

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

CAP. XXXIII.

An Act to make certain Provisions and Regulations in respect to the Exercise, within *England* and *Ireland*, of their Office, by the Bishops and Clergy of the Protestant Episcopal Church in *Scotland*; and also to extend such Provisions and Regulations to the Bishops and Clergy of the Protestant Episcopal Church in the United States of *America*; and also to make further Regulations in respect to Bishops and Clergy other than those of the United Church of *England* and *Ireland*.

[23d *July* 1840.]

WHEREAS an Act was passed in the Thirty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for granting Relief to Persons of the Episcopal Communion in* Scotland: And whereas it is expedient to alter and amend the said Act, and to enable the Bishops of the Protestant Episcopal Church in *Scotland*, and the Priests of such Church canonically ordained, under certain Limitations and Restrictions, to perform 32 G. 3. c. 63.

perform Divine Service, to preach, and to administer the Sacraments, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, in Churches or Chapels within *England* or *Ireland* where the Liturgy of the said United Church is used: 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 it shall be lawful for the Bishop of any Diocese in *England* or *Ireland*, if he shall think fit, on the Application of any Bishop of the Protestant Episcopal Church in *Scotland*, or of any Priest of such Church canonically ordained by any Bishop thereof residing and exercising at the Time of such Ordination Episcopal Functions within some District or Place in *Scotland*, to grant Permission under his Hand, and from Time to Time also under his Hand to renew such Permission, to any such Bishop or Priest to perform Divine Service, and to preach, and administer the Sacrament, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, for any One Day or any Two Days, and no more, in any Church or Chapel within the Diocese of the said Bishop where the Liturgy of the said United Church is used, such Day or Days and Church or Chapel to be specified in such Permission or renewed Permission; and thereupon it shall be lawful for the Party mentioned in such Permission or renewed Permission, with the Consent of the Incumbent or Officiating Minister of such Church or Chapel, to perform Divine Service, and to preach, and administer the Sacraments therein, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, on the Day or Days specified in such written Permission or renewed Permission, and on no other.

Bishops of England or Ireland may permit Clergy of the Protestant Episcopal Church in Scotland to officiate in their Dioceses under certain Restrictions.

II. Provided always, and be it enacted, That no such written Permission or renewed Permission shall be granted unless the Party applying for the same shall first produce to the Bishop of the Diocese Letters commendatory given within Six Months before the Production thereof, in the Case of a Bishop under the Hand and Seal of Two other Bishops of the Church to which he belongs, and in the Case of a Priest under the Hand and Seal of the Bishop exercising Episcopal Functions within the District or Place in which such Priest usually officiates, and also a Testimonial given within Six Months before the Production thereof, under the Hand and Seal of such last-mentioned Bishops or Bishop, that the Party applying is a Person of honest Life and godly Conversation, and professeth the Doctrines of the United Church of *England* and *Ireland*.

Certain Letters commendatory to be produced to the Bishop before Permission granted.

III. And whereas another Act was passed in the Twenty-sixth Year of the Reign of His said late Majesty, intituled *An Act to empower the Archbishop of* Canterbury *and the Archbishop of* York *for the Time being to consecrate to the Office of a Bishop Persons being Subjects or Citizens of Countries out of Her Majesty's Dominions*: And whereas it is expedient to alter and amend the said Act, and to enable the Bishops and Priests of the Protestant Episcopal Church in the United States of *America* to officiate in *England* and *Ireland*, under Restrictions and Limitations similar to those

Provisions of this Act as to the Clergy of the Episcopal Church in Scotland extended to the Clergy of the Episcopal Church in the United States.

those herein-before enacted and provided with respect to the Bishops and Priests of the Protestant Episcopal Church in *Scotland*; be it therefore enacted, That all the several Provisions herein-before contained with respect to the Bishops and Priests canonically ordained of the Protestant Episcopal Church in *Scotland* shall respectively extend to the Bishops of the Protestant Episcopal Church in the United States of *America*, and to the Priests canonically ordained by a Bishop of such Church residing and exercising at the Time of such Ordination Episcopal Functions within some District or Place in the United States of *America*.

Penalty on allowing Clergy of the Protestant Episcopal Church in Scotland or in the United States of America to officiate without such Permission, or on allowing other Clergy to officiate.

IV. And be it enacted, That any Incumbent or Stipendiary Curate who, without the Production of such written Permission or renewed Permission as aforesaid, shall allow any Bishop or Priest of the Protestant Episcopal Church in *Scotland* or in the United States of *America*, or who shall allow any Deacon of either of such Churches, or any other Bishop, Priest, or Deacon, not being a Bishop, Priest, or Deacon of the United Church of *England* and *Ireland*, or of any Her Majesty's Foreign Possessions, to officiate in any Church or Chapel of which he is Incumbent or Curate, shall for the first Offence be liable to be called to appear before the Bishop of the Diocese in Person, and, if he show no sufficient Cause to the contrary, to be publicly or privately monished, at the Discretion of the said Bishop; and for the second and every subsequent Offence, if a Curate, he shall, after having been in like Manner called to appear, and showing no sufficient Cause to the contrary, be liable to be removed, or to be temporarily suspended from his Curacy, at the Discretion of the said Bishop; and if an Incumbent, he shall, on Proof of the Offence in due Course of Law, be suspended from his Office and Benefice for any Time not exceeding Three Months, or be subject to other Ecclesiastical Censures; and the said Bishop shall, during any such Suspension, provide for the Performance of the Spiritual Duties of such Benefice, by Sequestration or otherwise, as in the Case of Non-residence.

Penalty on officiating contrary to recited Acts or this Act, save as herein mentioned.

V. And be it enacted, That if any Bishop or Priest of the Protestant Episcopal Church in *Scotland* or in the United States of *America* shall, save as herein-before mentioned, or if any Deacon of either of such Churches shall, officiate, contrary to the Provisions of the said recited Acts, in any Church or Chapel in *England* or *Ireland* where the Liturgy of the said United Church is used, or if any Bishop, Priest, or Deacon, not being a Bishop, Priest, or Deacon of the United Church of *England* or *Ireland*, or of any of Her Majesty's Foreign Possessions, or of the Protestant Episcopal Church in *Scotland* or in the United States of *America*, shall officiate in any such Church or Chapel, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Governors of Queen *Anne*'s Bounty, to be recovered, by Action of Debt brought in the Name of the Treasurer of the said Bounty in any of Her Majesty's Courts of Record at *Westminster*, or in the Courts of Session in *Scotland* at the Suit of the Public Prosecutor.

VI. And

Deacons ordained out of England or Ireland, and afterwards ordained Priests in England or Ireland.

VI. And be it enacted, That no Person who has been or shall be ordained a Deacon by any Protestant Bishop other than an Archbishop or Bishop of the United Church of *England* and *Ireland*, and who shall after the passing of this Act be ordained a Priest by any Archbishop or Bishop of the United Church of *England* and *Ireland*, shall be thereby enabled, save as in this Act is provided, to exercise his Office within *England* or *Ireland*.

Admissions, &c. to Benefices and Curacies contrary hereto void. Proviso.

VII. And be it further enacted, That all Admissions, Institutions, and Inductions to Benefices in the Church of *England* or Church of *Ireland*, and all Appointments to act as Curates therein, which shall be made contrary to the Provisions of this Act, shall be to all Intents and Purposes null and void: Provided always, that nothing herein shall be construed to affect any Admission, Institution, or Induction to any Benefice or any Appointment as Curate which shall have been made previous to the passing of this Act.

Not to affect the Act 59 G. 3. c. 60.

VIII. Provided always, That nothing in this Act contained shall be construed to affect or to repeal any of the Provisions of an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to permit the Archbishops of* Canterbury *and* York, *and the Bishop of* London, *for the Time being, to admit Persons into Holy Orders specially for the Colonies.*

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