoyed in case this Act had not been passed.

Copy of Act
as printed by
the Queen's
Printers to be
Evidence.

XI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

SCHEDULE referred to in the foregoing Act.

No.	A.	R.	P.
1. Rectory House, Gardens, and Pleasure Grounds in Wigan in the County of Lancaster, called the Rectory, in the Occupation of the Reverend Henry John Gunning, containing after Statute Measure - - - -	8	1	3
2. A Close or Parcel of Land in Wigan aforesaid, called the "Bull Field," in the Occupation of the Reverend Henry John Gunning, containing after the like Measure - -	12	3	3
3. A Close or Parcel of Land in Wigan aforesaid, called the "Frog Lane Field," in the Occupation of the Reverend Henry John Gunning, containing after the like Measure - -	4	3	0
4. A Close or Parcel of Land in Wigan aforesaid, called the "Mesnes," in the Occupation of the Reverend Henry John Gunning, containing after the like Measure - -	33	2	20
5. Three Closes or Parcels of Land in Wigan aforesaid, formerly a Part of the Mesnes, but now used as Three Gardens, in the Occupation of James Thompson, James Catterall Leach, and Richard Boardman, containing after the like Measure - - - -	3	2	37
6. A Close or Parcel of Land in Wigan aforesaid, called the "Diglakes," in the Occupation of Samuel Winstanley, containing after the like Measure - - - -	2	0	0
7. A Close or Parcel of Land in Wigan aforesaid, called the "Parsons Meadow," in the Occupation of Messrs. Daghish and Brimelow, containing after the like Measure - -	20	1	0

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