

ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

****

CAP. XXX.

An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in *England* and *Wales*.

[21st *August* 1835.]

WHEREAS His Majesty was pleased, on the Fourth Day of *February* last, to issue a Commission to certain Persons therein named for considering the State of the Established Church in *England* and *Wales* with reference to Ecclesiastical Duties and Revenues, which Commission has since been renewed, and such renewed Commission is now in force, and the Inquiries thereby directed are now in progress, and some Time must elapse before the same can be brought to a Termination: And whereas His Majesty has been graciously pleased to signify, that, in order to promote the important Objects of the said Commission, it is His Majesty's Intention to defer any Nomination to any vacant Dignity, Prebend, Canonry, or Benefice without Cure of Souls which may be in the Patronage of the Crown until the Circumstances connected therewith shall have undergone the Consideration of the said Commissioners; and the Two Archbishops, and divers of the Bishops of *England* and *Wales*, have declared their Intention of pursuing the same Course with regard to similar Preferments in their respective

Patronage (excepting only the Dignity of Archdeacon), and a similar Declaration has been made by certain other Patrons: And whereas several Dignities, Prebends, Canonries, and Benefices without Cure of Souls have become vacant since the said Fourth Day of *February* last, and others may become vacant pending the said Inquiries now in progress; and it is expedient that the same should remain vacant until it shall be decided in what Mode they can be disposed of so as to be made most conducive to the Efficiency of the Established Church; and with that view it is necessary to provide that due Care be taken of the Revenues of such Dignities, Prebends, Canonries, and Benefices, and that the Right of Presentation or Collation thereto shall not lapse by reason of Delay in such Presentation or Collation: Be it therefore enacted by the King'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 where any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, being in the Patronage of His Majesty, or of any Archbishop, Bishop, or other Patron in *England* or *Wales*, has become vacant since the said Fourth Day of *February* last, or shall become vacant during the Existence of the said Commission now in force, or of any Renewal thereof, all Profits and Emoluments which have arisen or accrued, and which shall arise and accrue, from every such vacant Dignity, Prebend, Canonry, or Benefice, until a Successor shall have been appointed thereto, whether from Houses, Lands, Tithes, or Hereditaments to the same belonging, or from Rents, Fines, Compositions, Dividends, or other Emoluments belonging to any Chapter or other aggregate Body of which the Dignitary, Prebendary, Canon, or Incumbent last in Possession was a Member, shall be paid to the Treasurer for the Time being of the Governors of the Bounty of Queen *Anne*, in as full and ample Manner as such Dignitary, Prebendary, Canon, or Incumbent, if he had remained in Possession, or his Successor, if duly appointed, inducted, or installed, would be entitled to receive the same; and such Treasurer shall, for the Purpose of enforcing Payment of all such Profits and Emoluments, have and enjoy all legal Rights, Powers, and Remedies, whether by Action, Suit, or Distress, as the Case may be, which would belong to such Successor: Provided always, that such Treasurer shall not have the Power of granting any Lease, or of presenting to any Benefice with Cure of Souls: Provided also, that such Treasurer shall not be answerable or accountable for any Monies payable by virtue of this Act which shall not have been actually received by him.

Profits of Dignities or Benefices without Cure of Souls becoming vacant during the Existence of the Ecclesiastical Commission to be paid to the Treasurer of Queen Anne's Bounty.

II. And be it further enacted, That such Treasurer shall keep an Account of all Sums received by him under this Act separate from all other Funds in his Hands, and distinguishing each Dignity or Benefice in respect whereof the same shall be received, and shall allow all Costs, Expences, and Outgoings which would have fallen on the deceased Incumbent, or may be reasonably incurred in the Receipt of or enforcing the Payment of the Sums received, the Amount thereof being allowed by the Governors of the said Bounty for the Time being, and shall retain the Balance in his Hands until he shall be otherwise ordered by competent Authority.

Treasurer to keep an Account of the Receipts, and allow Expences.

III. Pro-

Excepting such Profits of Dignities now vacant as are already appropriated.

III. Provided always, and be it enacted, That nothing in this Act contained shall apply to or affect any Profits or Emoluments of any Dignity, Prebend, Canonry, or Benefice now vacant, which shall have been already divided or carried to any particular Account, according to the Statutes, Customs, or Usages of the Cathedral or Collegiate Church in which such Dignity may be founded.

Not to prevent Patrons from appointing, if they think proper to do so.

IV. Provided also, and be it enacted, That nothing in this Act contained shall prevent His Majesty, or any Archbishop, Bishop, or other Patron of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, which may have or hereafter shall become vacant, from appointing a Successor thereto in case he shall think proper to do so.

Providing for the Presentation to Benefices in the Patronage of such vacant Dignity, &c.

V. And be it further enacted, That where any Benefice with Cure of Souls, being in the Patronage of the Holder or Incumbent of any such Dignity, Prebend, Canonry, or Benefice as aforesaid without Cure of Souls, shall have become or shall become vacant during the Vacancy of such last-mentioned Dignity, Prebend, Canonry, or Benefice, the Patron of such last-mentioned Dignity, Prebend, Canonry, or Benefice shall be entitled to present to such Benefice with Cure of Souls.

Right of Presentation to vacant Dignity or Benefice not to lapse.

Treasurer of Queen Anne's Bounty to collect the Profits of the vacant Benefice, &c.

VI. And be it further enacted, That the Right of Presentation or Collation to any Dignity, Prebend, Canonry, or Benefice without Cure of Souls so become or becoming vacant as aforesaid shall not, by reason of any Delay in presenting or collating thereto, lapse to any Bishop or Archbishop, or to the King's Majesty; any Law or Custom to the contrary notwithstanding: Provided always, that the Patron of such vacant Dignity, Prebend, Canonry, or Benefice shall within Six Months after the Vacancy give Notice thereof in Writing to the Commissioners herein-before mentioned, who shall transmit a Copy of such Notice to the said Treasurer; and the said Treasurer shall, upon Receipt thereof, forthwith proceed to demand, collect, and receive, and shall, during the Time that such Dignity or Benefice shall remain liable to the Provisions of this Act, continue from Time to Time to demand, collect, and receive the Profits and Emoluments as they shall respectively become due and payable, and shall diligently use and exercise all the Powers and Authorities hereby to him given for duly and regularly enforcing the Payment thereof.

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