

otherwise, or which in case of the avoidance thereof by death, shall accrue to his legal personal representatives, including all arrears accrued due since the said thirty-first day of December, one thousand eight hundred and fifty-two, subject to such right of apportionment (if any), as aforesaid, shall be considered as belonging to the said Commissioners, and shall and may be received or recovered by them, or by the said archbishop, or his representatives, on their behalf, and paid over to them with as little delay as practicable, and upon such avoidance an account shall forthwith be made and rendered by the said archbishop or his representatives, as the case may be, to the said Commissioners, in such form as they shall require, of all moneys received or to be accounted for as moneys received by him or them since the then last half yearly account, and also of all moneys then remaining unpaid in respect of the said see, or such other ecclesiastical profits or emoluments as aforesaid, and if it shall appear by such account that after allowing all such reasonable and customary payments and deductions as aforesaid, the net amount received, or to be accounted for, has exceeded so much of the current half yearly payment of the said annual income, or sum of ten thousand pounds, as would be in proportion to the number of days which shall have intervened between the thirtieth day of June or the thirty-first day of December, whichever shall have happened next before such avoidance of the said see, and in that event, then the said archbishop, or his representatives, as the case may be, shall pay over such surplus to the credit of the said Commissioners, at the Bank of England; or if it shall appear upon the examination of such account, that after allowing such payments and deductions as aforesaid, the net income so received and to be accounted for, is less in amount than so much of the current half yearly payment of the said annual income of ten thousand pounds, as shall be in proportion to such intervening number of days as last mentioned, then the said Commissioners shall pay to the said archbishop, or his legal personal representatives, such a sum of money as shall make up such deficiency.

“ 5. And the said Archbishop doth further agree that, before granting any lease, or entering into any agreement for granting a lease, by way of renewal, or in any other way disposing of the possession of any property belonging to the said see, or any such other profits or emoluments as aforesaid, on the property from whence the same shall arise, for any estate, term, or interest whatsoever therein, whether by parole or otherwise, and whether for valuable consideration or not, he will submit to the said Commissioners for their approval a statement in writing of his proposal to grant, enter into, or make such lease, agreement, or disposition, and of all the considerations (if any) whether by way of fine, premium, rent, royalty, or other nature, kind, or description whatsoever, to be received, taken, reserved, or rendered, for the granting or making thereof, together with all other terms of such intended lease, agreement, or disposition, and an explanation of the principle upon which such fine or other like consideration (if any) shall have been calculated, and that no such lease shall be granted, or agreement entered into, or other disposition made, without the consent of the said Commissioners, in writing under their common seal, and if it shall appear that the amount of any fine, or other like consideration, shall in any case exceed one-half of the said annual income of ten thousand pounds, it shall be lawful for the said Commissioners to direct such fine to be paid to them, and the said archbishop doth

hereby agree that the same shall be so paid accordingly.

“ 6. Provided always, that this agreement, with all matters herein contained, is subject to the approval and ratification of Her Majesty in Council; and the said Commissioners do hereby agree forthwith to prepare and lay before Her Majesty in Council a scheme, recommending and proposing that Her Majesty should approve and ratify the same accordingly, so that the same, when ratified, shall remain in force until Parliament shall otherwise direct.

“ In witness whereof the said Ecclesiastical Commissioners for England have hereunto set their common seal, and the said Thomas, Archbishop of York, hath hereunto set his hand, the day and year first above written.



“(Signed) T. Ebor.”

“ Now, therefore, we humbly recommend and propose that the said agreement be approved and ratified by your Majesty in Council, so that the same shall remain in force until Parliament shall otherwise direct.

“ 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 Act, 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 Act; 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 Windsor, the 7th day of February, 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 sixth and seventh years of Her Majesty's reign, intituled “An Act to make better provision for the spiritual care of populous parishes,” duly prepared and laid before Her Majesty in Council a scheme, bearing date the thirteenth day of January, 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 sixth and seventh years of your Majesty's reign, intituled ‘An Act to make better provision for the spiritual care of populous parishes,’ have prepared, and now humbly lay before your Majesty in Council, the following scheme for authorizing the sale of certain property formerly belonging to the deanery