

Majesty, chapter fifty, and of the Act of the twenty-third and twenty-fourth years of Her Majesty, chapter one hundred and twenty-four duly prepared and laid before Her Majesty in Council a scheme, bearing date the fourth day of March, in the year one thousand eight hundred and eighty, in the words and figures following, that is to say:—

“We the Ecclesiastical Commissioners for England in pursuance of the Act of the sixteenth and seventeenth years of your Majesty chapter fifty and of the Act of the twenty-third and twenty-fourth years of your Majesty chapter one hundred and twenty-four have prepared and now humbly lay before your Majesty in Council the following scheme for effecting an exchange of the patronage of the benefice (being a rectory) of Etton otherwise Eyton in the county of York and in the diocese of York for the patronage of the benefice (being a vicarage) of Scarborough, in the said county of York and in the said diocese of York.

“Whereas the Right Honourable and Most Reverend William Archbishop of York is seised to him and his successors of the advowson and perpetual right of patronage nomination and presentation of and to the rectory and parish church of Etton otherwise Eyton aforesaid. And whereas under or by virtue of an indenture bearing date the twentieth day of May one thousand eight hundred and seventy-two and made between the Right Honourable Charles Baron Hotham (since deceased) of the one part and William O'Bryen Taylor of Queensberry-place in the county of Middlesex Esquire William Lewis Stucley Stucley of Hartland Abbey in the county of Devon Esquire and Frederick Hotham Hirst of Great Ropers in the county of Essex Esquire of the other part and an indenture bearing date the fourth day of December one thousand eight hundred and seventy-three and made between the Right Honourable John now Baron Hotham of the first part the said William O'Bryen Taylor William Lewis Stucley Stucley and Frederick Hotham Hirst of the second part and the Reverend Henry John Hotham of Trinity College Cambridge Clerk in Holy Orders the Reverend Frederick Harry Hotham of Rushbury in the county of Salop Clerk in Holy Orders and Francis Hart Dyke of 29 Eccleston-square in the said county of Middlesex Esquire (since deceased) of the third part. And an indenture bearing date the eleventh day of November one thousand eight hundred and seventy-nine and made between the said John Baron Hotham of the first part the said Henry John Hotham and Frederick Harry Hotham of the second part Philip Saltmarshe of Saltmarshe in the county of York Esquire of the third part and the said Henry John Hotham Frederick Harry Hotham and Philip Saltmarshe of the fourth part the advowson and perpetual right of patronage nomination and presentation of and to the vicarage and parish church of Scarborough in the county of York now stands limited (with and amongst divers other hereditaments) to the said Henry John Hotham Frederick Harry Hotham and Philip Saltmarshe and their heirs to the use of the said John Baron Hotham for life with divers remainders over and in the said indenture is contained power for the trustees of the same indenture and the survivors or survivor of them and the executors or administrators of such survivor their or his assigns at any time thereafter with the consent in writing of the tenant for life in possession for the time being to dispose of and convey by way of exchange all or any part of the hereditaments thereby settled and the inheritance thereof in fee simple as in the same indenture is expressed.

“And whereas it has been proposed to us that the patronage of the benefice of Etton otherwise Eyton aforesaid and the patronage of the benefice of Scarborough aforesaid should be exchanged in manner hereinafter recommended and proposed. And whereas we have made due inquiry and calculation as to the circumstances and relative values of the said benefices of Etton otherwise Eyton and Scarborough and of the patronage thereof respectively and we do hereby certify to your Majesty that such circumstances and values respectively are as set forth in the schedule hereto annexed. And whereas by an indenture already prepared and intended to be executed immediately after the publication in the London Gazette of this scheme and any Order of your Majesty in Council ratifying the same and which said indenture is intended to bear date the day of the date of such publication as aforesaid and expressed to be made between the said Henry John Hotham, Frederick Harry Hotham, and Philip Saltmarshe of the first part the said John Baron Hotham of the second part and the said William Archbishop of York of the third part. The advowson and perpetual right of patronage nomination and presentation of and to the vicarage and parish church of Scarborough in the North Riding of the county of York is intended and expressed to be conveyed unto and to the use of the said William Archbishop of York and his successors for ever. Now therefore with the consent of the said William Archbishop of York (in testimony whereof he has to this scheme set his hand and affixed his episcopal seal) we the said Ecclesiastical Commissioners for England humbly recommend and propose that upon and from the day of the date of the publication in the London Gazette of any Order of your Majesty in Council ratifying this scheme and without any conveyance or assurance in the law other than such duly gazetted Order, the advowson and perpetual right of patronage nomination and presentation of and to the rectory and parish church of Etton otherwise Eyton aforesaid shall be assigned and transferred from the said William Archbishop of York (in whom as aforesaid it is now vested) and from his successors and shall become and be absolutely vested in or limited to the said Henry John Hotham Frederick Harry Hotham and Philip Saltmarshe and their heirs nevertheless to the uses upon and for the trusts and purposes and with under and subject to the powers provisoes and declarations by and in the said indenture of the twentieth day of May one thousand eight hundred and seventy-two declared and contained concerning (amongst other hereditaments) the said advowson and perpetual right of patronage nomination and presentation of and to the vicarage and parish church of Scarborough aforesaid or to upon and for such of the same uses trusts and purposes powers provisoes and declarations as immediately before the execution of the lastly hereinbefore recited indenture were subsisting and capable of taking effect in exchange for the advowson and perpetual right of patronage nomination and presentation of and to the vicarage and parish church of Scarborough aforesaid as from the same day to be conveyed to the use of the said William Archbishop of York and his successors for ever as aforesaid to the end and intent that the said last mentioned advowson and perpetual right of patronage nomination and presentation may from time to time and at all times be held and exercised by the said William Archbishop of York and his successors for ever as aforesaid.

“And we further recommend and propose that