behalf of the Crown immediately before the passing of this Act; and the Commissioners of Works shall have the management of the said Asylum and premises, and shall in relation thereto exercise and perform all powers and duties and be subject to all liabilities which would have been exercised and performed by the Commissioners of Woods, or any other person or persons on behalf of the Crown, or to which the Commissioners of Woods, or any other person or persons on behalf of the Crown, would have been subject if this Act had not passed.

General saving.

3. Saving always to all persons, bodies politic or corporate, and their respective heirs, executors, administrators, successors, and assigns (other than Her Majesty, her heirs and successors, her Secretaries of State, and the Commissioners of Woods and the Commissioners of Works), all such estates, rights, titles, claims, and demands whatsoever as they respectively have at the passing of this Act or might or could have had if this Act had not passed.

SCHEDULE.

All those several pieces or parcels of land with the buildings thereon, situated in the parish of St. Luke, Chelsea, containing together about ten acres, and coloured pink on a plan which has been signed by the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and The Right Honourable George Shaw Lefevre, First Commissioner of Her Majesty's Works and Public Buildings, and which is deposited in the Office of Land Revenue Records and Inrolments.

CHAPTER 33.

An Act to make provision for the foundation of a Dean and Chapter for the Bishopric of Newcastle, and for the transfer to the Cathedral Church of Newcastle of one of the canonries in the Cathedral Church of Durham, and for the transfer of certain ecclesiastical patronage to the Bishopric and Chapter of Newcastle, and for other purposes connected therewith. [28th July 1884.]

WHEREAS a bishopric of Newcastle has been founded in pursuance of the Bishoprics Act, 1878, and under that Act the endowment of the bishopric of Newcastle is to be held by the Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) upon trust to provide the income therein mentioned and a residence for the Bishop of Newcastle, and subject thereto to make good to the bishopric of Durham the portion of the endowment or income of that bishopric transferred in pursuance of the said Act to the bishopric of Newcastle, and subject as aforesaid, upon trust for the foundation of a dean and chapter for the bishopric in such manner as may be from time to time provided by Order in Council:

41 & 42 Vict. c. 68.

And whereas in pursuance of the said Act an Order in Council was made on the eighteenth day of August one thousand eight hundred and eighty-two, confirming a scheme of the Ecclesiastical Commissioners, and by such Order, among other matters, the

Archdeacon of Northumberland was constituted an officer of the diocese of Newcastle, and subject to the episcopal jurisdiction of the Bishop of Newcastle and not of the Bishop of Durham, and the archidiaconal dignity of such Archdeacon was transferred from the cathedral church of Durham to the cathedral church of Newcastle, and the endowment belonging to such archdeaconry was directed to continue to belong to the same, notwithstanding the transfer of the archdeaconry from the diocese of Durham to the diocese of Newcastle:

And whereas before the passing of the Bishoprics Act, 1878, a canonry in the cathedral church of Durham had been annexed and united to the archdeaconry of Northumberland, and it is expedient to provide for the transfer of the endowment of such canonry to the cathedral church of Newcastle:

And whereas the Bishop of Durham assents to the said transfers, and it is expedient to make provision with respect thereto:

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 Newcastle Chapter Act, 1884.

Transfer of canonry in Durham to cathedral of Newcastle.

2. When the canonry in the cathedral church of Durham which at the passing of this Act is annexed to the archdeaconry of Northumberland first becomes vacant after the passing of this Act, then as from the date of the vacancy, the canonry so vacant shall be suspended, and the endowment thereof with the exception of the house attached thereto shall be transferred to the dean and chapter of the cathedral church of Newcastle, if then founded, and if not, to the Newcastle Chapter Endowment Fund, and subject to the provision in favour of the person who holds the archdeaconry at the passing of this Act, there shall be paid to the Archdeacon of Northumberland for the time being, out of the income of the endowment so transferred, such annual sum as the Ecclesiastical Commissioners from time to time fix.

Establishment of chapter of Newcastle.

3. (1.) Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal that the net income of the Newcastle Chapter Endowment Fund will provide such minimum income as herein-after mentioned for a dean and not less than four residentiary canons, Her Majesty by Order in Council may found a dean and chapter of Newcastle, and constitute them a body corporate, with all the rights and powers of other cathedral chapters in England, or with such of them as to Her Majesty may seem fit, and may subject them to the jurisdiction of the Bishop of Newcastle as visitor.

(2.) The dean and chapter of Newcastle, and the endowment thereof, shall be deemed for all purposes to be subject to the same laws as the dean and chapter of any other bishopric in England, and the endowment thereof; and the deanery shall be in the direct patronage of Her Majesty, and every canonry shall be in the patronage of the Bishop of Newcastle for the time being.

Statutes for the chapter.

4. It shall be lawful for Her Majesty from time to time, by Order in Council, to make, and when made alter and revoke,

statutes for the order, rule, and governance of the dean and chapter of Newcastle, and the members, officers, and endowment thereof.

Income of dean and canons of Newcastle.

5. For the purposes of this Act the minimum income shall be a net annual income for a dean of one thousand pounds, and for a canon of three hundred pounds, exclusive in both cases of the value of any residence.

Provision for establishment of canons at Newcastle before foundation of dean and chapter.

6. (1.) Whenever from time to time before the foundation of a dean and chapter of Newcastle the Ecclesiastical Commissioners certify to Her Majesty under their common seal that the net income of the Newcastle Chapter Endowment Fund will provide such minimum income as is mentioned in this Act for any canon or canons, Her Majesty by Order in Council may establish a residentiary canonry or residentiary canonries in the cathedral church of Newcastle, and assign thereto an income not being less than the minimum income, and by the same or any other Order in Council may from time to time define the duties which an incumbent of any such canonry is to perform in the said cathedral church and in the administration of the diocese of Newcastle.

(2.) Whenever the Ecclesiastical Commissioners certify to Her Majesty, under their common seal, that the endowment of a canonry of Durham has been transferred to the Newcastle Chapter Endowment Fund, in pursuance of this Act, there may be established by Her Majesty, by Order in Council, in the cathedral church of Newcastle, in pursuance of this section, a residentiary canonry annexed to the archdeaconry of Northumberland, but the duties which the incumbent of such canonry is to perform, shall be such as, in the opinion of Her Majesty in Council, will not interfere with the performance of his duties as Archdeacon of Northumberland.

(3.) Every canonry established in pursuance of this section shall be in the patronage of the Bishop of Newcastle for the time being, and the incumbent of every such canonry shall hold his office by the same tenure as the incumbent of any other canonry in England, and, subject to any exceptions contained in any such Order in Council, the law relating to other canonries in England shall, so far as may be consistently with the tenour thereof and with the circumstances of the case, apply to a canonry so established, and to the incumbent thereof.

Trusts of Newcastle Chapter Endowment Fund.

7. (1.) The Newcastle Chapter Endowment Fund shall be held upon trust to pay the annual sum charged thereon by this Act to the Archdeacon of Northumberland, and subject thereto upon trust for the foundation of a dean and chapter of Newcastle. There shall be carried to that fund such portion, if any, of the Newcastle Bishopric Endowment Fund as is applicable for the said trust.

(2.) The annual income arising from the Newcastle Chapter Endowment Fund shall, until the dean and chapter is founded in pursuance of this Act, be applied in paying the Archdeacon of Northumberland and the incumbent of any canonry established in pursuance of this Act, and, subject to that payment, shall be invested and accumulated as part of the fund.

(3.) The Ecclesiastical Commissioners shall have the same power with respect to sale, investment, management, leasing, or other dealing in the case of the fund as they have in the case of the Newcastle Bishopric Endowment Fund.

Scheme of Ecclesiastical Commissioners approved by Order in Council for carrying into effect the Act.

8. The Ecclesiastical Commissioners may from time to time submit for the approval of Her Majesty in Council a scheme or schemes for all or any of the following matters; namely,

(1.) For the transfer to the dean and chapter of Newcastle, or to the Newcastle Chapter Endowment Fund, of the endowment of the canonry of Durham, directed by this Act to be so transferred;

(2.) For transferring to the dean and chapter of Newcastle, when founded, the Newcastle Chapter Endowment Fund; and

(3.) For making such provisions and arrangements as may be necessary for carrying into complete effect the said transfers and the foundation of the dean and chapter of Newcastle and the payment of the Archdeacon of Northumberland and the establishment of any canonry or canonries in the cathedral church of Newcastle, and this Act and any Order in Council made thereunder, and all matters incidental to anything before in this section mentioned.

Validity and publication of Orders in Council.

9. (1.) An Order in Council made in pursuance of this Act shall have effect as if it were enacted in this Act.

(2.) An Order in Council made in pursuance of this Act shall be published in the London Gazette, and laid before both Houses of Parliament forthwith after it is made, if Parliament be then in session, or if not, within one month after the commencement of the then next session of Parliament.

(3.) A scheme made in pursuance of this Act shall be of no effect until it has been approved by Order in Council.

Common fund of Commissioners not applicable to endowment.

10. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of the dean and chapter of Newcastle, or of any canonry in the cathedral church of Newcastle, save in so far as relates to the endowment of the canonry of Durham directed by this Act to be transferred.

Payment out of estate of deceased person of subscriptions promised by him for endowment fund.

11. (1.) Where either before or after the passing of this Act a person having promised a contribution to the Newcastle Bishopric Endowment Fund, or to the Newcastle Chapter Endowment Fund, has died before payment of the whole or some part of the contribution so promised, the person administering the estate of such deceased person may, by leave of the High Court of Justice, pay out of such estate the whole or any part of the contribution promised, or of the portion unpaid as aforesaid, and the Court may give such permission if, after such inquiry and with such consents (if any) as to the Court seems proper, it seems to the Court under all the circumstances of the case reasonable to authorise such payment, and the Court may make such order as to the costs of the application and give such directions respecting the payment of the contribution as to the Court seems proper.

(2.) Subject to rules of court, an application for the purpose of this section may be made to a judge of the Chancery Division in chambers in a summary manner, and may be made although there is no action for the administration of the said estate.

Transfer of patronage of benefices in diocese of Newcastle.

12. The patronage of any benefices in the diocese of Newcastle belonging to the bishopric of Carlisle, the bishopric of Chester, the bishopric of Manchester, or the vicarage of Newcastle may, with the

approval of the Archbishop of York and of the Ecclesiastical Commissioners, be transferred by deed executed by the bishop of the bishopric, or vicar, for the time being holding the patronage, and registered in the registry of the diocese of Newcastle, and published in the "London Gazette," to the bishopric of Newcastle or to the dean and chapter of Newcastle and their successors; and the patronage of the benefice of Bywell Saint Peter, in the archdeaconry of Northumberland and diocese of Newcastle, and now in the patronage of the dean and chapter of Durham, shall, on the passing of this Act, vest in the Archdeacon of Northumberland for the time being, and the patronage of the benefice of Saint Mary Le Bow, in the city and diocese of Durham, and now in the patronage of the Archdeacon of Northumberland, shall, on the passing of this Act, vest in the dean and chapter of Durham.

The patronage of the benefices set forth in Schedule A. to this Act, and now vested in the dean and chapter of Durham, shall, immediately on the passing of this Act, vest in and be exercised by the Bishop of Newcastle and his successors.

And the patronage of the benefices set forth in Schedule B. to this Act, and now vested in the dean and chapter of Durham, shall vest in and be exercised by the dean and chapter of Newcastle as soon as they shall be legally constituted a corporate body with power to hold and exercise ecclesiastical patronage.

Provision as to existing Archdeacon of Northumberland.

13. The person who holds the archdeaconry of Northumberland at the passing of this Act, shall be entitled to continue to reside as canon of Durham until he is collated or instituted to a benefice within the diocese of Newcastle, when he shall at once resign the canonry of Durham, and such person may resign the canonry of Durham without resigning the archdeaconry of Northumberland, and the canonry so resigned shall become vacant within the meaning of this Act; and after such resignation, there shall be paid to him, so long as he remains archdeacon of Northumberland, the net income of the endowment of the canonry transferred by this Act. Nothing in any law or statute shall be deemed to prevent the person who is archdeacon of Northumberland at the passing of this Act from being honorary canon in the cathedral church of Newcastle.

SCHEDULE A.

Section 12.

Holy Trinity, Berwick-upon-Tweed,
Spittal,
Scremerston,
Holy Island,
and
Wallsend.

SCHEDULE B.

Section 12.

Whittonstall,
Cambois,
Choppington,
and
Duddo.