| 1. Original Acts. | 2. How far continued. | 3. Amending Acts. | 4. Time of Expiration of temporary Provisions. |
|---|---|---|---|
| (32) 32 & 33 Vict. c. 21. - - Election Commissioners Expenses. | The whole Act - | 34 & 35 Vict. c. 61. | 24th June 1874, and end of then next session. (36 & 37 Vict. c. 75.) |
| (33) 34 & 35 Vict. c. 87. - - Sunday Observance Prosecutions. | The whole Act - | - - - | 1st September 1874, and end of then next session. (36 & 37 Vict. c. 75.) |
| (34) 34 & 35 Vict. c. 105. - - Petroleum. | The whole Act - | - - - | 1st October 1874, and end of then next session. (36 & 37 Vict. c. 75.) |

## CHAPTER 77.

An Act respecting Colonial and certain other Clergy. [7th August 1874.]

WHEREAS by divers Acts of Parliament certain disabilities are imposed on persons ordained by bishops not being bishops of the United Church of England and Ireland:

And whereas by an Act passed in the thirty-second and thirty-third years of Her present Majesty, chapter forty-two, it is enacted that the union created by Act of Parliament between the churches of England and Ireland shall be dissolved, and that enactments relating to the said United Church shall be read distributively in respect of the Church of England and the Church of Ireland:

And whereas it is desirable to amend the law respecting persons having been ordained by bishops, not being bishops of either of the said separate churches or of the said United Church, herein-after collectively called "the churches aforesaid:"

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 Colonial Clergy Act, 1874.

Repeal of enactments in Schedule A.

**2.** The enactments enumerated in Schedule A. annexed to this Act are repealed, but not so as to render invalid anything lawfully done in conformity with any of them.

Colonial and certain other clergy not to officiate without permission from the archbishop;

**3.** Except as herein-after mentioned, no person who has been or shall be ordained priest or deacon, as the case may be, by any bishop other than a bishop of a diocese in one of the churches aforesaid shall, unless he shall hold or have previously held preferment or a curacy in England, officiate as such priest or deacon in any church or chapel in England, without written permission from the archbishop of the province in which he proposes to officiate, and without also making and subscribing so much of the declaration contained in "The Clerical Subscription Act, 1865," as follows; (that is to say,)

"I assent to the Thirty-nine Articles of Religion, and to the Book of Common Prayer, "and of the ordering of bishops, priests, and deacons. I believe the doctrine of the "Church of England as therein set forth to be agreeable to the Word of God; and in "public prayer and administration of the sacraments, I, whilst ministering in England, "will use the form in the said Book prescribed and none other, except so far as shall be "ordered by lawful authority."

nor to hold preferment nor act as curates without consent of bishop.

**4.** Except as herein-after mentioned, no person who has been or shall be ordained priest or deacon, as the case may be, by any bishop other than a bishop of a diocese in one of the churches aforesaid, shall be entitled as such priest or deacon to be admitted or instituted to any benefice or other ecclesiastical preferment in England, or to act as curate therein, without the previous consent in writing of the bishop of the diocese in which such preferment or curacy may be situate.

As to license.

**5.** Any person holding ecclesiastical preferment, or acting as curate in any diocese in England under the provisions of this Act, may, with the written consent of the bishop of such diocese, request the archbishop of the province to give him a license in writing under his hand and seal in the following form; that is to say,

"To the Rev. *A.B.*,

"We, *C.*, by Divine Providence archbishop of *D.*, do hereby give you the said *A.B.* "authority to exercise your office of priest (*or* deacon) according to the provisions of an "Act of the thirty-seventh and thirty-eighth years of Her present Majesty, intituled 'An "'Act respecting Colonial and certain other Clergy.'

"Given under our hand and seal on the day of

"*C.* (L. S.) *D.*"

And if the archbishop shall think fit to issue such license, the same shall be registered in the registry of the province, and the person receiving the license shall thenceforth possess all such rights and advantages, and be subject to all such duties and liabilities as he would have possessed and been subject to if he had been ordained by the bishop of a diocese in England: Provided that no such license shall be issued to any person who has not held ecclesiastical preferment or acted as curate for a period or periods exceeding in the aggregate two years.

Appointments, &c. contrary to Act void.

**6.** All appointments, admissions, institutions, or inductions to ecclesiastical preferment in England, and all appointments to act as curate therein, which shall hereafter be made contrary to the provisions of this Act, shall be null and void.

Penalty for officiating contrary to Act.

**7.** If any person shall officiate as priest or deacon in any church or chapel in England contrary to the provisions of this Act, or if any bishop not being bishop of a diocese in England shall perform episcopal functions in any such church or chapel without the consent in writing of the bishop of the diocese in which such church or chapel is situate, he shall for every such offence forfeit and pay the sum of ten pounds to the Governors of Queen Anne's Bounty, to be recovered by action brought within six months after the commission of such offence by the treasurer of the said Bounty in one of Her Majesty's Superior Courts of Common Law; and the incumbent or curate of any church or chapel who shall knowingly allow such offence to be committed therein shall be subject to a like penalty, to be recovered in the same manner.

Persons ordained under 15 & 16 Vict. c. 52. exempt.

**8.** Any person ordained a priest or deacon in pursuance of such request and commission as are mentioned in an Act of the fifteenth and sixteenth years of Her present Majesty, chapter fifty-two, shall, for the purposes of this Act, be deemed to have been so ordained by the bishop of a diocese in England, and it shall not be necessary that the bishop to whom such commission shall have been given should have exercised his office within Her Majesty's dominions, or by virtue of Her Majesty's Royal Letters Patent, provided that such bishop be a bishop in communion with the Church of England; and such commission shall not become void by the death of the grantor until after seven days: Provided always, that any such act of ordination by any such bishop as aforesaid shall be subject to the same laws and provisions as to the titles and as to the oaths and subscriptions of the persons to be ordained, and as to the registration of such act, as if it had been performed by the bishop of the diocese; and that the letters of orders of any persons so ordained by any such bishop shall be issued in the name of, and be subscribed with the signature of such bishop as commissary of the bishop of the diocese, and shall be sealed with the seal of the bishop of such diocese.

Persons ordained under 24 Geo. 3. sess. 2. c. 35.

**9.** Any person ordained a deacon or priest under the provisions of an Act of the second session of the twenty-fourth year of King George the Third, chapter thirty-five, or under

the first section of an Act of the fifty-ninth year of King George the Third, chapter sixty, shall be subject to the provisions contained in this Act. or 59 Geo. 3. c. 60. s. 1. subject to Act.

**10.** No admission, institution, induction, or appointment to any benefice or other ecclesiastical preferment within Her Majesty's dominions, nor any appointment to act as curate therein, nor any ministerial act performed by any person as priest or deacon of any of the churches aforesaid, shall be or be deemed to have been invalid at law by reason of its contrariety to any of the enactments set forth in Schedule B. to this Act annexed, unless its validity shall be inconsistent with the validity of some Act, matter, or thing lawfully done before the passing of this Act. Contrariety to certain enactments not to invalidate admissions to ecclesiastical preferments, &c.

**11.** Nothing in this Act contained shall alter or affect any of the provisions of an Act of the twenty-seventh and twenty-eighth years of Her present Majesty, chapter ninety-four, intituled "An Act to remove disabilities affecting the bishops and clergy of the "Protestant Episcopal Church in Scotland." Saving of 27 & 28 Vict. c. 94.

**12.** It shall be lawful for the archbishop of Canterbury or the archbishop of York for the time being, in consecrating any person to the office of bishop for the purpose of exercising episcopal functions elsewhere than in England, to dispense, if he think fit, with the oath of due obedience to the archbishop. Archbishops may dispense with oath of due obedience.

**13.** Nothing contained in an Act of the fifty-third year of King George the Third, chapter one hundred and fifty-five, or in an Act of the third and fourth years of King William the Fourth, chapter eighty-five, or in any letters patent issued as mentioned in the said Acts, or either of them, shall prevent any person who shall be or shall have been bishop of any diocese in India from performing episcopal functions, not extending to the exercise of jurisdiction, in any diocese or reputed diocese at the request of the bishop thereof. Indian bishops.

**14.** In this Act the word "bishop" shall, when not inconsistent with the context, include archbishop; the words "bishop" and "archbishop," in the matters of "permission" and "consent," and of "consent and license," shall include the lawful commissary of a bishop or an archbishop; the word "England" shall include the Isle of Man and the Channel Islands; and the term "church or chapel" shall mean church or chapel subject to the ecclesiastical law of the Church of England. Interpretation of terms.

## SCHEDULE A.

| Date of Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 24 Geo. 3. sess. 2. c. 35. | An Act to empower the Bishop of London for the time being, or any other bishop to be by him appointed, to admit to the order of deacon or priest persons being subjects or citizens of countries out of His Majesty's dominions, without requiring them to take the oath of allegiance as appointed by law. | Sec. 2. |
| 26 Geo. 3. c. 84. - | An Act to empower the Archbishop of Canterbury or 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 His Majesty's dominions. | So far as the same is in force in any part of Her Majesty's dominions out of the United Kingdom. |
| 59 Geo. 3. c. 60. - | 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. | Secs. 2, 3, 4, and 5. |
| 3 & 4 Vict. c. 33. - | 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. | The whole. |

| Date of Act. | Title of Act. | Extent of Repeal. |
|---|---|---|
| 5 Vict. c. 6. | An Act to amend an Act made in the twenty-sixth year of the reign of His Majesty King George the Third, intituled "An Act to empower the Archbishop of Canter- " bury or 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 His Majesty's " dominions." | Sec. 4. |

## SCHEDULE B.

ENACTMENTS REFERRED TO IN CLAUSE 10 OF THIS ACT.

| Date of Act. | Title. | Section. |
|---|---|---|
| 24 Geo. 3. sess. 2. c. 35. | An Act to empower the Bishop of London for the time being, or any other bishop to be by him appointed, to admit to the order of deacon or priest persons being subjects or citizens of countries out of His Majesty's dominions, without requiring them to take the oath of allegiance as appointed by law. | Sec. 2. |
| 26 Geo. 3. c. 84. - | An Act to empower the Archbishop of Canterbury or 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 His Majesty's dominions. | Sec. 3. |
| 59 Geo. 3. c. 60. - | 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. | Secs. 2, 3, 4, 5. |
| 3 & 4 Vict. c. 33. - | 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. | Secs. 6, 7. |
| 5 Vict. c. 6. - - | An Act to amend an Act made in the twenty-sixth year of the reign of His Majesty King George the Third, intituled "An Act to empower the Archbishop of Canter- " bury or 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 His Majesty's " dominions." | Sec. 4. |

# CHAPTER 78.

An Act to amend the Law of Vendor and Purchaser, and further to simplify Title to Land. [7th August 1874.]

WHEREAS it is expedient to facilitate the transfer of land by means of certain amendments in the law of vendor and purchaser:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent