



# Ecclesiastical Commissioners Act 1841

## 1841 CHAPTER 39 4 and 5 Vict

An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England. [21st June 1841]

### Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Act extended by [Ecclesiastical Commissioners Act 1850 \(c. 94\)](#), [s. 28](#)
- C3 Preamble (which recites [Ecclesiastical Commissioners Act 1836 \(c. 77\)](#), [Ecclesiastical Commissioners Act 1840 \(c. 113\)](#), and [Pluralities Act 1838 \(c. 106\)](#)) omitted under authority of [Statute Law Revision \(No. 2\) Act 1890 \(c. 51\)](#)

**[1.] [F<sup>1</sup>Church Commissioners] may adjourn meetings from day to day. Proviso as to confirming proceedings.**

Notwithstanding anything in either of the said recited Acts contained, it shall be lawful for the [F<sup>1</sup>Church Commissioners] at any meeting duly convened according to the provisions thereof, to continue and adjourn such meeting from day to day for any such number of days as they shall deem necessary; and the proceedings of the said commissioners, and all acts, matters, and things done and executed by them, on each and every of such days of adjournment, shall be as valid and effectual to all intents and purposes as if the same had been done and executed on the first day of such meeting:

Provided always, that no proceeding which requires to be ratified and confirmed by the common seal of the corporation shall be finally concluded by the affixing of the said seal on any such day of adjournment, unless notice of the intention to propose such proceeding for final consideration and decision shall have been sent together with every notice issued for such first day of meeting.

### Textual Amendments

- F1 Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), [s. 18\(2\)](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Ecclesiastical Commissioners Act 1841. (See end of Document for details)*

**2** ..... F2

**Textual Amendments**  
F2 Ss. 2, 5–7, 15, 16, 18–20, 25 and 26 repealed by Cathedrals Measure 1963 (No. 2), **Sch. 2**

**3** ..... F3

**Textual Amendments**  
F3 Ss. 3, 10 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VII**

**4** ..... F4

**Textual Amendments**  
F4 S. 4 repealed by First Fruit and Tenths Measure 1926 (No. 5), **s. 6**

**5—7.** ..... F5

**Textual Amendments**  
F5 Ss. 2, 5–7, 15, 16, 18–20, 25 and 26 repealed by Cathedrals Measure 1963 (No. 2), **Sch. 2**

**8** ..... F6

**Textual Amendments**  
F6 Ss. 8, 14, 28 and 31 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)

**9** ..... F7

**Textual Amendments**  
F7 Ss. 9, 11 repealed by Archdeaconries (Augmentation) Measure 1953 (No. 4), **Sch.**

**10** ..... F8

*Status: Point in time view as at 01/02/1991.*

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**Textual Amendments**

**F8** Ss. 3, 10 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VII

**11** ..... **F9**

**Textual Amendments**

**F9** Ss. 9, 11 repealed by Archdeaonries (Augmentation) Measure 1953 (No. 4), Sch.

**12 Further provisions respecting Southwell.**

... <sup>F10</sup> the bishop of Lincoln, and not the archbishop of York, shall from henceforth be the visitor of the collegiate church of Southwell, and shall enjoy all powers now vested in the said archbishop as such visitor; and notwithstanding any thing in the said secondly recited Act contained, no appointment shall be made to any canonry or prebend in the said collegiate church, but so soon as every person who was a member of the chapter thereof at the passing of the same Act shall have ceased to be such member, all lands and tenements, tithes, and other hereditaments belonging to the said church or the chapter thereof, except any right of patronage, shall, without any conveyance or assurance in the law other than the provisions of this Act, accrue to and be vested in the ecclesiastical commissioners for the purposes of the secondly recited Act and of this Act; and out of the lands, tenements, tithes, and other hereditaments, and endowments which shall so accrue to the said commissioners, or the proceeds thereof, competent provision shall be made, by the authority in the said secondly recited Act provided, and in such manner as shall be by such authority deemed expedient for the services of the said church of Southwell and for the maintenance and reparation of the fabric of the said church, and for any minor canon or officer thereof; ... <sup>F11</sup> and so soon as conveniently may be, and by the like authority, out of the same lands, tenements, tithes, or other hereditaments or endowments, or the proceeds thereof, or out of any other lands, tithes, or other hereditaments or endowments now or in the meantime vested in the said commissioners, or any emoluments already accrued or hereafter accruing to them in respect of the canonries or prebends of the said church, provision shall be made for the spiritual care of the said parish of Southwell, ... <sup>F12</sup>; and the vicarage of Southwell ... <sup>F12</sup> may be constituted a rectory with the cure of souls: ... <sup>F13</sup> Provided always, that the said rectory of Southwell and the incumbent thereof, shall continue subject to all the provisions of the <sup>M1</sup>thirdly recited Act passed in the second year of her present Majesty's reign.

**Textual Amendments**

- F10** Words repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)
- F11** Words repealed by Diocese of Southwell (Division) Measure 1923 (No. 5), Sch.
- F12** Words repealed (1.4.1978) by Endowments and Glebe Measure 1976 (No. 4), Sch. 8
- F13** Words repealed by Ecclesiastical Commissioners Act 1866 (c. 111), s. 21

**Modifications etc. (not altering text)**

**C4** Ecclesiastical Commissioners dissolved and property transferred to Church Commissioners, by Church Commissioners Measure 1947 (No. 2), s. 2

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#### Marginal Citations

M1 1838 c. 106.

### 13 Durham University Trusts.

And whereas inconvenience arises from the mode in which certain property is now held partly by the bishop and partly by the dean and chapter of Durham in trust for the university of Durham: Be it enacted that it shall be lawful, by the authority in the said secondly recited Act provided, with the consent of the said university, and also of the said bishop or of the said dean and chapter, as the case may be, to make any such arrangements as may be deemed fit by the like authority for varying, transferring, or annulling any of the trusts upon which any monies or securities for money, or any lands, tenements, tithes, or other hereditaments, are now held for the benefit of the said university, and for transferring and vesting such monies, securities for money, lands, tenements, tithes, or other hereditaments, or any part thereof, in such other manner and in such other persons or body corporate as may be deemed by the like authority most beneficial to the said university; and that the said university of Durham may, by the name of “The Warden, Masters, and Scholars of the University of Durham,” take and purchase and hold lands, tenements, tithes, and other hereditaments to them and their successors, . . . <sup>F14</sup> and that, when the lands, tenements, tithes, or other hereditaments, monies or securities for money, or any part thereof, now held by the said bishop or by the said dean and chapter in trust for the said university, shall be vested, by the authority aforesaid, in the said warden, masters, and scholars, they shall have and enjoy all the powers of sale, of purchase, . . . <sup>F14</sup> of leasing, of management, of applying the principle monies, and the rents, dividends, and interest thereof, or of such part thereof as shall be vested in them, in as full and ample manner as the said dean and chapter now have and enjoy the same powers by virtue of an <sup>M2</sup>Act passed in the third 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 connection therewith for the advancement of learning;” and that it shall be lawful for all bodies corporate, aggregate, or sole, and all other incapacitated persons named in the said Act, to sell and convey to the said warden, master, or scholars, and their successors, all such lands, tenements or hereditaments as by the said Act they are enabled to sell and convey to the said dean and chapter, and in such manner and by such conveyances and assurances as in the said Act are mentioned; and that it shall be lawful for the said warden, masters, and scholars, to apply the building fund to the payment of expences already incurred by the said university in erecting and completing, altering, repairing, or improving any building for the use of the said university, or for the use of any person or persons for whom the said university was or is bound to provide any office or building under an order of her Majesty in council bearing date the nineteenth day of July one thousand eight hundred and thirty-seven, relating to the castle of Durham, and to the erection and completion, alteration, reparation, or improvement of any building erected or to be erected, not only on land now vested in the said dean and chapter, but also on land now vested in the said bishop in trust for the said university, or on land to be hereafter acquired by the said warden, masters, and scholars for any of the foregoing uses; and that it shall be lawful, by the like authority, with the consent of the said university, and also of the said bishop and of the said dean and chapter, to transfer to the said warden, masters, and scholars the whole or any part of the powers relating to the government of the said university, and the order and discipline to be observed therein, which are now vested by the last-mentioned Act in the said dean and chapter.

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**Textual Amendments**

**F14** Words repealed by [Charities Act 1960 \(c. 58\)](#), **Sch. 7 Pt. II**

**Marginal Citations**

**M2** [1832 c. 19](#). (private).

**14** ..... **F15**

**Textual Amendments**

**F15** [Ss. 8, 14, 28](#) and 31 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

**15**— ..... **F16**

**16.**

**Textual Amendments**

**F16** [Ss. 2, 5–7, 15, 16, 18–20, 25](#) and 26 repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

**17 Sinecure rectories in private patronage**

So much of the secondly recited Act as relates to the purchase, by the [<sup>F17</sup>Church Commissioners] of ecclesiastical rectories without cure of souls, shall be construed to extend and apply to any ecclesiastical rectory which shall by the archbishop of the province and the bishop of the diocese be certified to be, and shall by the said commissioners be deemed to be, an ecclesiastical rectory without cure of souls, although there shall be no vicarage endowed or perpetual curacy belonging thereto or connected therewith; provided that when any such ecclesiastical rectory purchased by the said commissioners shall have been suppressed under the provisions of the same Act, the whole, if it be deemed necessary, or such part as shall be deemed necessary by the said commissioners, of the lands, tithes, or other endowments belonging to such rectory, and the proceeds thereof, shall, by the authority in the same Act provided, be set apart and applied towards the spiritual care of the population of the parish or district in which such lands, tithes, or other endowments are situate or accrue, in such manner as by the like authority shall be deemed expedient.

**Textual Amendments**

**F17** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), **s. 18(2)**

**18**— ..... **F18**

**20.**

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**Textual Amendments**

**F18** Ss. 2, 5–7, 15, 16, 18–20, 25 and 26 repealed by [Cathedrals Measure 1963 \(No. 2\)](#), **Sch. 2**

**21 Powers of exchange, &c., extended to all Corporations sole.**

The provisions of the secondly recited Act relating to the sale, transfer, or exchange of any lands, tithes, or other hereditaments, the purchase of other lands, tithes, or other hereditaments, in lieu thereof, or the substitution of any lands, tithes, or other hereditaments for any money payment, do and shall extend to authorize the substitution of any money payment for any lands, tithes, or other hereditaments, and do and shall include and apply to all lands, tithes, or other hereditaments in the possession or enjoyment of any dean, canon, prebendary, or other dignitary or officer of any cathedral or collegiate church, or in the possession of the [<sup>F19</sup>Church Commissioners] ; and the consent in writing under the hand only of any such dean, canon, prebendary, or other dignitary or officer, shall be deemed to be a consent within the meaning of the said Act.

**Textual Amendments**

**F19** Words substituted by virtue of [Church Commissioners Measure 1947 \(No. 2\)](#), **s. 18(2)**

**Modifications etc. (not altering text)**

**C5** S. 21 excluded by [Cathedrals Measure 1963 \(No. 2, SIF 21:8\)](#), s. 53, **Sch. 1**

**22** ..... <sup>F20</sup>

**Textual Amendments**

**F20** S. 22 repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3, SIF 21:4\)](#), s. 41(2), **Sch. 5**

**23** ..... <sup>F21</sup>

**Textual Amendments**

**F21** S. 23 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. V

**24 Consent of patrons how to be given 1 & 2 Vict. c. 106, ss. 125 to 128 inclusive. 3 & 4 Vict. c. 113, ss. 71, 72, 73, 74.**

All the provisions relating to the consent of patrons of benefices, contained in the thirdly recited Act passed in the second year of the reign of Her present Majesty, shall be construed to apply to the consent of patrons under the provisions of the secondly recited Act and of this Act, as fully and effectually as if the same had been therein and herein repeated and enacted respecting the patrons of benefices affected by such secondly recited Act and this Act.

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25— ..... F22  
26.

**Textual Amendments**

F22 Ss. 2, 5–7, 15, 16, 18–20, 25 and 26 repealed by [Cathedrals Measure 1963 \(No. 2\)](#), [Sch. 2](#)

27 ..... F23

**Textual Amendments**

F23 S. 27 repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)

28 ..... F24

**Textual Amendments**

F24 Ss. 8, 14, 28 and 31 repealed by [Statute Law Revision \(No. 2\) Act 1874 \(c. 96\)](#)

**29 Construction of the terms “lands,” &c. Provisions of tithe commutation Acts extended to commissioners.**

And for the purpose of removing all doubts respecting the meaning of the terms “real estate,” “lands,” and “lands, tenements, and hereditaments,” be it declared and enacted, that the said terms, wherever they occur, either in the recital, or in the enactments of either of the said recited Acts, or in any scheme, or any order of Her Majesty in council, prepared and issued under the authority of those Acts, or either of them, shall respectively be construed to include and comprehend lands, tithes, tenements, and other hereditaments, except any right of ecclesiastical patronage; and that the said first-mentioned terms, and also the term “lands, tithes, tenements, or other hereditaments,” in any part of either of the said recited Acts or in this Act or in any such scheme or order in council contained, shall be construed to apply and extend to lands, tithes, tenements, and other hereditaments, as well in reversion as in possession, and to any leasehold interest therein; and that the term “tithes” in either of the said Acts or in this Act contained shall extend to and comprehend rent-charges allotted or assigned in lieu of tithes; and the ecclesiastical commissioners shall, in respect of all lands, tithes, tenements, or other hereditaments, endowments, or emoluments, already vested or liable to be vested in them by or under the provisions of either of the said Acts or of this Act, be deemed to be the owners or joint owners thereof respectively, as the case may be, for all the purposes of the Tithe<sup>M3</sup> Act 1836 and of the several Acts to explain and amend the same.

**Modifications etc. (not altering text)**

C6 Ecclesiastical Commissioners dissolved, and property transferred to Church Commissioners by [Church Commissioners Measure 1947 \(No. 2\)](#) s. 2

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**Marginal Citations**

M3 1836 c. 71.

**30 Powers of 6 & 7 W. 4. c. 77. and 3 & 4 Vict. c. 113. extended to this Act.**

All the powers and authorities vested in her Majesty in council and in the ecclesiastical commissioners by the two first-recited Acts or either of them with reference to the matters therein respectively contained, and all other the provisions of the secondly recited Act relating to schemes and orders prepared, made, and issued for the purposes thereof, shall be continued, and extended and apply to Her Majesty in council and to the said commissioners, and to all schemes and orders prepared, made, and issued by them respectively with reference to all matters contained in this Act, as fully and effectually as if the said powers, authorities, and other provisions were repeated in this Act; . . . <sup>F25</sup>

**Textual Amendments**

F25 Words repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)

**Modifications etc. (not altering text)**

C7 Ecclesiastical Commissioners dissolved and property transferred to Church Commissioners by Church Commissioners Measure 1947 (No. 2), s. 2

**31** . . . . . <sup>F26</sup>

**Textual Amendments**

F26 Ss. 8, 14, 28 and 31 repealed by Statute Law Revision (No. 2) Act 1874 (c. 96)



**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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