ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

****

C A P. LV.

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.

[17th *August* 1839.]

WHEREAS an Act was passed in the Session held in the Fifth and Sixth Years of the Reign of King *William* the Fourth, intituled *An Act for protecting the Revenues of* 5 & 6 W. 4.
vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices c. 30.
without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in England *and* Wales: And whereas another Act was passed in the following Session, intituled *An Act for suspending for One Year Appointments* 6 & 7 W. 4.
to certain Dignities and Offices in Cathedral and Collegiate Churches, c. 67.
and to Sinecure Rectories: And whereas another Act was passed in the same Session, intituled *An Act for carrying into effect the Reports* 6 & 7 W. 4.
of the Commissioners appointed to consider the State of the Established c. 77.
Church in England *and* Wales *with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage,* in which latter Act are contained certain Provisions

which were to continue in force for One Year after the passing thereof, or, if Parliament should be then sitting, till the End of the Session of Parliament: And whereas the said secondly-recited Act, and the temporary Provisions of the said last-recited Act, have been continued, by Two Acts passed for that Purpose in the Two last Sessions of Parliament, until the First Day of *August* in the present Year, and, if Parliament shall be then sitting, until the End of the Session of Parliament: And whereas the Commission in the said first-recited Act mentioned expired in consequence of the Demise of the Crown, but the Inquiries thereby directed, and the Measures consequent thereon, have not yet been brought to a Termination, and it is therefore expedient to continue the said secondly-recited Act, and the temporary Provisions of the said thirdly-recited Act, for a limited Time, and with the Exceptions herein-after mentioned; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said secondly-recited Act, and the said temporary Provisions of the said thirdly-recited Act, shall continue and be in force until the First Day of *August* One thousand eight hundred and forty, and, if Parliament shall be then sitting, until the End of the then Session of Parliament: Provided always, notwithstanding any thing in this Act or in the said recited Act contained, that upon the Vacancy of any Three Prebends in the Cathedral Church of *Canterbury* in the Patronage of the Crown it shall be lawful for Her Majesty to appoint a Successor to the Third of such vacant Prebends, and upon the Vacancy of any Two Prebends in the same Church in the Patronage of the Lord Archbishop of *Canterbury* it shall be lawful for the said Archbishop to appoint a Successor to the Second of such vacant Prebends; and that upon the Vacancy of any Two Canonries or Prebends Residentiary in either of the Cathedral Churches of *Bristol*, *Chester*, *Ripon*, *Salisbury*, or *Wells*, it shall be lawful to appoint or elect a Successor to the Second of such vacant Canonries or Prebends Residentiary in such Churches respectively; and that upon the Vacancy of Two Prebends in either of the Cathedral Churches of *Gloucester*, *Norwich*, or *Rochester*, besides the Prebends which are respectively annexed to the Masterships of *Pembroke College* in *Oxford*, and of *Catherine Hall* in *Cambridge*, the Provostship of *Oriel College* in *Oxford*, and the Archdeaconry of *Rochester*, respectively, it shall be lawful to appoint a Successor to the Second of such vacant Prebends in such Churches respectively; and that upon the Vacancy of any Three Canonries or Prebends Residentiary in either of the Cathedral Churches of *Ely*, *Exeter*, *Winchester*, or *Worcester*, or in the Collegiate Church of *Saint Peter*, *Westminster*, or in Her Majesty Royal Free Chapel of *Saint George* in *Windsor*, besides the Prebend in the said Church of *Worcester* which is annexed to the Lady *Margaret*'s Professorship of Divinity in the University of *Oxford*, it shall be lawful to appoint a Successor to the Third of such vacant Canonries or Prebends Residentiary in such Churches respectively; and that nothing in the said recited Acts or in this Act contained shall prevent the Appointment of the Reverend *Henry Jenkyns*, Professor of *Greek* in the University of *Durham*, to the Prebend in the Cathedral Church of *Durham* designed for

7 W. 4. & 1 Vict. c. 71. 1 & 2 Vict. c. 108

Former Suspension Acts continued for a Year.

Exceptions.

for him by the late *William* Bishop of *Durham*, and now held by *Richard Prosser*, Doctor of Divinity, if the same shall become vacant; and that upon the Vacancy of any other Three Prebends in the same Cathedral Church, besides the Fourth Prebend, which is by an Act passed in the Second Year of His late Majesty's Reign to be annexed to the Archdeaconry of *Durham*, it shall be lawful to appoint a Successor to the Third of such vacant Prebends; and that in the same Cathedral Church, and in the said Collegiate Church of *Saint Peter*, *Westminster*, it shall be lawful to fill up any Vacancy whereby the Number of Prebendaries in such Two last-mentioned Churches respectively shall be reduced below the Number of Six; and that when the Canonry and Prebend in the Cathedral Church of *Hereford* now held by *Henry Charles Hobart* shall become vacant it shall be lawful to appoint a Successor thereto.

Patron of vacant Sinecure to be Patron of any appendant Benefice.

II. And be it enacted, That during the Vacancy of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, which is now vacant under the Provisions of the said recited Acts, or which shall hereafter become vacant during the Continuance of this Act, the Holder or Incumbent of which respectively, if a Successor had been duly admitted thereto, would have been in right thereof the Patron of any Benefice with Cure of Souls, the Patron of such Dignity, Prebend, Canonry, or Benefice without Cure of Souls shall be considered for all legal Purposes to be the Patron for the Time being of any such Benefice with Cure of Souls.

First-recited Act to apply to present and future Vacancies.

III. And be it declared and enacted, That all the Powers and Provisions of the said first-recited Act (except only so far as the same are varied by the said secondly-recited Act) shall extend and apply to all Dignities, Prebends, Canonries, and Benefices without Cure of Souls which have become vacant since the Fourth Day of *February* in the first-recited Act mentioned, or which shall become vacant during the Continuance of this Act, except only as to so much of the Profits and Emoluments of any Prebend or Canonry to which a Successor has been or may be appointed under the said recited Acts or One of them, or this Act, as may have accrued or may accrue since or after the Appointment of such Successor.

Proviso for Visitations, &c. within new Limits of Dioceses.

IV. Provided always, and be it enacted, That, notwithstanding any thing in this Act or in the said recited Acts 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 Visitation of Bishops and Archdeacons in the Places assigned to his Jurisdiction and Authority, under or by virtue of the Enactments of the thirdly-recited Act, and any Bishop may consecrate a new Church or Chapel or a new Burial Ground within his Diocese, as assigned under the Provisions of the last-mentioned Act.

Not to prevent Appointments

V. And be it enacted, That, in order to prevent any Difficulty which by reason of the Restrictions contained in the said secondly-recited

to qualify for holding a Deanery or Canonry Residentiary.

recited Act might occur in any Cathedral Church in the filling up of the Deanery thereof, or of a Canonry Residentiary therein, in consequence of the Provisions of any Statute, or of any Usage or Custom of such Church, nothing in the said secondly-recited Act or in this Act contained shall, during the Vacancy of the Deanery of any Cathedral Church, prevent the Appointment or Collation of any Spiritual Person to any Canonry, Prebend, or Dignity, or his Appointment to any Canonry Residentiary in such Church, to the Intent and Purpose that such Spiritual Person may be appointed, elected, or otherwise admitted to the Deanery of the same Church, nor the Appointment of any Spiritual Person already holding a Canonry, Prebend, or Dignity in such Cathedral Church to any Canonry Residentiary therein, to the same Intent and Purpose, nor during the Vacancy of any Canonry Residentiary in any Cathedral Church, which, notwithstanding the Restrictions aforesaid, may, according to the Provisions of the said secondly-recited Act or of this Act, be filled up, shall prevent the Appointment or Collation of any Spiritual Person to any Canonry, Prebend, or Dignity in the same Church to the Intent and Purpose that such Spiritual Person may be appointed to such Canonry Residentiary, but that every Spiritual Person who by virtue of this Provision shall be admitted to any Canonry, Prebend, or Dignity, or to any Canonry Residentiary, to either of the Intents and Purposes aforesaid, shall hold and enjoy the same respectively, with all the Rights, Privileges, and Emoluments to the same respectively belonging or appertaining, subject nevertheless to such Measures and Regulations as may hereafter be enacted respecting the same: Provided always, that if after the Appointment or Collation to any Canonry, Prebend, or Dignity, or the Appointment to any Canonry Residentiary, in any Cathedral Church, by virtue of this Provision, of any Spiritual Person, to the Intent and Purpose of his being appointed, elected, or otherwise admitted to the Deanery thereof, or to a vacant Canonry Residentiary therein, any other than such Spiritual Person shall be appointed, elected, or otherwise admitted to such Deanery or last-mentioned Canonry Residentiary, as the Case may be, the Canonry, Prebend, or Dignity, or the Canonry Residentiary, to which such Spiritual Person shall have been appointed or collated, shall be and be held to be *ipso facto* vacant, and the Appointment, Collation, Election, or other Admission thereto absolutely void and of no Effect.

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