

IN THE MATTER of the UNION OF BENEFICES MEASURES 1923 to 1936

and

IN THE MATTER of a SCHEME framed by THE ECCLESIASTICAL COMMISSIONERS FOR ENGLAND for the UNIONS of (1) the BENEFICES of CASTLE CARROCK and CUMREW and a part of the BENEFICE of CROGLIN and (2) the BENEFICE of RENWICK the remaining part of the BENEFICE of CROGLIN and parts of the BENEFICE of KIRKOSWALD all in the COUNTY of CUMBERLAND and in the DIOCESE of CARLISLE

JUDGMENT OF THE LORDS OF THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL, DELIVERED THE 3RD APRIL, 1941.

Present at the Hearing :

VISCOUNT SANKEY

LORD ROMER

LORD JUSTICE CLAUSON

[*Delivered by VISCOUNT SANKEY*]

In this case the appellant does not appear. The scheme appealed against has now been ready for a very considerable time. The Commission sat as far back as the 12th November, 1937. The main effect of the scheme was to unite four Benefices into two United Benefices. This has been approved by the Bishop of Carlisle and by the patrons of all the benefices. Yesterday, apparently, somebody requested the Ecclesiastical Commissioners to mention the fact that the appellant was not ready to go on, and asked if the Ecclesiastical Commissioners would consent to an adjournment. The Ecclesiastical Commissioners are not willing to do so. As has been said, the case has been in progress for a very long time, and nobody is here on behalf of the appellant to make any application or state what his view of the facts is. In those circumstances the appeal must be dismissed. The Ecclesiastical Commissioners ask for their costs. It is not usual to give costs in these cases but this is a very exceptional one. No notice has been taken of the Board, and their Lordships are of opinion that costs ought to be awarded to the Ecclesiastical Commissioners.

Their Lordships will therefore humbly advise His Majesty that this appeal ought to be dismissed with costs and the scheme affirmed.

In the Privy Council.

IN THE MATTER of the UNION OF
BENEFICES MEASURES 1923 to 1936

and

IN THE MATTER of a SCHEME framed
by THE ECCLESIASTICAL COMMISSIONERS
FOR ENGLAND for the UNIONS
of (1) the BENEFICES of CASTLE
CARROCK and CUMREW and a part of
the BENEFICE of GROGLIN and (2) the
BENEFICE of RENWICK the remaining
part of the BENEFICE of GROGLIN and
parts of the BENEFICE of KIRKOSWALD
all in the COUNTY of CUMBERLAND
and in the DIOCESE of CARLISLE

DELIVERED BY
VISCOUNT SANKEY

Printed by His Majesty's Stationery Office Press,
DRURY LANE, W.C.2.

1941