



Ecclesiastical Commissioners Act 1840

1840 CHAPTER 113

An Act to carry into effect, with certain Modifications, the Fourth Report of the Commissioners of Ecclesiastical Duties and Revenues. [11th August 1840]

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*, constituting the Ecclesiastical Commissioners for *England* to be One Body Politic and Corporate for the Purposes set forth in the said Act: And whereas the Commissioners first mentioned in the said Act, in their Fourth Report to His late Majesty, bearing Date the Twenty-fourth Day of *June* in the Year One thousand eight hundred and thirty-six, made certain Recommendations touching Cathedral and Collegiate Churches, and other Things in the said Report specified: And whereas it is expedient that the said Recommendations should be adopted, with certain Alterations:

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,

Members of Chapters to be Deans and Canon.

That from henceforth all the Members of Chapter, except the Dean, in every Cathedral and Collegiate Church in *England*, and in the Cathedral Churches of *Saint David* and *Llandaff*, shall be styled Canons ; and the Precentor of the Cathedral Church of *Saint David* and the Warden of the Collegiate Church of *Manchester* shall be respectively styled Dean.

II Number of Canons.

And be it enacted, That, subject to the Provisions herein-after contained, the Number of Canons in the several Cathedral and Collegiate Churches of the New Foundation, and in the Cathedral Churches of *Saint David* and *Llandaff*, and in the Queen's Free Chapel of *Saint George* within the Castle of *Windsor*, and of Canons Residentiary in

the several Cathedral Churches of the Old Foundation in *England*, shall be the Number respectively specified in the Schedule hereto annexed.

III Residence of Dean and Canons.

And be it enacted, That in every Cathedral and Collegiate Church the Term of Residence to be kept by every Dean thereof hereafter appointed shall be Eight Months at the least in every Year, and the Term of Residence to be kept by every Canon thereof hereafter appointed shall be Three Months at the least in every Year.

IV Six Canonries suspended at Canterbury.

And be it enacted, That in the Chapter of the Cathedral Church of *Canterbury* Six Canonries shall be suspended in the following Order; that is to say, the Canonry firstly vacant shall be suspended; and the Canonry now held by the Archdeacon of *Canterbury* and the Canonry secondly vacant shall be subject to the Provisions hereinafter contained respecting the Endowment of Archdeaonries by the Annexation of Canonries thereto ; and the Canonry thirdly vacant shall be suspended, and the Canonry fourthly vacant shall be filled up by Her Majesty; and the Two Canonries fifthly and sixthly vacant shall be suspended, and the then next vacant Canonry shall be filled up by Her Majesty ; and the Two Canonries which shall then next be vacant shall be suspended ; and that thereafter, upon every Fourth Vacancy among the Canonries not annexed to any Archdeaconry, the Lord Archbishop of *Canterbury* shall appoint a Canon, and all other Vacancies among such last-mentioned Canonries shall be filled up by Her Majesty.

V Canonry at Christchurch annexed to a Professorship instead of Canonry at Worcester.

And be it enacted, That in the Chapter of *Christchurch* in *Oxford* the first vacant Canonry, not being One of the Two Canonries which are respectively annexed to Regius Professorships in the University of *Oxford*, shall immediately become and be permanently annexed and united to the Lady *Margaret's* Professorship of Divinity in the said University, and shall and may be held by the present and every future Lady *Margaret's*, Professor of Divinity therein ; and that upon such Annexation as aforesaid the Canonry in the Cathedral Church of *Worcester*, which is now annexed to the last-mentioned Professorship, shall be *ipso facto* detached therefrom, and shall become vacant; and the Canonry secondly vacant in the said Chapter of *Christchurch* shall be subject to the Provisions hereinafter contained respecting the Endowment of Archdeaonries by the Annexation of Canonries thereto.

VI Two Canonries at Christchurch annexed to new Professorships in the University of Oxford.

And whereas Her Majesty has graciously intimated to Parliament Her Royal Will and Intention to found Two new Professor ships in the said University, of *Oxford*, and it is expedient that the same should be competently endowed ; be it therefore enacted, That the Two Canonries in the said Chapter of *Christchurch* (not being either of them a Canonry annexed or to be annexed to any of the Professorships already founded in the said University) which shall be thirdly and fourthly vacant shall, upon the Vacancies thereof respectively, and the Foundation of such Professorships respectively, become and be permanently annexed and united thereto, in such Order as Her Majesty shall,

in and by Her Royal Letters Patent founding such Professorships, direct and appoint; and if either of such last-mentioned Canonries be vacant before the Foundation of such Professorships, the; same shall not be filled up until after such Foundation ; and after such Annexation the said Canonries shall and may be held by the Holders of such Professorships respectively for the Time being; provided that if the Member of any College or Hall in the said University except *Christchurch* shall hereafter accept any Professorship to which a Canonry of *Christchurch* is or shall be annexed, he shall thereby cease to be a Member of such other College or Hall.

VII Act not to apply otherwise to Christchurch.

And be it enacted, That, except as herein particularly specified, nothing in this Act contained shall in any Manner affect or apply to the Cathedral Church of *Christ* in *Oxford*.

VIII Six Canonries suspended at Durham, Worcester, and Westminster.

And be it enacted, That in the Chapters of the Cathedral Churches of *Durham* and *Worcester* and of the Collegiate Church of *Saint Peter Westminster* respectively Six Canonries shall be suspended in the following Order; (that is to say,) the first Two vacant Canonries shall be suspended, and the Canonry thirdly vacant shall be filled up ; and the Two Canonries fourthly and fifthly vacant shall be suspended, and the then next vacant Canonry shall be filled up ; and the Two Canonries which shall then next be vacant shall be suspended.

IX Eight Canonries suspended at Windsor.

And be it enacted, That in the Chapter of the Queen's Free Chapel of *Saint George* within Her Castle or *Windsor* Eight Canonries shall be suspended in the following Order; (that is to say,) the first Two vacant Canonries shall be suspended, and the Canonry thirdly vacant shall be filled up ; and the Two Canonries fourthly and fifthly vacant shall be suspended, and the then next vacant Canonry shall be filled up ; and the Two Canonries which shall then next be vacant shall be suspended, and the then next vacant Canonry shall he filled up; and the Two Canonries which shall then next be vacant shall be suspended.

X Seven Canonries suspended at Winchester.

And be it enacted, That in the Chapter of the Cathedral Church of *Winchester* Seven Canonries shall be suspended in the following Order; (that is to say,) the Two Canonries secondly and thirdly vacant shall be suspended, and the Canonry fourthly vacant shall be filled up ; and the Two Canonries fifthly and sixthly vacant shall be suspended, and the then next vacant Canonry shall be filled up; and the Two Canonries eighthly and ninthly vacant shall be suspended, and the then next vacant Canonry shall be filled up ; and the Canonry which shall then next be vacant shall be suspended.

XI Three Canonries suspended at Exeter.

And be it enacted, That in the Chapter of the Cathedral Church of *Exeter* Three Canonries shall be suspended; (that is to say,) the Canonry held in Commendam with the Bishoprick of *Exeter* shall immediately upon the Vacancy thereof be suspended, and the Two Canonries thirdly and fourthly vacant (not being either of

them the Canonry so held in Commendam) shall be also suspended; and the Canonry secondly vacant shall be subject to the Provisions hereinafter contained respecting the Endowment of Archdeaconries by the Annexation of Canonries thereto.

XII Two Canonries at Ely to be annexed to Professorships at Cambridge.

And be it enacted, That so soon as conveniently may be, and by the Authority hereinafter provided, the Two Canonries in the Chapter of the Cathedral Church of *Ely* which shall be secondly and thirdly vacant shall be permanently annexed and united to the Regius Professorships of Hebrew and Greek respectively in the University of *Cambridge*,

XIII Two Canonries suspended at Bristol, Chester, Ely, Gloucester, Lichfield, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells, respectively.

And be it enacted, That in the Chapters of the Cathedral Churches of *Bristol, Chester, Ely, Gloucester, Lichfield, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells* respectively, Two Canonries shall be suspended in the following Order; (that is -to say,) in the said Churches of *Bristol, Chester, Gloucester, Norwich, Peterborough, Ripon, Rochester, Salisbury, and Wells* respectively the first vacant Canonry shall be suspended, and the Canonry secondly vacant shall be filled up, and the Canonry thirdly vacant shall be suspended, and the Sub-Deanery in the said Church of *Ripon* shall, immediately upon the Vacancy thereof, be also suspended; and that in the Chapter of the said Church of *Ely* the Two Canonries fourthly and fifthly vacant shall be suspended; and that in the Chapter of the said Church of *Lichfield* the first vacant Canonry shall be suspended, and the Canonry annexed to the Rectory of the Church of *Saint Philip in Birmingham* shall, immediately upon the first Vacancy thereof, be detached from the said Rectory, and be also suspended ; and that in the Chapter of the said Church of *Peterborough* the Canonry secondly vacant shall be subject to the Provisions hereinafter contained for the Endowment of Archdeaconries by the Annexation of Canonries thereto.

XIV One Canonry suspended at Hereford.

And be it enacted, That in the Cathedral Church of *Hereford* the first vacant Canonry shall be suspended.

XV Proviso respecting the Suspension of Canonries.

Provided always, and be it enacted, That the Provisions hereinbefore contained respecting the Suspension of Canonries shall not be construed to extend to the Suspension of the Canonry in the said Chapter of *Canterbury* now held by the Archdeacon of *Canterbury*, or of any Canonry in the said Chapter of *Ely* which may be annexed to any Professorship in the University of *Cambridge*, or of the Canonry in the said Cathedral Church of *Durham* which is prospectively annexed to the Archdeaconry of *Durham* by an Act passed in the Second Year of the Reign of His late Majesty, intituled *An Act for separating the Rectory of Easington in the County and Diocese of Durham from the Archdeaconry of Durham, and annexing in lieu thereof a Prebend or Canonry founded in the Cathedral Church of Durham, and annexing in lieu thereof a Prebend or Canonry founded in the Cathedral Church of Durham, or of either of the Canonries in the said Collegiate Church of Saint Peter Westminster to which the Rectories of Saint Margaret and Saint John Westminster are herein-after respectively annexed, or of the Canonry in the said Cathedral Church of Gloucester which is annexed to*

the Mastership of *Pembroke* College in *Oxford*, or of either of the Canonries in the said Cathedral Church of *Rochester* which are respectively annexed to the Provostship of *Oriel* College in *Oxford*, and to the Archdeaconry of *Rochester*, or of the Canonry in the said Cathedral Church of *Norwich* which is annexed to the Mastership of *Catherine Hall* in *Cambridge*, or of the Canonry in the said Cathedral Church of *Salisbury* which is connected with the Residentiary House called *Leydon* or *Leaden Hall*, or of any Canonry in any Cathedral or Collegiate Church which shall hereafter, under the Authority of this Act, be permanently annexed to any Archdeaconry or Archdeacons, or to any Office in the University of *Durham* ; but that if any Canonry so held annexed or connected or to be annexed shall be vacant in such Order as that according to the said last-mentioned Provisions it would be one of the Canonries to be suspended, the Vacancy thereof shall not be counted as a Vacancy subject to such Provisions ; and that upon the passing of this Act all then subsisting Vacancies of Canonries shall be deemed Vacancies within the Meaning of the said last-mentioned Provisions and of this Proviso, and shall be counted, subject also to this Proviso, in the numerical Order in which they shall have occurred,

XVI One suspended Canonry may be filled up to endow Archdeacons.

Provided always, and be it enacted, That in any Cathedral Church in which by the Suspension of Canonries the Number of Canons shall be reduced to Four, One of such suspended Canonries may by the Authority herein-after provided, if it be deemed necessary for the Purpose of endowing any Archdeaconry or Archdeacons, be filled up, subject to the Provisions herein-after contained respecting the Endowment of Archdeacons by the Annexation of Canonries thereto.

XVII A Fourth Canonry founded at St. Paul's London and at Lincoln.

And be it enacted, That in the Chapters of the Cathedral Churches of *Saint Paul* in *London* and of *Lincoln* respectively there shall be a Fourth Canonry, and such Canonry shall be in the Patronage of the Bishops of *London* and *Lincoln* respectively, subject nevertheless to the Limitation as to the Exercise of such Patronage herein-after contained.

XVIII All Canonries but One suspended at Southwell.

And be it enacted, That in the Collegiate Church of *Southwell* the Canonries now vacant, and all the other Canonries except the Canonry now held by the Archdeacon of *Nottingham*, as Vacancies occur, shall be suspended.

XIX All Canonries but Two suspended at St. David's and Llandaff.

And be it enacted, That no Appointment shall hereafter be made to any Canonry in either of the Cathedral Churches of *Saint David* or *Llandaff*, excepting any Canonry by the Vacancy of which the Canons shall be reduced below the Number of Two; and that all Canonries vacant previously to such Reduction shall be suspended.

XX Power to remove the Suspension from Canonries under special Circumstances.

And be it enacted, That a Plan may from Time to Time be laid before the Ecclesiastical Commissioners for *England* by any of the said Chapters of the several Cathedral and Collegiate Churches, with the Sanction of the Visitors of the said Churches

respectively, for removing the Suspension from and re-establishing any Canonry or Canonries which shall have been suspended by or under the Provisions of this Act, by assigning towards the Re-endowment of any such Canonry or Canonries a Portion of the divisible Corporate Revenues remaining to the said Chapters respectively, after paying to the said Ecclesiastical Commissioners the Profits and Emoluments accruing to the said Commissioners from the suspended Canonry or Canonries, so that the Profits and Emoluments of such suspended Canonry or Canonries be not diminished by the Removal of such Suspension ; and also by accepting and assigning for the same Purpose any further Endowment in Money, or in Lands, Tithes, or other Hereditaments, such Lands, Tithes, or other Hereditaments not exceeding in yearly Value the Sum of Two hundred Pounds for each Canonry from which the Suspension shall have been so removed ; and also by annexing to any such Canonry from which the Suspension shall have been so removed any suitable Benefice or other Preferment in the Patronage of the said Chapters respectively, or of any other Patron, with the Consent of such Patron, and where any Bishop is Patron, with Consent of the Archbishop ; and any such Plan may be carried into effect by the Authority hereinafter provided, and such Alterations may be made in the existing Statutes and Rules of the said Chapters respectively, as the Case may require, under the Authority herein provided for making Alterations in existing Statutes.

XXI Non-residentiary Deaneries suppressed.

And be it enacted, That no new Appointment shall be made to the Deaneries of *Wolverhampton*, *Middleham*, *Heytesbury*, and *Brecon* respectively, but that the said Deaneries shall, as to any which may be vacant at the passing of this Act, immediately upon its so passing, and as to any other immediately upon the Vacancy thereof, be suppressed.

XXII Non-residentiary Prebends and Offices not to give Right to any Endowment.

And be it enacted, subject to the Provisions herein-after contained, That after the passing of this Act no Presentation, Collation, Donation, Admission, Election, or other Appointment to the Dignity or Office of Sub-Dean, Chancellor of the Church, Vice Chancellor, Treasurer, Provost, Precentor, or Succentor, nor to any Prebend not residentiary, in any Cathedral or Collegiate Church in *England*, or in the Cathedral Churches of *Saint David* and *Llandaff*, or in the Collegiate Church of *Brecon*, shall convey any Right or Title whatsoever to any Lands, Tithes, or other Hereditaments, or any other Endowment or Emolument whatsoever, now belonging to such Dignity, Office, or Prebend, or enjoyed by the Holder thereof in right of such Dignity, Office, or Prebend, or any Part thereof: provided that nothing herein contained shall be construed to deprive any present or future Holder of any Office in any Cathedral or Collegiate Church, actually performing Duties in respect of such Office, of any Stipend or other Emolument heretofore accustomedly assigned to such Office, or paid to the Holder thereof, according to the Statutes of such Church, out of the Revenues thereof.

XXIII Foundation of Honorary Canonries.

And whereas it is expedient that all Bishops should be empowered to confer Distinctions of Honour upon deserving Clergymen ; be it enacted, That Honorary Canonries shall be hereby founded in every Cathedral Church in *England* in which there are not already founded any Non-residentiary Prebends, Dignities, or Offices ; and the Holders of such Canonries shall be styled Honorary Canons, and shall be

entitled to Stalls, and to take Rank in the Cathedral Church next after the Canons, and shall be subject to such Regulations respecting the Mode of their Appointment, and otherwise, as shall be determined on by the Authority herein-after provided, with the Consent of the Chapters of the said Cathedral Churches respectively; and the Number of such Honorary Canonries hereby founded in each Cathedral Church shall be Twenty-four; and it shall be lawful for the Archbishops and Bishops respectively, if they shall think fit, from Time to Time, to appoint Spiritual Persons to such Honorary Canonries ; provided that not more than Eight of such Honorary Canons shall be appointed in any Diocese within the Year next after the passing of this Act, nor more than Two in any subsequent Year, except in the Case of the Vacancy of any Honorary Canonry by Death, Resignation, or otherwise; provided also, that no Emolument whatever, nor any Place in the Chapter of any Cathedral Church, shall be taken or held by any Honorary Canon in virtue of his Appointment as such Canon.

XXIV Deans of old Cathedrals and Three Canons of St. Paul's to be appointed by Her Majesty.

And be it enacted, That the Deanery of every Cathedral and Collegiate Church upon the old Foundation, excepting *Wales*, and the Three existing Canonries in the Cathedral Church of *Saint Paul* in *London*, shall henceforth be in the direct Patronage of Her Majesty, who shall and may, upon the Vacancy of any such Deanery or Canonry, appoint, by Letters Patent, a Spiritual Person to be Dean or Canon, as the Case may be, who shall thereupon be entitled to Installation as Dean or Canon of the Church to which he may be so appointed.

XXV Canons of old Cathedrals to be appointed by the Bishops.

And be it enacted, That in the Cathedral Church of *York*, so soon as a Vacancy shall occur in the Deanery, and in the Cathedral Churches of *Chichester*, *Exeter*, *Hereford*, *Salisbury*, and *Wells* respectively, so soon as every Person who was a Member of the respective Chapters of such Churches at the passing of this Act shall cease to be such Member, all the said Canonries shall be in the direct Patronage of the Lord Archbishop of *York* and of the Bishops of the said respective Sees, as the Case may be, who shall respectively, upon the Vacancy of any Canonry in such Churches respectively, collate thereto a Spiritual Person, who shall thereupon be entitled to Installation as a Canon of the Church to which he shall be so collated.

XXVI Canons of Ripon and Manchester to be appointed by the respective Bishops.

And be it enacted, That in the Cathedral Church of *Ripon* the Canonries shall from henceforth be in the Patronage of the Bishop of *Ripon* for the Time being, and not of the Archbishop of *York*, and that it shall riot be necessary for the Person to be appointed a Canon in the said Church to be nominated by the Chapter thereof; and that the Bishop of *Ripon* for the Time being shall be the Visitor of the said Chapter, and not the said Archbishop of *York* ; and that in the Collegiate Church of *Manchester*, so soon as the See of *Manchester* shall have been founded, and every Person who shall be a Member of the said Chapter at the passing of this Act shall have ceased to be such Member, the Canonries shall be in the direct Patronage of the Bishop of *Manchester* for the Time being, who may, upon the Vacancy of any Canonry, collate thereto a Spiritual Person, who shall thereupon be entitled to Installation as a Canon of the said last-mentioned Church.

XXVII Qualification of Deans, Archdeacons, and Canons.

And be it enacted, That no Person shall hereafter be capable of receiving the Appointment of Dean, Archdeacon, or Canon until he shall have been Six Years complete in Priest's Orders, except in the Case of a Canonry annexed to any Professorship, Headship, or other Office in any University.

XXVIII Repeal of Statutes and Customs for appropriating separate Estates.

And be it enacted, That in every Cathedral or Collegiate Chapter wherein there exists any Statute or Custom for assigning to the Dean or to any Canon any Land, Tithes, or other Hereditament, in addition to his Share of the Corporate Revenues, or for appropriating separately to the Dean or any Canon during his Incumbency the Proceeds of any Land, Tithes, or other Hereditament, Part of the Corporate Property of the, Chapter, every such Statute and Custom, or every such Part thereof as relates to such Assignment or Appropriation, shall be repealed and annulled as to all Deans and Canons hereafter appointed : Provided nevertheless, that any small Portion of Land situate within the Limits and Precincts of any Cathedral or Collegiate Church, or in the Vicinity of any Residentiary House, may be reserved to such Church, or permanently annexed to such Residentiary House, by the Authority herein-after provided.

XXIX Annexation of St. Margaret's and St. John's to Two Canonries of Westminster.

And be it enacted, That the Rectory of the Parish of *Saint Margaret* in the City of *Westminster* shall immediately become and be permanently annexed and united to the Canonry in the said Collegiate Church of *Saint Peter Westminster* held by *Henry Hart Milman* Clerk, Master of Arts, and the Rectory of the Parish of *Saint John* in the same City shall immediately become and be permanently annexed and united to the Canonry in the same Church held by *John Jennings* Clerk, Master of Arts; and the said *Henry Hart Milman* and his Successors, and the Successors of the said *John Jennings*, in the said respective Canonries, shall, as Canons of the said Church, become *ipso facto* Rectors of the said respective Parishes and the Parish Churches thereof, to all Intents and Purposes; and the said Parishes shall become and be Part of the Province of *Canterbury*, of the Diocese of *London*, and of the Archdeaconry of *Middlesex*; and the said Parishes, and the Rectors and other Ministers and Officers thereof, shall, in Ecclesiastical Matters, be subject only to the Jurisdiction of the Archbishop of *Canterbury*, the Bishop of *London*, and the Archdeacon of *Middlesex* respectively, in the same Manner as other Parishes in the said Province, Diocese, and Archdeaconry are respectively subject thereto, and be exempted and relieved from all other Ecclesiastical Jurisdiction whatsoever: Provided always, that nothing herein contained shall in any Manner affect or prejudice any of the Rights, Customs, or Claims of the Parishioners of the said Parish of *Saint Margaret*, or the Vestry or Churchwardens thereof for the Time being, nor render them liable to or chargeable with the Repairs of the said *Broadway* Chapel further or otherwise than as they now are or may become liable thereto by any Law in force at the Time of the passing of this Act.

XXX Rectory House of St. Margaret's.

And be it enacted, That such One of the Prebendal Houses belonging to the Chapter of the said Collegiate Church of *Saint Peter Westminster* as shall be determined on by the Authority herein-after provided shall be, as soon as conveniently may be, exempted from the Rule of Option subsisting in the Chapter thereof, and be permanently annexed

to the said Canonry now held by the said *Henry Hart Milman*, and shall thenceforth be the House of Residence for the Rector of the said Parish of *Saint Margaret* for the Time being.

XXXI Division and Application of the Revenues of the Two Canonries of Westminster.

And be it enacted, That when and so often as, according to the Statutes or Usages of the Chapter of the said Collegiate Church of *Saint Peter Westminster*, any Dividend or Division shall be made of any Profits or Emoluments, from whatever Source accruing, or any Stipend or other Sum of Money shall become payable to the Members of the said Chapter as such Members, the Shares of such Profits and Emoluments, which, according to such Statutes or Usages, shall be found to belong to the said Two last-mentioned Canonries, or the Incumbents thereof respectively, and every such Stipend or other Sum of Money so payable to such Incumbents respectively, instead of being paid to such Incumbents or either of them, shall, by the Treasurer for the Time being of the said Chapter, be divided into Twelve equal Parts; and Eight only of such Parts shall be paid to or for the Use of the Incumbents for the Time being of the said Canonries respectively, and the remaining Four Parts shall be paid in such Manner and to such Uses as shall by the Authority herein-after provided be directed: Provided always, that so much of the last-mentioned Monies as shall appertain to the Canonry now held by the said *Henry Hart Milman* shall be applied, in such Proportions as by the like Authority shall be determined, towards providing a House or Houses of Residence for the Minister or Ministers of One or more District Church or Churches in the said Parish of *Saint Margaret*, and for endowing such Minister or Ministers, and the Minister of *Broadway Chapel* in the same Parish; and so much of the said Monies as shall appertain to the Canonry now held by the said *John Jennings* shall be in like Manner applied towards providing a House or Houses of Residence for the Minister or Ministers of One or more District Church or Churches in the said Parish of *Saint John*, and for endowing such Minister or Ministers.

XXXII New Archdeaconries and Rural Deaneries may be formed.

And whereas, under the first-recited Act, certain new Archdeaconries therein named may, by the Authority thereby provided, be created, and Districts may be assigned thereto, and the Limits of the existing Archdeaconries and Rural Deaneries may be newly arranged: And whereas it is expedient to extend the Power of creating new Archdeaconries and Rural Deaneries; be it enacted, That in any Case in which it shall appear, upon the Representation of the Bishop, to be proper to divide any Archdeaconry or Rural Deanery on account of the Magnitude thereof, or any other peculiar Circumstance connected therewith, such Archdeaconry or Rural Deanery may, by the Authority herein-after provided, be divided into Two or more Portions, and each of such Portions may be constituted a separate Archdeaconry or Rural Deanery, as the Case may be, and a District may be assigned thereto; provided always, that no such Division shall be made without the Consent of the Bishop under his Hand and Seal.

XXXIII Bishops of London and Lincoln may appoint an Archdeacon to the new Canonry of St. Paul's and Lincoln.

And be it enacted, That the Bishops of *London* and *Lincoln* respectively may forthwith and from Time to Time appoint One of the Archdeacons of their respective Dioceses to the new Canonries hereby added to the respective Chapters of the Cathedral Churches

of *Saint Paul* in *London* and of *Lincoln* ; and that every Archdeacon so appointed to a Canonry shall thereupon become and be a Canon of the Cathedral Church of *Saint Paul* or *Lincoln*, and a Member of the Chapter of such Church, to all Intents and Purposes, and possessed of and entitled to the like Rights, Privileges, Dignities, and Emoluments as are possessed by other Canons in the same Church, subject nevertheless to the Provisions, herein contained.

XXXIV Provision for Archdeaonries.

And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, subject to the Consent of the Bishop, any Archdeaconry may be endowed by the Annexation either of an entire Canonry or of a Canonry charged with the Payment of such Portion of its Income as shall be determined on towards providing for another Archdeacon in the same Diocese, or with such last-mentioned Portion of the Income of a Canonry, or by Augmentation out of the common Fund herein-after mentioned, provided that the said Augmentation shall not be such as to raise the average annual Income of any Archdeaconry to an Amount exceeding Two hundred Pounds ; and that no Canonry shall be so charged with the Payment of a Portion of the Income thereof to any Archdeacon, unless the average annual Income of such Canonry, after the Payment of such Portion as aforesaid, shall amount to or exceed Five hundred Pounds : Provided always, that no Archdeacon shall be entitled to hold any Endowment or Augmentation, or other Emolument as such Archdeacon under the Provisions of this Act, unless he shall be resident for the Space of Eight Months in every Year within the Diocese in which his Archdeaconry is situate, or as to any present Archdeacon, within the Diocese in which his Archdeaconry was situate before the passing of the first-recited Act, subject to the same Provisions as to Licences for Non-residence which are enacted with respect to Incumbents of Benefices by an Act passed in the Second Year of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*.

XXXV Further Provision for Archdeaonries.

And be it enacted, That instead of appointing One Archdeacon to either of the new Canonries respectively founded in the Cathedral Churches of *Saint Paul* in *London* and of *Lincoln*, or of annexing a Canonry in any Cathedral or Collegiate Church to an Archdeaconry as aforesaid charged with any Payment to another Archdeacon in the same Diocese, the Rights, Duties, and Emoluments of any Canonry, the average annual Income of which may exceed Eight hundred Pounds, may, by the Authority herein-after provided, be annexed to Two Archdeaonries jointly within the same Diocese, not otherwise competently endowed, each Archdeacon taking his Turn of Residence for such Time, and taking such Share of the Emoluments, as shall be directed by the Scheme and Order authorizing such Annexation ; and each Archdeacon shall during his Turn of Residence have all the Rights and Privileges of a Canon (except as to the Division of the Emoluments); and every future Archdeacon whose Archdeaconry shall be endowed as last aforesaid shall be deemed the Holder of Cathedral Preferment within the Meaning of the last recited Act.

XXXVI Provision for the Archdeaconry of Nottingham and the Parish of Southwell.

And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, the Canonry remaining in the Collegiate Church of *Southwell* shall be

annexed to the Archdeaconry of *Nottingham*, and a better Provision shall be made for the Cure of Souls in the Parish of *Southwell* by the Application of so much of the Revenues arising from the suspended Canonries in the Collegiate Church of *Southwell*, and in such Manner as shall by the like Authority be determined on.

XXXVI Further Provision for the University of Durham.

And be it enacted, That, so soon as conveniently may be, and by the Authority hereinafter provided, such Arrangements shall be made with respect to the Deanery and Canonries in the Cathedral Church of *Durham*, and their Revenues, as, upon due Inquiry and Consideration of an Act passed in the Second 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 of the Engagements entered into by William late Bishop of *Durham* and the Dean and Chapter of *Durham*, shall be determined on, with a view to maintaining the said University in a State of Respectability and Efficiency ; provided that in such Arrangements due regard shall be had to the just Claims of any existing Officer of the said University.

XXXVII Provision for the Chapter of St. David's and the Archdeaconry of Cardigan.

And be it enacted, That the Canonries of the Cathedral Church of *Saint David* shall be in the direct Patronage of the Bishop of *Saint David's*, and that so soon as conveniently may be the Canons may be respectively instituted or licensed, as the Case may be, to the Cure of Souls in the Parish of *Saint David*; and the whole divisible Corporate Revenues shall be divided into Twenty-four Parts, Ten of which Parts shall be assigned to the Dean, and Five to each Canon, and the remaining Four Parts shall be assigned as an Endowment to the Archdeacon of Cardigan.

XXXIX Provision for Archdeaconries of Brecon and Carmarthen.

And be it enacted, That, so soon as conveniently may be, and by the Authority hereinafter provided, due Provision shall be made out of the Endowments belonging to the Prebends in the Collegiate Church of *Brecon* for the Archdeaconries of *Brecon* and *Carmarthen*.

XL Provision for the Chapter of Llandaff.

And be it enacted, That the Archdeacon of *Llandaff* shall from henceforth be also Dean of the Cathedral Church of *Llandaff*, and that, so soon as conveniently may be, the Canons of the said Church may be instituted or licensed, as the Case may be, to the Cure of Souls in the Parishes of *Llandaff* and *Whitchurch* respectively ; and, after the Reservation to the Lord Bishop of *Llandaff* of One Seventh Part (being his present Share) of the whole divisible Corporate Revenues, the Remainder thereof shall be divided among the Three Members of the Chapter, in the Proportions of One Half to the Dean and One Quarter to each of the Canons.

XLI Separate Patronage of Members of Chapters to be vested in the Bishops.

And be it enacted, That, subject to the Provisions hereinafter contained, the Patronage of all Benefices with Cure of Souls possessed by Deans and other individual Members of Chapters in right of any separate Estates held by them as such Members, or

possessed by Prebendaries, Dignitaries, or Officers not residentiary, in right of their Prebends, Dignities, or Offices respectively, shall be transferred to and vested in the respective Bishops of the Dioceses in which the Benefices shall be respectively situate, subject nevertheless to all such Provisions respecting the Apportionment or Exchange of Ecclesiastical Patronage as are contained in the first herein-before recited Act: Provided always, with respect to any Benefice now or heretofore possessed by any Dean in right of any separate Estate held by him as such Dean, that every future Dean of the same Deanery may, upon any Vacancy of such Benefice, present himself thereto ; that with respect to Benefices in the Patronage of the Prebendaries of the Collegiate Church of *Southwell*, the same shall, so soon as conveniently may be, and by the Authority herein-after provided, be transferred so as to become vested, as the Prebends fall in respectively, partly in the Bishop of *Ripon* and partly in the Bishop of *Manchester*, in such Proportion as shall be determined on ; and that upon the Vacancy of any such last-mentioned Benefice before the Patronage thereof shall have been so transferred as aforesaid it shall be lawful for the Bishop of *Ripon* for the Time being to present thereto.

XLII Spiritual Person not to sell or assign any Right of Patronage.

And be it enacted, That it shall not be lawful for any Spiritual Person to sell or assign any Patronage or Presentation belonging to him by virtue of any Dignity or Spiritual Office held by him, and that every such Sale or Assignment shall be null and void to all Intents and Purposes.

XLIII Haseley Rectory to be severed from the Deanery of Windsor.

And be it enacted, That in the Construction of this Act the said Free Chapel of *Saint George* in *Windsor* shall be held to be included in the Term Collegiate Church, and that immediately upon the first Vacancy of the Deanery of the said Free Chapel so much of an Act passed in the Reign of Queen *Anne*, for annexing the Rectory or Parsonage of *Haseley* to the Deanery of the said Free Chapel, as relates to the Rectory, Parsonage, and Parish of *Haseley*, shall be repealed, and the Rectory of *Haseley* in the County of *Oxford* shall be absolutely detached and dissevered from the said Deanery, and, subject to such Appropriation of the Revenues thereof as shall be determined on by the Authority herein-after provided, shall be in the Patronage of the Chapter of the said Chapel: Provided always, that such Patronage shall in the first instance be exercised in favour of William Birkett Clerk, if at the Time of such Vacancy he shall be Curate of the Parish of *Haseley*.

XLIV Exercise of Patronage of Chapters.

And be it enacted, That upon the Vacancy of any Benefice in the Patronage of the Chapter of any Cathedral or Collegiate Church, the Chapter shall present or nominate thereto either a Member of such Chapter, or one of the Archdeacons of the Diocese, or a non-residentiary Prebendary or Honorary Canon, as the Case may be, or any Spiritual Person who shall have served for Five Years at the least in the Office of Minor Canon or Lecturer of the same Church, or of Master of the Grammar or other School (if any) attached to or connected with such Church, or as Incumbent or Curate in the same Diocese, or as public Tutor in either of the Universities of *Oxford* and *Cambridge*, or who, so far as relates to the Cathedral Church of *Durham*, shall have served for the like Term in the Office of Professor, Reader, Lecturer, or Tutor in the said University of *Durham*, or shall have been educated thereat and shall be a

Licentiate or Graduate in Theology therein, or who shall have served as Incumbent or Curate within the same Diocese for the Period aforesaid; and that every such Office of Minor Canon, Lecturer, Schoolmaster, Professor, Reader, Lecturer, or Tutor shall immediately upon the Expiration of One Year from the Time of his Institution to such Benefice, if not previously resigned, become and be vacant; and that if neither a Member of the Chapter nor an Archdeacon of the Diocese, nor a Minor Canon nor Lecturer, nor such Schoolmaster, Incumbent, or Curate, Professor, Reader, Lecturer, Tutor, Licentiate, or Graduate, as the Case may be, shall be presented or nominated to such Benefice within Six Calendar Months from the Time of the Vacancy thereof, the Bishop of the Diocese in which the same is situate may within the next Six Calendar Months collate or license thereto a Spiritual Person who shall have actually served within such Diocese, as Incumbent or Curate, for Five Years at the least; and if no such Collation or Licence shall be granted within such Time, the Right of Presentation or Nomination to such Benefice for that Turn shall lapse to the Archbishop of the Province.

XLV Minor Canons to be appointed by the Chapters. Their Number and Salary.

And be it enacted, That from henceforth the Right of appointing Minor Canons shall be in all Cases vested in the respective Chapters, and shall not be exercised by any other Person or Body whatsoever; and that so soon as conveniently may be, and by the Authority herein-after provided, Regulations shall be made for fixing the Number and Emoluments of such Minor Canons in each Cathedral and Collegiate Church ; provided that there shall not in any Case be more than Six nor less than Two ; and that the Stipend of each such Minor Canon hereafter to be appointed shall not be less than One hundred and fifty Pounds *per Annum* ; and that Arrangements may from Time to Time be made by the like Authority for securing to any Minor Canon not otherwise competently provided for such annual Sum as shall make up to him an Income as Minor Canon, not exceeding in any Case the said Sum of One hundred and fifty Pounds.

XLVI Minor Canons not to hold any Benefice beyond 6 Miles.

And be it enacted, That no Minor Canon hereafter to be appointed in any Cathedral or Collegiate Church shall be allowed to take and hold together with his Minor Canonry any Benefice beyond the Limit of Six Miles from such Church.

XLVII Chapters, or Visitors in their Default, to propose Alterations in their Statutes.

And be it enacted, That the Chapters of the several Cathedral and Collegiate Churches shall from Time to Time, of their own Accord, or upon being required by the Visitors of the said Churches respectively, propose to such Visitors such Alterations in the existing Statutes and Rules as shall provide for the Disposal of the Benefices in their Patronage, so as to meet the just Claims of the Minor Canons of such Churches, and as shall make them consistent with the Constitution and Duties of the Chapters respectively as altered under the Authority of this Act; and all such Alterations, if approved, may be confirmed by the Authority of such Visitor; and that in any Case in which such Alterations shall not be approved, or in which such Requisition shall not be complied with within Twelve Calendar Months after the making thereof, the Visitor shall be at liberty of himself to make the necessary Alterations ; and all such Statutes and Rules when so altered shall be submitted to the Ecclesiastical Commissioners for *England*, and may be confirmed by the Authority herein-after provided ; and that as to any

Alteration made by a Visitor alone, the said Commissioners shall communicate a Draft thereof to the Chapter to be affected thereby, and shall, together with any Scheme to be prepared by them under the Authority herein-after contained, lay before Her Majesty in Council such Remarks as may within Three Months have been made thereon by such Chapter; and that out of the Proceeds of the suspended Canonries in any Chapter Provision may from Time to Time be made, by the Authority hereinafter provided, for relieving the present Canons of such Chapter from the Performance of any additional Duty by reason of such Suspension, by the Employment of Substitutes, to be approved by the respective Bishops: Provided always, that nothing herein contained shall be construed to affect any existing Right of Chapters with their Visitors to make Statutes.

XLVIII Suppression of Sinecure Rectories.

And be it enacted, That all Ecclesiastical Rectories without Cure of Souls in the sole Patronage of Her Majesty, or of any Ecclesiastical Corporation, Aggregate or Sole, where there shall be a Vicar endowed or a Perpetual Curate, shall, as to all such Rectories as may be vacant at the passing of this Act immediately upon its so passing, and as to all others immediately upon the Vacancies thereof respectively, be suppressed; and that as to any such Ecclesiastical Rectory without Cure of Souls, the Advowson whereof or any Right of Patronage wherein shall belong to any Person or Persons or Body Corporate other than as aforesaid, the Ecclesiastical Commissioners for *England* shall be authorized and empowered to purchase and accept Conveyance of such Advowson or Right of Patronage, as the Case may be, at and for such Price or Sum as may be agreed upon between them and the Owner or Owners of such Advowson or Right of Patronage, and may pay the Purchase Money and the Expences of and attendant upon such Purchase out of the common Fund hereinafter mentioned and that after the Completion of such Purchase of any such Rectory, and upon the first Avoidance thereof, the same shall be suppressed; and that upon the Suppression of any such Rectory as aforesaid all Ecclesiastical Patronage belonging to the Rector thereof as such Rector shall be absolutely transferred to and be vested in the original Patron or Patrons of such Rectory.

XLIX Profits of suspended Canonries to be paid to and their Estates vested in the Commissioners.

And be it enacted, That all the Profits and Emoluments of each and every Canonry suspended by or under the Provisions of this Act, whether consisting of or arising from Rents, Fines, Compositions, Dividends, Stipends, or other Emoluments whatsoever, shall forthwith, as to every such Canonry vacant at the passing of this Act, and as to every other immediately upon and from the Vacancy thereof, and from Time to Time, be paid to the Ecclesiastical Commissioners for *England* for the Purposes of this Act in like Manner as the Holder of such Canonry, if he had remained in Possession, or the Successor thereto, if a Successor had been appointed and had duly qualified himself by Residence and otherwise according to the Statutes and Usages of his Church to receive his full Portion of the Emoluments thereof, would have been entitled to receive the same; and that all the Estate and Interest, if any, which such Successor would have had in any Lands, Tithes, and other Hereditaments (except any Right of Patronage) annexed or belonging to or usually held and enjoyed with such Canonry, or whereof the Rents and Profits have been usually taken and enjoyed by the Holder of such Canonry, as such Holder separately and in addition to his Share (if any) of the Corporate Revenues of such Chapter, shall forthwith, as to all Vacancies subsisting at the passing of this Act, and as to all others immediately upon such Vacancies respectively, accrue

to and be vested absolutely in the Ecclesiastical Commissioners for *England* and their Successors for the Purposes of this Act, without any Conveyance thereof or any Assurance in the Law other than the Provisions of this Act: Provided nevertheless, that the Profits and Emoluments arising from Corporate Revenues belonging to the Canonries suspended in the Chapters of the Cathedral Churches of *Chester*, *Lichfield*, and *Ripon* respectively shall become, as the Vacancies occur, Part of the divisible Corporate Revenues of the said Chapters respectively: Provided also, that nothing herein contained shall be construed to affect the Right of any Chapter, according to the Statutes or Customs of such Chapter in force at the passing of this Act, to make due Provision out of the divisible Corporate Revenues for the Maintenance of the Fabric, the Support of the Grammar School, if any, and all other necessary and proper Expenditure.

L Separate Estates of Deaneries and Canonries not suspended to vest in Commissioners.

And be it enacted, That, subject to the Provisions herein contained, all the Estate and Interest which the Holder of any Deanery or Canonry not suspended by or under the Provisions of this Act, and his Successors, have and would have in any Lands, Tithes, and other Hereditaments or Endowments whatsoever annexed or belonging to or usually held or enjoyed with such Deanery or Canonry (except any Right of Patronage), or whereof the Rents and Profits have been usually taken and enjoyed by the Holder of such Deanery or Canonry as such Holder separately and in addition to his Share of the Corporate Revenues of such Chapter, shall, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of this Act.

LI Estates of Non-residentiary Prebends, &c. vested in Commissioners.

And be it enacted, That all Lands, Tithes, and other Hereditaments, excepting any Right of Patronage, and all other the Emoluments and Endowments whatsoever belonging to the Deaneries of *Wolverhampton*, *Middleham*, *Heytesbury*, and *Brecon*, and to the Dignity or Office of Sub-Dean, Chancellor of the Church, Vice Chancellor, Treasurer, Provost, Precentor, or Succentor, and to any Prebend not residentiary in any Cathedral or Collegiate Church in *England*, or in the Cathedral Churches of *Saint David's* and *Llandaff*, or in the Collegiate Church of *Brecon*, or enjoyed by the Holder of any such Deanery, Dignity, Office, or Prebend as such Holder, shall, as to all such of the said Deaneries, Dignities, Offices, and Prebends respectively as may be vacant at the passing of this Act immediately upon its so passing, and as to all others immediately upon the Vacancies thereof respectively, without any Conveyance or Assurance in the Law other than the Provisions of this Act, accrue to and be vested absolutely in the Ecclesiastical Commissioners for *England* and their Successors for the Purposes of this Act: Provided always, that all other Rights and Privileges whatsoever now by Law belonging to any of such Dignities, Offices, or Prebends, except the said last-named Deaneries, shall continue to belong thereto, except so far as any of such Rights or Privileges may be controlled or affected by any of the Provisions of this Act, respecting the Right of Election now exercised by any Chapter: Provided always, that nothing herein contained shall in any Manner apply to or affect any Dignity, Office, or Prebend which is permanently annexed to any Bishoprick, Archdeaconry, Professorship, or Lectureship, or to any School or the

Mastership thereof, or the Prebends of Burgham, Bursalis, Exceit, and Wyndham, in the Cathedral Church of Chichester.

LII Proviso respecting the separate Estates.

Provided nevertheless, and be it enacted, That so much and such Parts of the Lands, Tithes, or other Hereditaments annexed or belonging to or, usually held and enjoyed with the respective Deaneries or any of the Dignities or Canonries of the Cathedral Churches of York, Chichester, *Exeter*, *Hereford*, *Lichfield*, *Salisbury*, and *Wells* respectively, or belonging to the Prebends not residentiary in such Churches, as may be deemed proper, shall, by the Authority hereinafter provided, be from Time to Time, upon the Vacancies of the said respective Deaneries, Dignities, Prebends, or Offices, transferred to and vested in the Chapters of the said last-mentioned Churches respectively, so as to augment the divisible Corporate Revenues of such Chapters, or be applied by the like Authority to make such Provision for the Deans of the said Cathedral Churches respectively as by the like Authority shall be deemed just and proper.

LIII Commissioners may contribute, in certain Cases, to Fabric Fund.

Provided also, and be it enacted, That in any Cathedral Church on the old Foundation in which any Contribution to the Fabric Fund of such Church has heretofore, either usually or occasionally, been made out of the Rents, Profits, or Proceeds of any Lands, Tithes, or other Hereditaments so vested or to be vested in the Ecclesiastical Commissioners for *England*, it shall be lawful for the said Commissioners to contribute to such Fund such Sum as they shall deem necessary, out of the Rents, Profits, or Proceeds of the same Lands, Tithes, or other Hereditaments, not exceeding in Amount the Proportion of such Rents, Profits, or Proceeds which has usually been applied to like Purposes.

LIV Endowments of suppressed Sinecure Rectories vested in Commissioners.

And be it enacted, That upon the Suppression of any Ecclesiastical Rectory without Cure of Souls all the Estate and Interest which the Rector thereof, or his Successor, has or had, or would have or have had, as such Rector, in any Lands, Tithes, or other Hereditaments or Endowments whatsoever, shall, without any Conveyance thereof, or any 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 this Act.

LV As to certain Sinecure Rectories.

And be it enacted, That if in any Case it shall appear to be expedient, on account of the Extent or Population or other peculiar Circumstances of the Parish or District in which any such Rectory without Cure of Souls shall be situate, or from the incompetent Endowment of the Vicarage or Vicarages, or Perpetual Curacy or Curacies, dependent on such Rectory, to annex the Whole or any Part of the Lands, Tithes, or other Hereditaments or Endowments belonging to such Rectory to such Vicarage or Vicarages, Curacy or Curacies, such Annexation may be made, and any such Vicarage or Curacy may be constituted a Rectory with Cure of Souls by the Authority herein-after provided; and that wherever any Rectory heretofore deemed a Rectory without Cure of Souls has been held together with the Vicarage dependent

thereon for the Period of Twenty Years last past, the same shall not be construed to be a Rectory without Cure of Souls within the Meaning of this Act, but such last-mentioned Rectory and Vicarage shall continue and be permanently united, and shall be a Rectory with Cure of Souls; subject nevertheless to all the Provisions of the thirdly-recited Act, and to the Provisions of this Act which relate to the Division of Benefices or the Apportionment of the Incomes thereof.

LVI Estates of newly endowed Archdeaonries vested in Commissioners.

And be it enacted, That upon the Endowment of any Arch-deaconry by either of the Modes of Endowment herein provided, and with the Consent of the Bishop of the Diocese and of any Archdeacon in Possession at the Time of the passing of this Act, all Lands, Tithes, and other Hereditaments (except any Right of Patronage) belonging to such Archdeaconry at the Time of such Endowment may, by the Authority hereinafter provided, be vested in the Ecclesiastical Commissioners for *England*, and their Successors, for the Purposes of this Act; and any Benefice annexed to such Archdeaconry may be, by the like Authority, disannexed therefrom, and the Patronage of such Benefice shall thenceforth revert to the Patron to whom it belonged before such Annexation, subject to any Transfer of Patronage provided by this Act.

LVII Commissioners to have all legal Powers of enforcing Payments, &c.

And be it enacted, That the Ecclesiastical Commissioners for *England* shall, for the Purpose of enforcing Payment of all Profits and Emoluments to be paid to them, and of obtaining Possession of all Lands, Tithes, or other Hereditaments vested in or accruing to them as aforesaid, and of recovering the Rents and Profits thereof, have and enjoy all Rights, Powers, and Remedies, at Law and in Equity, which belonged or belong, or would belong or have belonged, to the Holder of the Deanery, Canonry, Prebend, Dignity, or Office, or the Rector of the Rectory, in respect of which such Profits and Emoluments, Lands, Tithes, and other Hereditaments and Endowments respectively, are by or under the Provisions of this Act to be paid or to accrue to and be vested in the said Commissioners.

LVIII Appropriation of Residence Houses not wanted.

And be it enacted, That, so soon as conveniently may be, Measures shall be taken by the Deans, and Chapters of the several Cathedral and Collegiate Churches for the Disposal of such Residence Houses now under their Control, and Houses attached to any Dignity, Office, or Prebend in the Precincts of the respective Cathedral and Collegiate Churches as may no longer be required, in such Way as they shall deem fit, according to Plans be from Time to Time prepared by the respective Chapters, and, when approved by the Visitors, be submitted to the Ecclesiastical Commissioners for *England*, and may be confirmed by the Authority hereinafter provided.

LIX 1 & 2 Vict. c.23., relating to Residence Houses, to apply to Deans and Canons.

And be it enacted, That it shall be lawful for the said Commissioners to authorize any Dean or Canon of any Cathedral Church to raise Monies on his Deanery or Canonry, for the Purpose of building, enlarging, or otherwise improving the Residence House thereof, on such Terms and Conditions as the said Commissioners, with the Concurrence of the Bishop and the Chapter, shall approve ; and all the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act*

to amend the Law for providing fit Houses for the Beneficed Clergy, shall be applied, mutatis mutandis, to all such Cases in which any Dean or Canon shall be authorized as aforesaid to raise Monies on his Deanery or Canonry for the Purpose aforesaid.

LX Repeal of 5 & 6 W.4 c.30., 6 & 7 W.4 c.67., and 2 & 3 Vict. c.55. Treasurer of Queen Anne's Bounty to account.

And be it enacted, 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 with 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 also another Act passed in the Seventh Year of the Reign of His 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 also so much of another Act passed in the last Session of Parliament, 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 relates to the Two last-recited Acts of the Reign of His late Majesty, be and the same are hereby repealed, except only as to the Dioceses or Cathedral Churches of Saint Asaph and *Bangor*, and as to all Matters and Things done under the Authority of the said Three last-recited Acts, or either of them, all which Matters and Things shall remain in full Force and Effect as if the said Acts were not repealed ; and the said Acts, so far as they relate to the said Two last-mentioned Dioceses and Churches, shall be continued and remain in force until the First Day of *August* in the Year One thousand eight hundred and forty-one, and, if Parliament shall be then sitting, until the End of the then Session of Parliament; but, notwithstanding any thing in the said Acts contained, it shall be lawful for the Bishop of *Bangor* for the Time being to collate to any vacant Canonry, Prebend, Dignity, or Office not having any Estate or Endowment belonging thereto ; and that within One Calendar Month after the passing of this Act the Treasurer of the Governors of the Bounty of Queen *Anne* shall deliver to the said Ecclesiastical Commissioners for *England* a full and particular Account of all Monies received and paid by him under and by virtue of the said Acts or any of them, and of all Things done by him, and of all Proceedings then pending in respect thereof, except so far as concerns the said Two last-mentioned Dioceses and Churches ; and that within such Time after the Delivery of such Account as shall be specified in any Order made upon him far that Purpose by the said Commissioners, he shall pay and deliver, or cause to be paid and delivered, to the said Commissioners, or into such Bank as shall be named in such Order, to their Account, for the Purposes of this Act, all Monies then remaining in his Hands or to his Account, and all Exchequer Bills and other Securities for Money, and all Books of Accounts, Papers, and Writings in his Possession or Power in respect thereof, except as last herein excepted; and that it shall be lawful for the said Commissioners to allow to the said Treasurer in his Accounts such Sum of Money as shall appear to them to be just and reasonable in compensation for his Pains and Trouble, and also all proper Costs, Charges, and Expences incurred in the Execution of the Trusts reposed in him by the said Acts; and that the Receipt in Writing of the said Commissioners, under their Common Seal, shall be an effectual Discharge to the said Treasurer for all Monies and other Things therein expressed to be received by them ; and this Act shall not in any other Manner than herein or in the first-recited Act expressly provided extend or apply to either of the said Two last-mentioned Dioceses and Cathedral Churches or the Chapters of such Churches.

LXI Prebends of Chulmleigh.

And be it enacted, That the Rectory and Five Prebends of the Church of the Parish of *Chulmleigh* in the County of *Devon* shall immediately become and be permanently annexed and united, and form One entire Rectory and Benefice (subject and without Prejudice to any existing Lease or Leases of the Prebendal Houses, Glebes, and Tithes, or any of them); and that the Reverend *George Hole*, the present Incumbent of the said Rectory and Prebends, and also all future Incumbents of the said Rectory, shall henceforth hold the same Rectory, with all and every the Emoluments, Rights, and Privileges of the said several Prebends attached thereto, as One Benefice to all Intents and Purposes ; and that the Rector for the Time being of the said Parish of *Chulmleigh* may grant such and the same or the like Leases of the Houses, Lands, and Tithes of the same Prebends respectively as have been heretofore granted, save and except that no such Lease shall henceforth be granted of the House in which the present Rector resides, or of the Gardens attached thereto; but such House and Gardens (subject to any such existing Lease as aforesaid) shall henceforth be deemed and used as the Residence of the Rector for the Time being of the said Parish, and shall be repaired accordingly.

LXII Provision for St. David's College at Lampeter.

And be it enacted, That, if it be deemed fit, any Part of the Lands, Tithes, or other Hereditaments, or of the Rents and Profits thereof, which shall be vested in or accrue to the Ecclesiastical Commissioners for *England* from or in respect of the Cathedral Church of *Saint David* or the Collegiate Church of *Brecon*, may by the Authority herein-after provided be transferred to the College of *Saint David's* at *Lampeter*, in Exchange for Benefices with Cure of Souls which are now connected with the said College; and the said College is hereby empowered upon the Completion of any such Arrangement to convey any such Benefices to such Person or Body Corporate, and in such Manner, as shall by the like Authority be directed.

LXIII How Proceeds of Prebends in Cathedral Church of Lichfield, and Endowments of Wolverhampton, Heytesbury, and Middleham, to be applied.

And be it enacted, That out of the Endowments belonging to the suspended Prebends in the Cathedral Church of *Lichfield*, after setting apart so much of the Rents and Profits of the Prebend of *Sawley* as hath been heretofore applied as an Addition to the Fabric Fund of the said Cathedral Church, such Provision as shall be deemed fit shall by the like Authority be made for the Rector of the Church of *Saint Philip* and for the Perpetual Curate of *Christ's* Church in *Birmingham* for the Time being respectively ; and that out of the Endowments, of whatsoever Kind, belonging to the Collegiate Churches of *Wolverhampton*, *Heytesbury*, and *Middleham* better Provision shall be made by the like Authority for the Cure of Souls in the Districts or Places with which the said Churches are respectively connected.

LXIV Endowments of Wimborne Minster applied to Care of the Parish.

And be it enacted, That so much of the Property belonging to the Collegiate Church of *Wimborne Minster* in the County of *Dorset* as shall upon due Inquiry be found legally applicable thereto, shall by the like Authority be applied to the Purpose of making a better Provision for the Cure of Souls in the Parish of *Wimborne Minster* in the said County.

LXV Inquiry into Hospitals which were Promotions Spiritual in the Reign of King Henry the Eighth.

And be it enacted, That so soon as conveniently may be the Ecclesiastical Commissioners for *England* shall inquire, and report to Her Majesty in Council, respecting the State of all such Hospitals as were returned as Promotions Spiritual in the Reign of King *Henry* the Eighth ; and in those Cases in which it may appear, upon such Inquiry, that the Endowments of such Hospitals are capable, after satisfying the Objects of the Founder's Bounty, of affording a better Provision for the Cure of Souls in the Parishes with which they are connected, the said Commissioners may in their Report make such Suggestions as they may deem advisable for effecting such Provision.

LXVI Augmentation of certain smaller Dignities from surplus Revenues of certain larger Dignities.

And be it enacted, That so soon as conveniently may be, and by the Authority herein-after provided, and subject to the Provisions herein contained respecting the University of *Durham* and the Canonries in the Collegiate Church of *Westminster* annexed to the Rectories of *Saint Margaret* and *Saint John*, such fixed annual Sums shall be determined on to be paid, and shall accordingly be paid to the Ecclesiastical Commissioners for *England*, by the Deans and Canons of the Cathedral Churches of *Durham* and *Saint Paul* in *London*, and the Collegiate Churches of *Westminster* and *Manchester*, as, after due Inquiry, and a Calculation of the present average annual Revenues of the Chapters of such Churches respectively, shall leave to the Dean of *Durham* an average annual Income of Three thousand Pounds, and to the Deans of *Saint Paul's*, *Westminster*, and *Manchester* respectively an average annual Income of Two thousand Pounds, and to the Canons of the said Four last-mentioned Churches respectively the average annual Income of One thousand Pounds; and such other annual Sums shall be determined on to be paid, and shall be accordingly paid, by the said Commissioners, or such Deductions shall be allowed to be made out of the Proceeds of any suspended Canonry or Canonries, as, after like Inquiry and Calculation, shall give to the Dean of every Cathedral and Collegiate Church in *England* an average annual Income of One thousand Pounds, and to the Deans of *Saint David's* and *Llandaff* respectively an average annual Income of Seven hundred Pounds, and to the respective Canons of every Cathedral Church in *England* an average annual Income of Five hundred Pounds, and to the Canons of the said Churches of *Saint David* and *Llandaff* an average annual Income of Three hundred and fifty Pounds, and as shall also enable the respective Chapters of *Chester* and *Ripon* to provide for the efficient Performance of all the Duties of the said Churches and the Maintenance of the Fabrics thereof.

LXVII Mode of applying the Revenues at the Disposal of the Commissioners.

And be it enacted, That, except as herein otherwise specified, all the Monies and Revenues to be paid to the Ecclesiastical Commissioners for *England*, and all the Rents and Profits of the Lands, Tithes, and other Hereditaments vested and to be vested in them the said Commissioners by and under the Authority of this Act, together with all Accumulations of Interest produced by and arising therefrom, shall be from Time to Time carried over by the said Commissioners to a common Fund, and by Payments or Investments made out of such Fund, or, if in any Case it be deemed more expedient, by means of an actual Conveyance and Assignment of such Lands, Tithes, or other Hereditaments, or of a Portion thereof,' additional Provision shall be

made, by the Authority herein-after provided, for the Cure of Souls in Parishes where such Assistance is. most required, in such Manner as shall, by the like Authority, be deemed most conducive to the Efficiency of the Established Church: Provided always, that in making any such additional Provision out of any Tithes, or any Lands or other Hereditaments allotted or assigned in lieu of Tithes, so vested or to be vested in the said Commissioners, or out of the Rents and Profits thereof, due Consideration shall be had of the Wants and Circumstances of the Places in which such Tithes now arise or have heretofore arisen.

LXVIII Special Arrangements, with Consent of Bishop or Chapter.

And be it enacted, That, by the Authority hereinafter provided, and for the Purpose of fully carrying into effect any of the Provisions of this Act or of the said first-recited Act, any Sum of Money which shall have been invested in the Public Funds, or in other Security or Securities, in Trust for any Ecclesiastical Body Corporate, Aggregate or Sole, may, upon an Application in "Writing to the Ecclesiastical Commissioners for *England*, under the Hand and Seal of such Body Corporate, and in the Case of any Chapter, with the Consent of the Visitor thereof, be directed to be sold, and the same shall be sold accordingly; and the Produce of such Sale shall be applied to such Purpose and in such Manner as shall appear most conducive to the permanent Benefit of such Body Corporate; and also, for any like Purpose, and by the like, Authority, any Arrangement may from Time to Time be made, with the Consent in Writing under the Corporate Seal of any Bishop or Chapter, for the Sale, Transfer, or Exchange of any Lands, Tithes, or other Hereditaments belonging to the See of such Bishop, or to such Chapter, or for the Purchase of other Lands, Tithes, or other Hereditaments in lieu thereof, or for substituting in any Case any Lands, Tithes, or other Hereditaments for any Money Payment.

LXIX Benefices annexed to Headships of Colleges may be sold.

And be it enacted, That, so soon as conveniently may be, and by the Authority herein-after provided, such Arrangements may be made with respect to Benefices which are annexed by Act of Parliament or otherwise to the Headships of Colleges in the Universities of *Oxford* and *Cambridge*, as may enable the respective Colleges, if they shall think fit, to sell, or themselves to purchase, the Advowsons of such Benefices, and to invest the Proceeds in proper Securities, with Provisions for the Payment of the Interest and annual Profits thereof to the respective Heads of the Colleges for the Time being ; and that upon the Completion of the said Arrangements respectively the existing Incumbents of such Benefices respectively shall be at liberty, upon resigning the same, to receive the Interest and annual Profits of the Proceeds arising from such Sales respectively.

LXX Benefice annexed to the Professorship of Divinity in Cambridge may be sold.

And be it enacted, That, so soon as conveniently may be, and by the like Authority, Arrangements may be made to enable the University of *Cambridge*, if they shall so think fit, to sell the Advowsons of the Benefices annexed to the Regius Professorship of Divinity in the said University or, any of them, and to invest the Proceeds of any such Sale in proper Securities, with a Provision for the Payment of the Interest and annual Profits thereof to the Regius Professor of Divinity for the Time being; and that upon the Completion of the Sale of any such Advowson the existing Incumbent of

the Benefice shall be at liberty, upon resigning the same, to receive such Interest and annual Profits.

LXXI Sinecure Preferments may be annexed to Benefices with Cure of Souls, with Consent of Patrons.

And be it enacted, That with respect to any Benefice with Cure of Souls which is held together with or in the Patronage of the Holder of any Prebend or other Sinecure Preferment belonging to any College in either of the Universities, or to any private Patron, Arrangements may be made by the like Authority, and with the Consents of the respective Patrons, for permanently uniting such Preferment with such Benefice; provided that this Act shall not apply to or affect any Prebend or other Sinecure Preferment in the Patronage of any College or of any Lay Patron in any other Manner than as is herein expressly enacted.

LXXII Benefices may be divided or consolidated, with Consent of Patrons.

And be it enacted, That with respect to any Parish in which both the Profits and the Spiritual Charge are divided between Two or more Incumbents, each having a Medietty or Portion of the Benefice, a Plan or Plans may be framed by the Bishop of the Diocese, with, the Consent of the Patron or Patrons, and so as not to prejudice the Interests of any existing Incumbent, for constituting any of such Portions separate Benefices, or for consolidating Two or more of such Portions into One Benefice to be held by One: Incumbent, or for making such other Arrangements as he may judge likely to promote the efficient Discharge of Pastoral Duties in such Parishes; and any such Plan may be carried into effect by the Authority herein-after provided: Provided always, that nothing herein contained shall restrain the Bishop from doing any Act or exercising any Power which he may now lawfully do or exercise without the Consent of the Patron or without the Aid of the said Commissioners.

LXXIII Provisions for securing the better Performance of Spiritual Duties in ill-endowed Parishes.

And be it enacted, with an especial View to the better Care of populous Parishes, That Arrangements may from Time to Time be made by the like Authority, for improving the; Value or making a better Provision for the Spiritual Duties of ill-endowed Parishes or Districts, by means of such Exchange of Advowsons, or of such other Alterations in the Exercise of Patronage, as may be agreed upon by Patrons, with the Consent of the Bishop in every such Case, 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 is himself one of the Patrons, with the Consent of the Archbishop.

LXXIV Income of Benefices belonging to One Patron may be apportioned in certain Cases.

And be it enacted, That Arrangements may be made by the like Authority for the Apportionment of the Income of Two Benefices belonging to the same Patron between the Incumbents or Ministers of such Benefices, or the Churches or Chapels connected therewith ; provided that no such Arrangement shall be made with respect to Benefices in Lay Patronage without the Consents of the respective Patrons, nor in any Case so as to prejudice the Interests of any existing Incumbent, nor without the Consent of the Bishop of the Diocese, nor, in the Case of Benefices lying in more than One Diocese,

without the Consent of the Bishop of each Diocese, nor, where a Bishop is himself One of the Patrons, without the Consent of the Archbishop also.

LXXV Saving of existing Interests.

Provided always, and be it enacted, That nothing in this Act contained respecting the Division of Corporate Property, the Diminution of the Income of any Deanery or Canonry, the Severance of separate Property, or the Limitation of the Exercise of Patronage possessed in right of separate Property, shall affect any Dean, Canon, Prebendary, Dignitary, or Officer in Possession at the passing of this Act, except as herein-before expressly enacted ; but every Dean, Canon, Prebendary, Dignitary, and Officer hereafter appointed shall be subject to such Regulations as shall be made in pursuance of this Act; and that the Provisions herein contained respecting the Qualification of Persons to be presented to any Benefice in the Patronage of any Chapter, or the Apportionment of the Income of any such Benefice, shall not affect such Chapter so long as any Person who shall be a Member thereof at the passing of this Act shall continue such Member; and that with respect to Benefices in the Patronage, of either of the Chapters of *Saint Paul in London* and of *Lincoln the Fourth* or Junior Canon for the Time being shall not have any Voice in the Exercise of such Patronage so long as any One of the present Members of such Chapter shall continue to be a Member thereof.

LXXVI Declaration as to 1 & 2 W.4 c.45.

And be it declared and enacted, That nothing in this Act or in the said first-recited Act contained shall be construed to prejudice or affect any of 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*, or of the Act therein recited : Provided nevertheless, that after the passing of this Act no Augmentation made under such Provisions, by any Bishop or by any Chapter whose Revenues are affected by this Act or the said first-recited Act, shall be valid and effectual without the Consent of the Ecclesiastical Commissioners for *England*.

LXXVII Valuation of Ecclesiastical Revenues to be amended.

And be it enacted, That the Ecclesiastical Commissioners for *England* shall forthwith, and from Time to Time as they shall think necessary, cause to be amended the Valuation of the Revenues of the Bishopricks, Cathedrals, Collegiate Churches, Ecclesiastical Corporations, Aggregate and Sole, and Benefices, in *England* and *Wales*, which was made and estimated according to the Returns made to the Commissioners appointed to inquire into the Revenues and Patronage of the Established Church in *England* and *Wales*, and specified in the Report made by the said last-mentioned Commissioners bearing Date the Sixteenth Day of *June* in the Year One thousand eight hundred and thirty-five ; and when any such amended Valuation shall be completed, and shall have been approved by Her Majesty in Council, the same shall be printed by Her Majesty's Printer, and when so printed shall be taken and held to be Evidence of the Value of every Dignity, Office, or Benefice therein mentioned, for all the Purposes of this Act and of the said first-recited Act.

LXXVIII Appointment of additional Commissioners.

And be it enacted, That, in addition to the Commissioners named "m and appointed or to be appointed by or under the Provisions of the first-recited Act, the following Persons shall be Ecclesiastical Commissioners, and Members of the Corporation of the Ecclesiastical Commissioners for *England*, for all the Purposes of the said first-recited Act and of this Act; that is to say, all the Bishops of *England* and *Wales* for the Time being respectively, the Lord Chief Justice of *England*, the Master of the Rolls, the Lord Chief Justice of Her Majesty's Court of Common Pleas, the Lord Chief Baron of Her Majesty's Court of Exchequer, the Judge of the Prerogative Court of the Archbishop of *Canterbury*, the Judge of the High Court of Admiralty for the Time being respectively (such Chief Justices, Master of the Rolls, Chief Baron, and Judges being respectively Members of the United Church of *England* and *Ireland*), the Deans of the Cathedral Churches of *Canterbury* and *Saint Paul* in *London*, and of the Collegiate Church of *Saint Peter Westminster* for the Time being respectively ; and also Four such Lay Persons (being Members of the said united Church) as shall be duly appointed by Her Majesty, and whom Her Majesty is hereby authorized to appoint, under Her Royal Sign Manual, to be such Commissioners ; and such other Two Lay Persons (being Members of the said united Church) as shall be duly appointed by the Lord Archbishop of *Canterbury* for the Time being, and whom the said Archbishop is hereby authorized to appoint, under his Hand and Archiepiscopal Seal, to be such Commissioner,

LXXIX How Vacancies to be filled up.

And be it enacted, That when any Vacancy shall occur among such Six last-mentioned Commissioners, by Death, Resignation, or otherwise, it shall be lawful for Her Majesty, or for the said Archbishop, as the Case may be, to fill up such Vacancy by the Appointment of some other Lay Person (being a Member of the said United Church) to be a Commissioner; and the Person so appointed shall thereupon become and be an Ecclesiastical Commissioner, and a Member of the Corporation of the Ecclesiastical Commissioners for *England*, for all the Purposes of the said first-recited Act and of this Act.

LXXX New Commissioners to subscribe Declaration.

And be it enacted, That every Lay Commissioner appointed by or under the Provisions of this Act shall, before acting as such Commissioner, subscribe the Declaration required of the other Lay Commissioners by the said first-recited Act.

LXXXI Commissioners not to be removeable.

And be it enacted, That so much of the first-recited Act as relates to the Removal by Her Majesty of any Commissioner shall be and the same is hereby repealed ; and every Commissioner appointed or to be appointed by Name by or under the Provisions of the said first-recited Act or of this Act shall hold his Appointment as an Ecclesiastical Commissioner, and shall be a Member of the Corporation of the Ecclesiastical Commissioners for *England*, so long as he shall well demean himself in the Execution of his Duties as such Commissioner.

LXXXI Notice of Meetings.

And be it enacted, That the Provisions of the first-recited Act, whereby it is required that due Notice of every Meeting shall be given to every Commissioner, shall not be construed to apply to any Commissioner who at the Time of giving Notice of any Meeting shall not be within *England* or *Wales*, nor to any Commissioner who shall have intimated to the Secretary that for any specified Time (such Time including the Period of holding any Meeting) he the said Commissioner will not be able to attend the Meetings of the Commissioners : Provided always, that no Act, Matter, or Thing affecting any Commissioner, being a Bishop or Dean, or the See or Diocese or Cathedral or Collegiate Church or such Commissioner, shall be done at any Meeting whereof due Notice shall not have been given to such Commissioner, without his Consent in Writing previously obtained.

LXXXII Ecclesiastical Commissioners to lay Schemes before Queen in Council, for carrying into effect the said Recommendations.

And be it enacted, That the Ecclesiastical Commissioners for *England* shall from Time to Time prepare and lay before Her Majesty in Council such Schemes as shall appear to the said Commissioners to be required and to be best adapted for carrying this Act into full Effect, and shall in such Schemes recommend and propose all such Measures as may, upon further Inquiry, which the said Commissioners are hereby authorized to make, appear to them to be necessary for that Purpose: Provided always, that, previously to laying any such Scheme before Her Majesty in Council, Notice thereof shall be given to any Corporation Aggregate or Sole affected thereby ; and the Objections, if any, of such Corporation shall be laid before Her Majesty in Council, together with such Scheme : Provided also, that nothing herein contained shall be construed to prevent the said Commissioners from proposing in any such Scheme such Modifications or Variations, as to Matters of Detail and Regulation, as shall not be substantially repugnant to any Provision of this Act or of the said last-mentioned Act.

LXXXIII Queen in Council may make Order for carrying Schemes into effect.

And be it enacted, That when any such Scheme shall be approved by Her Majesty in Council it shall be lawful for Her Majesty in Council to make an Order or Orders ratifying the same, and specifying the Time or Times when such Scheme or the several Parts thereof shall take effect, and to direct every such Order to be registered by the Registrar of each of the Dioceses whereof the Bishop, or within which any Cathedral or Collegiate Church, Dignitary, Chapter, Member of a Chapter, Officer, Incumbent, or any other Person or Body Corporate, may or shall be in any respect affected thereby.

LXXXIV Orders need only refer to Act.

And be it enacted, That in any Order made by Her Majesty in Council under the Authority of this Act or of the first-recited Act it shall be sufficient to refer to the Act under the Authority whereof the Order is made, and it shall not be necessary to recite any of the Provisions of this Act or of the said first-recited Act.

LXXXV Orders gazetted to be of full Effect.

And be it enacted, That every such Order shall, as soon as may be after the making thereof by Her Majesty in Council, be published in the *London Gazette* ; and so soon

as any Order in Council made under the Authority of this Act or of the first-recited Act shall be so gazetted it shall in all respects, and as to all things therein contained, have and be of the same Force and Effect as if all and every Part thereof were included in this Act.

LXXXV Copies of Orders to be laid before Parliament.

And be it enacted, That a Copy of every Order of Her Majesty in Council made under this Act shall be laid before each House of Parliament in the Month of *January* in every Year, if Parliament shall be then sitting, or if Parliament be not then sitting within One Week after the next Meeting thereof.

LXXXVI Penalty for Neglect of Registration.

And be it enacted, That the Registrar of every Diocese to whom any Order of Her Majesty in Council made by virtue of this Act shall be delivered shall forthwith register the same in the Registry of his Diocese; and if any such Registrar shall refuse or neglect to register any such Order he shall for every Day during which he shall so offend forfeit Twenty Pounds, and if his Offence shall continue for the Space of Three Months he shall forfeit his Office, and it shall be lawful for the Bishop of the Diocese to appoint a Successor thereto.

LXXXVII Fee to Registrar.

And be it enacted, That for such Registration as aforesaid the Registrar shall not be entitled to receive any Fee or Reward, but on every Search for any such Order he shall be entitled to receive a Fee of Three Shillings, and for every Copy or Extract of any such Order certified by him he shall be entitled to receive Four-pence for every Folio of Ninety Words; and the Copy of every such Entry, certified by the Registrar, shall be admissible as Evidence in all Courts and Places whatsoever.

XC Provisions of 6 & 7 W.4 c.77 to extend to this Act.

And be it enacted, That all the Powers and Authorities vested in the Ecclesiastical Commissioners for *England* by the first-recited Act with reference to the Matters therein contained shall be continued, and extended and apply to the said Commissioners, and to the Commissioners appointed by or under the Provisions of this Act, with reference to all Matters contained in this Act, and may be used and exercised by them as fully and effectually as if the said Powers and Authorities were repeated in this Act; and the said first-recited Act and this Act shall be construed as if they were one and the same Act.

XCI Office of Treasurer and Secretary.

And be it enacted, That, notwithstanding any thing in the first-recited Act contained, the Offices of Treasurer and Secretary to the said Commissioners shall be united and shall be one Office, and shall be held and the Duties thereof performed by the same Person ; and *Charles Knight Murray* Esquire, Barrister at Law, shall continue to be Treasurer and Secretary, and may hold the said Office so long as he shall well demean himself therein; and upon any Vacancy of the said Office by Death, Resignation, or otherwise, the Ecclesiastical Commissioners for *England* shall appoint a Successor thereto, by an Instrument in Writing under their Common Seal.

XCII Ecclesiastical Jurisdictions continued.

And be it enacted, That the temporary Provisions of the said first-recited Act shall continue and be in force until the First Day of *August* One thousand eight hundred and forty-one, and if Parliament shall be then sitting until the End of the then Session of Parliament: Provided always, that, notwithstanding any thing in the said first-recited Act or in this Act contained, 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-recited Act; and any Bishop may consecrate any new Church or Chapel or any new Burial Ground within his Diocese.

XCIII Construction of the Terms " Canon " and " Minor Canon ".

And be it enacted, That in the Construction of this Act the Term " Canon " shall be construed to mean only every Residentiary Member of Chapter, except the Dean, heretofore styled either Prebendary Canon, Canon Residentiary, or Residentiary; and the Term " Minor Canon " shall be construed to extend to and include every Vicar, Vicar Choral, Priest Vicar, and Senior Vicar, being a Member of the Choir in any Cathedral or Collegiate Church.

XCIV Act may be amended, this Session.

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

Status: This is the original version (as it was originally enacted).

SCHEDULE TO WHICH
THIS ACT REFERS

Cathedral or Collegiate Church.	Number of Canons.
CANTERBURY	6
DURHAM	6
ELY	6
WESTMINSTER	6
WINCHESTER	5
EXETER	5
BRISTOL	4
CARLISLE	4
CHESTER	4
CHICHESTER	4
GLOUCESTER	4
HEREFORD	4
LICHFIELD	4
LINCOLN	4
MANCHESTER	4
NORWICH	4
ST. PAUL'S, LONDON	4
PETERBOROUGH	4
RIPON	4
ROCHESTER	4
SALISBURY	4
WELLS	4
WINDSOR	4
WORCESTER	4
YORK	4
SAINT DAVID'S	2
LLANDAFF	2