



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

C A P. LIX.

An Act for better regulating the Offices of Lecturers and Parish Clerks. [29th July 1844.]

WHEREAS in divers Districts, Parishes, and Places there now are or hereafter may be certain Lecturers or Preachers in the Holy Orders of Deacon or Priest of the United Church of *England* and *Ireland* elected or otherwise appointed to deliver or preach Lectures or Sermons only, without the Obligation of performing other clerical or ministerial Duties: And whereas it is expedient in many Cases that such Lecturers or Preachers should be authorized and required to perform other clerical and ministerial Duties, and to act, if necessary, as Assistant Curates, in such Districts, Parishes, or Places: 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 from and after the passing of this Act it shall be lawful for the Bishop of the Diocese wherein any such Lecturers or Preachers shall be so elected or appointed as aforesaid, if he shall think fit, with the Assent of the Incumbent of every such District, Parish, or Place, to require, by Writing under his Hand

Lecturers or Preachers may be required to perform other clerical Duties in certain Cases.

and Seal, any such Lecturer or Preacher to undertake and perform such other clerical or ministerial Duties, as Assistant Curate or otherwise, within such District, Parish, or Place, as the said Bishop, with the Assent of such Incumbent as aforesaid, shall think proper, and also to vary from Time to Time, if necessary, and with the like Assent, the particular Duties so required to be performed as aforesaid; and in case such Lecturer or Preacher shall at any Time refuse or neglect duly and faithfully to perform such additional Duties, and to act in the Manner required by the said Bishop as aforesaid, it shall be lawful for the said Bishop to summon the said Lecturer or Preacher to appear before him, and thereupon the said Bishop, with the Assistance of One at least of the Archdeacons and also of the Chancellor of such Diocese, shall proceed summarily to inquire into the Facts of the Case, and to adjudicate thereon, and, if necessary, to suspend or remove the said Lecturer or Preacher from his said Office, and to declare the same vacant; but nevertheless such Lecturer or Preacher may, within Fourteen Days next after the passing or making of any such Sentence or Declaration, appeal therefrom to the Archbishop of the Province, who shall thereupon forthwith summarily hear and determine the same; and if no such Appeal be made within the Time aforesaid, or if the said Sentence or Declaration shall upon such Appeal be affirmed by the said Archbishop, the said Bishop shall then cause the same to be forthwith duly published in the Church or Chapel wherein the said Lecturer or Preacher hath been used to deliver or preach his said Lectures or Sermons by virtue of his said Office, and thereupon the said Office shall be and be deemed to be vacant, and the Parties entitled to elect or appoint a Person to the same shall be entitled and required to elect or appoint a Successor thereto, in the same Manner as if the said Lecturer or Preacher were dead, and the Right and Interest of such Lecturer or Preacher to and in the said Office, and to and in all the Emoluments and Advantages thereof, shall wholly cease and determine; provided that nothing herein contained shall affect or be deemed applicable to any Lecturer or Preacher who shall have been elected or appointed to his said Office before the passing of this Act, unless such Lecturer or Preacher shall consent to be bound thereby.

Saving the Rights of present Holders.

Power to appoint Persons in Holy Orders to the Office of Church Clerk, and to require such Persons to act as Assistant Curates, if necessary.

II. And be it enacted, That when and so often after the passing of this Act as any Vacancy shall occur in the Office of Church Clerk, Chapel Clerk, or Parish Clerk, in any District, Parish, or Place, it shall be lawful for the Rector or other Incumbent or other the Person or Persons entitled for the Time being to appoint or elect such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, if he shall think fit, to appoint or elect a Person in the Holy Orders of Deacon or Priest of the United Church of *England* and *Ireland* to fill the said Office of Church Clerk, Chapel Clerk, or Parish Clerk; and such Person so appointed or elected as aforesaid shall, when duly licensed as herein-after provided, be entitled to have and receive all the Profits and Emoluments of

of and belonging to the said Office, and shall also be liable in respect thereof, so long as he shall hold the same, to perform all such spiritual and ecclesiastical Duties within such District, Parish, or Place as the said Rector or other Incumbent, with the Sanction of the Bishop of the Diocese, may from Time to Time require; but such Person in Holy Orders so appointed or elected as aforesaid shall not by reason of such Appointment or Election have or acquire any freehold or absolute Right to or Interest in the said Office of Church Clerk, Chapel Clerk, or Parish Clerk, or to or in any of the Profits or Emoluments thereof, but every such Person in Holy Orders so appointed or elected as aforesaid shall at all Times be liable to be suspended or removed from the said Office, in the same Manner and by the same Authority, and for such or the like Causes, as those whereby any stipendiary Curate may be lawfully suspended or removed; such Suspension or Removal nevertheless being subject to the same Power of Appeal to the Archbishop of the Province to which any stipendiary Curate is or may be entitled.

III. Provided always, and be it enacted, That every such Appointment or Election as last aforesaid, if made by any other Person or Persons than the Rector or other Incumbent of such District, Parish, or Place, shall be subject to the Consent and Approval of such Rector or other Incumbent of such District, Parish, or Place; and that no Person in Holy Orders so appointed or elected as aforesaid shall be competent to perform any of the Duties of his said Office, or any other spiritual or ecclesiastical Duties, within such District, Parish, or Place, or to receive or take any of the Profits or Emoluments of his said Office, unless and until he shall have duly obtained from the Bishop of the Diocese within which such District, Parish, or Place is situate such Licence and Authority in that Behalf as are required and usual in respect of stipendiary Curates; but nevertheless such Licence and Authority, when so obtained as aforesaid, shall entitle the Person so obtaining it to hold the said Office, and to receive and take the Profits and Emoluments thereof as aforesaid, until he shall have resigned the same, or have been so suspended or removed as aforesaid, without any annual or other Re-appointment or Re-election thereto.

Such Person to be licensed by the Bishop, and when appointed otherwise than by the Bishop to be subject to the Approval of the Incumbent.

IV. Provided also, and be it enacted, That no Rector or other Incumbent of any District, Parish, or Place wherein any such Person or Persons shall be so employed as aforesaid, or wherein any Lecturer or Preacher shall have been required to undertake and perform other clerical and ministerial Duties, in the Manner herein-before provided, or wherein any Person in Holy Orders shall have been appointed or elected to fill the Office of Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid, shall by reason of any such Provisions be exempt from any Duty or Obligation of employing within the same District, Parish, or Place any Curate or other Assistant to which by any Law,

Appointments of Assistant Clergy under this Act not to exempt Incumbents from the Duty of providing Curates in Cases where they are now liable.

Statute,

Statute, Canon, or Usage he is or may be already liable; but it shall be lawful for the Bishop of the Diocese from Time to Time to require every such Rector or other Incumbent to provide, or for the said Bishop to nominate and license, such other Curates and Assistants to officiate within every such District, Parish, or Place, in addition, either to the Person or Persons so intended to be employed as aforesaid, or to such Lecturer or Preacher, or to such Church Clerk, Chapel Clerk, or Parish Clerk, and to make Regulations for the Payment of the Stipends of such other Curates and Assistants, as fully and in the same Manner and subject to the same Restrictions as he might have done by Law if this Act had not been passed.

Power to suspend or remove Church Clerks not in Holy Orders who may be guilty of Neglect or Misbehaviour.

V. And be it enacted, That if at any Time it shall appear, upon Complaint or otherwise, to any Archdeacon or other Ordinary that any Person not in Holy Orders, holding or exercising the Office of Church Clerk, Chapel Clerk, or Parish Clerk in any District, Parish, or Place within and subject to his Jurisdiction, has been guilty of any wilful Neglect of or Misbehaviour in his said Office, or that by reason of any Misconduct he is an unfit and improper Person to hold or exercise the same, it shall be lawful for such Archdeacon or other Ordinary forthwith to summon such Church Clerk, Chapel Clerk, or Parish Clerk to appear before him, and also by Writing under his Hand, or by such Process as is commonly used in any of the Courts Ecclesiastical for procuring the Attendance of Witnesses, to call before him all such Persons as may be competent to give Evidence or Information respecting any of the Matters imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and such Archdeacon or other Ordinary shall and may, if he see fit, examine upon Oath, to be by him administered in that Behalf, any of the Persons so appearing or attending before him respecting any of the Matters aforesaid, and shall and may thereupon summarily hear and determine the Truth of the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk as aforesaid; and if upon such Investigation it shall appear to the Satisfaction of such Archdeacon or other Ordinary that the Matters so imputed to or charged against such Church Clerk, Chapel Clerk, or Parish Clerk are true, it shall be lawful for the said Archdeacon or other Ordinary forthwith to suspend or remove such Church Clerk, Chapel Clerk, or Parish Clerk from his said Office, and by Certificate under his Hand and Seal directed to the Rector or other officiating Minister of the Parish, District, or Place wherein such Church Clerk, Chapel Clerk, or Parish Clerk held or exercised his said Office, to declare the said Office vacant, and a Copy of such Certificate shall thereupon, by such Rector or other officiating Minister, be affixed to the principal Door of the Church or Chapel in which the said Church Clerk, Chapel Clerk, or Parish Clerk usually exercised his said Office; and the Person or Persons who upon the Vacancy of such Office are entitled to elect or appoint a

Person to fill the same, shall and may forthwith proceed to elect or appoint some other Person to fill the same in the Place of the said Church Clerk, Chapel Clerk, or Parish Clerk so removed as aforesaid: Provided always, that the Exercise of such Office by a sufficient Deputy who shall duly and faithfully perform the Duties thereof, and in all respects well and properly demean himself, shall not be deemed a wilful Neglect of his Office on the Part of such Church Clerk, Chapel Clerk, or Parish Clerk, so as to render him liable, for such Cause alone, to be suspended or removed therefrom.

VI. And be it enacted, That in case any Person, having ceased to be employed in any of the Offices or Duties in this Act mentioned or referred to, or having been duly suspended or removed from any such Office or Employment as aforesaid, shall at any Time refuse or neglect to give up the Possession of any House, Building, Land, or Premises, or any Part or Parcel thereof, by him held or occupied by virtue or in respect of any such Office or Employment as aforesaid, it shall be lawful for the Bishop of the Diocese, upon Complaint thereof to him made, to summon such Person forthwith personally to appear before him, and to show Cause for such Refusal or Neglect; and upon the Failure of the Person so summoned as aforesaid to obey such Summons, or, upon his Appearance, to show to the said Bishop such Cause as may be deemed by the said Bishop sufficient for such Refusal or Neglect, the said Bishop shall thereupon grant a Certificate of the Facts aforesaid, under his Hand and Seal, to the Person or Persons entitled to the Possession of such House, Building, Land, or Premises as aforesaid, who may thereupon go before any neighbouring Justice of the Peace; and such Justice, upon Production of such Certificate, and Proof of such wrongful Retention of Possession as aforesaid, shall and he is hereby required to issue his Warrant under his Hand and Seal, directed to the Constables or other Peace Officers of the District, Parish, or Place within which such House, Building, Land, or Premises is or are situate, or to the Constables or other Peace Officers of any neighbouring District, Parish, or Place, requiring them forthwith to expel and remove from the said House, Building, Land, or Premises, and from every Part and Parcel thereof, the Person so wrongfully retaining Possession thereof, and to deliver the peaceable Possession thereof to the Person or Persons so entitled to the same as aforesaid; and such Constables or other Peace Officers shall and they are hereby required promptly and effectually to obey and execute such Warrant, according to the Exigency thereof, and thereupon it shall be lawful for them also to levy, upon the Goods and Chattels of the Person so by them expelled and removed as aforesaid, the necessary Costs and Expences of executing such Warrant, the Amount whereof, in case the same shall be disputed, shall be forthwith settled and determined by the said Justice of the Peace by whom the said

Power to remove Person ceasing to be employed as mentioned in this Act from Premises held by him in right of his Employment.

Warrant was so issued as aforesaid, or by any other Justice of the Peace residing in or near to the said District, Parish, or Place, whose Decision thereupon shall be final, and who is hereby authorized to make such Order in that Behalf as to him shall seem reasonable.

LONDON : Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1844.