



CHAPTER lxxiv.

An Act to extend the provisions of the Act of the third and fourth years of Her Majesty, Chapter One hundred and thirteen, relating to Minor Canonries, so as to authorise certain arrangements with reference to the Minor Canonries in the Cathedral Church of Saint Paul in London. A.D. 1875.

[29th June 1875.]

WHEREAS it is by the Act of the third and fourth years of Her Majesty, chapter one hundred and thirteen, enacted that so soon as conveniently might be, and by the authority in the said Act provided, regulations should be made for fixing the number and emoluments of the Minor Canons in each Cathedral and Collegiate Church, provided that there should not in any case be more than six nor less than two : 3 & 4 Vict.
c. 113.

And whereas the Minor Canons of the Cathedral Church of Saint Paul in London, at the time of the passing of the recited Act, consisted of a body of twelve, and were by Royal Charter a body politic, having a warden and a common seal, and they were and are possessed as well of corporate property as of separate estates belonging to the individual members (which separate estates are of unequal value), and by reason thereof and of the want of power contained in the recited Act to deal with the property and estates of the said corporation and with the separate estates of the individual Minor Canons, no regulations have been made as contemplated by the recited Act for limiting the number and fixing the emoluments of such Minor Canons :

And whereas, having regard to the existence of the Corporation of Minor Canons, and to the supposed obligation of supplying the vacancies as they occurred in the number of twelve of which such corporation consisted, every vacancy, except the three last, which has occurred since the passing of the recited Act, has been from time to time filled up by the Dean and Chapter of the said

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A.D. 1875. Cathedral, but doubts are entertained as to the legality of certain of the appointments so made in consequence of the restriction as to number contained in the recited Act :

And whereas it is expedient that all appointments to Minor Canonries in the Cathedral Church which have been made since the passing of the recited Act should be confirmed, and that such provision should be made with reference to the Minor Canons of the same Church as are herein-after contained :

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, as follows :

Short title.

1. This Act may be cited as *The Saint Paul's Cathedral, London, Minor Canonries Act, 1875.*

All past appointments to Minor Canonries confirmed.

2. Notwithstanding any of the provisions of the recited Act, all appointments to Minor Canonries in the said Cathedral Church of Saint Paul in London made since the passing of the recited Act shall be valid as from the dates of the respective appointments.

All the rights of existing Minor Canons preserved.

3. Each of the present Minor Canons who shall hold his office at the time of the passing of this Act shall hold and enjoy all such rights, interests, and emoluments, and shall be subject to all such liabilities in respect of his Canonry as he would have held and enjoyed or have been subject to in case this Act had not been passed.

New Minor Canons may be appointed. Total number of Minor Canons to be limited to six.

4. Notwithstanding any of the provisions of the recited Act, it shall be lawful for the Dean and Chapter forthwith, after the passing of this Act, to appoint one or more new Minor Canons in addition to the number of Minor Canons existing at the time of the passing of this Act, but the number so to be appointed shall not exceed the proportion of one in every two vacancies which shall have occurred in the original number of twelve. And afterwards, upon every second vacancy which shall occur in the number of Minor Canons existing at the time of the passing of this Act (for which purpose any one vacancy existing at the passing of this Act in respect of which no appointment shall have been made shall be reckoned as a vacancy), it shall be lawful for the Dean and Chapter to appoint one new Minor Canon, and so from time to time until the number of Minor Canons shall be reduced to six. Every vacancy which shall occur among the Minor Canons who shall have been appointed under the foregoing provision shall be immediately filled up by the Dean and Chapter.

5. The present body of Minor Canons, and the reduced number for the time being, and the six to which the body shall be ultimately reduced, shall continue to be a body politic under the style of "The Custos or Warden and Minor Canons of Saint Paul's Cathedral," and the property of the Corporation of Minor Canons shall vest in and be held by them as such corporation in the manner in which the corporate property of the Minor Canons is now vested in such corporation; but every Minor Canon to be hereafter appointed shall hold his office subject to the conditions herein-after expressed and to the regulations to be made as herein-after provided.

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Reduced number of Minor Canons to continue a corporation under the old style. Corporate property to vest in corporation.

6. Subject to the privilege heretofore enjoyed by a Minor Canon of being preferred at the option of the Dean and Chapter from one Minor Canonry to another Minor Canonry on its becoming vacant, in lieu of that held by him, and subject to the provision herein-after contained for the substitution in such case of separate estate, all lands, tenements, and hereditaments, and other property now belonging by way of separate estate to any Minor Canonry in the said Cathedral Church of Saint Paul (except any payment or payments accustomedly made by the Dean and Chapter of the said Church to the holder of any such Canonry, and except the right (if any) to ecclesiastical preferment under the Order in Council herein-after mentioned) shall as to any such separate estate belonging to any Minor Canonry in the said Church which may be vacant at the date of the passing of this Act, be immediately transferred to and absolutely vested in the Ecclesiastical Commissioners for England, and shall as to any such separate estate belonging to any other Minor Canonry in the said Cathedral Church (except as herein-before is excepted) be in like manner transferred to and absolutely vested in the said Ecclesiastical Commissioners upon and from the next avoidance of any such other Minor Canonry, and the rents and profits of such separate estates, as they become so transferred and vested in the Ecclesiastical Commissioners as aforesaid, shall be applicable to the purposes of the common fund under the control of the said Commissioners. But notwithstanding any of the provisions in this Act contained it shall be lawful for the Dean and Chapter to appoint to any Minor Canonry or Minor Canonries which shall become vacant after the passing of this Act any one or more of the persons who shall hold Minor Canonries at the time of the passing of this Act, and in the event of any such appointment the separate estate belonging to the Minor Canonry which shall have so become vacant shall not vest in the Ecclesiastical Commissioners, but in lieu thereof the separate

Separate estates of the Minor Canonries now vacant, and of the others as they fall vacant, subject to provision after contained, to vest in Ecclesiastical Commissioners for the purposes of their common fund.

Power reserved to Dean and Chapter to prefer existing Minor Canons to other stalls. Provision in such case for separate estate.

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A.D. 1875. — estate of the Minor Canonry which shall be vacated by the appointment of the Minor Canon thereof to such other Minor Canonry shall vest in the said Commissioners in the same manner in all respects as is by this Act provided with reference to the separate estates of Minor Canonries becoming vacant after the passing of this Act.

All payments accustomably made to a Minor Canon to cease upon all existing Minor Canons ceasing to hold office.

7. Any payment or payments accustomably made by the Dean and Chapter of the said Cathedral Church to the holder of any Minor Canonry in the said Church shall, as to any such Minor Canonry which may be vacant at the time of the passing of this Act, and as to any other such Minor Canonry upon and from the next avoidance thereof, be paid by the Dean and Chapter to the Warden of the College of Minor Canons to be dealt with as part of the corporate funds of the said College, so long as any or one of the present Minor Canons shall hold the office of Minor Canon of the said Cathedral Church, and upon the ceasing of the last of the present Minor Canons to hold office all such payments shall absolutely cease and determine.

Ecclesiastical Commissioners to provide houses of residence for the six Minor Canons. Houses to vest in the Dean and Chapter, and to be appropriated by them.

8. The Ecclesiastical Commissioners shall, so soon as conveniently may be after the passing of this Act, provide suitable houses of residence to the number of six for the Minor Canons of the said Cathedral Church, and each such house when so provided shall by an instrument to be executed by the said Commissioners under their common seal, and published in the "London Gazette," be absolutely vested in the Dean and Chapter of the said Cathedral Church, to be from time to time appropriated by the said Dean and Chapter to the use of such one of the Minor Canons of the same Church as the said Dean and Chapter shall think fit. The Minor Canon to whom a house shall be so appropriated shall be under an obligation to maintain such house in repair at his own personal cost.

Ecclesiastical Commissioners may prepare schemes to be ratified by Order in Council for regulating the office and duties of Minor Canons, for their residence, and their enforced retire-

9. It shall be lawful for the Ecclesiastical Commissioners, with the consent of the Visitor of the said Cathedral Church and of the Dean and Chapter of the same Church, to submit to Her Majesty in Council for ratification under the provisions of the said Act of the third and fourth years of Her Majesty or of this Act, any scheme or schemes which may from time to time appear to the Commissioners and to the Visitor and Dean and Chapter of the same Church to be desirable for regulating the office and the duties of the Minor Canons of the said Church who shall be appointed after the passing of this Act, which scheme or schemes may pro-

vide for the obligation as to residence of the Minor Canons, for their enforced retirement at any time after they shall have attained an age to be specified, or sooner on their becoming from any cause unable in the judgment of the Dean and Chapter duly to discharge the duties of their office, and for the providing for them on such retirement a pension out of the funds at the disposal of the Dean and Chapter of such amount as the Commissioners and Visitor and Dean and Chapter shall deem adequate. So that any such pension shall be made to cease on the retired Minor Canon to whom it shall be payable being admitted (whether on the presentation or nomination of the Dean and Chapter or of any other Patron) to church preferment of equal or greater net annual value than the income which he derived from his Minor Canonry. And so that in case the church preferment to which any such retired Minor Canon shall be so admitted shall be of less net annual value than the income which he derived from his Minor Canonry, and such church preferment and the pension shall together amount to more than the income which he so derived, such pension shall, from the date of his admission to such preferment, be reduced to an amount which, when added to the net annual sum receivable from the church preferment, will provide an income equal to that which was derived by such retired Minor Canon from his Minor Canonry. And such scheme or schemes may contain such incidental provisions in relation to the foregoing objects as to the Commissioners and Visitor and Dean and Chapter shall seem reasonable and proper, and in particular may provide for continuing the connection of a retired Minor Canon with the Cathedral under the style of Honorary Minor Canon, with a right to a stall in the choir.

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ment on a pension when unable to discharge their duties.

For cesser and reduction of pension in certain events.

For continuing the connection of retired Minor Canons with the Cathedral as Honorary Minor Canons.

When Minor Canons reduced to six, the income of each to be raised by Dean and Chapter to £400. Meantime each new Minor Canon to have an income of not less than £300.

10. The Dean and Chapter of the said Cathedral Church shall, out of the funds under their control, when and as soon as the number of Minor Canons in the said Cathedral Church shall have been reduced to six, pay to each Minor Canon appointed after the passing of this Act such a sum as with his share of the corporate revenues shall raise his income to not less than four hundred pounds per annum, in addition to the house of residence to be appropriated to each under the provisions of this Act; and in the meantime and until the number of Minor Canons in the said Cathedral Church shall have been reduced to six, the Dean and Chapter shall pay to each Minor Canon to be hereafter appointed such a sum as with his share of the corporate revenues shall raise his income to not less than three hundred pounds per annum, but the foregoing provisions shall not limit the amount to be provided for the Minor Canons by

A.D. 1875. the Dean and Chapter, if the Dean and Chapter shall for any reasons think fit in their discretion to allow at any time or times any greater amount.

No benefice to be tenable by a Minor Canon hereafter appointed with his Minor Canonry.

11. In consideration of the additional provision so made for the benefit of the Minor Canons of the said Cathedral Church, and notwithstanding the provisions contained in the Act of third and fourth Victoria, chapter one hundred and thirteen, and the Act of fourth and fifth Victoria, chapter thirty-nine, in relation to benefices in the patronage of the Chapters of Cathedral and Collegiate Churches, and the rights conferred upon Minor Canons by those Acts, and notwithstanding the provisions of the Order of Her Majesty in Council "for confirming certain alterations in the Statutes of the Cathedral Church of Saint Paul, London," which Order bears date the eighth day of February one thousand eight hundred and fifty-five, and was published in the "London Gazette" on the thirteenth day of the same month, and provides for the disposal of the patronage of certain benefices belonging to the Dean and Chapter of the said Church, no benefice shall be tenable by a Minor Canon of the Cathedral Church of Saint Paul appointed after the passing of this Act with his Minor Canonry, and the admission of any such Minor Canon to a benefice shall ipso facto vacate his Minor Canonry.

Commutation of tithes arising in the parish of Saint Gregory by Saint Paul.

12. And whereas certain tithes or sums of money in lieu of tithes arising or growing due in the parish of Saint Gregory by Saint Paul, in the city of London, under the provisions of an Act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled "An Act for Tithes in London," and of the decree made in pursuance thereof, which is printed in the Statutes at Large, are part of the property of the said Corporation of the Minor Canons:

And whereas by "The London (City) Tithes Act, 1864," provision was made for the commutation of tithes or sums of money in lieu of tithes arising or growing due in the parishes mentioned in the Schedules to the same Act, under the said Act of the thirty-seventh year of the reign of King Henry the Eighth and the said decree for fixed annual tithes or sums of money in lieu of tithes:

And whereas it is expedient that power should be given to the parishioners of the said parish of Saint Gregory by Saint Paul in vestry assembled, and the said corporation and their lessees, for the commutation of the tithes or sums of money in lieu of tithes arising or growing due in the same parish under the said last-mentioned Act and decree for fixed annual tithes or sums of money in lieu of tithes:

It shall be lawful for the parishioners of the parish of Saint Gregory by Saint Paul, in the city of London, assembled in vestry, of which and of the special object thereof notice shall have been given in the accustomed manner, to agree with the Custos or Warden and Minor Canons of Saint Paul's Cathedral, and with the lessees (if any) for the time being of the tithes or sums of money instead of tithes arising or growing due in the said parish, under the provisions of an Act passed in the thirty-seventh year of the reign of King Henry the Eighth, intituled "An Act for Tithes in London," and of the decree made in pursuance thereof, which is printed in the Statutes at Large, for the commutation of the said tithes or sums of money instead of tithes into an annual fixed tithe or sum of money to be paid by the said parish and to be raised by tithe rates to be assessed therein; and if notice of such agreement shall be given by advertisement in the "London Gazette," such agreement shall thereupon be binding on the Custos or Warden and Minor Canons of Saint Paul's Cathedral, and on the said lessees (if any) and on the parishioners of the said parish, and the tithes and sums of money in lieu of tithes in the said parish shall cease and be extinguished on and from the quarterly day of payment next preceding the date of such advertisement, and the said Custos or Warden and Minor Canons or their lessees (as the case may be) shall receive the annual fixed tithe mentioned in the agreement in lieu of and in commutation for the tithes or sums payable in lieu of tithes, and the first payment thereof shall be made on the quarter day next succeeding the advertisement, and the provisions of "The London (City) Tithes Act, 1864," shall apply thereto in the same manner as if the said parish had been comprised in the First Schedule to the same Act.