

Majesty, by and with the advice of Her said Council, is pleased hereby to ratify the said scheme, and to order and direct that the same and every part thereof shall be effectual in law immediately from and after the time when this Order shall have been duly published in the London Gazette, pursuant to the said Acts; and Her Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the diocese of York.

Wm. L. Bathurst.

AT the Court at *Buckingham-Palace*, the 13th day of *June*, 1853.

PRESENT,

The QUEEN's Most Excellent Majesty in Council.

WHEREAS the Ecclesiastical Commissioners for England have, in pursuance of an Act, passed in the session of Parliament held in the third and fourth years of Her Majesty's reign, intituled "An Act to carry into effect, with certain modifications the fourth report of the Commissioners of Ecclesiastical Duties and Revenues," and of another Act, passed in the session of Parliament held in the fourth and fifth years of Her Majesty's reign, intituled "An Act to explain and amend two several Acts relating to the Ecclesiastical Commissioners for England," duly prepared and laid before Her Majesty in Council a scheme, bearing date the twenty-first day of April, in the year one thousand eight hundred and fifty-three, in the words following; that is to say:

"We, the Ecclesiastical Commissioners for England, in pursuance of an Act, passed in the session of Parliament held in the third and fourth years of your Majesty's reign, intituled 'An Act to carry into effect, with certain modifications, the fourth report of the Commissioners of Ecclesiastical Duties and Revenues,' and of another Act, passed in the session of Parliament held in the fourth and fifth years of your Majesty's reign, intituled 'An Act to explain and amend two several Acts relating to the Ecclesiastical Commissioners for England,' have prepared, and now humbly lay before your Majesty in Council, the following scheme for substituting a money payment to the Prebendary of the prebend of Holme, in the cathedral church of York, for the property belonging to the said prebend.

"Whereas, by and under the provisions of the said Acts, the whole of the separate estates and endowments belonging to the said prebend will (excepting any right of patronage), upon the first avoidance of such prebend, become absolutely vested in us, for the purposes of the said Acts, and the chief of such purposes is that of making better provision for the cure of souls in parishes where such assistance is most required:

"And whereas it was by the same Acts enacted, that by the authority therein provided, and for the purpose of fully carrying into effect any of the provisions thereof, any arrangement might from time to time be made, with the consent in writing under the hand of any prebendary of any cathedral church, for the sale, transfer, or exchange of any lands, tithes, or other hereditaments belonging to such prebend or for the purchase of other lands, tithes or other hereditaments in lieu thereof, or for substituting, in any case, any lands,

tithes, or other hereditaments for any money payment, or any money payment for any lands, tithes, or other hereditaments:

"And whereas it has been agreed between us and the Honourable and Very Reverend Henry Edward John Howard, Doctor in Divinity, the present holder of the said prebend that, with a view to sooner carrying into effect the purpose of the said recited Acts herein-before particularly mentioned, the following arrangement should be recommended by us to your Majesty in Council:

"We, therefore, with the consent of the said Henry Edward John Howard testified by his having signed this scheme, humbly recommend and propose, that, without any conveyance or assurance in the law, other than this scheme and any duly gazetted order of your Majesty in Council ratifying the same, and upon and after the day of such gazetting, all lands, tithes and other hereditaments whatsoever (except any right of patronage) now belonging to the said Prebendary of Holme as aforesaid, or to or in which he has or ought to have any estate, right, title or interest, shall, together with all such estate, right, title, and interest therein (except as aforesaid), be and be held to be, for the consideration herein-after mentioned, transferred and conveyed by and from the said Henry Edward John Howard to us, and shall then and thereupon become and be absolutely vested in us, for the purposes of the said Acts, subject only to any legally subsisting lease or leases thereof, or of any part or parts thereof; and that, in consideration of and for such transfer and conveyance, there shall be paid by us to the said Henry Edward John Howard, during his life, the annual sum of one hundred and eighty pounds by equal half-yearly payments on the twenty-third day of September, and the twenty-third day of March, and that the first such half-yearly payment shall be made on the twenty-third day of September next; provided that no renewal of any lease, nor any new lease, of the said lands, tithes, or other hereditaments, or of any part thereof, shall, since the sixteenth day of March, in the year one thousand eight hundred and fifty-three, have been or shall be granted or made by the said Henry Edward John Howard; and that if the death of the said Henry Edward John Howard, shall happen on any other day than one of the said two half-yearly days of payment, then a proportionate sum only shall be paid to the representatives of the said Henry Edward John Howard.

"And we further recommend and propose, that nothing herein contained shall prevent us from recommending and proposing any other measures relating to the matters aforesaid, or any of them, in conformity with the provisions of the said recited Acts or either of them, or of any other Act of Parliament."

And whereas the said scheme has been approved by Her Majesty in Council, now, therefore, Her Majesty by and with the advice of Her said Council, is pleased hereby to ratify the said scheme, and to order and direct that the same and every part thereof shall be effectual in law immediately from and after the time when this Order shall have been duly published in the London Gazette pursuant to the said Acts; and Her Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the diocese of York.

Wm. L. Bathurst.