



# Durham County Palatine Act 1858

## 1858 CHAPTER 45

An Act to amend the Provisions of an Act of the Sixth Year of King *William* the Fourth, for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham* ; and to make further Provision with respect to the Jura Regalia of the said County. [23d July 1858]

WHEREAS by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, Chapter Nineteen, it was by the First Section enacted, that from and after the Commencement of that Act the Bishop of *Durham* for the Time being should have and exercise Episcopal and Ecclesiastical Jurisdiction only, and that from and after the Commencement of that Act the Palatine Jurisdiction, Power, and Authority theretofore vested in and belonging to the Bishop of *Durham* should be separated from the Bishoprick of *Durham*, and should be transferred to and vested, in His Majesty, His Heirs and Successors, as a Franchise and Royalty separate from the Crown, and should be exercised and enjoyed by His Majesty, His Heirs and Successors, as a separate Franchise and Royalty, in as large and ample a Manner in all respects as the same had been theretofore exercised and enjoyed by the Bishop of *Durham*, and that all Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Deodands, Escheats, Fines and Amerciaments, and all Jura Regalia, of what Nature or Kind soever, which if that Act had not been passed would or might belong to the Bishop of *Durham* for the Time being in right of the County Palatine of *Durham*, should be vested in His Majesty and His Successors in right of the same; and it was by the said Act provided, that nothing therein-before contained should prejudice or affect the Jurisdiction of any of the Courts of the said County Palatine, or any Appointment theretofore made to any Office in the said County Palatine, or any Act whatsoever theretofore done by the Bishop of *Durham* in right of the said County Palatine; and by the Ninth Section of the same Act it was provided, "that nothing therein-before contained should have the Effect of severing or of separating from the said Bishoprick, or of affecting the Rights and Powers of the said Bishop in, over, upon, and with respect to any Lordships, Manors, Houses, Lands, Tenements, Tithes, Rents, Collieries, Mines, Minerals, Rectories, Advowsons, Profits, or Emoluments, of any Kind or Description whatsoever, whether held in right of the said Bishoprick, or in right of the said County Palatine, or otherwise howsoever, other than and except only any Profits and Emoluments thereinbefore expressly mentioned and directed to be severed therefrom: And whereas by virtue of an Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*, and of a Scheme of the Ecclesiastical Commissioners,

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*Status: This is the original version (as it was originally enacted).*

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and an Order of Her 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-second Day of the same Month, ratifying the said Scheme, with the Consent of the Right Reverend *Edward* then Bishop of *Durham*, testified by his Hand and Episcopal Seal being affixed to the said Scheme, all the Manors, Lands, Tithes, Tenements, and Hereditaments which then belonged, either in possession or reversion, to the said Bishop in right of his Bishoprick (except Rights of Patronage, the Episcopal Residence at *Bishops Auckland*, with the Grounds thereto belonging, and certain other Lands specified in the Schedule to the said Scheme, and Sums of Money and Cash), and all the Estate and Interest therein of the said Bishop, are transferred to and become vested in the said Ecclesiastical Commissioners and their Successors, for the Purposes of the last-mentioned Act, and other Acts referred to in the said Scheme, as from the First of *October* then last: And whereas amongst the Jura Regalia claimed by the Bishop of *Durham* previously to and at the Time of the passing of the said firsts-recited Act was the Right to the Shore of the Sea between High-water Mark and Low-water Mark, and to the Beds and Shores of navigable Rivers so far as the Tide flows and reflows therein, within the said County of *Durham*: And whereas Doubts are entertained with respect to the said Claim, and with respect to the Construction of the said Act how far such Right is or has thereby become vested in Her Majesty: And whereas Doubts have also arisen how far some- Portions of the said Seashore and of the said Beds and Shores of the said navigable Rivers do or do not belong to the See of *Durham*, as Parcel of some or One of the Manors, Seignories, or Possessions appertaining thereto: And whereas for putting an end to all Controversy and Question with respect to the several Matters aforesaid, by a Memorandum of Agreement dated the Eleventh Day of June One thousand eight hundred and fifty-seven, made between the Honourable *Charles Alexander Gore*, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, on behalf of the Queen's most Excellent Majesty, of the one Part, and the Ecclesiastical Commissioners for *England* of the other Part, after reciting as is by this Act recited, and that it was desirable that the Doubts which had arisen as herein-before recited should be removed, it was, with the Approval of the Commissioners of Her Majesty's Treasury and of Her Majesty's Law Officers, agreed, that, subject to the Sanction of Parliament being obtained, the following Arrangement should be made concerning the Premises; that is to say, First, that, subject as therein-after mentioned, it should be considered or enacted that all the Estate and Interest of the Bishop in right of the See and County Palatine of *Durham*, or in right of any Manor, Parcel of that See, and also any Estate and Interest of Her Majesty the Queen in right of the said County Palatine, and whether by virtue of the recited Act of the Sixth and Seventh Years of King *William* the Fourth, Chapter Nineteen, or irrespectively of the said Act, in the Shores of the German Ocean, and of navigable Rivers below High-water Mark within the County of *Durham*, was by the last-mentioned Act or otherwise should become vested in Her Majesty in right of Her Crown, and that it should be provided that the same should be held by Her Majesty as Part of the Hereditary Possessions of the Crown; Second, that such Declaration should not extend to such Lands recovered from the Flow of the Tide before the passing of the' said Act of the Sixth and Seventh Years of *William* the Fourth as the Bishop had previously to that Act in fact received Rent from as reclaimed Land (which Land was to continue Parcel of the See of *Durham*); Third, that existing Leases by the Bishop of Parts of the Shores in question, not being such reclaimed Land as aforesaid, should be confirmed, but that the Rents reserved by them, or a fair Proportion of such Rents, if other Property was comprised in the same Lease, should in future be paid to the Crown; Fourth, that all Purchase Monies and Rents received on behalf of the Crown for Foreshore in any Part of the County should, after Payment of Expenses, be divided into Halves, and that one Moiety should be paid to the Ecclesiastical Commissioners, and the other Moiety be retained on behalf of Her Majesty; Fifth, that any Monies deposited in the Court of Chancery for Land taken since the Fifth Day of *July* One thousand eight hundred and thirty-six, being then Foreshore, and not previously reclaimed, for which Rent had been received by the Bishop, should in like Manner be divided equally between the Crown and the Ecclesiastical Commissioners, and that all Sales and Transactions in respect of which such Monies have been deposited should be confirmed; Sixth, the Definition of the

County to be the same as in the Act of King *William* the Fourth, except that *Holy Island* was not to be included in the Arrangement; Seventh, a Schedule to be made out of the Premises coming within the Scope of the Third Article: And whereas it is expedient that the Arrangement referred to in the recited Memorandum of Agreement be carried into effect, subject to such Variations as are made by this Act, and that such further Provisions should be made as are herein-after contained ; and Her Majesty has been graciously pleased to assent thereto:

Be it therefore 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,