

bent of the other of the said present benefices shall consent to become the incumbent of the united benefice; but if he shall not so consent, then the union shall take effect upon the then next avoidance of his benefice, and the then incumbent of the other of the said present benefices shall be the first incumbent of the united benefice; and if upon the day when this present scheme shall be so published as aforesaid both of the said present benefices shall be full then the union shall take effect upon the next avoidance of either of them if the incumbent for the time being of the other of the said present benefices shall consent to become the incumbent of the united benefice, and he shall be the first incumbent of the united benefice; but if he shall not so consent, then the union shall take effect immediately upon the next avoidance of his benefice, and the then incumbent of the other of the said present benefices shall be the first incumbent of the united benefice; and that in either case it shall be lawful for the Bishop to admit to the united benefice such first incumbent (if an incumbent for the time being of either of the existing benefices) without any form or fee of or for presentation, and he shall thereupon become the incumbent of the united benefice. Provided always, that until the time of the union taking effect, the said two present benefices shall remain separate, and the rights and liabilities of each of them, and of the incumbent of each of them as such, shall remain unaffected; and provided also, and with the consent of the Reverend Herbert Kynaston, Clerk in Holy Orders, Doctor in Divinity (in testimony of which consent he has signed and sealed this scheme), we recommend and propose that the right which by virtue of a certain Order of your Majesty in Council gazetted on the thirteenth day of November in the year one thousand eight hundred and sixty-six is now vested in him, the said Herbert Kynaston, of succeeding to the incumbency of the said present benefice of Saint Nicholas, Cole Abbey, with Saint Nicolas Olave, and Saint Mary, Somerset, with Saint Mary, Mounthaw, upon the next avoidance thereof, shall as from the day in this present clause first mentioned cease to exist.

"3. That if after the day aforesaid, and before the union shall have taken effect, the incumbent for the time being of either of the said present benefices shall with the consent of the Bishop of the diocese retire from his incumbency in order that the union may take immediate effect, the incumbent so retiring from his incumbency shall be entitled during the period hereinafter specified to receive out of the annual income of the united benefice and by way of compensation an annual sum equal to the net annual value of the tithe and tithe rent-charge and other endowments belonging to his incumbency (not reckoning the house of residence as an item of value) which annual compensation shall be computed on the average receipts belonging to such retiring incumbent in respect of the endowments of his benefice during and in respect of the three years immediately preceding the year in which the said incumbent shall so retire and shall commence as from the day on which the union shall take effect and shall be payable by equal half-yearly payments in every year, the first half-yearly payment thereof to become due at the end of six calendar months next after the day on which the union shall take effect, the said annual compensation to be payable to the retiring incumbent during the remainder of his life, or until he shall accept any other church preferment of equal or greater net annual value, to be ascertained without reference to and exclusively of the house of residence (if any); upon

his accepting which preferment the said annual compensation shall absolutely cease to be payable, but if he shall accept other church preferment of a less net annual value (to be ascertained as lastly before mentioned) then the said annual compensation shall be reduced in each year by a sum equal in amount to the net annual sum (to be ascertained as aforesaid) which is payable to him for the same year in respect of such other preferment, but if the same annual compensation shall cease by his death or by his acceptance of such church preferment (as the case may be) on any other than one of the half-yearly days of payment, then he or his executors or administrators shall be entitled to a proportionate part of the said annual compensation for the period which at the time of such ceasing shall have elapsed of the current half year, the same proportionate part to be payable at the end of the current half year.

"4. That the said annual compensation shall be charged upon the annual income of the united benefice, and shall be payable out of the same by the incumbent for the time being of the united benefice, and that, as between the incumbent for the time being of the united benefice and the retiring incumbent and his assigns, the said annual compensation shall be a first charge at law and in equity upon the income of the united benefice, and the incumbent of the united benefice shall be deemed to have accepted the same benefice subject to a trust to pay to the retiring incumbent or his assigns the said annual compensation out of the income of the said united benefice, and for that purpose to use all due diligence to receive and collect the income of the said united benefice, and that if such annual compensation or any part thereof shall at any time be in arrear and unpaid for more than twenty-one days after any of the said half-yearly days of payment, and the fact of the same being so in arrear shall be verified by the declaration of the incumbent who shall have so retired or his assigns, or in such other manner as shall be required by the Bishop of the diocese, then it shall be lawful for the said Bishop to make an order upon the incumbent for the time being of the united benefice requiring him to pay the amount in arrear within a time to be specified in such order; and if the same be not paid within such period, then it shall be lawful for the said Bishop to sequester the profits of the united benefice until all such arrears, and the costs of the sequestration, shall have been paid and satisfied. But that the power to be so conferred on the said Bishop shall not in anywise abridge or interfere with the rights of the incumbent who shall have so retired or his assigns to recover the said annual compensation and all arrears thereof by proceedings at law or in equity, or with the legal and equitable rights of the incumbent for the time being of the united benefice to recover from a preceding incumbent of the united benefice, his executors or administrators, any arrears of the said annual compensation which ought to have been paid by such preceding incumbent.

"5. That if the union shall have taken immediate effect by reason of the incumbent for the time being of either of the existing incumbencies having retired from his incumbency, and such incumbent shall be living when the united benefice shall for the first time after such union become vacant, the incumbent who shall have so retired shall (if in the opinion of the said Bishop not disqualified by age or otherwise), be entitled to fill such vacancy, and may be admitted by the Bishop to the united benefice without any form or fee of or for presentation, and he shall upon such admission become the incumbent of the united