



### CHAPTER cciii.

An Act to authorise the purchase out of funds in Court, and the annexation to the See of Lichfield, of the Advowson of the Rectory of Stoke-upon-Trent, in the County of Stafford, and the better disposal of the Endowments of the Rectory, and other arrangements connected therewith.

A.D. 1889.

[26th August 1889.]

**W**HEREAS the advowson of or perpetual right of presentation to the rectory and ecclesiastical parish of Stoke-upon-Trent, in the county of Stafford and the diocese of Lichfield, was, at the date of the passing of the Act of the seventh and eighth years of the reign of His late Majesty King George the Fourth, herein-after recited, vested or reputed to be vested in John Tomlinson in fee simple :

And whereas by the said Act of the seventh and eighth years of the reign of His late Majesty King George the Fourth, intituled "An Act to authorise a sale to the respective landowners of all tithes and rectorial dues belonging to the rectory of Stoke-upon-Trent, in the county of Stafford, for endowing two new churches, and for other purposes," after reciting, among other things, that the said rectory then extended over more than twelve square miles, with a population of more than thirty thousand inhabitants, and that the number of tithe payers was considerable and increasing, and that much inconvenience was felt in the collection of tithes, it was enacted, by section one, that the rector of the said rectory should have power, with the consent of the patron and ordinary, to sell the tithes and other rectorial dues, except mortuaries and surplice fees : And, by section nine, that in all cases where the consideration for the purchase of any such tithes or rectorial dues, or any part thereof, should be a sum of money in gross, such money not being less than the sum of two hundred pounds, should be paid by the respective purchasers into the Bank of England, in the name and with the privity of the Accountant General of the Court of Chancery, to be placed to his account ex parte the rector of Stoke-upon-Trent,

7 & 8 Geo. IV.  
cap. 41  
(Private).

A.D. 1889. — pursuant to the method prescribed by the Act of the twelfth year of King George the First, chapter thirty-two, and the general orders of the said court, and without fee or reward according to the Act of the twelfth year of the reign of King George the Second, chapter twenty-four; and in all cases where the consideration money should be less than the sum of two hundred pounds, the same should be paid in the manner therein-after directed in that behalf: And, by section twenty-two, that the rector of the said rectory should have power, with the consent of the Bishop of Lichfield and Coventry and of the patron of the rectory, to sell the glebe lands of the rectory comprised in the Second Schedule to the said Act: And, by section twenty-four, that the moneys to arise by sale of all or any part of the said glebe lands and premises thereby made saleable, and not being less than the sum of two hundred pounds, should be paid by the respective purchasers thereof into the Bank of England to the same account and in the same manner as by the said Act was before directed as to any money not being less than the sum of two hundred pounds to be paid by way of consideration for the purchase of any tithes or rectorial dues: And, by section twenty-six, that in all cases where the money to be paid by way of consideration for the purchase of tithes and rectorial dues or of glebe lands, to be sold under the authority of the Act, should be less than the sum of two hundred pounds and should exceed the sum of twenty pounds, such money should be paid into the Bank of England, and applied by order of the said Court of Chancery in the manner in the said Act directed in cases where such purchase or consideration money should amount to or exceed the sum of two hundred pounds, or at the option and with and under the joint direction of the Bishop of Lichfield and Coventry and the rector and patron of the said rectory of Stoke-upon-Trent for the time being, and of the respective purchaser or purchasers, the same money might, without any order of the said court, be paid, and so in all cases where such purchase or consideration money should not exceed twenty pounds, the same should be paid into the hands of two trustees, to be nominated by the rector for the time being of the said rectory of Stoke-upon-Trent, and approved by the patron and ordinary thereof respectively for the time being, such nomination and approbation to be signified in writing, under the respective hands of the persons so nominating and approving, to be registered in the manner therein-after directed, and the money to be so paid to such trustees should with all convenient speed be lodged by them in the Bank of England, in the names of the said trustees, to an account ex parte the rector of Stoke-upon-Trent, and should be by them invested, laid out and applied from time to time for the purposes of the said Act, under



the direction of the said Court of Chancery, in like manner as was therein-after directed with respect to the money so to be paid into the Bank in the name of the Accountant General of the said Court of Chancery: And, by section thirty, that all money which should be paid into the Bank of England in the name of the Accountant General of the said Court of Chancery, pursuant to the provisions in the said Act contained, should immediately upon payment thereof by order of the said court, be invested and laid out from time to time in the name of the said Accountant General, to an account ex parte the rector of Stoke-upon-Trent, in some of the public funds, or in Government or real securities, and that five sixth parts of the dividends and interest arising therefrom from time to time should, by order of the said court, be paid during the incumbency of the then present rector of the said rectory to such person and persons as would have been entitled to the rents of the said glebe lands and to the tithes and rectorial dues thereby authorised to be sold, according to their respective rights and interests in case the same had not been sold; and after such incumbency should cease, five sixth parts of such dividends and interest should be paid to the rector for the time being of the said rectory of Stoke-upon-Trent and his assigns, as part of the yearly revenues and profits of the said rectory, and that the residue of the said dividends and interest should from time to time be invested and laid out in the name of the said Accountant General to the said account ex parte the rector of Stoke-upon-Trent, in or upon the like funds or securities as aforesaid, in order to accumulate until the same should be sold or transferred for the purposes therein-after mentioned: And, by section thirty-one, that it should be lawful for the said Court of Chancery from time to time, upon a petition to be preferred in a summary way by the rector or patron or ordinary for the time being of the said rectory of Stoke-upon-Trent, to order the sale of all or any part of the said funds or securities which should for the time being be standing in the name of the said Accountant General or of the trustees under that Act to the account aforesaid, and to order all or any part of the money produced by any such sale to be laid out in the purchase of manors, messuages, lands, tenements or hereditaments as in the said Act mentioned, which should thereupon be conveyed, surrendered and assured unto and to the use of the rector of the said rectory of Stoke-upon-Trent and his successors for ever, and should from the time of such conveyance and surrender or assurance be annexed to and for ever thereafter be and continue part of the glebe lands of the said rectory; and by section thirty-four, power was given to set apart certain amounts of investments arising from proceeds of sales under the said Act for the purpose of

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A.D. 1889. — forming an endowment of two new district churches for the townships of Shelton and Longton in the said parish of Stoke-upon-Trent, with separate ecclesiastical districts, which were to become district rectories, and to be subject to the laws, provisions and regulations as to presentation, institution and induction, and to all such jurisdiction of the bishop and other jurisdiction as were by law applicable to the said rectory of Stoke-upon-Trent :

And whereas under the provisions of the said Act the district rectory of Longton was in the year one thousand eight hundred and thirty-three formed and separated from the said rectory of Stoke-upon-Trent, and the district rectory of Shelton was in the year one thousand eight hundred and forty-three also formed and separated in like manner, and under the said Act endowments were provided out of the possessions of the said rectory of Stoke-upon-Trent for both the rectories so formed and separated therefrom :

And whereas from time to time divers sales of tithes and rectorial dues of the said rectory of Stoke-upon-Trent were made under the said Act, and all money produced by such sales was paid into the Bank of England in manner directed by the said Act, and no money arising by such sales was ever paid to any trustees :

And whereas there is now standing in the name of the Paymaster General to the credit of "ex parte the rector of Stoke-upon-Trent" the sum of eighty thousand and twenty-seven pounds two and three quarters per cent. consolidated stock :

And whereas five sixth parts of the dividends on the annuities or stock for the time being standing to the credit of the said account "ex parte the rector of Stoke-upon-Trent" have from time to time under orders of the court been paid to the rector for the time being of the said rectory :

And whereas the residue of such dividends, after making the aforesaid payments to the rector for the time being, have, pursuant to the direction for the purpose contained in the said Act, been from time to time invested and accumulated, and the accumulated fund now consists of the sum of sixteen thousand four hundred and fifty-five pounds three shillings and elevenpence two and three quarters per cent. consolidated stock, standing in the name of the Paymaster General, to the credit of an account "ex parte the rector of Stoke-upon-Trent, the accumulating stock account," the sum of four hundred and forty-five pounds eighteen shillings and twopence money on deposit, and two hundred and twenty-two pounds six shillings and twopence cash standing to the credit of the same account, and the accumulation of the dividends and interest of the three last-mentioned sums is liable, under the provisions of the said



Act, to continue until the said sums are invested in the purchase of land as authorised by the said Act : A.D. 1889.

And whereas the Right Reverend Sir Lovelace Tomlinson Stamer, Baronet, Bishop Suffragan to the Right Reverend William Dalrymple, Lord Bishop of Lichfield, and having the title of Bishop of Shrewsbury, is the present rector of the said rectory of Stoke-upon-Trent :

And whereas the First Schedule to this Act contains in Part I. thereof particulars of all the glebe lands, and in Part II. thereof particulars of all the lands forming the site of or attached to the rectory house, and in Part III. thereof particulars of the tithe rentcharges, and in Part IV. thereof particulars of the purchase moneys remaining unpaid and of the interest thereon, respectively now forming part of the possessions of the said rectory ; and the house and lands comprised in Part II. of the said schedule are now used and occupied as the residence of the rector :

And whereas Part I. of the Second Schedule to this Act contains a statement of the annual income of the rectory derived from the glebe lands, tithe rentcharges and other possessions of the rectory, including the sums of stock herein-before mentioned ; and Part II. of the said Second Schedule contains a statement of the present charges payable out of the annual income of the said rectory ; and by such schedule it appears that the present income receivable by the rector from the possessions and endowments of the rectory amounts to the annual sum of three thousand four hundred and eighty pounds seven shillings and ninepence :

And whereas three mission churches with schools or other necessary buildings attached thereto have been erected at Boothern, Mount Pleasant and Cauldon Place respectively, within the parish of Stoke-upon-Trent, by means of money raised by voluntary contributions, and the sites of the said three churches, schools and other buildings are vested in the rector and churchwardens of Stoke-upon-Trent :

And whereas there is no endowment or stipend attached to any of the said three churches, but the services therein and the duties connected therewith are performed by the rector and his curates, and the stipends of all such curates (at present seven in number) are defrayed by the rector out of the annual income received by him from the possessions and endowments of the rectory, and the cost of repairs and all other outgoings connected with the said churches are defrayed out of collections and voluntary subscriptions :

And whereas the ecclesiastical parish of Stoke-upon-Trent, as at present constituted, contains an area of two thousand one hundred and twelve acres or thereabouts, and is computed to have contained

A.D. 1889. — at the last census a population of twenty thousand four hundred or thereabouts :

And whereas the Bishop of Lichfield has entered into a contract for the purchase of the advowson of the said rectory at the price of fifteen thousand five hundred pounds, such contract being made conditional on the confirmation thereof by this Act, and a copy of the said contract is set forth in the Fourth Schedule to this Act :

And whereas it is desirable that the said contract for purchase set forth in the Fourth Schedule to this Act should be confirmed, and that the perpetual right of presentation to the said rectory should be transferred to and for ever remain vested in the ordinary of the diocese in which the same is situated, and that the purchase money for the same should be raised by the sale of part of the stock standing in the name of the Paymaster General as aforesaid, and that all further accumulations of dividends on the said sums standing to the credit of "ex parte the rector of Stoke-upon-Trent, the accumulating stock account," should cease, and that the said sums should be added to and consolidated with the other stock standing to the credit of the account "ex parte the rector of Stoke-upon-Trent," and that the whole of the dividends on the stock and money on deposit for the time being remaining to the credit of that account, after answering the purposes of this Act, should be paid to the rector of Stoke-upon-Trent for the time being :

And whereas the residence, called Cliffville, constituting the present rectory house of the parish of Stoke-upon-Trent, is inconveniently large and expensive, and will involve undue expense in maintenance, and it is desirable that the same, and the stables, gardens, and grounds belonging thereto should be sold, and that another more convenient and less expensive residence should be purchased, built or acquired for a rectory house at a price not exceeding four thousand pounds :

And whereas the four vicarages or district churches of Hartshill, Trent Vale, Penkhull and Fenton, and the ecclesiastical districts belonging thereto, in the county of Stafford, were formerly parts of the parish of Stoke-upon-Trent, but have become separated therefrom and converted into distinct parishes or districts :

And whereas the estimated annual income of the incumbent of each of the said four parishes or districts, exclusive of pew rents, is stated in the Third Schedule hereto, and it is desirable that the income should be increased so as to amount, in the case of Hartshill, Trent Vale, and Penkhull, to not less than the annual sum of three hundred pounds, and in the case of Fenton, to not less than the annual sum of four hundred pounds :



And whereas, under an Act of the twenty-seventh year of the reign of His late Majesty King George the Third, intituled "An Act for taking down and rebuilding the chapel of Hanley, in the county of Stafford, for vesting the right of nomination in trustees, and for enlarging the chapel yard, and other purposes," the chapel of St. John the Evangelist, Hanley, in the parish of Stoke-upon-Trent, is vested in trustees, who have power to sell and let the sittings therein, and divers of the sittings have been from time to time sold or let accordingly; and, under the same Act, the right of presenting a clerk to the said chapel is vested in the trustees thereof:

And whereas the district served by the said chapel is situated in the borough of Hanley, within the parish of Stoke-upon-Trent, but is not a separate district for ecclesiastical purposes:

And whereas the estimated annual income of the incumbent of the said chapel is stated in the Third Schedule hereto, and it is desirable that the rights of proprietors of sittings in the chapel should be purchased and extinguished, with a view to the assignment to the chapel of a separate ecclesiastical district, and that when a separate ecclesiastical district has been assigned to the chapel, whereby the chapelry will become a rectory, the annual income of the incumbent should be increased to not less than the annual sum of five hundred pounds:

And whereas under an Act of the thirty-second year of the reign of His late Majesty King George the Third, intituled "An Act for rebuilding the chapel, and enlarging the chapel yard of Lane End, within the parish of Stoke-upon-Trent, in the county of Stafford," the right of presentation to the chapel of St. John's, Lane End, is vested in the trustees thereof appointed under the last-mentioned Act:

And whereas the district of the chapel of St. John's, Lane End, though within the parish of Stoke-upon-Trent, is a separate district for ecclesiastical purposes, and the incumbent is the vicar of St. John's, Lane End:

And whereas the estimated annual income of the incumbent of the vicarage of St. John's, Lane End, is stated in the Third Schedule hereto; and it is desirable that provision should be made for effecting a transfer of the right of nomination to the vicarage of Lane End from the trustees thereof to the ordinary of the diocese in which the same is situated; and, that upon such transfer being effected, the annual income of the incumbent should be increased to not less than the annual sum of five hundred pounds:

And whereas by the said Act of the seventh and eighth years of His late Majesty King George the Fourth, in case the trustees of

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the right of nomination and presentation to the said respective chapels of Hanley and Lane End, or either of them, should at any time thereafter enter into and conclude an arrangement or agreement, as in the said Act mentioned, for surrendering their said respective rights of nomination and presentation, and converting the said respective chapels, or either of them, with districts to be annexed thereto, into separate district chapels and chapelries or parishes for ecclesiastical purposes, additional perpetual endowments for the said chapels were provided, and certain other provisions were made with reference to the said chapels and the districts thereof, and the endowments thereof:

And whereas it is expedient that the provisions of this Act, with reference to the Chapel at Hanley and the vicarage of Lane End, should take effect in substitution for and satisfaction of the provisions with reference to further endowments for the said chapel and vicarage contained in the said Act of the seventh and eighth years of His late Majesty King George the Fourth:

And whereas the present rector has consented to this Act:

And whereas the Lord Bishop of Lichfield and the Ecclesiastical Commissioners for England have respectively consented to this Act:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty, that it may be enacted, and be it 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, as follows:—

Short title.

1. This Act may be cited as the *Stoke-upon-Trent Rectory Act, 1889.*

Interpretation.

2. In this Act the following expressions shall have the following meanings respectively (that is to say):—

The expression "the bishop" means and includes the Right Reverend William Dalrymple, Lord Bishop of Lichfield, and his successors for the time being Bishops of Lichfield;

The expression "the rector" means and includes the Right Reverend Sir Lovelace Tomlinson Stamer, Baronet, Bishop of Shrewsbury, the present rector of the rectory of Stoke-upon-Trent, and his successors for the time being rectors of the said rectory;

The expression "the court" means the High Court of Justice;

The expression "the accumulation fund" means the sum of two and three quarters per cent. consolidated stock and the money on deposit and the cash (if any) for the time being standing in



the name of the Paymaster General to the credit of "ex parte the rector of Stoke-upon-Trent, the accumulating stock account";

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The expression "the fund in court" means the sum of two and three quarters per cent. consolidated stock, and the money on deposit and the cash (if any) for the time being standing in the name of the Paymaster General to the credit of "ex parte the rector of Stoke-upon-Trent."

3. From and after the passing of this Act so much of the said Act of the seventh and eighth years of His late Majesty King George the Fourth as requires that the residue of the dividends and interest on the fund in court, after payment of five sixth parts thereof to the rector, shall be invested and accumulated until the same shall be sold for the purposes in the said Act directed, shall be and the same is hereby repealed, and all further investment and accumulation of any portion of the dividends and interest on the fund in court shall cease; and, subject to the provisions of this Act, the rector shall be entitled to receive the whole of the dividends and interest on the fund in court, or on so much thereof as may for the time being remain after providing for the purposes of this Act.

Dealings  
with accumu-  
lation fund.

4. The contract for sale of the advowson of the rectory of Stoke-upon-Trent to the bishop at the price of fifteen thousand five hundred pounds, a copy whereof is contained in the Fourth Schedule to this Act, shall be, and the same is, hereby confirmed and made binding on the bishop, and shall be carried into effect by the bishop, subject to and in accordance with the provisions of this Act, and the purchase money of fifteen thousand five hundred pounds shall be raised and paid out of or by sale of a competent part of the accumulation fund, and the said advowson, when purchased, shall be conveyed so as to vest in the bishop in fee simple as part of the possessions of his see, and the right of nomination to the rectory shall for ever thereafter be exercised by the bishop: Provided always, that after the death or resignation of the present incumbent the rectory shall not at any time be held by any bishop or bishop suffragan; and on the appointment of any future rector to either of such offices, the rectory shall become vacant and a successor be appointed: Provided also, that within three months from the first day of November one thousand eight hundred and eighty-nine, a duly stamped deed of conveyance shall be produced by the purchaser to the Commissioners of Inland Revenue, and in default of production the ad valorem stamp duty, with interest thereon at the rate of five pounds per centum per annum from the first day of November, one thousand

Confirming  
contract for  
sale of  
advowson.



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 eight hundred and eighty-nine, to the date of payment, shall be recoverable from the purchaser, with full costs of suit, and all costs and charges attending the same.

Bishop to apply to court for order directing inquiry into title, &c.

5. Immediately after the passing of this Act the bishop may apply to the court by summons for an order directing an inquiry as to title and the settlement of a proper conveyance, and also for the sale of a competent part of the accumulation fund to provide the purchase money and for payment of such purchase money to the persons entitled to receive the same.

Balance of accumulation fund after payment of purchase money.

6. When the purchase money for the said advowson has been raised and paid as by this Act directed, all further investment and accumulation of the accumulation fund shall cease, and the remaining balance of the accumulation fund shall be added to and consolidated with the fund in court; and the rector may apply to the court for an order directing that the remaining balance of stock, money on deposit, and cash standing in the name of the Paymaster General to the credit of "ex parte the rector of Stoke-upon-Trent, the accumulating stock account," shall be carried over to the credit of the same account as the fund in court, namely, the account "ex parte the rector of Stoke-upon-Trent," and that any money on deposit and cash standing to the credit of the last-mentioned account and representing capital may be invested, and that the whole of the dividends accruing after the passing of this Act on the stock for the time being standing to the credit of the last-mentioned account may be paid to the rector for the time being.

Purchase of new rectory house.

7. The rector, with the consent of the bishop, may contract for the purchase, at a price not exceeding four thousand pounds of any house, with or without stables and other buildings, and a garden and grounds attached thereto, situated within the parish of Stoke-upon-Trent, to be used as another residence for the rector instead of the present rectory house, or may contract for the purchase of land whereon to erect a rectory house and other suitable buildings, and may contract for the erection thereon, or on any land for the time being part of the possessions of the rectory, of such house and buildings, and for the execution of other necessary or proper works, so that the whole cost of house, buildings and works, including the cost of the land (if any) purchased, or the value of the land (if any) part of the possessions of the rectory appropriated to the house, buildings and works, such value to be proved to the satisfaction of the court, does not exceed the sum of four thousand pounds, and any contract so made shall be carried into effect by the rector subject to and in accordance with the provisions of this Act, and the purchase money and other money required, not exceeding in the whole fou



thousand pounds, shall be raised and paid by sale of a competent part of the fund in court, and the property purchased (if any) shall be conveyed so as to vest in the rector in fee simple as part of the possessions of the rectory, and shall for ever thereafter be used as a place of residence for the rector.

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8. When any contract for purchase has been entered into by the rector, pursuant to the last preceding section of this Act, the rector may apply to the court for an order directing an inquiry as to title and the settlement of a proper conveyance, and for the sale of a competent part of the fund in court in order to provide the purchase money, and for payment of such purchase money to the persons entitled to receive the same, and also in order to provide the other money (if any) required for the erection of a rectory house and other buildings, and the execution of other works (if any).

Rector may apply to court for order directing inquiry into title.

9. From and after the passing of this Act the sum of two and three quarters per cent. consolidated stock, mentioned in the column No. 4 of the Third Schedule to this Act as the sum of stock to be set apart as a further endowment for each of the district churches or vicarages of Hartshill, Trent Vale, Penkhull and Fenton, in that schedule mentioned, shall be, and each such sum is, hereby appropriated, and shall be set apart out of the fund in court accordingly, and the dividends on the sum of stock so appropriated and to be set apart for each such vicarage shall, from and after the carrying over thereof and under an order to be obtained as by this Act directed, and for ever thereafter, be paid to the vicar for the time being of the vicarage for which the same is appropriated, in augmentation of his stipend.

Stock to be set apart for further endowment of vicarages of Hartshill, Trent Vale, Penkhull and Fenton.

10. As soon as conveniently may be after the passing of this Act the bishop shall apply to the court for an order directing that the sum mentioned in the column No. 4 of the Third Schedule to this Act to be appropriated to each of the vicarages of Hartshill, Trent Vale, Penkhull and Fenton, named in that schedule, be carried over to the credit of ex parte the vicar of the vicarage for which the same is by this Act appropriated and set apart, and for payment of the dividends thereon to the vicar for the time being of such vicarage.

Bishop to apply for an order of court for appropriation of stock and payment of dividends.

11. (1.) As soon as conveniently may be after another residence for the rector has been purchased or otherwise provided under the provisions of this Act, but during the incumbency of the present rector only if he so desires, the present rectory house, buildings, gardens, and grounds shall be sold by the rector with the consent of the bishop, and either together or in parcels, for such price, subject

Sale of present rectory house.

A.D. 1889. — to such conditions, and generally in such manner as the rector with the consent of the bishop shall think proper.

(2.) The purchase money arising by any such sale shall be paid into court to the like account as the fund in court, and the court may on the application of the rector make an order for payment accordingly.

(3.) On payment into court of any such purchase money, the rector may execute a conveyance of the property purchased to the purchaser thereof, or as he shall direct, and such conveyance shall operate to vest the property purchased in the person to whom the conveyance is made for all the estate and interest of the rector and his successors.

(4.) Until a sale is effected under this Act of the present rectory house, buildings, gardens and grounds, the same, or any part thereof, may be leased by the rector, with the consent of the bishop, for any term not exceeding seven years, to take effect in possession at the best rent to be reasonably obtained, without fine, and subject to such terms and conditions as the rector with the consent of the bishop, may think proper, and any sale made during the subsistence of a lease shall be without prejudice to the lease, and the purchaser shall take subject thereto.

Conveyance to bishop or rector to be deposited in bishop's registry.

**12.** Every conveyance to the bishop or the rector made pursuant to this Act shall be deposited in the registry of the bishop, and a memorandum of such deposit shall be entered in the bishop's register, and when a memorandum has been so entered the conveyance to which it relates shall be and become valid without enrolment under the Mortmain and Charitable Uses Act, 1888, and without any further registration or other formality in reference thereto.

Application to court for specific performance of contract.

**13.** If default shall be made by the bishop in taking the proceedings necessary or proper to enable the contract contained in the Fourth Schedule to this Act to be specifically performed and carried into execution, the rector or the vendors named in the said contract, or any person deriving title under the vendors, may apply to the court to have such contract specifically performed and carried into execution, and on any such application the court shall make such order or orders for that purpose as may be just and proper.

Power to purchase up sittings in Hanley chapel.

**14.** (1.) As soon as conveniently may be after the passing of this Act, the patronage trustees for the time being of the chapel of Hanley (who are in this Act and the Fifth Schedule to this Act referred to as the trustees), may agree for the purchase of the



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proprietary rights to sittings in the chapel of Hanley, and the agreement for such purchase, and the consequent extinguishment of all proprietary rights to sittings in that chapel, shall be made and completed and take effect in accordance with the provisions contained in the Fifth Schedule to this Act, which schedule shall have effect as if it were in terms enacted by this Act.

(2.) The amount agreed to be paid for the purchase of such proprietary rights to sittings, and the costs, charges and expenses, properly incurred, as between solicitor and client, of the trustees and of the proprietors in reference to the purchase, shall be paid out of the sum of stock which under this Act is to be carried over to the credit of ex parte the incumbent of Hanley.

**15.** Upon the application of the trustees, and upon production to the court of a certificate in writing, signed by the stipendiary magistrate for the time being of the potteries district, or in case he is unable or unwilling to act, then by a barrister to be appointed for the purpose by writing under the hand of the Attorney General for the time being, certifying the amount to be paid for the purchase of the proprietary rights to sittings in the chapel of Hanley, the court may order that the amount of the purchase money, as stated in such certificate, together with the costs, charges and expenses mentioned in subsection (2) of the last preceding section of this Act, shall be raised by the sale of a competent part of the fund in court to the credit of ex parte the incumbent of Hanley, and shall be paid to the persons in such certificate named as entitled to receive the same, or in the manner in which the same ought to be paid.

Purchase money for sittings to be provided out of fund in court.

**16.** The trustees may apply to the court for any order necessary to give effect to the provisions contained in the two last preceding sections of this Act, and the costs of the trustees of and incidental to such application shall be deemed part of the costs properly incurred in reference to the purchase of the proprietary rights to sittings, and shall be payable in like manner.

Application to court, and costs thereof.

**17.** The trustees may apply to the court to decide any question as to the validity of a claim to a proprietary right to a sitting, or to any purchase money for such proprietary right; and the costs, properly incurred, of the trustees and of the claimant of the application, and consequent thereon, shall be deemed costs in reference to the purchase of the proprietary rights to sittings, and shall be paid accordingly.

Power to apply for decision as to validity of claims to sittings.

**18.** (1.) As soon as may be after the passing of this Act, the bishop shall apply for and the court may make an order directing that the sum of consolidated stock mentioned in column No. 4, of

Further endowment for chapel or rectory of Hanley.

A.D.1889. — the Third Schedule to the Act, as the sum of stock to be set apart as a further endowment for the chapel (hereafter to be constituted the rectory) of Hanley, shall be appropriated and set apart out of the fund in court, and shall be carried over to the credit of ex parte the incumbent of Hanley, and also directing that the dividends on the sum of stock so appropriated and set apart shall, from and after the carrying over thereof, be invested and accumulated in the purchase of like stock to be carried to the like account.

(2.) When the consents necessary under the provisions of this Act to enable the proprietary rights to sittings in the chapel of Hanley to be extinguished have been obtained, and when a separate district for ecclesiastical purposes has been assigned to that chapel, as herein-after provided, the dividends on the sum of stock carried over to the credit of ex parte the incumbent of Hanley, and on the accumulations (if any) of dividends on the sums so carried over, or on so much thereof as shall remain after making the payments thereout directed or authorised to be made under this Act, shall for ever thereafter be paid to the incumbent for the time being of the chapel or rectory of Hanley, in augmentation of his stipend.

(3.) A certificate in writing, signed by the stipendiary magistrate for the time being of the potteries district, or in case he is unable or unwilling to act, then of a barrister to be appointed for the purpose by writing under the hand of the Attorney General for the time being, stating that the consents necessary to enable proprietary rights to sittings to be extinguished have been obtained, shall be sufficient evidence of the fact stated in such certificate.

Ecclesiastical Commissioners may assign a district to chapel of Hanley.

**19.** (1.) When the consents necessary under the provisions of this Act to enable the proprietary rights to sittings in the chapel of Hanley to be extinguished have been obtained, the Ecclesiastical Commissioners for England (who are in this Act referred to as the Commissioners) may, upon the application of the incumbent of Hanley, with the approval of the trustees, forthwith, under the provisions of the Church Building Acts, assign a district for ecclesiastical purposes to the said chapel of Hanley, which district and chapel shall thenceforth become a separate parish for ecclesiastical purposes and rectory, by the name of the rectory of Hanley; and the said district so to be assigned by the Commissioners as aforesaid shall be and comprise so much of the poor law parish of Stoke-upon-Trent as lies within the county borough of Hanley and north of the Cauldon branch of the Trent and Mersey Canal, and is not comprised within the ecclesiastical parishes of Shelton, Etruria, Hope, Northwood, and Wellington.

Provisions of 7 & 8 Geo. IV. as to en-

(2.) When an order of the court has been made directing that the sum of stock to be set apart as a further endowment for the



rectory of Hanley, shall be carried over to the credit of ex parte the incumbent of Hanley, all the provisions contained in the Act of the seventh and eighth years of His late Majesty King George the Fourth, with reference to the further endowment of the chapel of Hanley, shall be deemed satisfied and shall cease to have effect.

A.D. 1889.

—  
dowment to  
be deemed  
satisfied.

**20.** (1.) The Commissioners and the persons for the time being acting as trustees of the vicarage of St. John's, Lane End, under the provisions of the Act of the thirty-second year of the reign of His late Majesty King George the Third, may by agreement in writing executed under the common seal of the Commissioners, and under the hands of a majority of those persons, agree that the right of presentation to that vicarage vested in the trustees appointed under the last-mentioned Act, shall from and after the execution of the agreement by the Commissioners and such majority, be extinguished, and the same shall, from and after such execution be extinguished accordingly; and thenceforth the advowson of or perpetual right of nomination to the vicarage of St. John's, Lane End, shall become, and the same is by this Act vested in the bishop in fee simple as part of the possessions of his see, and the right of nomination to that vicarage shall for ever thereafter be exercised by the bishop.

Power to  
agree for  
transfer to  
the bishop of  
the advow-  
son of Lane  
End.

(2.) The agreement entered into under this section shall be published once in each of two successive weeks in some newspaper circulating in the parish of Stoke-upon-Trent.

(3.) If within one month from the date of the last publication of such agreement any proceeding should not be taken against the Commissioners to have the agreement declared void, on the ground that it was not signed by a majority of the persons for the time being acting as trustees of the vicarage (on which ground alone it shall be liable to be declared void), the agreement (whether signed by such majority or not) shall, at the expiration of such one month, become absolutely valid, and shall have effect for all the purposes of this Act.

(4.) A certificate under the common seal of the Commissioners that no proceedings have been taken against them to have the agreement declared void shall be sufficient evidence of the facts stated in such certificate.

(5.) When, under this section or otherwise, the agreement shall become or shall have been declared valid, it shall be deposited in the registry of the bishop, and a memorandum of such deposit shall be entered in the register.

**21.** When the right of nomination to the vicarage of St. John's, Lane End, has become vested in the bishop, the Commissioners shall forthwith apply to the court for an order, and the court may

Provision  
for increas-  
ing the  
endowment

A.D. 1889.  
of the vicar-  
age of Lane  
End.

make an order, directing that the sum of consolidated stock, mentioned in column No. 4 of the Third Schedule to this Act, as the sum of stock to be set apart as a further endowment for the vicarage of St. John's, Lane End, shall be appropriated and set apart out of the fund in court, and shall be carried over to the credit of ex parte the incumbent of St. John's, Lane End, and also directing that the dividends on the sum of stock so to be appropriated and set apart shall, from and after the carrying over thereof and for ever thereafter, be paid to the vicar for the time being of the vicarage of St. John's, Lane End, in augmentation of his stipend; and the court may, at the same time or subsequently, make an order directing that the costs, charges and expenses properly incurred by the Commissioners in, or in connexion with the vesting in the bishop of the right of nomination to the vicarage of St. John's, Lane End, and in or in connexion with the application to the court for the order contemplated by this section, shall be raised and paid to the Commissioners by the sale of a competent part of the said fund in court.

Provisions  
of 7 & 8  
Geo. IV. as  
to further  
endowment  
of Lane End  
to become  
satisfied.

**22.** When an order of the court has been made, directing that the sum of stock to be set apart as a further endowment for the vicarage of St. John's, Lane End, shall be carried over to the credit of ex parte the incumbent of St. John's, Lane End, all the provisions contained in the Act of the seventh and eighth years of His late Majesty King George the Fourth, with reference to the further endowment of the chapel of Lane End, shall be deemed satisfied, and shall cease to have effect.

As to appli-  
cations to  
court under  
this Act.

**23.** (1.) Every application to the court under this Act shall be by summons at chambers in the Chancery Division.

(2.) On any such application the court may make such order as it thinks proper, having regard to the provisions of this Act, and may order that any costs be raised and paid by sale of a competent part of the fund in court, or otherwise, as the court thinks proper, having regard to the provisions of this Act.

(3.) The court may direct service of the summons on any person, or may make an order without service thereof on any person.

Recited Act,  
except so far  
as varied, to  
remain in  
force.

**24.** All the powers and provisions of the said Act of the seventh and eighth years of the reign of King George the Fourth, except so far as the same are expressly repealed or varied by this Act, and as the same are varied by this Act, shall remain in full force.

As to pay-  
ment of costs  
and charges  
in carrying

**25.** All proper costs, charges and expenses incurred by the bishop of or incidental to the application to Parliament for this Act and the passing thereof, and all costs, charges and expenses incurred



by the bishop or the rector in carrying this Act into execution shall be paid out of the fund in court, and by sale of a competent part thereof; and all proper costs, charges and expenses incurred by the trustees of the will of Frederick Wright Tomlinson, deceased, being the vendors named in the contract for sale, a copy whereof is contained in the Fourth Schedule to this Act, in connexion with and incidental to the application for and passing of this Act, and the carrying the same into execution, shall be paid in like manner out of the same fund; and all proper costs, charges and expenses, as between solicitor and client, incurred by the trustees of or incidental to the application to Parliament for this Act and the passing thereof, and of or incidental to their opposition thereto, shall be paid out of the sum of stock which under this Act is to be carried over to the credit of ex parte the incumbent of Hanley; and the court may, on the application of any person entitled to receive any such costs, charges or expenses, make such order for payment thereof accordingly as the court thinks proper.

A.D. 1889.  
—  
this Act into  
execution.

**26.** If from any cause whatever the conveyance to the bishop of the advowson of the rectory of Stoke-upon-Trent should not, before the expiration of twelve months from the date of the passing of this Act, be executed by all proper parties, pursuant to the direction for that purpose to be given by the court, then all the provisions of this Act, except the provisions with respect to payment of costs, shall, after the expiration of such twelve months without such conveyance having been so executed, cease to have any effect.

Act to cease  
if advowson  
not conveyed  
within twelve  
months.

**27.** Nothing in this Act contained shall be considered as in any manner superseding or interfering with the operation of section 74 of the Ecclesiastical Commissioners Act, 1840, or with the operation of section 8 of the Act 17 & 18 Victoria, c. 84.

Saving of  
Acts.

A.D. 1889.

THE FIRST SCHEDULE IN THE FOREGOING  
ACT REFERRED TO.

PART I.

GLEBE LANDS.

Description of Property.	Tenant's Name.	Acreage.			Rental.		
		A.	R.	P.	£	s.	d.
Rectory Farm - - -	John Foster - - -	18	3	20	63	10	0
Moat Meadow - - -	Jos. Critchlow (about)	5	0	0	13	0	0
Part of Lower Mill Field -	George Smith - - -	0	1	26	5	0	0
Part of Upper ditto - - -	Victoria Athletic Club (about) - - -	7	0	0	30	0	0
Rentcharge on Canal - - -	North Staffordshire Railway Company -	—			10	9	0
Ditto - - - - -	Ditto - - - - -	—			11	0	0
Warehouse - - - - -	Ditto - - - - -	—			1	0	0
Water rent of Burslem Brook and Dale Hall - - -	Ditto - - - - -	—			9	18	4
Ditto Foxley Brook - - -	Ditto - - - - -	—			—		
Wharf - - - - -	Bridgewater Trustees	1,300 sq. yds.			50	0	0
Garden land, part of Barn Field - - - - -	Messrs. Fielding - -	—			5	0	0
"Red Lion" Inn, ground rent - - - - -	Showell & Co. - - -	—			15	17	6
Wharf - - - - -	Wm. Brassington - -	—			15	17	10
Acknowledgment rent - - -	G. H. H. Pemberton -	—			0	7	6
Ditto - - - - -	Charles Wilkinson - -	—			2	8	0
Farm-house and outbuild- ings - - - - -	Joseph Brown - - -	—			16	0	0
					<u>£249 8 2</u>		

PART II.

RECTORY HOUSE AND LAND.

Description of Property.	Acreage.		
	A.	R.	P.
House, gardens, stables and pleasure grounds - - -	7	2	0
Pasture land adjoining, in hand - - - - -	13	0	0
NOTE.—The above was purchased for the living, in 1864, for £9,338 5s.			
			<u>A. 20 2 0</u>



PART III.  
TITHE RENTCHARGES.

A.D. 1889.

Apportionment.	Value for Years 1885-6-7.	Average.
£ s. d. 880 16 9	£ s. d. 797 5 8 770 4 4 741 2 1	
	£2,308 12 1	

Average £769 10s. 8d.

PART IV.  
INTEREST OF PURCHASE MONEYS REMAINING UNPAID.

	£ s. d.	£ s. d.
George Jones - - -	910 0 0 at 4½ per cent.	40 19 0
John Aynsley - - -	2,963 13 6 at 5 "	148 3 8
John Foster - - -	134 5 0 at 5 "	6 14 8
George Bradshaw - - -	48 6 3 at 5 "	2 8 0
		<u>£198 5 4</u>

THE SECOND SCHEDULE IN THE FOREGOING ACT  
REFERRED TO.

PART I.

SUMMARY OF ENDOWMENTS AND ANNUAL INCOME OF THE RECTORY AND  
OUTGOINGS PAYABLE THEREOUT.

1. The rectory house and grounds known as Cliffville, in the parish of Stoke, with about 13 acres of meadow land adjoining the same - - - - -	£ s. d. -
2. Glebe land remaining unsold, and now producing per annum	249 8 2
3. Tithe rentcharge remaining unsold, apportioned at £880 16s. 7d., and the average value of which for the years 1885, 1886 and 1887 was - - - - -	769 10 8
4. Interest on purchase moneys of glebe land remaining unpaid - - - - -	198 5 4
5. £2,601 4s. 7d. consols standing in the name of the Paymaster General to an account entitled "ex parte the Fenton Local Board, the account of the rector for the time being of the rectory of Stoke-upon-Trent," and producing per annum - - - - -	78 0 8

[Ch. cciii.] *Stoke-upon-Trent Rectory Act, 1889.* [52 & 53 VICT.]

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	£	s.	d.
6. £1,410 9s. 4d. consols standing in the name of the Paymaster General to an account entitled "ex parte the Commissioners of the Trent and Mersey Canal," and producing per annum - - - - -	38	15	9
7. £1,037 9s. 3d. consols standing in the name of the Paymaster General to an account entitled "ex parte churches and John Tomlinson," and producing per annum - - -	28	10	7
8. £10,474 11s. 8d. and £29 14s. 7d., being proceeds of sales of glebe lands not scheduled in the Act of 1827, and standing in the name of the Governors of Queen Anne's Bounty, and producing per annum - - -	283	17	6
9. £80,027 consols, standing in the name of the Paymaster General to an account entitled "ex parte the rector of Stoke-upon-Trent," produced by sales under the Stoke Rectory Act, 7th and 8th George IV., and producing per annum - - - - -	2,200	14	10
Total - - - - -	<u>£3,847</u>	<u>3</u>	<u>6</u>
10. £16,455 3s. 11d. consols, £445 18s. 2d. on deposit, and £226 6s. 2d. cash, standing in the name of the Paymaster General, being the present amount of the accumulated fund under the same Act, producing per annum (not paid to the rector, but accumulated) - - -	464	15	0
Present income of endowments - Total	<u>£4,311</u>	<u>18</u>	<u>6</u>
	£	s.	d.
From the above total of - - - - -	3,847	3	6
Deduct one sixth payable to accumulated fund of dividends on consols No. 9 - - - - -	366	15	9
Total income now receivable by the rector -	<u>£3,480</u>	<u>7</u>	<u>9</u>

PART II.

ANNUAL OUTGOINGS, BEING PAYMENTS MADE FROM THE INCOME OF THE LIVING RECEIVABLE BY THE RECTOR.

	£	s.	d.
Annual payment to the rector of Newcastle-under-Lyme -	108	0	0
Annual payment to the rector of Burslem - - - - -	68	0	0
Annual payment to the rector of Bucknall-cum-Bagnall -	10	0	0
Annual payment to the vicar of Penkhull - - - - -	25	0	0
	<u>£211</u>	<u>0</u>	<u>0</u>



THE THIRD SCHEDULE IN THE FOREGOING ACT  
REFERRED TO.

A.D. 1889.

DISTRICT CHURCHES OR VICARAGES WHICH ARE TO BE FURTHER  
ENDOWED OUT OF THE FUND IN COURT.

Column No. 1.	Column No. 2.	Column No. 3.	Column No. 4.
Name of Incumbent.	Name of Vicarage or Chapelry.	Estimated Annual Income of Vicar or Incumbent.	Amount of Stock to be appropriated and set apart out of the Fund in Court as a further Endowment.
		£ s. d.	£ s. d.
The Rev. Arthur Paice -	Hartshill Vicarage -	155 14 6	5,246 10 0
The Rev. John Wills Browne	Trent Vale Vicarage	145 0 0	5,636 10 0
The Rev. John James Browne - - -	Penkhull Vicarage -	160 14 1	5,065 7 0
The Rev. Herbert Charles Turner - - -	Fenton Vicarage -	285 16 8	4,151 15 0
The Rev. Theophilus Percy Ring - - -	The chapel of St. John the Evangelist at Hanley -	349 9 10	7,500 0 0
The Rev. William Isaac Smith - - -	The vicarage of St. John's, Lane End -	340 19 4	5,784 0 0

THE FOURTH SCHEDULE IN THE FOREGOING ACT  
REFERRED TO.

CONTRACT FOR SALE OF ADVOWSON TO THE LORD BISHOP OF LICHFIELD.

AN AGREEMENT, made the twenty-fifth day of February, one thousand eight hundred and eighty-nine, between ALBERT TOMLINSON WRIGHT, of Liverpool, in the County of Lancaster, Gentleman; the RIGHT REVEREND SIR LOVELACE TOMLINSON STAMER, of Cliffville, Stoke-on-Trent, in the County of Stafford, Baronet, Suffragan to the Bishop of Lichfield under the title of Bishop of Shrewsbury; and LEOFRIC TEMPLE, of London, in the County of Middlesex, Esquire, Q.C. (herein-after called "the vendors") of the one part, and the RIGHT REVEREND WILLIAM DALRYMPLE, by Divine permission Lord Bishop of Lichford (herein-after called "the purchaser") of the other part.

WHEREAS the vendors are, under the will of Frederick Wright Tomlinson, deceased, the persons empowered to sell the advowson of or perpetual right of presentation to the rectory of Stoke-upon-Trent, in the county of Stafford, and

A.D. 1889. diocese of Lichfield, thereby devised upon trust for sale, and now full by the incumbency of the said Reverend Sir Lovelace Tomlinson Stamer, Baronet, who is the present rector: And whereas a Bill is about to be introduced in the next session of Parliament for an Act, entitled the Stoke-upon-Trent Rectory Act, 1889, for the purpose among other things of enabling the purchase by the Bishop of Lichfield for the time being of the advowson of the said rectory, and the payment of the purchase money out of funds in court belonging to the rectory, and to annex the right of presentation thereto for ever hereafter to the see of Lichfield: And whereas the vendors are willing to sell the said advowson at the price of fifteen thousand five hundred pounds, and in order to facilitate the passing of the said Bill into an Act they have agreed to enter into such conditional agreement as herein-after contained: Now these presents witness, that the vendors so far as relates to the acts on their part to be performed agree with the purchaser, and the purchaser so far as relates to the acts on his part and the part of his successors to be performed agrees with the vendors as follows (that is to say):—

1. The vendors are to sell, and the purchaser or his successor, Bishop of Lichfield for the time being, is to purchase at the price of fifteen thousand five hundred pounds all that the advowson or perpetual right of presentation to the said rectory of Stoke-upon-Trent and the fee simple thereof free from incumbrances.

2. The purchase money is to be paid on the first day of November, one thousand eight hundred and eighty-nine, and if from any cause whatever other than the wilful default on the part of the vendors the completion of the purchase is delayed beyond the before-mentioned day, the purchase money is to bear interest at the rate of four per centum per annum from that day to the day of actual payment thereof.

3. The vendors shall not make any claim or take any proceedings whatever against the bishop or his successor personally, or in his character of bishop, to compel payment of the purchase money hereby agreed to be paid for the said advowson, or any interest thereon, or any costs in relation to the transaction, but the bishop and his successors will use his and their best endeavours to obtain the passing of the before-mentioned Bill into an Act, and on the passing of the Act, the sole remedy of the vendors shall be for the specific performance of the contract, as confirmed by the Act and under the provisions of the Act; and if any proceedings shall be taken by the vendors, they will not claim payment by the bishop or his successor personally, or as bishop, of any costs, charges or expenses whatever.

4. And inasmuch as it is intended that by the said Act provision shall be made for confirming this contract as against the bishop and his successors, and for obtaining an order of the High Court, directing an inquiry whether a good title can be made to the said advowson, and in case a good title can be made thereto, then directing payment out of funds in court of the said purchase money of fifteen thousand five hundred pounds to the persons, entitled to receive the same: Now it is hereby further agreed that in the following cases, namely:—First—In case the Bill for the said Act should not be passed before the first day of September, one thousand eight hundred and eighty-nine, or, Secondly—



In case, upon the said inquiry as to the title, the court should be of opinion that a good title has not, before the first day of November, one thousand eight hundred and eighty-nine, been made to the fee simple of the advowson free from incumbrances, then and in either of the said cases these presents, and the contract hereby made, shall become void, and neither vendors nor purchaser shall make any claim against the other of them for costs, or on any other account whatever.

A.D. 1889.

5. In case of a vacancy in the rectory by the death, resignation or promotion of the present rector while this contract remains in force, but before execution of the conveyance to the bishop pursuant thereto, the vendors will not present, and the bishop will not in case of lapse collate a clerk thereto until it has been certified by the court that a good title has been made to the advowson, and in case it is certified by the court that a good title has been made thereto, the vendors will present thereto, or allow the bishop to collate thereto, such person as the bishop shall nominate; and in case the court is of opinion that a good title cannot be made to the said advowson, and at the time when such opinion is obtained the right of presentation should have lapsed or be within one calendar month of lapsing to the bishop, the bishop will, nevertheless, not exercise his right by lapse, but will allow to be presented, or will collate thereto, such proper persons as the vendors may nominate.

In witness whereof the said parties to these presents have hereunto set their hands the day and year first before written.

Signed by the said Albert Tomlinson Wright, } ALBERT T. WRIGHT.  
in the presence of

JOHN K. SWALLOW,  
Clerk with John W Becket, Solicitor,  
Liverpool.

Signed by the said Right Reverend William } L. T. SHREWSBURY.  
Dalrymple, Lord Bishop of Lichfield, in  
the presence of

THEODORE THOROWGOOD,  
41, Bedford Row, London, Solicitor.

Signed by the said Leofric Temple, in the } LEOFRIC TEMPLE.  
presence of

THEODORE THOROWGOOD.

Signed by the said Lovelace Tomlinson } W. D. LICHFIELD.  
Stamer, Bishop of Shrewsbury, in the  
presence of

W. E. STAMER,  
Solicitor, Newcastle, Staff.

A.D. 1889.

THE FIFTH SCHEDULE IN THE FOREGOING ACT  
REFERRED TO.

1. The expression "proprietor of a sitting" means a person entitled to a freehold interest in and also a lessee for years of a sitting; and the churchwardens shall be deemed proprietors of sittings which have been purchased and conveyed to them, but shall not claim to be paid for the purchase thereof any sum or sums, or sums beyond the sum or sums secured thereon by mortgage, or charge, or lien, or deposit of deeds or otherwise. Where no proprietary rights have been exercised for twelve years in respect of any sitting, such rights shall be deemed to have lapsed, and such sitting shall be deemed to be free.

2. The trustees may agree with the proprietors of sittings in the chapel, willing and competent to sell the same, for the purchase of their proprietary rights in such sittings; but every agreement so entered into by the trustees with any proprietor shall become binding on the trustees only in case two thirds at least in number of the proprietors of sittings in the chapel in which any proprietary rights exist enter into agreements for sale thereof to the trustees.

3. Upon proof to the satisfaction of such stipendiary magistrate or barrister, as mentioned in section 15 of this Act, that two thirds or upwards in number of the proprietors of sittings in which proprietary rights exist have agreed to sell their proprietary rights to the trustees, it shall be the duty of such magistrate or barrister to give the trustees a certificate under his hand to that effect, and thereupon all the remaining proprietors shall become and be bound to sell their proprietary rights to the trustees on the same average terms as to price, and then and thenceforth all such proprietary rights shall cease and be absolutely extinguished, with the like result and effect as if such proprietary rights had been duly surrendered to the bishop, in accordance with the provisions of the Act of the thirty-second and thirty-third years of Her Majesty, chapter ninety-four, entitled "An Act to amend the new Parishes Acts and Church Building Acts."

4. All costs, charges and expenses properly incurred of the trustees and of the proprietors of sittings, in carrying into effect the purchases of sittings by the trustees, including the costs of ascertaining and investigating the title of each proprietor, shall be paid out of the sum of stock which under this Act is to be carried over to the credit of ex parte the incumbent of Hanley.

5. In case any person, entitled to receive a sum representing purchase money of a proprietary right to a sitting, is not in existence, or cannot be found, or is incompetent to give a proper discharge, such sum may be paid into the county court of the district in which the chapel of Hanley is situated, to an account so entitled as to describe the sitting in respect of which the payment is made.

6. If any person entitled to a proprietary right to a sitting shall not, within two years from the passing of this Act, give notice in writing to the trustees of his claim to the purchase money for such proprietary right, all his right and claim to such purchase money shall, at the expiration of such two years, be absolutely extinguished, and such purchase money shall be added to the endowment fund of the said chapel of Hanley.



7. The receipt, in writing, of the guardian of an infant for any purchase money payable to the infant, and of the committee of the estate of a person of unsound mind, for any purchase money payable to such person shall be a complete discharge for the same to the trustees. A.D. 1889.

8. A person being tenant for life of, or having any other freehold interest in, a sitting, is to be deemed competent to agree to sell, and to sell the fee simple of the sitting, but the purchase money shall be paid into the county court of the district to an account entitled as before mentioned.

9. For the purposes of this Act, undisturbed possession, or receipt of the rents, of any sitting for twelve years immediately preceding the passing of this Act, shall be deemed to confer an indefeasible title to the said sitting, and such possession shall be considered to have been satisfactorily evidenced and established by the production of title deeds deducing a title in accordance with such possession, or by the statutory declaration of a person or persons claiming to be entitled to such sitting, and of a churchwarden or trustee of the said chapel of Hanley, to the effect that such person or persons has or have been in undisturbed possession or the receipt of the rent of the said sitting for the space of twelve years immediately preceding the passing of this Act: Provided that this provision shall not enable a person having a less estate than a fee simple to receive any purchase money for his own use.

10. For the purposes of this Act, any Act or thing required or authorised to be done by or to the trustees, may be done by or to a majority of them for the time being.

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Printed by EYRE and SPOTTISWOODE,  
FOR

T. DIGBY FIGOTT, Esq., the Queen's Printer of Acts of Parliament.

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