



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 116.

An Act for building a Church on *Gateshead Fell*, in the
Parish of *Gateshead*. [27th May 1809.]

WHEREAS the Parish of *Gateshead*, in the County of *Durham*, is a very extensive and populous Parish, and there is only One Parish Church for the Performance of Divine Service in the said Parish: And whereas the Honourable and Right Reverend *Shute*, Lord Bishop of *Durham*, in Right of his See, is seised of the Advowson and Right of Patronage and Presentation of and to the Rectory or Parish Church of *Gateshead* aforesaid, and the Reverend *Henry Phillpotts*, Clerk, is the present Rector thereof: And whereas the said Church is not capable of containing One-fifth Part of the Inhabitants of the said Parish, and is situate at the Northern Boundary or Extremity thereof, and at a very great Distance from great Part of a certain District or Tract of Land in the said Parish, called *Gateshead Fell*: And whereas the Persons interested in the District or Tract of Land, called *Gateshead Fell*, are desirous, and have agreed, that so much and such Part thereof, not exceeding One Acre, as shall be most conveniently situated and best adapted for the Scite of a Church and Church Yard or Cemetery, for the Use of the Inhabitants of the said Common or Waste, shall be vested in the Rector of *Gateshead*, for the Time being, for that Purpose: And whereas the said District or Tract of Land called *Gateshead Fell*, contains upwards of Six hundred Acres, and there are several Collieries or Coal Mines, and various Manufactories and Trades carried on and exercised in and upon the same; and, in consequence thereof, the Inhabitants of the said District have of late Years greatly increased in Number, and the said intended Inclosure, and consequent Improvement of the said District, will tend further to increase the Population thereof: And whereas it would conduce to the Encouragement

[*Loc. & Per.*]

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of

The Allotment set out under the Act of Inclosure shall, after the Execution of the Award, be divested out of the Rector, and vested in the Trustees of this Act,

to the Intent that a Church may be built thereon.

Regulations in working Mines, &c. under the Land on which the Church shall be built.

of Religion, and to the due Attendance upon Divine Worship, according to the Service of the Church of *England*, if a Church were erected upon that Part of the said Common or Waste so agreed to be vested in the Rector of the said Parish of *Gateshead*; and it would be beneficial to the several Persons interested, if such Church, and the Whole of the said District, called *Gateshead Fell*, were separated from the said Rectory and Parish of *Gateshead*, and erected into a separate and distinct Rectory and Parish: But for as much as those Purposes 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 immediately from and after the Piece or Parcel of Land so agreed to be vested in the Rector of the Parish of *Gateshead* afore said, for the Time being, as is hereinbefore mentioned, shall be inclosed for the Purpose afore said, the same shall be divested out of the said Rector and his Successors; and that the same, and the Fee Simple and Inheritance thereof, shall from thenceforth be settled upon and vested in the Trustees hereinafter appointed, and their Successors, Trustees for the Purposes of this Act, discharged from all Right, Title, Interest, Claim, and Demand whatsoever, which the said Rector, and his Successors, or any other Person or Persons whatever, hath or have, or can or may have or claim in or to the same (save only and except and reserving always nevertheless the Right of the Lord of the said Manor of *Gateshead* afore said for the Time being, to the Produce of the Mines and Quarries within and under the said Piece or Parcel of Ground, but so as that he or his Lessee or Lessees, or his, her, or their Heirs, Executors, Administrators, or Assigns, in working such Mines and Quarries shall not break the Surface of the said Piece or Parcel of Ground, or lay or place any Coals, Implements, Materials, Rubbish, or other Thing thereon) to the Intent and Purpose that a new Church and Chancel, and other necessary Buildings thereunto, may be built on such Part of the said Piece or Parcel of Ground as shall be thought proper for the Celebration of Divine Service and Performance of other Rites and Ceremonies of the Church of *England*, and for a Church Yard to the said new Church, in Manner, and according to the Directions hereinafter contained.

II. Provided always and be it further enacted, That when and as often as the said Lord of the said Manor of *Gateshead*, for the Time being, or his Lessees or Lessee, or his, her, or their Executors, Administrators, or Assigns, shall be desirous of working the Mines or Quarries under the said Piece or Parcel of Ground or any Part thereof, he or they shall give Notice, in Writing, of such their Intention, to the Churchwardens for the Time being of the same Church, before they shall begin to work; and after such Notice, it shall be lawful for such Churchwardens, by their Viewers, Agents, or Workmen, to inspect the Workings which shall from Time to Time be made under the said Piece or Parcel of Ground, or any Part thereof; and (in case they shall think proper so to do) to make and place in the same Workings, or any Part thereof, Pillars of Wood, Stone or Brick, and to do any other Act or Acts necessary and proper for supporting and effectually securing the Roofs of such Workings respectively, so as the orderly and fair Working of the said Mines or Quarries be not thereby obstructed; and it shall be lawful for the Trustees hereinafter ap-

pointed, and their Successors, Trustees for the Purposes of this Act, to levy and raise by the same Ways and Means, and in the same Manner as the Rates and Assessments hereinafter mentioned are by this Act directed to be raised, all such Sum and Sums of Money as shall from Time to Time be sufficient for the Purpose of defraying the Charges and Expences attending any such Inspection or Inspections, and placing of such Pillars, or doing any other Act or Acts hereby authorized to be done for supporting and effectually securing the Roofs of such Workings as aforesaid.

III. And be it further enacted, That the Lord Bishop of *Durham*, the Archdeacon of *Durham*, the Rector of *Gateshead*, the Churchwardens of *Gateshead*, the Stewards of the Borough of *Gateshead*, the Reverend *Robert Thorpe*, Doctor in Divinity, the Rector of *Bolden*, the Rector of *Whiteham*, the Rector of *Ryton*, the Vicar of *Newcastle-upon-Tyne*, the Mayor of *Newcastle-upon-Tyne*, for the Time being respectively, *Cuthbert Ellison*, *Sir Thomas Henry Liddell*, Baronet, *Adam Askew*, *John Carr*, *William Peareth*, *Thomas Emerson Headlam*, *Thomas Harvey*, *John Barras*, *John Greene*, *John Huntley*, *William Hawks*, *George Hawks*, *David Akenhead*, *John Roddam*, *Robert Shafto Hawks*, *John Greene the Younger*, *John Hawks*, *Joseph Willis*, *George Straker*, *Robert Spence*, *Robert Akenhead*, *John Barras the Younger*, *John M'Leod*, *John M'Leod the Younger*, *George Wooler*, *Michael Hall*, *Henry Smith*, the Reverend *John Hodgson*, Clerk, the Reverend *Hugh Salvin*, Clerk, and their Successors, to be appointed as hereinafter mentioned, shall be, and they are hereby appointed, Trustees for putting this Act into Execution; and that all Powers, Authorities, Directions, Acts, Matters, and Things, by this Act given to or directed to be done, by or before the said Trustees, shall and may be exercised, had, and done, by or before any Five or more of them (except in the Cases hereinafter otherwise specially provided).

Appoint-
ment of
Trustees.

IV. And be it further enacted, That when any Trustee appointed by or to be appointed in pursuance of this Act (except such Persons as are declared to be Trustees by virtue of their Situation or Office) shall die or refuse to act, the remaining Trustees, or any Five or more of them, at some Meeting held for that Purpose, shall, by Writing under their Hands, nominate and appoint another Person to be a Trustee in the Room of the Person so dying or refusing to act; and every Person so to be nominated and appointed shall be, and is hereby invested with the several Powers by this Act granted to the Trustees hereinbefore named, as if he had been named and appointed a Trustee in and by this Act.

Trustees dy-
ing, &c.
others to be
chosen.

V. Provided always, That no Person shall be capable of acting as a Trustee in the Execution of this Act (unless in giving Notice of the First Meeting, and of administering the following Oath, which any of the Trustees hereinbefore named are empowered to administer) until he shall have taken an Oath to the following Effect:

Trustees to
take an
Oath.

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Knowledge, and Judgment, execute the several Trusts and Powers reposed in me, as a Trustee, by virtue of an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George the Third*, intituled [*Here set forth the Title of this Act.*]

Form of
Oath.

VI. And

Trustees in-
capable of
acting when
interested in
any Con-
tract.

First Meet-
ing of the
Trustees.

All Proceed-
ings to be at
Public Meet-
ings.

Notice of
Special
Meetings
how to be
given.

Trustees to
pay their
own Ex-
pences.

Trustees and
Justices may
administer
Oaths.

If Five
Trustees do
not meet, an
Adjourn-
ment to be
made for
Seven Days.

Questions
how to be
determined.

VI. And be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, during the Time he shall be interested in any Contract, or enjoy any Employment of Profit under or in consequence of this Act.

VII. And be it further enacted, That the said Trustees shall meet together at some convenient Place within the Parish of *Gatehead* aforesaid, within Twelve Calendar Months next after the passing of this Act, or as soon afterwards, as conveniently may be, between the Hours of Nine of the Clock in the Forenoon, and Three of the Clock in the Afternoon, and take and adopt such Measures for carrying this Act into Execution, as may appear suitable and requisite in that Behalf, and shall then, and from Time to Time, afterwards adjourn their Meetings, or meet according to such Notice, as is hereinafter to be given within the same Hours, and at such Place or Places within the same Parish, as such Trustees shall think proper and convenient; but no Act of the said Trustees shall be valid, unless made or done at some Public Meeting, to be holden by virtue of this Act.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Trustees to meet as often as they shall find it necessary; and that of all Meetings to be held in pursuance of this Act (Meetings by Adjournment only excepted) at least Six Days previous Notice shall be given in Writing by the said Trustees, or their Clerk, by affixing the same on the principal Door of the Parish Church of *Gatehead* aforesaid, or in such other Manner as the said Trustees shall think necessary, thereby setting forth the Day, Hour, Place, and Purport of such Meeting; and the said Trustees shall, at all their Meetings, pay all their own Expences; and all such Trustees as are or may be Justices of the Peace, may act as such within their respective Jurisdictions in the Execution of this Act, notwithstanding their being Trustees; and in all Cases where the Trustees, or any Justice or Justices of the Peace are authorized to examine any Person or Persons on Oath, it shall be lawful for such Trustees and Justices respectively, and they are hereby respectively required to administer such Oath.

IX. Provided always, That if at any Meeting to be holden by virtue of this Act, a sufficient Number of Trustees shall not attend to act, that then the Trustee or Trustees present, or the Clerk to the said Trustees, shall adjourn such Meeting to the Place where the same was appointed to be held, to that Day Seven Night next after the Day on which such Meeting was appointed, giving such Notice as is before directed to be given in Cases of Special Meetings.

X. And be it further enacted, That every Question whereon a Difference of Opinion shall arise, shall be determined by the Majority of Votes of the Trustees present at every Meeting, at which such Difference shall arise; and the Trustees present shall at every Meeting, before they proceed to Business, elect One of the Trustees then present to be Chairman at such Meeting; and if at any Meeting of the said Trustees, any Question shall be put to the Vote, and there shall happen to be an equal Number of Votes for and against the Question, then the Chairman shall have a Second, or Casting Vote, which shall determine such Question.

XI. And

XI. And be it further enacted, That it shall be lawful for the said Trustees, at any Public Meeting to be holden in pursuance of this Act, by Writing under their Hands, to appoint a Treasurer, Clerk, Surveyor, and such other Person and Persons as may be necessary to be employed for the Purposes of this Act, they the said Trustees taking such Security as they shall think proper, for the due Execution of their respective Offices; and shall and may, from Time to Time, remove such Treasurer or Clerk, Surveyor, or other Person or Persons, as may be so appointed as aforesaid, when and so often as they the said Trustees shall think proper, and appoint others in the Room and Stead of such of them as shall be so removed, or who shall die; or may discontinue any such Office or Offices; and such Trustees shall and may, out of the Monies arising, and to be raised under or by virtue of this Act, pay or cause to be paid to such Treasurer, Clerk, Surveyor, and other Person, such Salaries or other Allowances as the said Trustees shall judge reasonable, for and in consideration of their Employment respectively.

Trustees
may appoint
Officers, &c.
taking Security from
them.
Trustees
may remove
Officers.

XII. And be it further enacted, That all Contracts and Agreements, to be made or entered into, by or between the said Trustees, and any Person or Persons whatsoever, relating to any Act, Matter, or Thing, to be done and performed, in execution of any of the Powers hereby granted, shall be reduced into Writing, and signed by the respective Parties to the same.

Contracts to
be in Writing.

XIII. And in order the more effectually to accomplish the Purposes of this Act, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and they are hereby authorised and empowered, at any Time after the Expiration of Seven Years, from the passing of this Act, but not sooner or at any earlier Period, to raise such Fund, and Sum or Sums of Money, as shall be necessary for the Purposes of this Act, (exclusive of, and without Reference to any Sum or Sums of Money, which may be subscribed or raised by voluntary Contributions), so as the same do not exceed the gross Sum of One Thousand Pounds by the Ways and Means and in the Manner following, (that is to say), the said Trustees shall, and they are hereby empowered and required, as soon after the said Term of Seven Years, as they shall think proper, and afterwards from Time to Time, as they shall see Occasion to rate or assess all Persons, who are, or shall be for the Time being Inhabitants or Occupiers of any Lands, Houses, Coal Mines, and other Mines, Quarries, or other Tenements, or Hereditaments whatsoever, within the said District or Tract of Land called *Gateshead Fell*, in respect whereof they are, or shall be assessed, or liable to be assessed to the Poor Rates, in any Sum of Money, not exceeding the Sum of One Shilling and Sixpence in the Pound of the Yearly Rent, or Yearly Value of such Lands, Houses, Coal Mines, or other Tenements or Hereditaments; according to such Poor Rates for the Time being, and the Monies to arise from such Rates or Assessments, shall be from Time to Time vested in the said Trustees, as the same shall respectively become due, for the Purposes of this Act, and shall be collected by such Persons, and in such Manner as they shall direct and appoint: Provided nevertheless, and so that no greater or larger Aggregate Sum, than the Sum of Two Hundred and Fifty Pounds be assessed or collected by any One such Rate, and that there be an Interval of Six

Power to
raise Money
by Rates.

Calendar Months at the least, between the Collection of each respective Rate.

Recovering
Rates.

XIV. And be it further enacted, That if any Person or Persons shall neglect or refuse to pay the Sum or Sums of Money, which shall be so rated or assessed upon him, her, or them, by virtue and for the Purposes of this Act, for the Space of Seven Days after the same shall become payable as aforesaid, and Demand made thereof in Writing, such Writing, if such Person or Persons shall live within the said Parish of *Gateshead*, being delivered to or left at his, her, or their usual Place or Places of Abode; and if such Person or Persons shall not live within the said Parish of *Gateshead*, being fixed upon some conspicuous Part of the Premises, in respect of which such Sum or Sums shall be so rated or assessed, by the Collector or Collectors appointed by the said Trustees, then, and in every such Case it shall be lawful for such Collector or Collectors, and he and they is and are hereby respectively authorized and required, as often as there shall be Occasion, to levy the same by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing as aforesaid, by virtue of a Warrant under the Hands and Seals of Two or more Justices of the Peace for the County of *Durham* (which Warrant any Two or more Justices are hereby authorized and required to grant, upon Proof upon Oath made before them of such Demand and Non-payment as aforesaid, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Costs and Charges attending every such Warrant, Distress, and Sale: Provided always, That the several and respective Occupier and Occupiers (not being an Owner or Owners) of Lands, Houses, Coal Mines, or other Tenements or Hereditaments, in respect of which any such Rate or Assessment shall be made as aforesaid, shall, and they are hereby authorized and empowered to deduct and retain out of their respective Rents or Payments, payable to their respective Landlords or Lessors, any Sum or Sums of Money that shall be rated upon and paid by them respectively, under and by virtue of this Act.

Tenants em-
powered to
deduct Rates
out of their
Rents.

Collectors to
account.

XV. And be it further enacted, That such Collector or Collectors as aforesaid, shall from Time to Time, when required by the said Trustees, deliver in Writing under their respective Hands to the said Trustees, a true, faithful, and perfect Account of all Monies which they shall have received, collected, or levied, and of all other Matters and Things done and performed by them by virtue of or for the Purposes of this Act, and shall, if required by the said Trustees, verify such Accounts upon Oath; and also shall from Time to Time, when thereunto required by the said Trustees, pay all such Monies as shall be in their or either of their Hands, to the said Trustees, or to such Person or Persons, as they shall order and direct; and in case such Collector or Collectors shall wilfully neglect or shall refuse to make such Accounts and Payments, as are by this Act required to be made by them respectively, then any Two or more Justices of the Peace, of the said County of *Durham*, shall and may upon Complaint thereof made to them, make Inquiry of and concerning such Neglect or Refusal, as well by Confession of the Parties themselves, as by the Oath or Oaths of a credible Witness or Witnesses; and if any such Collector shall be

be convicted of such Neglect or Refusal, before such Justices of the Peace, then the said Justices shall thereupon commit the Person or Persons so offending, to the Common Gaol of the said County of *Durham*, there to remain without Bail or Mainprize, until he or they shall have made a true and perfect Account and Payment as aforesaid, or otherwise compounded for the same, to the Satisfaction of the said Trustees, which Composition the said Trustees are hereby authorized and empowered to make and receive: Provided That no Person shall be so committed, for a longer Space of Time, than Twelve Calendar Months.

XVI. And be it further enacted, That the said Trustees shall cause Entries of all such Sums of Money as shall be received under and by virtue of this Act, and also of all Acts, Orders, and Resolutions, Payments Debts, Credits, Copies and Minutes of Contracts, and all other Matters and Proceedings whatsoever of the said Trustees, relative to this Act, or the Execution of the same, to be fairly written and entered in a Book or Books, to be kept for that Purpose, and which shall be signed by the said Trustees or their Clerk by their Order, and which Book or Books shall be kept by the Clerk to the Trustees until the new Church, hereinafter directed to be built, shall be opened for Divine Service, and afterwards shall be deposited in the Vestry of the said Church, and shall and may be produced and read in Evidence in all Courts and Places whatsoever; and also shall from Time to Time, and at all convenient Times, be open to the Inspection and Perusal of every Person who shall be interested in the Premises, or their respective Agents, without Fee or Reward.

Monies received and Proceedings of Trustees, &c. to be entered in a Book.

XVII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and required to cause a new Church and Chancel, with a Place proper for the administering the Sacrament of the Lord's Supper, and also a Tower or Steeple to be built upon the said Piece or Parcel of Ground intended to be vested in them by this Act, or upon so much thereof as may be proper, according to such Plan or Model, Elevation and Section, of such Dimension and Materials, and in such Manner, as they, the said Trustees, shall agree upon and direct at some public Meeting, to be particularly called for that Purpose, and in which Plan of the Church and Chancel to be built in pursuance of this Act, the Chancel shall be distinguished in such Manner as the said Trustees, with the Consent and Approbation of the Bishop of *Durham*, for the Time being, shall direct, and in which Plan no Alteration shall afterwards be made without the Consent of Ten of the said Trustees at least; and in case such Alteration shall in any Manner comprize or relate to the Chancel, or any Part thereof, then with the Consent of the said Bishop in addition to the Ten Trustees; and the said Trustees shall also in like Manner, set out and appoint the Remainder of the said Piece or Parcel of Ground as and for a Cemetery or Church Yard; and the said Trustees shall cause such Pews, Seats, Galleries, and Conveniences to be made for the Accommodation of the Inhabitants of the said District, called *Gateshead Fell*, and a Bell or Bells and such Ornaments to be erected and set up, and such other Matters and Things to be done, as the said Trustees, with the Consent and Approbation of the said Bishop, shall direct, in order that the said Church and Chancel, when completed, finished, and furnished, may be consecrated and set

New Church to be built.

set apart for the Celebration of Divine Service, the publishing of Banns of Marriage, the Solemnization of Marriage, the Administration of the Sacrament of the Lord's Supper, and the Baptism of Infants, and all other religious Acts, according to the Rites and Ceremonies of the Church of *England*; and the said Building, Works, Matters, and Things, shall be done by Contract, or otherwise, subject to the Inspection and Controul of the Surveyor or Surveyors on the Part of the said Trustees, as the said Trustees shall from Time to Time think proper and most expedient to fulfil the Intention and effect the Purposes of this Act.

Pews to be set out for the Curate, Churchwardens, and for Christenings, Churchings, and for the Poor.

XVIII. And be it further enacted, That the said Trustees shall set out and allot in proper and convenient Situations in the said Church, unto and for the Rector thereof, for the Time being, One of the Pews to be made or built in the same Church, and unto and for the Churchwardens for the Time being of the said Church One other such Pew, and for the Use of the Persons attending Christenings and Churchings Two other such Pews, and for the Use of the Poor of the said District called *Gateshead Fell*, such Number of Pews or Seats as the said Trustees shall think necessary and suitable for their Accommodation; and the said Trustees shall also set out and allot such Number of Common Pews, Seats, or Stalls, as they, the said Trustees, shall think proper and convenient; and shall set out and allot, at their Discretion, all the Rest and Residue of such Pews and Seats unto and amongst the Owners and Proprietors of Messuages, Lands, and Tenements, within the said District, in Right of their respective Estates, and which last-mentioned Pews or Seats, so to be set out and allotted as aforesaid, shall be deemed and taken to be annexed to, and be for ever thereafter, held and enjoyed with the respective Estates, in Right of which the same respectively shall be so allotted and set out as appendant or appurtenant thereto, for the Use of the several Tenants, Occupiers thereof for the Time being.

Residue of the Pews or Seats to be set out to the Owners of Estates.

Uniformity of Pews to be preserved, and undue Preference avoided.

XIX. Provided always and be it further enacted, That a due Uniformity in the Pews and Seats in the said new Church shall be observed in the building, and placing of the same, and that with respect to the setting out, allotting, or disposing of any such Pews, or Seats to or in favor of any of the said Trustees, such Trustee and Trustees shall be, and he and they is and are hereby excluded from interfering or giving any Vote or Voice therein; and no such setting out, allotting, or disposing of Pews as aforesaid, shall be in force until confirmed by the Trustees not interested as aforesaid, at the next, or some subsequent public Meeting or Meetings, to be held in pursuance of this Act.

Pews to be numbered.

XX. And be it further enacted, That the said Trustees shall cause the several Pews and Seats so to be set out and allotted to be numbered, and the several Numbers thereof to be entered in a Book, to be provided for that Purpose, with the Names of the Persons to whom the Pews or Seats shall be so set out and allotted, which Book shall be signed by the Trustees and shall be preserved and kept in the Vestry Room of the said Parish or new Church, and shall be open to the Inspection of all Persons interested therein, or their Agents, at all seasonable Times, without Fee

or

or Reward, and shall be admitted as legal Evidence in all Courts whatsoever.

XXI. And be it further enacted, That the said new Church and Chancel, shall be completed and finished, and consecrated, and be fit for the Celebration of Divine Service, within Two Years at furthest, after laying the Foundation thereof; and that from and immediately after the said Church and Chancel shall be finished and consecrated, the same, and the Church Yard belonging thereto, and all and singular the Messuages, Lands, Tenements, and Hereditaments whatsoever, within and Parcel of the said District or Tract of Waste Land called *Gateshead Fell*, shall be from thenceforth for ever thereafter severed and divided from the said Parish of *Gateshead*; and be exempted and discharged from all Dependence thereon, and from all Power, Right, and Authority of the Rector and Parson of the Parish Church of *Gateshead* aforesaid, for the Time being; and the said Rectory and Church hereby authorized to be built shall be for ever thereafter a distinct and separate Rectory and Parish Church for the Inhabitants of the said District or Tract of Land, called *Gateshead Fell*, under the Name and Title of the Rectory and Parish of "*Gateshead Fell*;" and together with the Messuages, Lands, Tenements, Houses, Places, and Hereditaments within the said Fell, shall be for ever thereafter a distinct Parish of itself, and called by the Name of the Parish of *Gateshead Fell*; and the Inhabitants of the said Parish of *Gateshead Fell* shall be for ever thereafter discharged and exempted of and from the Cure of Souls, Power, and Authority of the Rector and Parson of the Parish Church of *Gateshead* aforesaid, and the Rector and Parson of the same Parish Church of *Gateshead* shall be from thenceforth for ever exonerated and discharged from the Cure of Souls of the Inhabitants of the said Parish of *Gateshead Fell*.

When new Church to be completed.

XXII. And be it further enacted, That the said new Church and Chancel, with the Church Yard or Cemetery thereof, (subject to the Reservation hereinbefore contained, to or in Favor of the Lord of the said Manor of *Gateshead* for the Time being, and his Lessee and Lessees, and his, her, and their Executors, Administrators, and Assigns), shall from and immediately after the Consecration thereof, and from and thenceforth for ever thereafter, be vested in the Rector of the same Church, and his Successors, Rectors thereof, for the Time being, the Statutes of Mortmain, or any other Laws or Statutes to the contrary notwithstanding; and that Divine Service according to the Usage of the Church of *England*, Banns of Marriage, the Solemnization of Marriage, the Administration of the Sacrament of the Lord's Supper and Baptism, Burials, and all other Rites and Ceremonies of the Church of *England* shall and may be performed, published, celebrated, solemnized, and administered from Time to Time, and at all Times thereafter, in the said new Church, Chancel, and Church Yard respectively; and that the Churchwardens for the Time being of the said new Church, shall be invested with the Bells, Ornaments, Furniture, Books, Plate, Goods, and Chattels of the said new Church.

The new Church to be vested in the Rector for the Time being.

Churchwardens to be invested with the Furniture, &c.

XXIII. Provided always and be it further enacted, That no Burials or Interment of the Dead, shall at any Time be allowed or permitted by any Person or Persons whomsoever, in or under the Scite of the said new Church, nor any Grave or Vault made therein for that Purpose, and that

No Burials to be in the said new Church.

no Corpse shall be interred in the said new Church Yard, nearer to the Outside of the Walls of the said new Church than Twelve Feet.

Tythes, &c.
annexed to
the Parish
Church of
Gateshead
Fell.

XXIV. And be it further enacted, That from, and immediately after the Separation and Division hereinbefore directed, and the Erection of the said new Church, and the said District called *Gateshead Fell*, into a distinct and separate Rectory and Parish, all great and small Tythes, and all *Easter Offerings*, Surplice Fees, Donations, Pensions, Emoluments, and all other Ecclesiastical Dues whatsoever, thenceforth to accrue, renew, or become payable within the same Rectory and Parish, and which if this Act had not been made, would, could, and ought to have accrued or become payable to the Rector for the Time being, of the Rectory and Parish Church of *Gateshead* aforesaid, shall be for ever thereafter annexed to the said Rectory and Parish Church of *Gateshead Fell*, and belong, and be paid to, and held, and enjoyed by the Rector for the Time being, of the same Rectory and Parish Church.

Right of Pre-
sentation
reserved to
the Bishop
of Durham.

XXV. Provided always, and be it further enacted, That the Bishop of *Durham* for the Time being, and his Successors, Patrons for the Time being, of the said Rectory and Parish Church of *Gateshead* aforesaid, shall and may from Time to Time, and at all Times, have such and the like Estate, Right, and Title of and in the said Church, Chancel, and Church Yard of *Gateshead Fell*, and also of, in, and to the Advowson, Donation, and Patronage, and Right of Nomination and Collation to the said Rectory and Parish Church of *Gateshead Fell*, hereby erected, or intended so to be, as he and they now have, or are entitled of, in, or to the Advowson, Donation, and Patronage, and Right of Nomination and Collation, of, and to the said Rectory and Parish Church of *Gateshead*, and the Chancel and Church Yard thereto belonging, and shall and may exercise such Right of Nomination and Presentation to the said Rectory and Parish Church of *Gateshead Fell*, by appointing the First Rector to the same, when and as soon as it shall be proper and expedient so to do.

Act not to
affect the
Division of
the Parish
of *Gateshead*
into Town-
ships.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall alter or affect the Manor of *Gateshead* aforesaid, or the Division of the said Parish of *Gateshead*, into Townships or separate Districts, for the Maintenance of the Poor, or for any other civil Purpose whatsoever, but that the said Manor and Parish of *Gateshead* shall, as to these Purposes, remain in all Respects the same as if this Act had not passed.

Gateshead
Fell to be
deemed a
distinct Be-
nefice.

XXVII. And be it further enacted, That the said Parish and Rectory of *Gateshead Fell*, when so separated from the said Parish of *Gateshead*, as aforesaid, shall from the Time of such Separation, be deemed and taken to be a distinct Rectory and Benefice within the Diocese and Jurisdiction of the Bishop of *Durham*, for the Time being; and that from and after such Separation and Division, the Rector and Parson of the said Parish Church of *Gateshead*, and his Successors, shall be from thenceforth for ever thereafter discharged, debarred, and excluded of and from all Rights, Pensions, Portions, Tythes, Oblations, and all Profits whatsoever to the said Rectory of *Gateshead Fell*, belonging or intended to be hereby annexed or attached thereto; but nevertheless the Rector for the Time being of the

the said Rectory and Parish Church of *Gateshead* aforesaid, shall in the meantime, and until such Separation as aforesaid, shall take place, have, receive, and enjoy the same Rights, Privileges, and Advantages, as he now hath and enjoys, within the said District or Tract of Land, called *Gateshead Fell*, or could have had and enjoyed therein, if this Act had not passed.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons, or any Body or Bodies Politic or Corporate, at any Time or Times hereafter, to give, devise, grant, demise, or convey, to or for the Use of, or in trust for the Rector or Parson, for the Time being, of the said Rectory of *Gateshead Fell*, and his Successors, any Quantity of Land, not exceeding in the whole Ten Acres, to be the Glebe belonging to the same Rector and Parson, and his Successors, whereupon a Parsonage House, shall or may be built or erected by the same Rector and Parson, and his Successors, without any Licence to take or purchase in Mortmain, and notwithstanding any Law, Statute, Custom, or other Impediments, or Disability whatever.

Land may be given to the new Rectory for Glebe.

XXIX. And be it further enacted, That all the Laws of this Realm concerning Rectories, Parish Churches, Rectors, Clergy, Churchwardens, and other Clerical and Parochial Officers, in that Part of the United Kingdom of *Great Britain* called *England*, shall be in full Force and have Effect and Operation in all Respects in regard to the said Rectory, Parish, and Parish Church of *Gateshead Fell*, in like Manner as if the same had been originally and previously to the making and passing of the same Laws and Statutes a separate and distinct Rectory, Parish, and Parish Church (except as otherwise directed and especially enacted by this Act).

Laws concerning the Clergy extended to the Rectories.

XXX. And be it further enacted, That the said Monies to be raised by virtue of this Act, shall be applied in paying and defraying all the Costs, Charges, and Expences, attending the applying for, obtaining, and passing of this Act, and in erecting and completing the said new Church, and in defraying all other Costs, Charges, and Expences, occasioned by or in any Manner relating to the same, or in carrying this Act into Execution.

Application of Monies raised.

XXXI. And be it further enacted, That if any Person or Persons shall advance and pay any Money in discharge of the Fees, and other Expences of obtaining and executing this Act, the Monies so paid and advanced shall be repaid out of the first Monies that shall be raised for the Purposes of this Act, with Interest for the same, after the Rate of Five Pounds *per Centum per Annum*.

Money advanced to pay Expences, if lent, to be repaid with Interest.

XXXII. And whereas it is expedient that Provision should be made for the Recovery and Application of any Sum or Sums of Money which may be raised by Voluntary Contribution for or towards the Purposes of this Act; Be it therefore further enacted, That the several Persons who have subscribed, or shall subscribe Money towards the Building the said new Church and Chancel, shall, and are hereby required to pay to the said Trustees the respective Sums so by him, her, or them subscribed, within such Time or Times and in such Parts and Proportions, and to such Person

Recovery and Application of voluntary Contributions.

or Persons as the said Trustees shall order and direct, and that all Sum and Sums of Money which shall be so subscribed and paid to the said Trustees shall and may be applied by them in the same Manner and for the same Purposes as the Monies to be raised by any such Rates or Assessments as aforesaid shall or may be applicable, under or by virtue of this Act; and if any such Subscriber or Subscribers as aforesaid, shall neglect or refuse to pay the Money so by him, her, or them, respectively subscribed as aforesaid, according to the Order or Direction of the said Trustees, the same shall and may be recovered by the said Trustees, by Action of Debt, to be brought in any of His Majesty's Courts of Record at *Westminster*.

ACTIONS to be
in the Name
of the Trea-
surer or Clerk
to the Trus-
tee.

Treasurer or
Clerk to be
indemnified.

XXXIII. And be it further enacted, That the said Trustees shall and may sue and be sued in the Name of their Treasurer or Clerk, and that no Action to be brought or commenced by or against the said Trustees, or any of them, by virtue of this Act, in the Name of their Treasurer or Clerk, shall be discontinued by the Death or Removal, or by the Act of such Treasurer or Clerk without the Consent of the Trustees, but the Treasurer or Clerk to the Trustees for the Time being, shall always be deemed to be Plaintiff or Defendant (as the Case may be) in every such Action: Provided always that every such Treasurer or Clerk in whose Name any Action or Suit may be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being made Plaintiff or Defendant therein.

General Ap-
peal.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Matter or Thing to be done in pursuance of this Act, it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at any General Quarter Sessions of the Peace, to be holden for the said County of *Durham*, who are hereby authorised to summon and examine Witnesses upon Oath, and to hear and determine the Matter of every such Appeal in a summary Way, such Appeal being made within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Person or Persons so appealing, first giving or causing to be given Ten Days Notice at least, in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the said Trustees, or to their Clerk or Treasurer, and within Three Days after such Notice entering into a Recognizance, before some Justice of the Peace for the said County of *Durham*, with Two sufficient Sureties conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded against him, her, or them, by the Justices at such Sessions; and that such Justices, upon the Hearing and Determination of the Matter of such Appeal, shall and may make such Order therein as to them shall seem meet; and they are also hereby required to award such Costs to the Party or Parties appealing or appealed against, as they shall think proper, and their Determination of the Premises shall be final and conclusive to all Intents and Purposes.

No Action
to be com-
menced be-
fore Notice.

XXXV. And be it further enacted, That no Actions shall be commenced against any Person or Persons for any Thing done in pursuance of this Act,

Act, until after Twenty-one Days Notice thereof shall have been given in Writing to the said Trustees, or their Clerk or Treasurer, or after sufficient Satisfaction or Tender of Amends hath been made to the Party or Parties aggrieved, or after Six Calendar Months next after the Fact committed, for which such Action shall be brought; and every such Action shall be brought and tried in the said County of *Durham*, and not elsewhere; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act, and the special Matter in evidence at any Trial to be had thereupon; and that the Matter or Thing for which such Action shall be so brought, was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or that such Action was brought before such Notice thereof was given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury shall find for the Defendant or Defendants; and upon such Verdict or Verdicts, or if the Plaintiff or Plaintiffs shall become non-suited, or suffer a Discontinuance of such Action or Actions, or if upon Demurrer Judgment shall be given for the Defendant or Defendants, then such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering of the same as any Defendant hath for Costs of Suit in other Cases by Law.

Defendants
may plead
the General
Issue.

Treble Costs.

XXXVI. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or want of Form in any Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall afterwards be done by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, That no Plaintiff or Plaintiffs shall recover in any Action or Actions, for any such Irregularity or other Proceedings, if Tender of sufficient Amends shall be made by or on Behalf of the Party or Parties who shall have committed such Irregularity, Trespass, or other wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants, in any such Action, by leave of the Court, where such Action shall depend at any Time before Issue joined, to pay into Court such Sum of Money as he or they shall see fit, whereupon such Proceedings, Order, and Judgment, shall be made and given in by such Courts, as in other Actions, where the Defendant is allowed to pay Money into Court.

Distress not
unlawful for
want of
Form.

Tender of
Amends.

Money paid
into Court.

XXXVII. And be it further enacted, That no Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, or any Order made, or other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be quashed for want of Form, or liable to be removed by *Certiorari*, or any other Writ or

No Proceed-
ings to be
vacated for
want of
Form.

[*Loc. & Per.*]

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Process

Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere, any Law or Statute to the contrary notwithstanding.

Public Act. XXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without being specially pleaded.

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