


ANNO PRIMO

# VICTORIÆ REGINÆ.

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## CAP. LXXII.

**An Act to provide for the Appointment of Lords Justices in the Case of the next Successor to the Crown being out of the Realm at the Time of the Demise of Her Majesty.**

[15th *July* 1837.]

WHEREAS it may happen that whensoever our Sovereign Lady the Queen (whom God long preserve) shall demise and depart this Life, the next Successor entitled to the Crown of these Realms may at such Time be out of the Realm of the United Kingdom of *Great Britain* and *Ireland*, in Parts beyond the Seas: 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, That for the continuing of the Administration of the Government in the Name of such Successor until his or her Arrival in the United Kingdom of *Great Britain* and *Ireland*, the Officers herein-after named who shall be in the Possession of their Offices at the Time of such Demise of Her Majesty, that is to say, the Archbishop

Lords Justices appointed in case the Successor should be out of the Realm at the Queen's Death.

bishop of *Canterbury* at that Time being, the Lord Chancellor or Lord Keeper of the Great Seal of *Great Britain* at that Time being, the Lord High Treasurer at that Time being, the Lord President of the Council at that Time being, the Lord Privy Seal at that Time being, the Lord High Admiral of the United Kingdom at that Time being, and the Lord Chief Justice of the Queen's Bench at that Time being, shall be and are by virtue of this Act constituted and appointed Lords Justices of the United Kingdom of *Great Britain* and *Ireland*, and are and shall be by virtue of this Act empowered, in the Name of such Successor and in his or her Stead, to use, exercise, and execute all Powers, Authorities, Matters, and Acts of Government and Administration of Government in as full and ample Manner as such next Successor could use, exercise, or execute the same if he or she were present in Person within this United Kingdom of *Great Britain* and *Ireland*, until such Successor shall arrive or otherwise determine their Authority.

The Successor by Three Instruments may add others.

II. Nevertheless be it enacted, That such Person who is or shall be next entitled to succeed to the Crown of these Realms shall be and is hereby empowered, at any Time during Her Majesty's Life, by Three Instruments under his or her Hand and Seal, revocable or to be altered at his or her Will and Pleasure, to nominate and appoint such and so many Persons, being natural-born Subjects of this Realm of *Great Britain* and *Ireland*, as he or she shall think fit, to be added to the Officers before named to be Lords Justices as aforesaid, who shall be empowered by Authority of this Act to act with them as Lords Justices of the United Kingdom of *Great Britain* and *Ireland*, as fully and in the same Manner as if they had been herein particularly named; which said Lords Justices, or the major Part of them which shall assemble, so as such major Part be not fewer than Five, shall and may use, exercise, and execute all the Powers and Authorities before mentioned as fully and effectually, to all Intents and Purposes, as if all of them had been assembled together and consenting.

The Three Instruments to be transmitted into GreatBritain, and severally sealed up and deposited.

III. And be it enacted, That the said Three Instruments, revocable and to be altered as aforesaid, shall be transmitted into the United Kingdom of *Great Britain* and *Ireland* to the resident or accredited Minister of such next Successor, whose Credentials shall be enrolled in the High Court of Chancery, and to the Archbishop of *Canterbury* for the Time being, and the Lord Chancellor or Lord Keeper of the Great Seal of *Great Britain* for the Time being, close sealed up, and, after they are so transmitted, shall be put into several Covers, which shall be severally sealed up with Three several Seals of such resident or accredited Minister, and of the Archbishop of *Canterbury*, and of the Lord Chancellor or Lord Keeper of the Great Seal of *Great Britain;* and one of them after it is so sealed up shall be lodged and deposited in the Hands of such resident or accredited Minister, one other of them in the Hands of the said Archbishop of *Canterbury*, and one other of them in the

Hands of the said Lord Chancellor or Lord Keeper; and that if the next Successor shall be minded to revoke or alter his or her Nomination or Appointment made as aforesaid, and shall by Three Writings of the same Tenor, under his or her Hand and Seal, require the said Instruments deposited as aforesaid to be delivered up to some Person or Persons thereby authorized to receive the same, then and in such Case the said Persons with whom the said Instruments shall be deposited, and every of them, and, in case of any of their Deaths, their Executors or Administrators respectively, and every other Person in whose Custody any of the said Instruments shall happen to be, shall deliver up the said Instruments accordingly unopened, and they are hereby respectively authorized and required so to do; and if any of the said Persons with whom the said Instruments shall be so deposited shall happen to die, or be removed from their respective Offices or Employments during the Life of Her present Majesty, such Person and Persons, and, in case of any of their Deaths, their Executors or Administrators respectively, and every other Person in whose Custody any of the said Instruments shall happen to be, shall, with all convenient Speed, deliver such of them as shall be in his or their Custody unopened to the Successor or Successors of the Person so dying or removed as aforesaid; which said several Instruments so sealed up and deposited as aforesaid shall immediately after the Demise of Her Majesty be brought before the Privy Council unopened, where the same shall be forthwith opened and read, and afterwards enrolled in the High Court of Chancery.

Revocation or Alteration thereof.

In case of the Death of any of the Persons with whom the Instruments are deposited.

IV. And be it enacted, That if all the said Instruments deposited as aforesaid shall not be produced before the said Privy Council as aforesaid, then any One or more of the said Instruments so produced as aforesaid shall be as effectual to give such Authority as aforesaid to the Persons therein named as if all of them had been produced as aforesaid; and if there be not any Nomination by such Instruments, then the said Seven Officers, or any Five of them, are constituted and appointed to be Lords Justices of the United Kingdom of *Great Britain* and *Ireland*, and are hereby invested with the Powers and Authorities mentioned in this Act.

Any one of the Instruments produced to the Privy Council to be effectual.

V. Provided always, and be it enacted, That the said Lords Justices shall not have or exercise any Power or Authority to grant any Rank, Title, or Dignity of the Peerage by Letters Patent, Writ of Summons, or any other Manner whatever, or to summon any Person to the House of Lords by any Title to which such Person is the Heir Apparent, or to determine the Abeyance of any Rank, Title, or Dignity of Peerage which now is or hereafter shall be in Abeyance in favour of any of the Co-heirs thereof, by Writ of Summons or otherwise: Provided also, that the said Lords Justices shall not have any Power or Authority, without express Directions from such next Successor, to grant, lease, or dispose of any Lands, Tenements, or Hereditaments whatsoever now belonging or hereafter to belong to Her Majesty,

Lords Justices not to have Power to grant Rank, Title, or Dignity of Peerage, &c.

Majesty, Her Heirs or Successors; nor to grant any Office or Employment whatever in Reversion; nor to grant for any longer Term than during the Pleasure of such next Successor any Office, Employment, Salary, or Pension whatever, except such Offices and Employments in Possession for the Term of the natural Life of or during the good Behaviour of the Grantee or Grantees thereof respectively, as by Law must be so granted.

Lords Justices not to dissolve the Parliament without Direction, nor to alter certain Statutes.

VI. And be it enacted, That the said Lords Justices constituted as aforesaid shall not dissolve such Parliament as shall be sitting at the Time of such Demise as aforesaid, or as shall be thereupon convened and sit, as provided by an Act made in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of* Great Britain *in the Protestant Line*, without express Directions from such next Successor; and that the said Lords Justices shall be and are hereby restrained and disabled from giving the Royal Assent in Parliament to any Bill or Bills in Parliament for repealing, changing, or in any respect varying from the Order and Course of Succession to the Crown of this Realm as the same stands now established in the Illustrious House of *Hanover* by the Act of the Twelfth Year of the Reign of King *William* the Third, intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject;* or to any Act for repealing or altering the Act made in the Thirteenth Year of the Reign of King *Charles* the Second, intituled *An Act for the Uniformity of Public Prayers, and Administration of Sacraments and other Rites and Ceremonies, and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of* England; or one Act of the Fifth Year of the Reign of Queen *Anne*, made in *Scotland*, intituled *An Act for securing the Protestant Religion and Presbyterian Church Government.*

6 Ann. c. 7.
12 W. 3. c. 2.
13 Car. 2. c. 4.
5 Ann. (S.)

Lords Justices to take certain Oaths.

VII. And be it enacted, That the said Lords Justices, before they act or intermeddle in their said Offices or any of the Authorities hereby to them given, shall take the Oaths of Allegiance and Supremacy in the Form prescribed and required by an Act passed in the First Year of the Reign of King *William* and Queen *Mary*, intituled *An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths;* and shall also take the Oath of Abjuration in such Manner and Form as is set down and prescribed in an Act passed in the Sixth Year of the Reign of King *George* the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act of the Seventh Year of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two 'Kingdoms,' as, after the Time therein limited, requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* and also the following Oaths; (that is to say,)

1 W. & M. c. 8.
6 G. 3. c. 53.

'I *A.B.*

'I *A. B.* do solemnly promise and swear, That I will truly and faithfully execute the Office of Lord Justice of the United Kingdom of *Great Britain* and *Ireland*, according to an Act of Parliament made in the First Year of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*]; and that I will administer the Government of this Realm and of all the Dominions thereunto belonging according to the Laws, Customs, and Statutes thereof, and will in all Things to the utmost of my Power and Ability consult and maintain the Safety, Honour, and Dignity of His [*or* Her, *as the Case shall require*] Majesty, and the Welfare of His [*or* Her, *as the Case shall require*] People. So help me GOD.'

'I DO faithfully promise and swear, That I will inviolably maintain and preserve the Settlement of the true Protestant Religion, with the Government, Discipline, Rights, and Privileges of the Church of *Scotland*, as established by Law.

'So help me GOD.'

And shall also make and subscribe the Declaration required to be made and subscribed by all Persons admitted into any Office, Employment, or Place of Trust under Her Majesty, Her Heirs and Successors, by an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments.* 9 G. 4. c. 17.

Which said Oaths and Declaration shall be taken and subscribed before the Privy Council of the United Kingdom of *Great Britain* and *Ireland* in being at the Time of such Demise of Her Majesty, who are hereby required and empowered to administer and receive the same, and to enter the same in the Council Books.

Parliament called by Lords Justices not to be dissolved by Arrival of Successor.

VIII. And be it declared and enacted, That if after such Demise of Her Majesty and before the Arrival of any succeeding King or Queen in the United Kingdom of *Great Britain* and *Ireland* another Parliament shall be called by the Lords Justices by Writs tested in their Names, by the Arrival of such succeeding King or Queen in the United Kingdom of *Great Britain* and *Ireland* such Parliament shall not be dissolved, but after such Arrival shall proceed without any new Summons.

Proviso in case any of the great Offices are in Commission at the Queen's Death.

IX. Provided always, and be it enacted, That if any of the aforesaid Seven Offices, other than the Office of Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, shall be in Commission at the Time of the Demise of Her Majesty, then the First Commissioner of such respective Commission shall be one of the said Lords Justices, and use, exercise, and execute all Powers, Authorities, Matters, and Acts of Government by this Act vested in the said Lords Justices, according to the Directions and Provisions of this Act, in as full and ample Manner as if such Office or Offices

were in the Hands of a single Person: Provided also, that if there be no Lord High Treasurer of *Great Britain* and *Ireland*, and the Office of the Treasurer of the Exchequer shall be in Commission, then the First in that Commission shall be one of the said Lords Justices.

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