



ANNO QUARTO & QUINTO

VICTORIÆ REGINÆ.

C A P. XXXIX.

An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for *England*. [21st June 1841.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act for carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues*: And whereas it is expedient to explain and amend certain Provisions in the said Acts contained; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any thing in either of the said recited Acts contained, it shall be lawful for the Ecclesiastical Commissioners for *England*, at any Meeting duly convened according to the Provisions thereof, to continue and adjourn such Meeting from Day to Day for any such Number of Days as they shall deem necessary; and the Proceedings

6 & 7 W. 4. c. 77.

3 & 4 Vict. c. 113.

Commissioners may adjourn Meetings from Day to Day.

6 & 7 W. 4. c. 77. § 4.

3 & 4 Vict.
c. 113. § 82.

Proviso as
to confirming
Proceedings.

of the said Commissioners, and all Acts, Matters, and Things done and executed by them, on each and every of such Days of Adjournment, shall be as valid and effectual to all Intents and Purposes as if the same had been done and executed on the First Day of such Meeting: Provided always, that no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded by the affixing of the said Seal on any such Day of Adjournment, unless Notice of the Intention to propose such Proceeding for final Consideration and Decision shall have been sent together with every Notice issued for such First Day of Meeting.

Cathedrals
in which
Honorary
Canonries
are founded.
3 & 4 Vict.
c. 113. § 23.

II. And for the Removal of all Doubts respecting the Foundation of Honorary Canonries, be it declared and enacted, That Honorary Canonries are and shall be founded forthwith in the Cathedral Churches of *Canterbury, Bristol, Carlisle, Chester, Durham, Ely, Gloucester, Norwich, Oxford, Peterborough, Ripon, Rochester, Winchester,* and *Worcester*, and in the Collegiate Church of *Manchester* so soon as the same shall become a Cathedral Church, and in no other Cathedral Church; and that all the Provisions of the secondly recited Act which purport to relate to Honorary Canonries shall apply to the Honorary Canonries so founded.

Honorary
Preferment
may be held
with Two
Benefices.
3 & 4 Vict.
c. 113. §§ 23,
51., and shall
not be sub-
ject to Lapse.

III. And be it enacted, That the holding of an Honorary Canonry, or of any Prebend, Dignity, or Office, not now in any Manner endowed, or whereof the Lands, Tithes, or other Hereditaments, Endowments, or Emoluments shall have been vested in the Ecclesiastical Commissioners for *England*, or which may hereafter be endowed to an Amount not exceeding Twenty Pounds by the Year, shall not be construed to prevent the holding therewith of more Benefices than One; and that no such Prebend, Dignity, or Office, which was vacant on the Thirteenth Day of *August* last, or became so at any Time since, shall be deemed to have lapsed by reason of such Vacancy, but hath remained and shall remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; and that every such Prebend, Dignity, or Office, which shall hereafter become vacant, and every such Honorary Canonry, shall in like Manner be and remain in the Patronage of the Archbishop or Bishop of the Diocese for the Time being until a Successor shall be collated thereto; any Royal Prerogative, Statute, Canon, or Usage to the contrary notwithstanding.

First Fruits
and Tenths
of vacated
Prebends,
&c.
3 & 4 Vict.
c. 113. §§ 48,
49, 50, 51, 54.

IV. And whereas it is not just that First Fruits and Tenths should be paid by the Holders of Dignities, Prebends, and Offices of which the Estates are vested in the said Ecclesiastical Commissioners, and it is inexpedient to diminish the Amount of the Fund accruing to the Governors of Queen *Anne's* Bounty in respect of such Prebends, Dignities, and Offices, and of Sinecure Rectories; be it enacted, That the Holders of all Dignities, Prebends, and Offices, whereof the Lands, Tithes, Tenements, and other Hereditaments and Endowments shall have become so vested, shall be absolutely relieved and discharged from the Payment of all First Fruits and Tenths in respect of such their Dignities, Prebends, and Offices respectively; and that the said Commissioners shall yearly and every Year,

Year, on or before the Thirty-first Day of *March*, out of the Monies at their Disposal under the Provisions of the secondly recited Act, pay or cause to be paid to the Treasurer of the said Governors for the Time being a Sum equal to One Twentieth Part of the aggregate Amount charged for First Fruits on all Dignities, Prebends, Offices, and Sinecure Rectories, of which the Lands, Tithes, Tenements, or other Hereditaments or Endowments had on the last Day of the preceding *December* become so vested in the said Commissioners, as an average Compensation for, and in full Satisfaction of all Claim of the said Governors to, the First Fruits heretofore payable in respect thereof; and the said Commissioners shall also, subject to the Proviso herein-after contained, on or before the same Day of *March*, and out of the same Monies, pay or cause to be paid yearly and every Year to the said Treasurer for the Time being the aggregate Amount of the Tenths due to the said Governors for or in respect of all the same Dignities, Prebends, Offices, and Sinecure Rectories: Provided always, that nothing herein contained shall relieve any Person from the Payment of any Tenths which he is now bound to pay by any Covenant contained in any Lease held by him: Provided also, that in case of any Bishop being deprived by the Provisions of this Act of any Tenths heretofore receivable by him, the Amount thereof shall from Time to Time and out of the same Monies be paid or allowed to such Bishop by the said Commissioners.

V. And be it declared and enacted, That the holding of a Canonry Residentiary, Prebend, or Office is not nor shall be necessary to the holding of the Deanery of any Cathedral Church in *England*, nor to the entitling of any Dean to his full Share of the divisible Corporate Revenues of such Church, although such Share may not heretofore have been received by any preceding Dean otherwise than as a Canon Residentiary; and that the holding of a Prebend is not nor shall be necessary to the holding of either of the Residentiary Canonries in the Cathedral Church of *Saint Paul* in *London* which are in the direct Patronage of Her Majesty.

Deans need not hold Prebends. 3 & 4 Vict. c. 113. § 24.

VI. And be it declared and enacted, That the Provisions of the secondly recited Act and of this Act, by virtue of which any Lands, Tithes, or other Hereditaments, Endowments, or Emoluments belonging to any Dignity, Prebend, or Office, in any Cathedral or Collegiate Church, have accrued to and become vested in, or may accrue to or become vested in, the said Ecclesiastical Commissioners, do and shall be construed to extend to and include all Lands and Tenements, (except any House within the Precincts of such Church belonging to any Canonry or usually held and enjoyed therewith, or any small Portion of Land situate within the Limits and Precincts of any Cathedral or Collegiate Church, or in the Vicinity of any Residence House, which, under the Provisions of the secondly recited Act, may be reserved to such Church, or permanently annexed to any Residentiary House by the Authority in the same Act provided,) Tithes, or other Hereditaments, Endowments, and Emoluments, of what Nature or Kind soever, which, if the said secondly recited Act had not been passed, any Successor to such Dignity, Prebend, or Office would have been entitled to possess or receive, if duly qualified in all

Commissioners to have same Claims as duly qualified Prebendaries. 3 & 4 Vict. c. 113. § § 49, 50, 51.

all respects according to the Statutes and Usages of his Church to possess or receive the same, and if qualified and ready at all Times personally and duly to perform all the Duties and Services of such his Prebend, Dignity, or Office.

Provisions of
3 & 4 Vict.
c. 113. to
apply to
other non-
residential
Prebends,
&c. § § 22. 51,
52, 53.

VII. And be it enacted, That all the Provisions in the said secondly recited Act and in this Act contained relating to Lands, Tithes, or other Hereditaments or Endowments belonging to Prebends not residential, shall apply also to all Lands, Tithes, and other Hereditaments and Endowments belonging to the respective Offices of Sacrist, Custos, and Hospitaller in any Cathedral or Collegiate Church, or enjoyed by the Holders thereof in right of such Offices, as fully and effectually as if such Offices had been expressly named as subject to such Provisions.

Application
of certain
Monies to
Parishes of
St. Margare-
ret's and
St. John's,
Westminster.
3 & 4 Vict.
c. 113. § 31.

VIII. And be it enacted, That so much of the secondly recited Act as relates to the Application of certain Monies therein specified towards making a better Provision for the Cure of Souls in the respective Parishes of *Saint Margaret* and *Saint John, Westminster*, shall be repealed; and that it shall be lawful to apply such Monies towards making such better Provision in such Manner as by the Authority in the same Act provided shall be deemed best for the Spiritual Interests of the said Parishes respectively; provided that such Monies shall be exclusively applied within the respective Parishes with which the Canonries in the Collegiate Church of *Saint Peter Westminster* are connected, and from the Proceeds of which they respectively accrue; and that with respect to the Parish of *Saint John*, it shall also be lawful, by the like Authority, in the same Manner, to apply so much of the Monies paid over to the Ecclesiastical Commissioners for *England*, or to their Account, by the Treasurer of the Governors of the Bounty of *Queen Anne*, under the Provisions of the same Act, as came to his Hands by reason of the temporary Suspension of the Canonry in the said Church, to which is now annexed the Rectory of the said Parish of *Saint John*, together with any Interest which may have accrued thereon.

Archdeacons
may be
endowed
with Benefices.
3 & 4 Vict.
c. 113.
§ § 34, 35.

IX. And be it enacted, That, notwithstanding any thing in the said secondly recited Act contained, it shall be lawful by the Authority in the same Act provided, with the Consent of the Bishop of any Diocese, and of the Patron of any Benefice within the Limits of any Archdeaconry in such Diocese, to endow such Archdeaconry, by the Annexation thereto of such Benefice, such Annexation to take effect immediately if the Benefice be vacant at the Time of such Endowment, or otherwise upon the then next Vacancy thereof; and every Benefice so annexed, and every future Holder thereof, shall be subject to all the Provisions of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*: Provided always, that no such Annexation shall take effect as to any Archdeacon in possession at the passing of this Act, without his Consent; and in default of such Consent at the Time when any Benefice would otherwise so as aforesaid become annexed, or until such Consent be given, during the Incumbency

1 & 2 Vict.
c. 106.

Incumbency of such Archdeacon, the Income and Emoluments of such Benefice shall, after due Provision thereout being made for the Cure of Souls in the Parish or District of such Benefice, be applied, by the like Authority, either in improving the existing House and Buildings, or in providing a new House of Residence for such Benefice, or in improving or augmenting the Glebe belonging thereto, or if no such Improvement or Augmentation be deemed necessary, then for the Benefit of any poor Benefice or Benefices within the same Archdeaconry.

X. And whereas it is by the thirdly recited Act provided, that nothing therein-before contained shall be construed to prevent any Archdeacon from holding, together with his Archdeaconry, Two Benefices, under the Limitations in the said Act mentioned with respect to Distance, joint yearly Value, and Population, and One of which Benefices shall be situate within the Diocese of which his Archdeaconry forms a Part, or One Cathedral Preferment in any Cathedral or Collegiate Church of the Diocese of which his Archdeaconry forms a Part, and One Benefice situate within such Diocese : And whereas Doubts are entertained whether the said Provision includes Benefices of peculiar or exempt Jurisdiction, and it is expedient that such Doubts should be removed ; be it therefore enacted, That the said Provision shall extend and apply to Benefices locally situate within the Diocese of which any such Archdeaconry shall form a Part, although the same may not be subject to the Jurisdiction of the Bishop of such Diocese.

The Provision in 1 & 2 Vict. c. 106. as to Archdeacons holding Two Benefices, to extend to Peculiars.

XI. And be it enacted, That any Canonry or Portion of the Income of a Canonry or Benefice annexed to any Archdeaconry under the Provisions of the secondly recited Act or this Act may at any Time, upon the Representation of the Bishop of the Diocese, and by the Authority in the said secondly recited Act provided, be disannexed from such Archdeaconry on the Vacancy thereof, and annexed to any other Archdeaconry in the same Diocese.

Endowment may be disannexed from one Archdeaconry, and annexed to another.

XII. And be it enacted, That so much of the said secondly recited Act as relates to the Archdeacon of *Nottingham* and to the Parish of *Southwell* shall be repealed ; and that the Bishop of *Lincoln*, and not the Archbishop of *York*, shall from henceforth be the Visitor of the Collegiate Church of *Southwell*, and shall enjoy all Powers now vested in the said Archbishop as such Visitor ; and that, notwithstanding any thing in the said secondly recited Act contained, no Appointment shall be made to any Canonry or Prebend in the said Collegiate Church, but that so soon as every Person who was a Member of the Chapter thereof at the passing of the same Act shall have ceased to be such Member, all Lands and Tenements, Tithes, and other Hereditaments belonging to the said Church or the Chapter thereof, except any Right of Patronage, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of the secondly recited Act and of this Act ; and that out of the Lands, Tenements, Tithes, and other Hereditaments and Endow-

Further Provisions respecting Southwell, 3 & 4 Vict. c. 113. §§ 18. 36. 41.

ments which shall so accrue to the said Commissioners, or the Proceeds thereof, competent Provision shall be made, by the Authority in the said secondly recited Act provided, and in such Manner as shall be by such Authority deemed expedient, for the Services of the said Church of *Southwell*, and for the Maintenance and Reparation of the Fabric of the said Church, and for any Minor Canon or Officer thereof; and that the Patronage of all Benefices with Cure of Souls possessed by the said Chapter shall be transferred to and vested partly in the Bishop of *Ripon* and partly in the Bishop of *Manchester*, subject to the same Provisions as are in the said secondly recited Act contained with respect to Benefices in the Patronage of the Prebendaries of the said Collegiate Church; and that so soon as conveniently may be, and by the like Authority, and out of the same Lands, Tenements, Tithes, or other Hereditaments or Endowments, or the Proceeds thereof, or out of any other Lands, Tithes, or other Hereditaments or Endowments now or in the meantime vested in the said Commissioners, or any Emoluments already accrued or hereafter accruing to them in respect of the Canonries or Prebends of the said Church, Provision shall be made for the Spiritual Care of the said Parish of *Southwell*, and for the competent Endowment of Ministers in the several Parishes within the Deanery of *Southwell*, wherein any of such Lands, Tenements, Tithes, and Hereditaments are respectively situate or arise; and the Vicarage of *Southwell* shall be endowed with such Portion of the Tithes of the Parish of *Southwell*, or with such other Provision, as by the like Authority may be determined on, and may be constituted a Rectory with Cure of Souls; and that on the then next Avoidance thereof the Archdeacon of *Nottingham* for the Time being shall become *ipso facto* Rector of the said Rectory, and the said Rectory shall thenceforth be permanently annexed to the Archdeaconry of *Nottingham*: Provided always, that the said Rectory of *Southwell* and the Incumbent thereof shall continue subject to all the Provisions of the thirdly recited Act passed in the Second Year of Her present Majesty's Reign.

Durham
University
Trusts.
3 & 4 Vict.
c. 113. § 37.

XIII. And whereas Inconvenience arises from the Mode in which certain Property is now held partly by the Bishop and partly by the Dean and Chapter of *Durham* in Trust for the University of *Durham*; be it enacted, That it shall be lawful, by the Authority in the said secondly recited Act provided, with the Consent of the said University, and also of the said Bishop or of the said Dean and Chapter, as the Case may be, to make any such Arrangements as may be deemed fit by the like Authority for varying, transferring, or annulling any of the Trusts upon which any Monies or Securities for Money, or any Lands, Tenements, Tithes, or other Hereditaments, are now held for the Benefit of the said University, and for transferring and vesting such Monies, Securities for Money, Lands, Tenements, Tithes, or other Hereditaments, or any Part thereof, in such other Manner and in such other Persons or Body Corporate as may be deemed by the like Authority most beneficial to the said University; and that the said University of *Durham* may, by the Name of "The Warden, Masters, and Scholars of the University of *Durham*," take and purchase and hold Lands, Tenements, Tithes, and other Hereditaments

Hereditaments to them and their Successors, the Statutes of Mortmain or any other Act or Acts to the contrary notwithstanding; and that, when the Lands, Tenements, Tithes, or other Hereditaments, Monies or Securities for Money, or any Part thereof, now held by the said Bishop or by the said Dean and Chapter in Trust for the said University, shall be vested, by the Authority aforesaid, in the said Warden, Masters, and Scholars, they shall have and enjoy all the Powers of Sale, of Purchase, of holding in Mortmain, of leasing, of Management, of applying the Principal Monies, and the Rents, Dividends, and Interest thereof, or of such Part thereof as shall be vested in them, in as full and ample Manner as the said Dean and Chapter now have and enjoy the same Powers by virtue of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to enable the Dean and Chapter of Durham to appropriate Part of the Property of their Church to the Establishment of a University in connexion therewith for the Advancement of Learning*; and that it shall be lawful for all Bodies Corporate, Aggregate, or Sole, and all other incapacitated Persons named in the said Act, to sell and convey to the said Warden, Master, and Scholars, and their Successors, all such Lands, Tenements, and Hereditaments as by the said Act they are enabled to sell and convey to the said Dean and Chapter, and in such Manner and by such Conveyances and Assurances as in the said Act are mentioned; and that it shall be lawful for the said Warden, Masters, and Scholars to apply the Building Fund to the Payment of Expences already incurred by the said University in erecting and completing, altering, repairing, or improving any Building for the Use of the said University, or for the Use of any Person or Persons for whom the said University was or is bound to provide any Office or Building under an Order of Her Majesty in Council bearing Date the Nineteenth Day of *July* One thousand eight hundred and thirty-seven, relating to the Castle of *Durham*, and to the Erection and Completion, Alteration, Reparation, or Improvement of any Building erected or to be erected, not only on Land now vested in the said Dean and Chapter, but also on Land now vested in the said Bishop in Trust for the said University, or on Land to be hereafter acquired by the said Warden, Masters, and Scholars for any of the foregoing Uses; and that it shall be lawful, by the like Authority, with the Consent of the said University, and also of the said Bishop and of the said Dean and Chapter, to transfer to the said Warden, Masters, and Scholars the Whole or any Part of the Powers relating to the Government of the said University, and the Order and Discipline to be observed therein, which are now vested by the last-mentioned Act in the said Dean and Chapter.

2 & 3 W. 4.
c. 19. (Private.)

XIV. And be it enacted, That so much of the said secondly recited Act as relates to the Division and Application of the existing Corporate Revenues of the Chapters of the Cathedral Churches of *Saint David* and *Llandaff* respectively, and to the Application of the Endowments belonging to the Prebends in the Collegiate Church of *Brecon*, shall be and the same is hereby repealed.

Saint David's,
Llandaff,
and Brecon
Revenues.
Provisions
repealed
3 & 4 Vict.
c. 113. §§ 38,
39, 40.

XV. And

Amendments relating to Minor Canons.

3 & 4 Vict. c. 113.

§§ 44, 45, 46.

§ 93.

XV. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained, any Minor Canon in any Cathedral or Collegiate Church may take and hold, together with his Minor Canonry, any Benefice which is within the Distance prescribed by the said Act; and that in every Case in which any Dean before the passing of the same Act enjoyed a Right, as such Dean, to appoint any Minor Canon, nothing therein contained shall be construed to deprive him or his Successors thereof; and that, in the Construction of the same Act and of this Act, the Term "Minor Canon" shall not be construed to extend to or include any other than a Spiritual Person.

Majority of Members to constitute a Chapter.

3 & 4 Vict. c. 113. § 47.

XVI. And be it enacted, That in every Cathedral Church in which any Canonry or Canonries is or are or shall be suspended, a Majority of the existing Members of Chapter, including or not including the Dean, according as his Presence may or may not be by Law required, shall at all Times be a sufficient Number of Canons for constituting a Chapter.

Sinecure Rectories in Private Patronage.

3 & 4 Vict. c. 113. § 48.

XVII. And be it enacted, That so much of the secondly recited Act as relates to the Purchase, by the Ecclesiastical Commissioners for *England*, of Ecclesiastical Rectories without Cure of Souls, shall be construed to extend and apply to any Ecclesiastical Rectory which shall by the Archbishop of the Province and the Bishop of the Diocese be certified to be, and shall by the said Commissioners be deemed to be, an Ecclesiastical Rectory without Cure of Souls, although there shall be no Vicarage endowed or Perpetual Curacy belonging thereto or connected therewith; provided that when any such Ecclesiastical Rectory purchased by the said Commissioners shall have become suppressed under the Provisions of the same Act, the whole, if it be deemed necessary, or such Part as shall be deemed necessary by the said Commissioners, of the Lands, Tithes, or other Endowments belonging to such Rectory, and of the Proceeds thereof, shall, by the Authority in the same Act provided, be set apart and applied towards the Spiritual Care of the Population of the Parish or District in which such Lands, Tithes, or other Endowments are situate or accrue, in such Manner as by the like Authority shall be deemed expedient.

Disposal of Residence Houses.

3 & 4 Vict. c. 113. § 53.

2 & 3 W. 4. c. 10. (Pr.)

XVIII. And be it enacted, That the Provisions of the secondly recited Act relating to the Disposal of Residence Houses, and Houses attached to any Dignity, Prebend, or Office in the Precincts of the respective Cathedral and Collegiate Churches, and also so much of an Act passed in the Second Year of the Reign of His late Majesty as annexes to the Archdeaconry of *Durham* the House of Residence therein mentioned, shall be repealed; and that the Dean and Chapter of any Cathedral or Collegiate Church, with the Consent of their Visitor, may from Time to Time sanction and confirm the Exchange of Houses of Residence, or of Houses attached to any Dignities, Offices, or Prebends in the Precincts of such Church, among the Canons of such Church, or may make any such Arrangement to take effect at any future Time, or may assign any One of such

such Houses being vacant to any Canon willing to accept the same in lieu of the House theretofore occupied by him, and thereupon any House no longer required by any Canon may by the said Dean and Chapter be disposed of, in such Way as they shall deem fit, with the Consent of their Visitor, and of the Ecclesiastical Commissioners for *England*, signified under their Common Seal; provided that all Acts, Matters, and Things relating to any such House already done under the last-mentioned Provisions of the said secondly recited Act shall be valid and effectual to all Intents and Purposes.

XIX. And be it declared and enacted, That the Provisions of the secondly recited Act which purport to relate to the Endowments belonging to the suspended Prebends in the Cathedral Church of *Lichfield* were intended to apply and do apply to all the Lands and Tenements, Tithes, and other Hereditaments and Endowments, which are or are to be vested in the said Ecclesiastical Commissioners, by or under the Provisions of the said Act, by reason of the Vacancy of any Canon Residentiary, or of any Prebend, Dignity, or Office not residentiary, in the said Church.

Correction of Error respecting Endowments belonging to Lichfield Prebends. 3 & 4 Vict. c. 113. § 63.

XX. And be it declared and enacted, That, notwithstanding any thing in the secondly recited Act contained relating to the Payment of fixed annual Sums by certain Deans and Canons, and the Payment of other annual Sums to certain Deans and Chapters therein respectively named or referred to, or relating to the Transfer of Parts of the Lands, Tithes, or other Hereditaments therein specified to the Chapters of *York, Chichester, Exeter, Hereford, Lichfield, Salisbury, and Wells* respectively, for the Purposes therein respectively specified, it shall be lawful, by the Authority in the same Act provided, to carry such Purposes or any of them into effect by any Mode of Payment, Contribution, Augmentation, or Endowment which may be deemed fit, as well as by the Modes in the said Act specified; and that the Scale of Payments and Receipts may from Time to Time in any Case be revised, and if need be, varied by the like Authority, so as to preserve, as nearly as may be, the intended average annual Incomes respectively, but not so as to affect any Dean or Canon in possession at the Time of making any such Variation.

Enlarged Discretion as to Mode of fixing Incomes. 3 & 4 Vict. c. 113. §§ 52, 66.

XXI. And be it declared and enacted, That the Provisions of the secondly recited Act relating to the Sale, Transfer, or Exchange of any Lands, Tithes, or other Hereditaments, the Purchase of other Lands, Tithes, or other Hereditaments in lieu thereof, or the Substitution of any Lands, Tithes, or other Hereditaments for any Money Payment, do and shall extend to authorize the Substitution of any Money Payment for any Lands, Tithes, or other Hereditaments, and do and shall include and apply to all Lands, Tithes, or other Hereditaments in the Possession or Enjoyment of any Dean, Canon, Prebendary, or other Dignitary or Officer of any Cathedral or Collegiate Church, or in the Possession of the Ecclesiastical Commissioners for *England*; and the Consent in Writing under the Hand only of any such Dean, Canon, Prebendary, or other Dignitary or Officer,

Powers of Exchange, &c. extended to all Corporations Sole. 3 & 4 Vict. c. 113. § 68.

shall be deemed to be a Consent within the Meaning of the said Act.

Provisions of
3 & 4 Vict.
c. 113. s. 73.
respecting
Exchange of
Advowsons,
to authorize
Exchange
by Eccle-
siastical Cor-
porations.

XXII. And be it declared and enacted, That it is and shall be competent to the Authority in the first recited Act provided to make Arrangements, under and according to the Provisions of the said Act, for improving the Value or making a better Provision for the Spiritual Duties of ill-endowed Parishes or Districts, by means of the Exchange of Advowsons, or other Alterations in the Exercise of Patronage, notwithstanding that such Advowsons, or any or either of them, or such Patronage, shall be vested in or belong to any Ecclesiastical Corporation Aggregate or Sole.

Exchanges of
Advowsons
may be made
for the Pur-
pose of
Unions.
1 & 2 Vict.
c. 106. s. 16.

XXIII. And be it enacted, That whenever it shall be made to appear to the Ecclesiastical Commissioners for *England* that it would be expedient to make an Exchange of an Advowson, or of any Right of Patronage, for any other Advowson or Right of Patronage, with a view to Proceedings being taken for the Union of Two or more Benefices under the Provisions of the said Act passed in the Second Year of Her present Majesty's Reign, it shall be lawful for the said Commissioners, with the Consent of the Patron or Patrons of every such Advowson or Right of Patronage, and also, in case any such Advowson or Right of Patronage shall be vested in or belong to any Ecclesiastical Corporation Aggregate or Sole, with the Consent of the Bishop of the Diocese, or in the Case of Benefices lying in more than One Diocese then with the Consent of the Bishop of each Diocese, and where a Bishop shall be himself one of the Patrons with the Consent of the Archbishop of the Province, to certify the same to such Archbishop; and that thereupon, if the said Archbishop shall think fit, Proceedings may be taken, under and in pursuance of the Provisions of the said last-mentioned Act, for effecting the Union of such Benefices; and the said Archbishop, at the same Time that he shall certify to Her Majesty in Council the Inquiry and Consent referred to in the same Act, shall transmit such Certificate of the said Commissioners to Her Majesty in Council, together with an Abstract of the Title to any Advowson or Right of Patronage mentioned in the Certificate of the said Commissioners, other than Advowsons or Rights of Patronage belonging to any such Ecclesiastical Corporation as aforesaid, and the Opinion of Counsel on such Title; and that thereupon it shall be lawful for Her Majesty in Council, in any Order for such Licence made and issued under the Provisions of the same Act, to order that such Exchange as aforesaid shall take effect; and upon such Order being made and registered pursuant to the said Act the said Exchange shall be valid and effectual, without any other Assurance in the Law, and notwithstanding that the Advowsons or Rights of Patronage, or any or either of them, exchanged by virtue of the said Order, were or was previously thereto vested in or belonged to any such Ecclesiastical Corporation as aforesaid; and the respective Exchangees, their Heirs, Appointees, Successors, and Assigns, shall thenceforth stand seised of the Advowsons or Rights of Patronage so taken in Exchange, in the same Manner, to all Intents and Purposes, and subject to the same Trusts, Powers, Limitations, Charges, and Incumbrances (if any), as the Advowsons or Rights

of

of Patronage by them given in Exchange were respectively held and were subject.

XXIV. And be it declared and enacted, That all the Provisions relating to the Consent of Patrons of Benefices, contained in the thirdly recited Act passed in the Second Year of the Reign of Her present Majesty, shall be construed to apply to the Consent of Patrons under the Provisions of the secondly recited Act and of this Act, as fully and effectually as if the same had been therein and herein repeated and enacted respecting the Patrons of Benefices affected by such secondly recited Act and this Act.

Consent of Patrons how to be given. 1 & 2 Vict. c.106. §§ 125 to 128 inclusive. 3 & 4 Vict. c.113. §§ 71, 72, 73, 74.

XXV. And be it enacted, subject to the Provisions of the said secondly recited Act with respect to the Interests of existing Incumbents, That in the Queen's Free Chapel of *Saint George* within Her Castle of *Windsor*, so soon as a Vacancy shall occur in the Deanery, the Share of the divisible Corporate Revenues from Time to Time payable to each Canon appointed after the passing of the same Act, and to the Ecclesiastical Commissioners for *England* in respect of each suspended Canonry, shall be One Fourteenth Part of the whole of such Revenues, and the Remainder thereof shall be paid to the Dean; and in the Cathedral Church of *Lincoln*, so soon as the Chapter thereof shall entirely consist of a Dean and Canons appointed after the passing of the said secondly recited Act, the whole divisible Corporate Revenues shall from Time to Time be divided into Six Shares, and Two of such Shares shall be paid to the Dean, and One of such Shares shall be paid to each Canon; and in the meantime such Revenues may be so apportioned by the Authority in the said secondly recited Act provided as to afford just Shares thereof to the new Members of Chapter.

Division of Corporate Revenues at Windsor and Lincoln. 3 & 4 Vict. c.113. § 75.

XXVI. And be it declared and enacted, That the Provisions of the secondly recited Act respecting the Augmentations of Benefices under the Provisions of an Act passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to extend the Provisions of an Act passed in the Twenty-ninth Year of the Reign of His Majesty King Charles the Second, intituled 'An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies;'* and for other Purposes, therein recited, do and shall extend and apply to every Dean, Canon, Prebendary, or other Dignitary or Officer whose Revenues are or may be affected by any of the Provisions of the said Two first-recited Acts or either of them, or of this Act; and if for the Purpose of more fully carrying into effect the Provisions of the said Act relative to Augmentations it shall appear to the said Commissioners and to any Bishop or Chapter to be expedient that any Land belonging to such Bishop or Chapter adjacent to or situate within the Distance of Twenty Miles from any City or Town should be let or sold for Purposes of Building or other Improvement, it shall be lawful for such Bishop or Chapter, as the Case may be, with the Consent of the said Commissioners under their Common Seal, to grant any Lease or Leases of such Land for such Period or Periods and upon such Conditions as the said Commissioners, having regard to the Circumstances of the Case, shall deem just and equitable, or,

Augmentations under 1 & 2 W. 4. c. 45. may be made by all Corporations Sole;

3 & 4 Vict. c. 113. s. 76.

and Building Land may be let or sold for the Purpose.

with

with the like Consent, to convey the said Land in Fee Simple for such Price as shall appear to the said Commissioners to be the full Value thereof; provided that the Rent in the former Case, or the Purchase Money in the latter Case, after reserving to the Bishop or Chapter, as the Case may be, an annual Payment equal to the Amount theretofore enjoyed in respect of the Land so let or sold, shall be wholly applied to the Purposes of the said last-mentioned Act, the Consent of the said Commissioners being in all Cases necessary to the particular Application thereof: Provided also, that if it be deemed expedient with a view to the better effecting of such Purposes, such Rent or Purchase Money, or any Part thereof, may, with the like Consent, be at any Time reinvested in the Purchase of Land.

Commis-
sioners may
pay Agents,
&c.

XXVII. And be it enacted, That it shall be lawful for the Ecclesiastical Commissioners for *England*, out of the Revenues accruing to them under the said recited Acts respectively or this Act, to pay and defray all necessary Law Charges, and to make any such Allowance for Costs, Charges, Expences, Pains, and Trouble, as to the said Commissioners shall appear just and reasonable, to any Person employed by them in receiving or paying any Monies accruing to them, or in auditing any Accounts relating thereto, or in surveying, valuing, or performing any other Duty relating to or connected with the Possession or Management of any Lands, Tithes, or other Hereditaments vested in them the said Commissioners, or relating to or connected with any other Matter or Thing to be done or executed under the Authority of the said recited Acts, or either of them, or of this Act.

Act not to
apply to
Saint Asaph
and Bangor,
&c.
5 & 6 W. 4.
c. 30.

XXVIII. And be it enacted, That nothing in this Act contained shall, except as herein-after specified, extend or apply to the Dioceses or Cathedral Churches of *Saint Asaph* and *Bangor* or either of them; and that an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England and Wales*, and another Act passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act for suspending for One Year Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches, and to Sinecure Rectories*, and such Parts of another Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to suspend until the First Day of August One thousand eight hundred and forty certain Cathedral and other Ecclesiastical Preferments, and the Operation of the new Arrangement of Dioceses upon the existing Ecclesiastical Courts*, as relate to the Two last-mentioned Acts, so far only as the same Acts and Parts of an Act apply to the said Two last-mentioned Dioceses and Churches, or either of them, and also the temporary Provisions of the first herein-recited Act, shall respectively continue and be in force until the First Day of *August* in the Year One thousand eight hundred and forty-two, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: Provided always, that notwithstanding any thing in the same Acts, or any or either of them, or in this Act contained, it shall be lawful for the

6 & 7 W. 4.
c. 67.

2 & 3 Vict.
c. 55.

the Bishop of *Bangor* for the Time being to collate to any vacant Canonry, Prebend, Dignity, or Office in the said Cathedral Church of *Bangor* not having any Estate or Endowment belonging thereto; and also that any Bishop or Archdeacon may hold Visitations of the Clergy within the Limits of his Diocese or Archdeaconry, and at such Visitations may admit Churchwardens, receive Presentments, and do all other Acts, Matters, and Things by Custom appertaining to the Visitations of Bishops and Archdeacons in the Places assigned to their respective Jurisdiction and Authority under or by virtue of the Provisions of the said first or secondly recited Act; and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

XXIX. And for the Purpose of removing all Doubts respecting the Meaning of the Terms "Real Estates," "Lands," and "Lands, Tenements, and Hereditaments," be it declared and enacted, That the said Terms, wherever they occur, either in the Recital or in the Enactments of either of the said recited Acts, or in any Scheme, or any Order of Her Majesty in Council, prepared and issued under the Authority of those Acts or either of them, shall respectively be construed to include and comprehend Lands, Tithes, Tenements, and other Hereditaments, except any Right of Ecclesiastical Patronage; and that the said first-mentioned Terms, and also the Term "Lands, Tithes, Tenements, or other Hereditaments," in any Part of either of the said recited Acts or in this Act or in any such Scheme or Order in Council contained, shall be construed to apply and extend to Lands, Tithes, Tenements, and other Hereditaments, as well in Reversion as in Possession, and to any Leasehold Interest therein; and that the Term "Tithes" in either of the said Acts or in this Act contained shall extend to and comprehend Rents-charges allotted or assigned in lieu of Tithes; and the Ecclesiastical Commissioners for *England* shall, in respect of all Lands, Tithes, Tenements, or other Hereditaments, Endowments, or Emoluments, already vested or liable to be vested in them by or under the Provisions of either of the said Acts or of this Act, be deemed to be the Owners or joint Owners thereof respectively, as the Case may be, for all the Purposes of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Commutation of Tithes in England and Wales*, and of the several Acts to explain and amend the same.

Construction of the Terms "Lands," &c.

Provisions of Tithe Commutation Acts extended to Commissioners.

6 & 7 W. 4. c. 71.

XXX. And be it enacted, That all the Powers and Authorities vested in Her Majesty in Council and in the Ecclesiastical Commissioners for *England* by the Two first-recited Acts or either of them with reference to the Matters therein respectively contained, and all other the Provisions of the secondly recited Act relating to Schemes and Orders prepared, made, and issued for the Purposes thereof, shall be continued, and extended and apply to Her Majesty in Council and to the said Commissioners, and to all Schemes and Orders prepared, made, and issued by them respectively with reference to all Matters contained in this Act, as fully and effectually as if the said Powers, Authorities, and other Provisions were repeated in this Act; and that

Powers of 6 & 7 W. 4. c. 77. and 3 & 4 Vict. c. 113. extended to this Act

so much of the said secondly recited Act as enacts that the said first-recited Act and the said secondly recited Act shall be construed as if they were one and the same Act shall be repealed.

Act may be
amended
this Session.

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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