

AT the Court at *Buckingham-Palace*, the
7th day of *August* 1851,

PRESENT,

The QUEEN's Most Excellent Majesty in Council.

WHEREAS the Ecclesiastical Commissioners for England have, in pursuance of an Act, passed in the session of Parliament held in the third and fourth years of Her Majesty's reign, intituled "An Act to carry into effect, with certain modifications, the fourth report of the Commissioners of Ecclesiastical Duties and Revenues," and of another Act, passed in the session of Parliament held in the fifth and sixth years of Her Majesty's reign, intituled "An Act for enabling ecclesiastical corporations, aggregate and sole, to grant leases for long terms of years," duly prepared and laid before Her Majesty in Council a scheme, bearing date the seventh day of August one thousand eight hundred and fifty-one, in the words following; that is to say:

"We, the Ecclesiastical Commissioners for England, in pursuance of an Act, passed in the session of Parliament held in the third and fourth years of your Majesty's reign, intituled 'An Act to carry into effect, with certain modifications, the fourth report of the Commissioners of Ecclesiastical Duties and Revenues,' and of another Act, passed in the session of Parliament held in the fifth and sixth years of your Majesty's reign, intituled 'An Act for enabling ecclesiastical corporations, aggregate and sole, to grant leases for long terms of years,' have prepared and now humbly lay before your Majesty in Council the following scheme for determining the portion of the improved value to be made payable to us in a certain mining lease about to be granted by the perpetual curate of Westhoughton, in the parish of Dean, in the county of Lancaster, and diocese of Manchester.

"Whereas by the said last-recited Act it is enacted, that it shall be lawful for any ecclesiastical corporation, aggregate or sole (excepting as therein is excepted, which exception does not include the case of a perpetual curate), from time to time, with the consent or consents in that behalf thereby required, and subject to the provisions in the same Act contained, to grant or demise by lease, for any term not exceeding sixty years, any mines, minerals, quarries, or beds belonging to such corporation:

"And whereas, in pursuance of the powers contained in the said recited enactment, it is proposed by the Reverend James Richard Alsop, the perpetual curate of Westhoughton aforesaid, with the consents required by the same Act, to grant and demise by lease certain mines, minerals, or beds, with the produce thereof, belonging to him as such perpetual curate, situate at Westhoughton aforesaid, together with the right of opening and working the same:

"And whereas by the same Act it is further enacted, that in case of any lease of mines, minerals, quarries, or beds granted thereunder, such portion of the improved value accruing under such lease, as by the authority provided in the first-recited Act shall be determined, not being more than three fourth parts, nor less than one moiety of such improved value, shall forthwith, and from time to time as the same shall accrue, be paid to us, and shall be subject to the provisions relating to moneys payable to us:

"And whereas the improved value to accrue under the lease so proposed to be granted as aforesaid will, according to the meaning of the same Act, be the whole of the rents, royalties, or other reservations which will become payable thereunder:

"Now, therefore, we humbly recommend and propose, that three fourth parts of the whole net amount of the reservation or reservations to be made in the said lease so to be granted, whether consisting of rent, royalty, or otherwise, shall, by such lease, be made directly payable to us; and that we shall have all the like remedies in respect of such three fourth parts of any such reservation as aforesaid, as if the same were a separate rent reserved to us as lessors or grantors and reversioners of the premises comprised in such lease, independently of the rights and remedies of the said James Richard Alsop and his successors, perpetual curates of Westhoughton, in respect of the remaining one fourth part thereof, without any priority or preference between us and the perpetual curates of Westhoughton for the time being; and further, that we shall have full benefit and advantage, either jointly with or separately from the said James Richard Alsop, and his successors, perpetual curates of Westhoughton for the time being, of all or any of the covenants, conditions, and agreements in the said lease to be contained on the lessee's part, in like manner as if we had been grantors, lessors, and reversioners as aforesaid, and as in such lease shall be expressed; and that for effectuating such objects, the said lease shall and may be framed in such manner, and contain all such clauses and provisions as we shall approve, and shall have full force accordingly, any rule of law, statute, or custom to the contrary notwithstanding:

"And we further recommend and propose, that we shall be authorized and empowered to apply the moneys which shall from time to time be received by us by virtue or on account of the reservation or reservations aforesaid (after deducting therefrom all costs, charges, and expenses which we may have incurred in respect of the premises), towards making better provision for the cure of souls within the present limits of the said chapelry of Westhoughton:

"And we further recommend and propose, that nothing herein contained shall prevent us from recommending and proposing any other measures relating to the matters aforesaid, or any of them, in conformity with the provisions of the said recited Acts, or of any other Act of Parliament."

And whereas notice of the said scheme has been given to the said James Richard Alsop, as such perpetual curate as aforesaid, in accordance with the provisions of the first-recited Act, and he has made no objection thereto:

And whereas the said scheme has been approved by Her Majesty in Council: now, therefore, Her Majesty, by and with the advice of Her said Council, is pleased hereby to ratify the said scheme, and to order and direct that the same and every part thereof shall be effectual in law immediately from and after the time when this Order shall have been duly published in the London Gazette, pursuant to the said Acts; and Her Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the diocese of Manchester.

C. C. Greville.