



# Pluralities Act 1838

## 1838 CHAPTER 106

An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy. [14th August 1838]

WHEREAS an Act was passed in the Twenty-first Year of the Reign of King *Henry* the Eighth, intituled *An Act that no Spiritual Persons shall take to ferm of the King, or any other Person, any Lands or Tenements for Term of Life, Lives, Years, or at Will, &c. ; and for Pluralities of Benefices ; and for Residence*, the whole of which recited Act (excepting only such Parts as relate to Pluralities of Benefices) has since been repealed by an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to consolidate and amend the Laws relating to Spiritual Persons holding of Farms ; and for enforcing the Residence of Spiritual Persons on their Benefices; and for the Support and Maintenance of Stipendiary Curates in England* : And whereas it is expedient to consolidate and amend the said Laws, and to restrain the holding of Pluralities, and to make further Provision for enforcing the Residence of Spiritual Persons upon their Benefices, and to limit the Exemptions from such Residence ; and also to make further Provision respecting the Appointment and Support of Stipendiary Curates in *England*:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

**Both Acts now wholly repealed ; saving as to Penalties already incurred, or Licences already granted.**

That so much of the said recited Acts as is now in force shall be and the same is hereby repealed, save and except only such Part of the said last-recited Act as repeals certain Acts and Parts of Acts therein particularly recited : Provided always, that nothing herein contained shall exempt any Person from any Penalties incurred under the said last-recited Act before the Time of passing this Act, or take away or affect any Proceedings for Recovery thereof, whether commenced or not before the passing of this Act, or shall annul or abridge any Licence granted under the Provisions of the said last-recited Act before the Time of passing this Act.

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*Status: This is the original version (as it was originally enacted).*

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## **II Not more than Two Preferments to be held together ;**

And be it enacted, That from and after the passing of this Act no Spiritual Person holding more Benefices than One shall accept and take to hold therewith any Cathedral Preferment or any other Benefice ; and that no Spiritual Person holding any Cathedral Preferment and also holding any Benefice shall accept and take to hold therewith any other Cathedral Preferment or any other Benefice ; and that no Spiritual Person holding any Preferment in any Cathedral or Collegiate Church shall accept and take to hold therewith any Preferment in any other Cathedral or Collegiate Church ; any Law, Canon, Custom, Usage, or Dispensation to the contrary notwithstanding: Provided, that nothing herein-before contained shall be construed to prevent any Archdeacon from holding, together with his Archdeaconry, Two Benefices, under the Limitations herein-after mentioned with respect to Distance, joint yearly Value, and Population, and One of which Benefices shall be situate within the Diocese of which his Archdeaconry forms a Part, or One Cathedral Preferment in any Cathedral or Collegiate Church of the Diocese of which his Archdeaconry forms a Part, and One Benefice situate within such Diocese, or to prevent any Spiritual Person holding any Cathedral Preferment, with or without a Benefice, from holding therewith any Office in the same Cathedral or Collegiate Church the Duties of which are statutably or accustomedly performed by the Spiritual Persons holding such Preferment.

## **III nor Two Benefices, unless within Ten Miles of each other ;**

And be it enacted, That, except as herein-after provided, no Spiritual Person holding any Benefice shall accept and take to hold therewith any other Benefice, unless it shall be situate within the Distance of Ten Statute Miles from such first-mentioned Benefice.

## **IV nor if Population of One such Benefice is more than 3,000, or joint yearly Value shall exceed 1,000l.**

And be it enacted, That, except as herein-after provided, no Spiritual Person holding a Benefice with a Population of more than Three thousand Persons shall accept and take to hold therewith any other Benefice having, at the Time of his Admission, Institution, or being licensed thereto, a Population of more than Five hundred Persons; nor shall any Spiritual Person holding a Benefice with a Population of more than Five hundred Persons accept and take to hold therewith any other Benefice having, at the Time of his Admission, Institution, or being licensed thereto, a Population of more than Three thousand Persons; nor shall any Spiritual Person hold together any Two Benefices if, at the Time of his Admission, Institution, or being licensed to the Second Benefice, the Value of the Two Benefices jointly shall exceed the yearly Value of One thousand Pounds.

## **V If yearly Value of One of said Benefices be less than 150l., and the Population shall exceed 2,000 Persons, the Two may be held jointly, after Statement of Reasons by the Bishop. Proviso as to Residence on larger Parish.**

And be it enacted, That in case the Bishop or Bishops, as the Case may be, to whom any Two Benefices within the Distance of Ten Miles from each other shall respectively be subject, which, under the Provision herein-before contained, might not be holden together, but one of which Benefices shall be below the yearly Value of One hundred and fifty Pounds, and the Population of which shall exceed Two thousand Persons, shall think it expedient that the Incumbent of one of such Benefices should be permitted to hold the said Two Benefices together, the said Bishop or Bishops shall be

at liberty, upon Application made to him or them for that Purpose by such Incumbent, to state in Writing under his or their Hand or Hands the Reason why such Benefices should be holden together, and in such Case it shall be lawful for the said Incumbent to hold the said Two Benefices together : Provided always, that in the last-mentioned Case the Bishop of the Diocese within which such Benefice having a Population exceeding Two thousand Persons is situate may from Time to Time, if he shall so think fit, by an Order under his Hand and revocable at any Time, require that such Incumbent should keep Residence on and personally serve such Benefice during the Space of Nine Months in each Year y and if such Incumbent shall not, in obedience to the Terms of such Order and until the same be revoked, reside on and personally serve such Benefice, he shall be liable to all the Penalties for Non-residence imposed by this Act, notwithstanding he may have a legal Exemption permanent or temporary from Residence, or may be resident on some other Benefice of which he may be possessed, or may be performing the Duties of an Office, and the Performance of the Duties of which might in other Cases be accounted as Residence on some Benefice: Provided always, that such Spiritual Person may, within One Month after Service upon him of any such Order, appeal to the Archbishop of the Province, who shall confirm or rescind such Order as to him may seem just and proper.

**VI      Licence or Dispensation to hold together any Two Benefices must be obtained from the Archbishop of Canterbury.**

Provided always, and be it enacted, That before any Spiritual Person shall be allowed to hold any Two Benefices together under any Provision of this Act it shall be necessary for such Person to obtain from the Archbishop of *Canterbury* for the Time being a Licence or Dispensation for the Holding thereof, which Licence or Dispensation the said Archbishop is hereby empowered to grant under the Seal of his Office of Faculties, upon being satisfied as well of the Fitness of the Person as of the Expediency of allowing such Two Benefices to be holden together, and that such Licence or Dispensation shall issue in such Manner and Form as the said Archbishop shall think fit; and for such Licence or Dispensation there shall be paid to the Registrar of the said Office the Sum of Thirty Shillings and no more, and to the Seal Keeper thereof the Sum of Two Shillings and no more ; and that no Stamp Duty, nor any other Fee, save as herein-before mentioned, shall be payable on the Licence or Dispensation to be granted as aforesaid, nor shall any Confirmation thereof be necessary; nor shall it be required of any Spiritual Person applying for any such Licence or Dispensation to give any Caution or Security by Bond or otherwise before such Licence or Dispensation is granted: and if the said Archbishop of *Canterbury* shall refuse or deny to grant any such Licence or Dispensation as aforesaid, it shall be lawful for Her Majesty, if She, by the Advice of Her Privy Council, shall think fit, upon Application by the Person to whom such Licence or Dispensation shall have been refused or denied, to enjoin the said Archbishop to grant such Licence or Dispensation, or to show to Her Majesty in Council sufficient Cause to the contrary, and thereupon to make such Order touching the Refusal or Grant of such Licence or Dispensation as to Her Majesty in Council shall seem fit; and such Order shall be binding upon the Archbishop.

**VII     A Statement of certain Particulars to be made by every Spiritual Person to the Bishop of the Diocese previous to Application for a Licence or Dispensation. Bishop may make Inquiry as to the Accuracy of Statement. Bishop to transmit a**

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**Certificate to the Archbishop of *Canterbury*, setting forth Copy of the Statement made to the Bishop and other Particulars.**

And be it further enacted, That where any Spiritual Person shall be desirous of obtaining a Licence or Dispensation for holding together any Two Benefices such Spiritual Person shall, previously to applying for the Grant of such Licence or Dispensation, deliver to the Bishop of the Diocese where both Benefices are situate in the same Diocese, or to the Bishops of the Two Dioceses where such Benefices are situate in different Dioceses, a Statement in Writing under his Hand, verified as such Bishop or Bishops respectively may require, according to a Form or Forms to be promulgated from Time to Time by the Archbishop of *Canterbury* and approved by the Queen in Council, in which Statement such Spiritual Person shall set forth, according to the best of his Belief, the yearly Income arising from each of the said Benefices, separately, on an Average of the Three Years ending on the Twenty-ninth Day of *September* next before the Date of such Statement, and the Sources from which such Income is derived, and also the yearly Amount, on an Average of the same Period of Three Years, of all Taxes, Rates, Tenths, Dues, and other permanent Charges and Outgoings to which the same Benefices are respectively subject, and also the Amount of the Population of each of the said Benefices, to be computed according to the last Returns made under the Authority of Parliament, and also the Distance between the Two Benefices, to be computed according to the Directions of this Act; and it shall be lawful for the Bishop to whom such Statement shall be delivered to make any Inquiry which he may think right as to the Correctness of the same in respect to the Benefices or Benefice within his Diocese; and such Bishop is hereby required, within the Space of One Month after he shall have received such Statement as aforesaid, to transmit to the Archbishop of *Canterbury* a Certificate under his Hand, in which Certificate such Bishop shall set forth or shall annex thereto a Copy of the Statement delivered to him as aforesaid, and shall thereby certify the Amount at which he considers that the annual Value and the Population of each of the Two Benefices (where both Benefices are situate in the same Diocese) and the Distance of the said Two Benefices from each other, or the Amount at which he considers the annual Value and the Population of the Benefice within the Diocese of such Bishop (where the Two Benefices are situate in different Dioceses) and the Distance of such Benefice from the other Benefice, ought to be taken, with respect to the Licence or Dispensation in question; and whenever both or either of the Benefices shall be in the Diocese or Jurisdiction of the Archbishop of *Canterbury*, a Certificate shall be made out in manner aforesaid by the Archbishop, and shall be retained by him.

**VIII How annual Value of Two Benefices to be held together by Dispensation to be estimated.**

And be it further enacted, That in estimating the annual Value of any Benefice for the Purpose of any such Certificate as aforesaid it shall be lawful for the Archbishop or Bishop by whom such Certificate shall be made, and every such Archbishop and Bishop is hereby directed, to deduct from the gross Amount of the yearly Income arising from such Benefice all Taxes, Rates, Tenths, Dues, and other permanent Charges and Outgoings to which such Benefice shall be subject, but not to deduct or allow for any Stipend or Stipends to any Stipendiary Curate or Curates, nor for such Taxes or Rates in respect of the House of Residence on any Benefice or of the Glebe Land belonging thereto as are usually paid by Tenants or Occupiers, nor for Monies expended in the Repair or Improvement of the House of Residence and Buildings and Fences belonging thereto.

**IX Certificate to be deposited in Office of Faculties; and be conclusive Evidence of Value, Population, and Distance.**

And be it further enacted, That the Certificate or Certificates to be transmitted to or retained by the Archbishop of *Canterbury* as aforesaid shall be deposited in the said Office of Faculties, and in the event of the required Licence or Dispensation being granted shall for the Purposes of this Act be conclusive Evidence of the annual Value and Population of each of the Benefices to which the same shall relate, and of their Distance from each other; and the Registrar of the Faculties shall and he is hereby required to produce such Certificate or Certificates to any Person who may require to inspect the same.

**X In other Cases how annual Value, to be estimated.**

And be it farther enacted, That for all the other Purposes of this Act the annual Value of all Benefices shall be the net annual Value thereof, to be estimated in the same Manner as is herein-before directed for the Purpose of any such Certificate as aforesaid ; and that it shall be lawful for the Court before whom any Suit shall be depending for the Recovery of any Penalty or Forfeiture under this Act, and for any Bishop acting under any of the Provisions of this Act, to make or cause to be made such Inquiries and call for such Evidence as such Court or Bishop shall think fit, and otherwise to proceed upon the best Information which such Court or Bishop may be able to procure for estimating in manner aforesaid the annual Value of any Benefice; and with respect to the same, the Decision of such Court or of such Bishop, founded on such Evidence or other Information, shall be final and conclusive, save when appealed from in due Course of Law.

**XI Acceptance of Preferment contrary to this Act vacates the former Preferment.**

And be it enacted, That if any Spiritual Person, holding any Cathedral Preferment or Benefice, shall accept any other Cathedral Preferment or Benefice, and be admitted, instituted, or licensed to the same contrary to the Provisions of this Act, every Cathedral Preferment or Benefice so previously held by him shall be and become *ipso facto* void, as if he had died or had resigned the same, any Law, Statute, Canon, Usage, Custom, or Dispensation to the contrary notwithstanding ; and if any Spiritual Person holding any Two or more Benefices shall accept any Cathedral Preferment, or any other Benefice, or if any Spiritual Person holding Two or more Cathedral Preferments shall accept any Benefice, or if any Spiritual Person holding any Cathedral Preferment or Preferments, and Benefice or Benefices, shall accept another Benefice, he shall, before he is instituted, licensed, or in any Way admitted to the said Cathedral Preferment or Benefice, in Writing under his Hand declare to the Bishop or Bishops within whose Diocese or Dioceses any of the Cathedral Preferments or Benefices previously holden by him are situate, which Cathedral Preferment and Benefice, or which Two Benefices, (such Two Benefices being tenable together under the Provisions of this Act,) he proposes to hold together, and a Duplicate of such Declaration shall by such Spiritual Person be transmitted to the Registry of the Diocese, and be there filed ; and immediately upon any such Spiritual Person being instituted, licensed, or in any Way admitted to the Cathedral Preferment or Benefice which he shall have accepted as aforesaid, such Cathedral Preferment or Preferments, Benefice or Benefices as he previously held, and as he shall not as aforesaid have declared his Intention to hold, or such Benefice as shall not be tenable under the Provisions of this Act with such newly-accepted Benefice, shall be and become *ipso facto* void, as if he had died or had resigned the same ; and if such Spiritual Person shall

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in any such Case refuse or wilfully omit to make such Declaration as aforesaid, every Cathedral Preferment and Benefice which he previously held shall be and become *ipso facto* void as aforesaid : Provided always, that nothing herein contained shall be construed to affect the Provision herein-before made with respect to Archdeacons, or with respect to Spiritual Persons holding, with any Cathedral Preferment, and with or without a Benefice, Offices in the same Cathedral or Collegiate Church.

## **XII Present Rights of Possession saved.**

And be it enacted, That nothing herein-before contained shall be construed to prejudice or affect the Right of Possession in any Cathedral Preferment or Benefice to which any Spiritual Person shall have been collated, admitted, instituted, or licensed, or which shall have been otherwise granted to any Spiritual Person before the passing of this Act, unless he shall after the passing of this Act accept or take some Cathedral Preferment or Benefice contrary to the Provisions of this Act.

## **XIII Saving of other Rights.**

And be it enacted, That nothing in this Act contained shall be construed to prevent any Spiritual Person possessed of One or more than One Benefice at the Time of the passing of this Act, and to whom or in Trust for whom the Advowson of or the next Presentation or Nomination to any other Benefice has been conveyed, granted, or devised by any Deed or Will made before the Twenty-third Day of *December* One thousand eight hundred and thirty-seven, from taking the said last-mentioned Benefice, and holding together such Benefice and any One such first-mentioned Benefice (although the Benefices to be held together be not within the Limits nor under the joint yearly Value, nor the Population thereof under the Amount, prescribed by this Act), but so nevertheless that the said Two Benefices be such as might have been held together before the passing of this Act by Dispensation duly granted and confirmed; and the Bishop of the Diocese in which such Second or other Benefice is situate shall and may, after a Licence or Dispensation shall have been obtained by such Spiritual Person as is by this Act required for holding Two Benefices together, admit, institute, or license such Spiritual Person thereto, any thing herein contained to the contrary notwithstanding; unless such Spiritual Person, after the passing of this Act, and before he shall be so admitted, instituted, or licensed to such Second or other Benefice as aforesaid, shall have accepted and taken any Cathedral Preferment or any other Benefice, the holding of which with such Second or other Benefice would be contrary to the Provisions of this Act.

## **XIV Saving as to former Chaplains to the House of Commons.**

Provided also, and be it enacted, That nothing herein-before contained shall be construed to prevent the Reverend *Frederick Vernon Lockwood*, the Reverend *Edward Repton*, or the Reverend *Temple Frere*, formerly Chaplains to the House of Commons, from taking and holding with any Benefice of which any of them was in Possession at the Time of the passing of this Act any Cathedral Preferment, or any Benefice which may be conferred on them or either of them by Her Majesty in consideration of their respective Services as such Chaplains, although any such Benefices be not within the Limits nor under the joint yearly Value, nor the Population thereof under the Amount, prescribed by this Act.

**XV Acts 37 H.8 c.21 and 17 c.2 c.3 for uniting Churches, repealed ;**

And whereas it is expedient to alter and amend the Provisions made by an Act passed in the Thirty-seventh Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Union of Churches not exceeding the Value of Six Pounds* ; and by another Act passed in the Seventeenth Year of the Reign of King *Charles* the Second, intituled *An Act for uniting Churches in Cities and Towns Corporate* ; be it enacted, That the said last-recited Acts shall be and the same are hereby repealed.

**XVI and their Provisions re-enacted and extended.**

And be it enacted, That whenever it shall appear to the Archbishop of the Province, with respect to his own Diocese, and whenever it shall be represented to him by the Bishop of any Diocese, or by the Bishops of any Two Dioceses, that Two or more Benefices, or that One or more Benefice or Benefices, and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in his or their Diocese or Dioceses, being either in the same Parish or contiguous to each other, and of which the aggregate Population shall not exceed One thousand five hundred Persons, and the aggregate yearly Value shall not exceed Five hundred Pounds, may with Advantage to the Interests of Religion be united into One Benefice, the said Archbishop of the Province shall inquire into the Circumstances of the Case; and if on such Inquiry it shall appear to him that such Union may be usefully made, and will not be of inconvenient Extent, and that the Patron or Patrons of the said Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages respectively is or are consenting thereto, such Consent being signified in Writing under the Hands of such Patron or Patrons, the said Archbishop shall, Six Weeks before certifying such Inquiry and Consent to Her Majesty as herein-after directed, cause, with respect to his own Diocese, a Statement in Writing of the Facts, and in other Cases a Copy in Writing of the aforesaid Representation, to be affixed on or near the principal outer Door of the Church, or in some public and conspicuous Place in each of such Benefices, Sinecure Rectories, or Vicarages, with Notice to any Person or Persons interested that he, she, or they may, within such Six Weeks, show Cause in Writing under his, her, or their Hand or Hands to the said Archbishop against such Union, and if no sufficient Cause be shown within such Time, the said Archbishop shall certify the Inquiry and Consent aforesaid to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty in Council to make and issue an Order or Orders for uniting such Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, into One Benefice, with Cure of Souls, for Ecclesiastical Purposes only; and it shall be lawful for Her Majesty in Council to give Directions for regulating the Course and Succession in which the Patrons, if there be more than One Patron, shall present or nominate to such united Benefice from Time to Time as the same shall become vacant, and for determining, if such united Benefice shall be in Two Dioceses, to which of such Dioceses such Benefice shall belong; and such Order or Orders shall be registered in the Registry or Registries of the Diocese or respective Dioceses to which such united Benefice shall be determined to belong, and to which either or any of the united Benefices, Sinecure Rectories, or Vicarages shall have belonged when separate, which Order or Orders the Registrar or Registrars of such Diocese or respective Dioceses, immediately on the Receipt thereof, are hereby required to register accordingly; and such Order or Orders shall thenceforth be binding on all Parties whatsoever; and if at the Time of the Registration of such Order or Orders all the Benefices, Sinecure Rectories, or Vicarages ordered to be united shall not be holden by the same Incumbent, then if any of such Benefices, Sinecure Rectories, or Vicarages shall at such Time be vacant, and if not, then upon every Avoidance, until all the said Benefices, Sinecure Rectories, or Vicarages but One shall come to be holden

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by the same Incumbent, the Patron of the vacant Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, shall be bound to present or nominate, and the Bishop shall be bound to admit and institute or license, to the vacant Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, the Incumbent of the other or one of the other Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages so ordered to be united; and if both or all, as the Case may be, shall be holden by the same Incumbent at the Time of the Registration of such Order or Orders, or all but One of the said Benefices, Sinecure Rectories, or Vicarages shall at such Time be vacant, then immediately, or otherwise on the first Avoidance of either or any of such Benefices, Sinecure Rectories, or Vicarages, after all but One shall have come to be holden by the same Incumbent, the said Benefices, Sinecure, Rectory or Rectories, Vicarage or Vicarages shall become permanently united together, and shall be and be deemed and taken to be One Benefice, with Cure of Souls, to all Intents and Purposes, unless and until the same shall be afterwards disunited in the Manner herein-after enacted: Provided always, that notwithstanding any such Union the Parishes or Places of which such united Benefice shall consist shall continue distinct as to all secular Rates, Taxes, Charges, Duties, and Privileges, and in all other respects except as herein-before specified.

**XVII Glebe Lands, &c. may in certain Cases be excepted out of any United Benefice to augment the Provision for any other adjoining poor Benefice by an Exchange in such Manner that the Augmentation shall be situate within the Limits of such other Benefice.**

And be it enacted, That when it shall further appear to the Archbishop of the Province, with respect to his own Diocese, or it shall be further represented to him by the Bishop of any other Diocese, that the total Income of any Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, proposed to be united as aforesaid, would be larger than sufficient for the due Maintenance and Support of the Incumbent of the Benefice when united, and that the Whole or some specified Part or Parts of the Glebe Lands, Tithes, Rent-charges, Tenements, and Hereditaments belonging to the Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages proposed to be united, or any of them, might and could, with Advantage to the Interests of Religion, be excepted out of such Union, and be exchanged for certain other Lands, Tithes, Tenements, and Hereditaments, or any of them, in some other specified Benefice situate in the same Diocese, and having no competent Provision belonging thereto, and that the Lands, Tithes, Tenements, or Hereditaments proposed to be given in exchange for such excepted Lands, Tithes, Rent-charges, Tenements, or Hereditaments might with like Advantage be granted, conveyed, and assured as a further perpetual Endowment for the Incumbent of such last-mentioned Benefice, and that the Patron or Patrons of the said Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages respectively, and the Incumbent or Incumbents for the Time being thereof respectively, or of such thereof as shall not be then vacant, and the Owner or Owners, Impropiator or Impropiators of such Lands, Tithes, Tenements, or Hereditaments respectively so proposed to be given in exchange is or are consenting thereto, such Consent to be signified in Writing under their respective Hands, it shall be lawful for the said Archbishop, after inquiring into such further Matter, to certify in like Manner as aforesaid such further Circumstances to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty, in and by such Order as aforesaid, or any other Order or Orders, to direct that such first-mentioned Lands, Tithes, Rent-charges, Tenements, and Hereditaments shall be excepted out of such united Benefice, and be granted, conveyed, and assured unto such Owner or Owners, Impropiator or Impropiators as aforesaid, in exchange for



an equal Value of Lands, Tithes, Tenements, or other Hereditaments situate or arising within the Limits of such Benefice, to be by such Owner or Owners, Impropiator or Impropiators, granted, conveyed, and assured for the further Endowment of such other Benefice ; and such Order or Orders shall be registered in the Register of the Diocese to which such united Benefice and other Benefice shall belong, and which Order or Orders the Registrar of such Diocese, immediately on the Receipt thereof, is hereby required to register accordingly, and such Order or Orders shall thenceforth be binding on all Parties whatsoever; and such Lands, Tithes, Tenements, and Hereditaments, so directed to be granted, conveyed, and assured to such Owner or Owners, Impropiator or Impropiators as aforesaid, shall, immediately upon and after the Execution and Inrolment in manner herein-after directed of the Deed or Deeds, Instrument or Instruments herein-after mentioned, be for ever freed and discharged of and from all Estate, Right, Title, and Interest whatsoever of all and every the Incumbent or Incumbents for the Time being of the said Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages so to be united, and become and be subject and liable in every respect to all and singular the Uses, Trusts, Estates, and Charges of or to which the Lands, Tithes, Rent-charges, Tenements, or other Hereditaments so granted, conveyed, or assured by such Owner or Owners, Impropiator or Impropiators, for such further Endowment as aforesaid, may at the Time of such Execution have been subject or liable ; and that such last-mentioned Lands, Tithes, Rent-charges, Tenements, or other Hereditaments, so granted, conveyed, and assured by such Owner or Owners, Impropiator or Impropiators, for such further Endowment as aforesaid, shall in like Manner become and be for ever annexed to such other Benefice for the further Endowment of which the same shall be so granted, conveyed, and assured, and be held and enjoyed for ever by the Incumbent for the Time being thereof, as Part of the Endowment thereof, freed and discharged of and from all Uses, Trusts, Estates, and Charges whatsoever to which the same respectively or any Part thereof were or was before subject or liable.

**XVIII Such Conveyances in Exchange to be by Deed in Writing, under the Hands and Seals of all Parties interested, to be inrolled in Chancery.**

Provided always, and be it further enacted, That all such Grants, Conveyances, and Assurances as aforesaid shall be made by a Deed or Deeds, Instrument or Instruments in Writing, under the Hand and Seal or Hands and Seals of the Patron or Patrons of the Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, affected thereby, and of the Owner or Owners, Impropiator or Impropiators of the Lands, Tithes, Tenements, and Hereditaments so to be given in exchange as aforesaid; and the Bishop of the Diocese for the Time being shall testify his Approval thereof by being a Party and affixing his Episcopal Seal thereto; and the Incumbent or Incumbents for the Time being of such of the said Benefice or Benefices, Sinecure Rectory or Rectories, Vicarage or Vicarages, as shall not be then vacant, shall testify his or their Approval by being a Party or Parties to and signing the same respectively, and shall be the Party or Parties by whom the Grant, Conveyance, and Assurance to be made or executed to such Owner or Owners, Impropiator or Impropiators as aforesaid shall be made and executed ; and such Deed or Deeds, Instrument or Instruments in Writing, shall be inrolled in Her Majesty's High Court of Chancery within Six Calendar Months after the Execution, thereof respectively, or else have no Operation under this Act.

**XIX Approval of Bishop of the Diocese.**

Provided always, and be it enacted, That the Approval of the said Bishop, testified as aforesaid, shall be conclusive that the Lands, Tithes, Rent-charges, Tenements, and Hereditaments so to be granted, conveyed, and assured under or by virtue of the Provisions aforesaid were respectively of the proper Value required by this Act, - and were respectively granted, conveyed, and assured in due Accordance with the Provisions aforesaid.

**XX No Union except under this Act.**

Provided also, and be it enacted, That from and after the passing, of this Act it shall not be lawful to unite Two or more Benefices into One Benefice in any other Form or Manner or under any other Circumstances than is herein-before provided and that if any such Union shall be made in any other Form or Manner or under any other Circumstances than as it is herein-before provided, the same shall be void to all Intents and Purposes whatsoever; any Statute, Law, Canon, Custom, or Usage to the contrary notwithstanding.

**XXI Provisions for partly disuniting united Benefices.**

And whereas from the Increase of Population, or from other Circumstances, it may be expedient that Two or more Benefices which have been heretofore united or which may be hereafter united under the Provisions of this Act should be disunited; be it enacted, That when Two or more Benefices shall have been united or may be hereafter united into One Benefice, and, with respect to his own Diocese, it shall appear to the Archbishop of the Province, or the Bishop of any Diocese shall represent to the said Archbishop of the Province, that One or more of the Benefices within his Diocese of which such united Benefice shall consist may be separated therefrom with Advantage to the Interests of Religion, the said Archbishop shall inquire into the Circumstances of the Case, and if on such Inquiry it shall appear to him that such Union may be usefully dissolved, so far as respects such Benefice or Benefices, he shall, Six Weeks at least before certifying such Inquiry to Her Majesty as herein-after directed, cause with respect to his own Diocese a Statement in Writing of the Facts and in all other Cases a Copy in Writing of the aforesaid Representation to be affixed on or near the principal outer Door of the Church or in some public and conspicuous Place in each of the Benefices forming Part of the united Benefice, with Notice to any Person or Persons interested that he, she, or they may within such Six Weeks show Cause in Writing under his, her, or their Hands to the said Archbishop against any such Disunion ; and if no sufficient Cause be shown within such Time the Archbishop shall certify the Inquiry and Consent, when the Patron's Consent is necessary, to Her Majesty in Council, and thereupon it shall be lawful for Her Majesty to issue an Order for separating such last-mentioned Benefice or Benefices from such united Benefice, and for declaring the Rights of Patronage of the several Patrons if there be more than One Patron, and such Order shall be registered in the Registry of the Diocese to which such united Benefice shall belong, which Order the Registrar of such Diocese, immediately on the Receipt thereof, is hereby required to register accordingly; and thereupon immediately, if such united Benefice shall be then vacant, otherwise on the first Avoidance thereof, such Union shall be *ipso facto* dissolved so far only as regards such Benefice or Benefices so proposed to be separated from such united Benefice, but in all other respects shall remain in full Force and Effect, and thenceforward such last-mentioned Benefice or Benefices shall be and be deemed and taken to be a separate and distinct Benefice or Benefices to all Intents and Purposes whatever as if no such Union had taken place,

and the Patron or Patrons thereof shall and may according to the Terms of such Order present or nominate thereto respectively, and so from Time to Time upon each and every Avoidance of the same : Provided always, that no- Benefices which have been united for more than Sixty Years before the passing of this Act shall be disunited without the Consent in Writing of the Patron or Patrons thereof.

**XXII Incumbent may resign One or more of disunited Benefices, and Patron may present.**

And be it enacted, That in any Case in which Her Majesty in Council shall have issued any such Order as aforesaid for separating One or more Benefices from such united Benefice it shall be lawful for the Incumbent thereof, if such united Benefice shall be full at the Time of issuing such Order, to resign the Benefice or Benefices so proposed to be separated as aforesaid from such united Benefice ; and thereupon it shall be lawful for the respective Patron or Patrons of such last-mentioned Benefice or Benefices to present or nominate thereto, in the same Manner as if such united Benefice had been vacant at the Time of issuing such Order.

**XXIII Portion of Glebe, &c. may be assigned to each of the dissevered Benefices ;**

And be it enacted, That whenever Two or more Benefices which have at any Time been united into One Benefice shall be disunited and become separate Benefices under the Provisions of this Act, whether the Order for Disunion shall extend to the whole Number of Benefices of which such united Benefice consisted, or to One or more of such Benefices only, it shall be lawful for Her Majesty in Council, on the Recommendation of the Archbishop of the Province, with the Consent of the Patron or Patrons of such Benefices respectively (such Consent to be signified in Writing under the Hands of such Patron or Patrons), to assign and attach such Portion of the Glebe Lands, Tithes, Moduses, Rent-charges, or other Endowments or Emoluments belonging to or arising or accruing within the Limits of such united Benefice to each of such Benefices respectively, as to Her Majesty in Council shall seem fit, notwithstanding such Proportion of Glebe Land, Tithes, Rent-charges, Moduses, or other Endowments or Emoluments, or any Part thereof, may not arise or accrue within the Limits of the Benefice to which the same shall be so assigned and attached as aforesaid, or may not have belonged thereto, and also to divide and apportion between such Benefices all such Charges and Outgoings as before the Disunion thereof were imposed upon the whole united Benefice, and in the Case of Mortgages with the Consent of the Mortgagees in Writing under their Hands and Seals.

**XXIV and shall belong to the Incumbent.**

And be it enacted, That all such Lands, Tithes, Rent-charges, Moduses, or other Endowments or Emoluments, when so assigned and attached as aforesaid, shall belong to, and the same and the Rents and Profits thereof shall be recoverable by, the Incumbent of the Benefice to which the same shall have been so assigned and attached.

**XXV More than One House may be provided in disunited Benefices.**

And whereas by an Act passed in this present Session of Parliament, intituled *An Act to amend the Law for providing fit Houses for the Beneficed Clergy*, Provision is made in certain Cases for selling the Residence House and Appurtenances belonging to any Benefice, together with a certain Portion of Land contiguous thereto, and for

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applying the Proceeds of such Sale to the Erection or Purchase of some House, or the Purchase of an Orchard, Garden, or Land for the Residence and Occupation of the Incumbent of such Benefice : And whereas it may happen that in the Case of Benefices disunited under the Provisions of this Act, or divided or separately endowed under the Provisions of Two Acts passed in the Fifty-eighth Year and in the Fifty-ninth Year of His Majesty King *George* the Third, for building and promoting the building of additional Churches in populous Parishes, and for amending and rendering more effectual the said Act, the existing Benefice House may be inconveniently situated for any One of such disunited Parishes, or of the Divisions of such divided Benefices, or may be on too large and expensive a Scale, to be conveniently maintained by the Incumbent of any such disunited or divided Benefice ; be it enacted, That all the Provisions of the said recited Act of this present Session relating to the Sale of the House, Gardens, Orchards, Appurtenances, or Land attached to any Benefice, and the Application of the Proceeds of such Sale, shall be and be deemed applicable to the Case of any Benefice divided or separately endowed under the Provisions of the said Acts, or either of them, of His Majesty King *George* the Third, and of any Benefice disunited under the Provisions of this Act; and that the Proceeds of such Sale may be applied and disposed of by the Governors of the Bounty of Queen *Anne* in and towards the Erection or Purchase of such and so many Houses, or in and towards the Purchase of so many Gardens or Appurtenances, or of so much Land as shall be required for the Residence of an Incumbent, within each of the Parishes so disunited, or each of the Divisions of the Benefices so divided, in such Proportions within each such Benefice respectively as shall be approved by the Archbishop of the Province, with the Consent of the Patron and Ordinary, and (if the Benefice be full) of the Incumbent of the Benefice, such Consents to be signified in Writing under their respective Hands, and shall be confirmed by Her Majesty in Council.

**XXVI Provisions for annexing isolated Places to the contiguous Parishes, or making them separate Benefices.**

And whereas in some Instances Tithings, Hamlets, Chapelries, and other Places or Districts may be separated from the Parishes or Mother Churches to which they belong with great Advantage, and Places altogether extra-parochial may in some Instances with Advantage be annexed to Parishes or Districts to which they are contiguous, or be constituted separate Parishes for Ecclesiastical Purposes; be it enacted, That when, with respect to his own Diocese, it shall appear to the Archbishop of the Province, or when the Bishop of any Diocese shall represent to the said Archbishop that any such Tithing, Hamlet, Chapelry, Place, or District within the Diocese of such Archbishop, or the Diocese of such Bishop, as the Case may be, may be advantageously separated from any Parish or Mother Church, and either be constituted a separate Benefice by itself or be united to any other Parish to which it may be more conveniently annexed, or to any other adjoining Tithing, Hamlet, Chapelry, Place, or District, parochial or extra-parochial, so as to form a separate Parish or Benefice, or that any Extra-parochial Place may with Advantage be annexed to any Parish to which it is contiguous, or be constituted a separate Parish for Ecclesiastical Purposes ; and the said Archbishop or Bishop shall draw up a Scheme in Writing (the Scheme of such Bishop to be transmitted to the said Archbishop for his Consideration), describing the Mode in which it appears to him that the Alteration may best be effected, and how the Changes consequent on such Alteration in respect to Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, and in respect to Patronage and Rights to Pews, may be made with Justice to all Parties interested ; and if the Patron or Patrons of the Benefice or Benefices to be affected by such Alteration shall consent in Writing under his or their Hands to such Scheme,

or to such Modification thereof as the said Arch, bishop may approve, and the said Archbishop shall, on full Consideration and Inquiry, be satisfied with any such Scheme or Modification thereof, and shall certify the same and such Consent as aforesaid, by his Report to Her Majesty in Council, it shall be lawful for Her Majesty in Council to make an Order for carrying such Scheme, or Modification thereof, as the Case may be, into effect; and such Order, being registered in the Registry of the Diocese, which the Registrar is hereby required to do, shall be forthwith binding on all Persons whatsoever, including the Incumbent or Incumbents of the Benefice or Benefices to be affected thereby, if he or they shall have consented thereto in Writing under his or their Hands; but if such Incumbent or Incumbents shall not have so consented thereto the Order shall not come into operation until the next Avoidance of the Benefice by the Incumbent objecting to the Alteration, or by the surviving Incumbent objecting, if more than One shall object thereto ; and in such Case the Order shall forthwith, after such Avoidance, become binding on all Persons whatsoever.

#### **XXVII Power of adjusting Disputes arising out of the foregoing Alterations.**

And whereas the Changes effected by virtue of the Provisions aforesaid for uniting or disuniting Benefices, and for altering the Contents of Parishes, may, when the Orders for those Purposes respectively come into operation, raise Doubts, and create Disputes not foreseen at the Time when such Orders may have been made respecting Ecclesiastical Jurisdiction, Glebe Lands, Tithes, Rent-charges, and other Ecclesiastical Dues, Rates, and Payments, Patronage, Right to Pews, and the Definition of local Boundaries; be it enacted, That it shall be lawful for Her Majesty in Council, at any Time within Five Years after such Orders respectively shall come into full Operation, if Occasion shall arise, to make a supplemental Order for removing such Doubts and settling such Disputes; and every such supplemental Order shall have the same Force and Effect as if it had formed Part of the original Order made under the Provisions of this Act: Provided always, that in every Case in which the Contents of Parishes shall be so altered such Alteration shall not in any way affect the secular Rates, Taxes, Charges, Duties, or Privileges of such Parishes, or of any Part of them.

#### **XXVIII Spiritual Persons not to take to farm for Occupation above Eighty-Acres, without Consent of the Bishop, and then not beyond Seven Years, under Penalty of 40s. per Acre.**

And be it enacted, That it shall not be lawful for any Spiritual Person holding any Cathedral Preferment or Benefice, or any Curacy or Lectureship, or who shall be licensed or otherwise allowed to perform the Duties of any Ecclesiastical Office whatever, to take to farm for Occupation by himself, by Lease, Grant, Words, or otherwise, for Term of Life or of Years, or at Will, any Lands exceeding Eighty Acres in the whole, for the Purpose of occupying or using or cultivating the same, without the Permission in Writing of the Bishop of the Diocese specially given for that Purpose under his Hand; and every such Permission to any Spiritual Person to take to farm for the Purpose aforesaid any greater Quantity of Land than Eighty Acres shall specify the Number of Years, not exceeding Seven, for which such Permission is given: and every such Spiritual Person who; shall without such Permission so take to farm any greater Quantity of Land than Eighty Acres, shall forfeit for every Acre of Land above Eighty Acres so taken to farm the Sum of Forty Shillings for each Year during or in which he shall so occupy, use, or cultivate such Land contrary to the Provision aforesaid.

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*Status: This is the original version (as it was originally enacted).*

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**XXIX No Spiritual Person, beneficed or performing Ecclesiastical Duty, shall engage in Trade, or buy to sell again for Profit or Gain.**

And be it enacted, That it shall not be lawful for, any Spiritual Person holding any such Cathedral Preferment, Benefice, Curacy, or Lectureship, or who shall be licensed or allowed to perform such Duties as aforesaid, by himself or by any other for him or to his Use, to engage in or carry on any Trade or Dealing for Gain or Profit, or to deal in any Goods, Wares, or Merchandize, unless in any Case in which such Trading or Dealing shall have been or shall be carried on by or on behalf of any Number of Partners exceeding the Number of Six, or in any Case in which any Trade or Dealing, or any Share in any Trade or Dealing, shall have devolved or shall devolve upon any Spiritual Person, or upon any other Person for him or to his Use, under or by virtue of any Devise, Bequest, Inheritance, Intestacy, Settlement, Marriage, Bankruptcy, or Insolvency ; but in none of the foregoing excepted Cases shall it be lawful for such Spiritual Person to act as a Director or managing Partner, or to carry on such Trade or Dealing as aforesaid in Person.

**XXX Not to extend to Spiritual Persons engaged in keeping Schools, or as Tutors, &c. in respect of any thing done, or any buying or selling in such Employment ; or to selling any thing *bonâ fide* bought for the Use of the Family, or to being a Manager, &c. in any Benefit or Life or Fire Assurance Society; or buying and selling: Cattle, &c. for the Use of his own Lands, &c.**

Provided always, and be it enacted, That nothing hereinbefore contained shall subject to any Penalty or Forfeiture any Spiritual Person for keeping a School or Seminary, or acting as a Schoolmaster or Tutor or Instructor, or being in any Manner concerned or engaged in giving Instruction or Education for Profit or Reward, or for buying or selling or doing any other Thing in relation to the Management of any such School, Seminary, or Employment, or to any Spiritual Person whatever for the buying of any Goods, Wares, or Merchandizes, or Articles of any Description, which shall without Fraud be bought with Intent at the buying thereof to be used by the Spiritual Person buying the same for his Family or in his Household, and after the buying of any such Goods, Wares, or Merchandizes, or Articles, selling the same again or any Parts thereof which such Person may not want or choose to keep, although the same shall be sold at an advanced Price beyond that which may have been given for the same; or for disposing of any Books or other Works to or by means of any Bookseller or Publisher ; or for being a Manager, Director, Partner, or Shareholder in any Benefit Society, or Fire or Life Assurance Society, by whatever Name or Designation such Society may have been constituted ; or for any buying, or selling again for Gain or Profit, of any Cattle or Corn or other Articles necessary or convenient to be bought, sold, kept, or maintained by any Spiritual Person, or any other Person for him or to his Use, for the Occupation, manuring, improving, Pasturage, or Profit of any Glebe, Demesne Lands, or other Lands or Hereditaments which may be lawfully held and occupied, possessed, or enjoyed by such Spiritual Person, or any other for him or to his Use ; or for selling any Minerals the Produce of Mines situated on his own Lands; so nevertheless that no such Spiritual Person shall buy or sell any Cattle or Corn or other Articles as aforesaid in Person in any Market, Fair, or Place of public Sale.

**XXXI Spiritual Persons illegally trading may be suspended, and for the Third Offence deprived.**

And be it enacted, That if any Spiritual Person shall trade or deal in any Manner contrary to the Provisions of this Act, it shall be lawful for the Bishop of the

Diocese where such Person shall hold any Cathedral Preferment, Benefice, Curacy, or Lectureship, or shall be licensed or otherwise allowed to perform the Duties of any Ecclesiastical Office whatever, to cause such Person to be cited before his Chancellor or other competent Judge, and it shall be lawful for such Chancellor or other Judge, on Proof in due Course of Law of such trading, to suspend such Spiritual Person for his First Offence for such Time not exceeding One Year as to such Judge shall seem fit; and on Proof in like Manner before such or any other competent Ecclesiastical Judge of a Second Offence committed by such Spiritual Person subsequent to such Sentence of Suspension, such Spiritual Person shall for such Second Offence be suspended for such Time as to the Judge shall seem fit; and for his Third Offence be deprived *ab officio et beneficio*, and thereupon it shall be lawful for the Patron or Patrons of any such Cathedral Preferment, Benefice, Lectureship, or Office to make Donation or to present or nominate to the same as if the Person so deprived were actually dead; and in all such Cases of Suspension the Bishop during such Suspension shall sequester the Profits of any Cathedral Preferment, Benefice, Lectureship, or Office of which such Spiritual Person may be in Possession, and by an Order under his Hand direct the Application of the Profits of the same respectively, after deducting the necessary Expences of providing for the due Performance of the Duties of the same respectively, towards the same Purposes and in the same Order, as near as the Difference of Circumstances will admit, as are herein-after directed with respect to the Profits of a Benefice sequestered in case of Non-compliance after Monition with an Order requiring a Spiritual Person to proceed and reside on his Benefice, save that no Part of such Profits shall be paid to the Spiritual Person so suspended nor applied in satisfaction of a Sequestration at the Suit of a Creditor ; and in case of Deprivation the Bishop shall forthwith give Notice thereof in Writing under his Hand to the Patron or Patrons of any Cathedral Preferment, Benefice, Lectureship, or Office which the said Spiritual Person may have holden in the Manner herein-after required with respect to Notice to the Patron of a Benefice continuing under Sequestration for One whole Year, and thereby becoming void, and any such Cathedral Preferment or Benefice shall lapse at such Period after the said Notice as any such last-mentioned Benefice would under the Provisions of this Act lapse : Provided always, that no Contract shall be deemed to be void by reason only of the same having been entered into by a Spiritual Person trading or dealing, either, solely or jointly with any other Person or Persons, contrary to the Provisions of this Act, but every such Contract may be enforced by or against such Spiritual Person, either solely or jointly with any other Person or Persons, as the Case may be, in the same Way as if no Spiritual Person had been Party to such Contract.

**XXXII Penalties for Non-residence, on Incumbent not having a Licence or Exemption, unless he be resident on another Benefice.**

And be it enacted, That every Spiritual Person holding any Benefice shall keep Residence on his Benefice, and in the House of Residence (if any) belonging thereto ; and if any such Person shall, without any such Licence or Exemption as is in this Act allowed for that Purpose, or unless he shall be resident at some other Benefice of which he may be possessed, absent himself from such Benefice, or from such House of Residence, if any, for any Period exceeding the Space of Three Months together, or to be accounted at several Times in any One Year, he shall, when such Absence shall exceed Three Months and not exceed Six Months, forfeit One Third Part of the annual Value of the Benefice from which he shall so absent himself; and when such Absence shall exceed Six Months and not exceed Eight Months, One Half Part of such annual Value ; and when such Absence shall exceed Eight Months, Two Third Parts of such annual Value; and when such Absence shall have been for the whole of the Year, Three Fourth Parts of such annual Value.

**XXXIII Licence to reside out of the usual House, if unfit.**

And be it enacted, That it shall be lawful for any Bishop, upon Application in Writing by any Spiritual Person holding any Benefice within his Diocese whereon there shall be no House or no fit House of Residence, by Licence under his Hand and Seal, to be registered in the Registry of the Diocese, which the Registrar is hereby required to do, to permit such Person to reside in some fit and convenient House, although not belonging to such Benefice, such House to be particularly described and specified in such Licence, and for a certain Time to be therein also specified, not exceeding the Period by this Act limited, and from Time to Time, as such Bishop may think fit, to renew such Licence ; and every such House shall be a legal House of Residence for such specified Time to all Intents and Purposes : Provided always, that no such Licence shall be granted to such Spiritual Person to reside in any House unless it be within Three Miles of the Church or Chapel of such Benefice, nor in case such Church or Chapel be in any City, or Market or Borough Town, unless such House be within Two Miles of such Church or Chapel.

**XXXIV Houses purchased by Governors of Queen Anne's Bounty to be deemed Residences.**

And whereas the Governors of the Bounty of Queen *Anne* have purchased, built, or procured, and may hereafter purchase, build, or procure, by way of Benefaction or Donation to poor Benefices, Houses, not situate within the Parishes or Places wherein such Benefices lie, but so near thereto as to be sufficiently convenient and suitable for the Residence of the officiating Ministers thereof; be it therefore enacted, That such Houses, having been previously approved by the Bishop of the Diocese, by Writing under his Hand and Seal duly registered in the Registry of the Diocese, shall be deemed the Houses of Residence belonging to such Benefices to all Intents and Purposes whatsoever.

**XXXV Vicar or Perpetual Curate may reside in Rectory House.**

And be it enacted, That in all Cases of Rectories having Vicarages endowed or Perpetual Curacies the Residence of the Vicar or Perpetual Curate in the Rectory House of such Benefice shall be deemed a legal Residence to all Intents and Purposes whatever; provided that the House belonging to the Vicarage or Perpetual Curacy be kept in proper Repair to the Satisfaction of the Bishop of the Diocese.

**XXXVI Widow of any Spiritual Person may continue in the House of Residence for Two Months after his Decease.**

And be it enacted, That from and after the Decease of any Spiritual Person holding any Benefice to which a House of Residence is annexed, and in which he shall have been residing at the Time of his Decease, it shall be lawful for the Widow of such Spiritual Person to occupy such House for any Period not exceeding Two Calendar Months after the Decease of such Spiritual Person, holding and enjoying therewith the Curtilage and Garden belonging to such House.

**XXXVII Certain Persons exempt from Penalties for Non-residence.**

And be it enacted, That no Spiritual Person, being Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or being Warden of the



University of *Durham*, or being Head Master of *Eton*, *Winchester*, or *Westminster* School, or Principal or any Professor of the *East India College*, having been appointed such Principal or Professor before the Time of the passing of this Act, and not having respectively more than One Benefice with Cure of Souls, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice.

#### **XXXVI Privileges for temporary Non-residence.**

And be it enacted, That no Spiritual Person being Dean of any Cathedral or Collegiate Church, during such Time as he shall reside upon his Deanery, and no Spiritual Person having or holding any Professorship or any public Readership in either of the said Universities, while actually resident within the Precincts of the University, and reading Lectures therein, (provided always, that a Certificate under the Hand of the Vice Chancellor or Warden of the University, stating the Fact of such Residence, and of the due Performance of such Duties, shall in every such Case be transmitted to the Bishop of the Diocese wherein the Benefice held by such Spiritual Person is situate within Six Weeks after the Thirty-first Day of *December* in each Year;) and no Spiritual Person serving as Chaplain of the Queen's or King's most Excellent Majesty, or of the Queen Dowager, or of any of the Queen's or King's Children, Brethren, or Sisters, during so long as he shall actually attend in the Discharge of his Duty as such Chaplain in the Household to which he shall belong; and no Chaplain of any Archbishop or Bishop, whilst actually attending in the Discharge of his Duty as such Chaplain; and no Spiritual Person actually serving as Chaplain of the House of Commons, or as Clerk of the Queen's or King's Closet, or as a Deputy Clerk thereof, while any such Person shall be actually attending and performing the Functions of his Office; and no Spiritual Person serving as Chancellor or Vicar General or Commissary of any Diocese, whilst exercising the Duties of his Office; or as Archdeacon, while upon his Visitation, or otherwise engaged in the Exercise of his Archidiaconal Functions; or as Dean or Subdean, or Priest or Reader, in any of the Queen's or King's Royal Chapels at *Saint James's* on *Whitehall*, or as Reader in the Queen's or King's Private Chapels at *Windsor* or elsewhere, or as Preacher in any of the Inns of Court, or at the Rolls, whilst actually performing the Duty of any such Office respectively; and no Spiritual Person, being Provost of *Eton College*, or Warden of *Winchester College*, or Master of the *Charter House*, or Principal of *Saint David's College*, or Principal of *King's College, London*, during the Time for which he may be required to reside and shall actually reside therein respectively, shall be liable to any of the Penalties or Forfeitures in this Act contained for or on account of Non-residence on any Benefice for the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, but every such Spiritual Person shall, with respect to Residence on a Benefice under this Act, be entitled to account the Time in any Year during which he shall be so as aforesaid resident, engaged, or performing Duties, as the Case may be, as if he had legally resided during the same Time on some other Benefice; any thing in this Act contained to the contrary notwithstanding.

#### **XXXIX Performance of Cathedral Duties, &c. may be accounted as Residence, under certain Restrictions.**

And be it enacted, That it shall be lawful for any Spiritual Person, being Prebendary, Canon, Priest Vicar, Vicar Choral, or Minor Canon in any Cathedral or Collegiate Church, or being a Fellow of one of the said Colleges of *Eton* or *Winchester*, who shall reside and perform the Duties of such Office during the Period for which he shall be

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required to reside and perform such Duties by the Charter or Statutes of such Cathedral or Collegiate Church or College, as the Case may be, to account such Residence as if he had resided on some Benefice: Provided always, that nothing herein contained shall be construed to permit or allow any such Prebendary, Canon, Priest Vicar, Vicar Choral, Minor Canon, or Fellow, to be absent from any Benefice on account of such Residence and Performance of Duty for more than Five Months altogether in any One Year, including the Time of such Residence on his Prebend, Canonry, Vicarage, or Fellowship : Provided also, that it shall be lawful for any Spiritual Person having or holding any such Office in any Cathedral or Collegiate Church or College in which the Year for the Purposes of Residence is accounted to commence at any other Period than the First of *January*, and who may keep the Periods of Residence required for Two successive Years at such Cathedral or Collegiate Church or College, in whole or in part, between the First of *January* and the Thirty-first of *December* in any One Year, to account such Residence, although exceeding Five Months in the Year, as reckoned from the First of *January* to the Thirty-first of *December*, as if he had resided on some Benefice, any thing in this Act contained to the contrary notwithstanding.

**XL Existing Rights as to Exemptions and Licences preserved.**

Provided always, That every Spiritual Person being in Possession of any Benefice at the Time of the passing of this Act, and entitled by the Law previously in force to Exemption from Residence, or to apply for a Licence for Non-residence, shall, as to every such Benefice, but not as to any after-taken Benefice, be entitled to the same Exemption from Residence, and to the same Capacity of applying for and obtaining a Licence for Non-residence, and to the same Right of Appeal, in case of Refusal or Revocation of a Licence, to which he was entitled before the Time of the passing of this Act; and every Bishop and other Person empowered before the passing of this Act to grant such Licence to such Spiritual Person shall have the like Power after the passing thereof, any thing herein-before contained to the contrary notwithstanding.

**XLI If House of Residence not kept in repair, the Incumbent to be liable to the Penalties for Non-residence.**

Provided also, and be it enacted, That every Spiritual Person having any House of Residence upon his Benefice, who shall not reside therein, shall, during such Period or Periods of Non-residence, whether the same shall be for the Whole or Part of any Year, keep such House of Residence in good and sufficient Repair; and in every such Case it shall be lawful for the Bishop to cause a Survey of such House of Residence to be made by some competent Person, the Costs of which, in case the House shall be found to be out, of repair, shall be borne by such Spiritual Person; and if the Surveyor shall report that such House of Residence is out of repair, it shall be lawful for the Bishop to issue his Monition to the Incumbent to put the same in repair, according to such Survey and Report, a Copy of which shall be annexed to the Monition; and every such Non-resident Spiritual Person who shall not keep such House of Residence in repair, and who shall not, upon such Monition, and within One Month after Service of such Monition, show Cause to the contrary to the Satisfaction of the Bishop, or put such House in repair within the Space of Ten Months, to the Satisfaction of such Bishop, shall be liable to all the Penalties for Non-residence imposed by this Act during the Period of such House of Residence remaining out of repair, and until the same shall have been put in repair.

**XLII Every Petition for Licence for Non-residence to be in Writing, and to state certain Particulars.**

And be it enacted, That every Spiritual Person applying for a Licence, for Non-residence shall present to the Bishop a Petition signed by himself or by some Person approved by the Bishop in that Behalf, and shall state therein whether such Spiritual Person intends to perform the Duty of his Benefice in Person, and in that Case where and at what Distance from the Church or Chapel of such Benefice he intends to reside; and if he intends to employ, a Curate such Petition shall state what Salary he proposes to give to such Curate, and whether the Curate proposes to reside or not to reside in the Parish in which such Benefice is situate; and if the Curate intends to reside therein, then whether in the House of Residence belonging to such Benefice, or in some and what other House; and if he does not intend to reside in the Parish, then such Petition shall state at what Distance therefrom, and at what Place, such Curate intends to reside, and whether such Curate serves any other and what Parish as Incumbent or Curate, or has any and what Cathedral Preferment, and any and what Benefice, or officiates in any other and what Church or Chapel; and such Petition shall also state the annual Value and the Population of the Benefice in respect of which any Licence for Non-residence shall be applied for, and the Number, of Churches or Chapels, if more than One, upon such Benefice, and the Date of the Admission of such Spiritual Person to the said Benefice ; and it shall not be lawful for the Bishop to grant any such Licence unless such Petition shall contain a Statement of the several Particulars aforesaid; and every such Petition shall be filed in the Registry of the Diocese by the Registrar thereof, and shall be open to Inspection, and Copies thereof made, with the Leave in Writing of the Bishop.

**XLIII Bishop may grant Licences for Non-residence in certain enumerated Cases. Appeal to Archbishop in case of Refusal.**

And be it enacted, That it shall be lawful for the Bishop, upon such Petition being presented to him, and upon such Proofs being adduced as to any Facts stated in any such Petition as he may think necessary and shall require, to grant, in such Cases as are hereinafter enumerated, in which he shall think fit to grant the same, a Licence in Writing under his Hand for such Spiritual Person to reside out of the proper House of Residence of his Benefice, or out of the Limits of his Benefice, or out of the Limits prescribed by this Act, for the Purpose of exempting such Person from any pecuniary Penalty in respect of any Non-residence thereon ; which Licence shall express the Cause of granting the same Licence ; (that is to say,) to any Spiritual Person who shall be prevented from residing in the proper House of Residence or within the Limits of such Benefice, or within the Limits prescribed by this Act, by any Incapacity of Mind or Body; and also for a Period not exceeding Six Months to any Spiritual Person on account of the dangerous Illness of his Wife or Child making Part of his Family, and residing with him as such ; but that no such Licence on account of the Illness of a Wife or Child shall be renewed save with the Allowance of the Archbishop of the Province previously signified under his Hand in pursuance of a Recommendation in Writing from the Bishop, setting forth the Circumstances, Proofs, and Reasons which induce him to make such Recommendation ; and also to any Spiritual Person having or holding any Benefice wherein there shall be no House of Residence, or where the House of Residence shall be unfit for the Residence of such Spiritual Person, such Unfitness not being occasioned by any Negligence, Default, or other Misconduct of such Spiritual Person, and such Spiritual Person keeping such House of Residence, if any, and the Buildings belonging thereto, in good and sufficient Repair and Condition to the Satisfaction of the Bishop, and a Certificate under the Hand of Two neighbouring

Incumbents, countersigned by the Rural Dean, if any, that no House convenient for the Residence of such Spiritual Person can be obtained within the Parish, or within the Limits prescribed by this Act, being first produced to the Bishop; and also to grant to any Spiritual Person holding any Benefice, and occupying in the same Parish any Mansion or Messuage whereof he shall be the Owner, a Licence to reside in such Mansion or Messuage, such Spiritual Person keeping the House of Residence and other Buildings belonging thereto in good and sufficient Repair and Condition, and producing to the Bishop Proof to his Satisfaction at the Time of granting every such Licence of such good and sufficient Repair and Condition : Provided always, that any such Spiritual Person, within One Month after Refusal of any such Licence, may appeal to the Archbishop of the Province, who shall confirm such Refusal, or direct the Bishop to grant a Licence under this Act, as shall seem to the said Archbishop just and proper.

**XLIV In Cases not enumerated Bishops may grant Licences to reside out of Limits of Benefice, subject to Allowance by the Archbishop.**

And be it enacted, That it shall be lawful for any Bishop, in any Case not herein-before enumerated, in which such Bishop shall think it expedient, to grant to any Spiritual Person holding any Benefice within his Diocese a Licence to reside out of the Limits of such Benefice: Provided always, that in every such Case the Nature and special Circumstances thereof, and the Reasons that have induced such Bishop to grant such Licence, shall be forthwith transmitted to the Archbishop of the Province, who shall forthwith proceed therein as herein-after provided in Cases of Appeal, and shall allow or disallow such Licence in the whole or in part, or make any Alteration therein, as to the Period for which the same may have been granted or otherwise; and no such Licence shall be valid unless it shall have been so allowed by such Archbishop, such Allowance thereof being signified by the signing thereof by such Archbishop : Provided also, that it shall not be necessary in such Licence to specify the Cause of granting the same.

**XLV By whom Licences may be granted while a See is vacant, &c.**

And be it enacted, That during the Vacany of any See the Power- of granting Licences of Non-residence under this Act, subject to the Regulations herein contained, shall be exercised by the Guardian of the Spiritualities of the Diocese ; or in case the Bishop of any Diocese shall be disabled from exercising in Person the Functions of his Office, such Power shall be exercised by the Person or Persona lawfully empowered to exercise his general Jurisdiction in the Diocese : Provided always, that no Licence granted by any other than the Bishop shall be valid until the Archbishop of the Province shall have signified his Approbation of the Grant of such Licence by signing the same.

**XLVI Duration of Licences.**

And be it enacted, That no Licence for Non-residence granted under this Act or under the said herein-before second-recited Act shall continue in force after the Thirty-first Day of *December* in the Year next after the Year in which such Licence shall have been or shall be granted.

#### **XLVII Fee for Licence.**

And be it enacted, That every Person obtaining any Licence of Non-residence shall pay for the same to the Secretary or Officer of the Bishop, or other Person granting the same, the Sum of Ten Shillings, over and above the Stamp Duty chargeable thereon, and no more, and also the Sum of Three Shillings, and no more, to the Registrar of the Diocese, and shall also pay the Sum of Five Shillings, to the Secretary of the Archbishop when any such Licence shall have been signed by such Archbishop.

#### **XLVIII Licences not to be void by the Death or Removal of the Grantor**

And be it enacted, That no Licence of Non-residence shall become void by the Death or Removal of the Bishop granting the same, but the same shall be and remain valid, notwithstanding any such Death or Removal, unless the same shall be revoked as hereinafter mentioned.

#### **XLIX Licences may be revoked.**

And be it enacted, That it shall be lawful for any Archbishop or Bishop who shall have granted any Licence of Non-residence as aforesaid, or for any Successor of any such Archbishop or Bishop, - after having given such Incumbent sufficient Opportunity of showing Reason to the contrary, in any Case in which there may appear to such Archbishop or Bishop good Cause for revoking the same, by an Instrument in Writing under his Hand to revoke any such Licence: Provided always, that any such Incumbent may, within One Month after Service upon him of such Revocation, if by a Bishop, appeal to the Archbishop of the Province, who shall confirm or annul such Revocation as to him shall appear just and proper.

#### **L Copies of Licences or Revocations to be filed in the Registry of the Diocese, and a List kept for Inspection ; and Copies transmitted to Churchwardens, and publicly read tit the first Visitation.**

And be it enacted, That every Bishop who shall grant or revoke any Licence of Non-residence under this Act shall and he is hereby required, within One Month after the Grant or Revocation of such Licence, to cause a Copy of every such Licence or Revocation to be filed in the Registry of his Diocese ; and an alphabetical List of such Licences and Revocations shall be made out by the Registrar of such Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of Three Shillings, and no more ; and a Copy of every such Licence, and a Statement in Writing of the Grounds of Exemption, shall be transmitted by the Spiritual Person to whom such Licence shall have been granted, or who may be exempted from Residence, to the Churchwardens or Chapelwardens of the Parish or Place to which the same relates, within One Month after the Grant of such Licence, or of his taking advantage of such Exemption, as the Case may be; and every Bishop revoking any such Licence shall cause a Copy of such Revocation to be transmitted, within One Month after the Revocation thereof, to the Churchwardens or Chapelwardens of the Parish or Place to which it relates; which Copies of Licences and Revocation, and Statements of Exemption, shall be by such Churchwardens or Chapelwardens deposited in the Parish Chest, and shall likewise be produced by them, and publicly read by the Registrar or other Officer, at the Visitation of the Ecclesiastical District within which such Benefice shall be locally situate next succeeding the Receipt thereof; and every Spiritual Person who shall neglect so to transmit a Copy of such Licence or Statement of Exemption, as hereby required, shall lose all Benefit of such Licence, and until he shall have

transmitted such Statement, shall not be entitled to the Benefit of such Exemption : Provided always, that in case the Archbishop of the Province shall on Appeal to him annul the Revocation of any such Licence, the Bishop by whom such Revocation shall have been made shall, immediately on receiving Notice from the Archbishop that he has annulled the same, order, by Writing under his Hand, that the Copies of such Revocation shall be forthwith withdrawn from the said Registry and Parish Chest, and that the same shall not be produced and read at the Visitation, and that such Revocation shall be erased from the List of Revocations in the said Registry; which Order shall be binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.

**LI List of Licences allowed by the Archbishop, or granted in his own Diocese, to be annually transmitted to Her Majesty in Council, who may revoke Licences, &c. Licence although revoked, to be deemed valid between the Grant and Revocation.**

And be it enacted, That every Archbishop who shall in his own Diocese grant any licence of Non-residence, or who shall approve and allow, in manner directed by this Act, any such Licence in any Case not enumerated in this Act, or any Renewal of a Licensee in the Case of the dangerous Illness of the Wife Or Child of: any Spiritual Person, shall annually in the Month of *January* in each Year transmit to Her Majesty in Council a List of all Licences or Renewals so granted or allowed by such Archbishop respectively in the Year ending on the last Day of *December* preceding such Month of *January*, and shall in every such List specify the Reasons which have induced him to grant or allow each such Licence or Renewal, together with the Reasons transmitted to him by the Bishops for granting or recommending each such Licence in their respective Dioceses ; and it shall be lawful for Her Majesty in Council, by an Order made for that Purpose, to revoke and annul any such Licence ; and if Her Majesty in Council shall think fit so to do, such Order shall be transmitted to the Archbishop who shall have granted or approved and allowed such Licence or Renewal, who shall thereupon cause a Copy of every such Order to be transmitted to the Bishop of the Diocese in which such Licence shall have been granted ; and such Bishop shall cause a Copy of the mandatory Part of the Order to be filed in the Registry of such Diocese, and a like Copy to be delivered to the Churchwardens or Chapelwardens of the Parish or Place to which the same relates, in manner herein-before directed as to Revocation of Licences; and every such Archbishop shall cause a Copy of the mandatory Part of every such Order made in relation to any such Licence granted by him in his own Diocese to be in like Manner filed in the Registry of his Diocese, and a like Copy also to be delivered to the Churchwardens or Chapelwardens of the Parish or Place to which such Licence shall relate in manner before mentioned : Provided always, that after such Licence shall have been so revoked by Her Majesty in Council the same shall nevertheless, in all Questions that shall have arisen or may thereafter arise touching the Non-residence of the Spiritual Person to whom the same shall have been granted, between the Time at which the same was granted or approved and allowed and the Time of the Revocation thereof being so filed in the Registry, be deemed and taken to have been valid.

**LII Incumbents to answer Questions transmitted to them by Bishop.**

And be it enacted, That it shall be lawful for each: Bishop and he is hereby required to transmit, some Time in the Month of *January* in each Year, to every Spiritual Person holding any Benefice within his Diocese or Jurisdiction, the Questions contained in

the First Schedule to this Act, for the Purpose of better enabling the several Bishops to make the Returns herein-after mentioned; and every Spiritual Person to whom such Questions shall be so transmitted shall, within Three Weeks from the Day on which the same shall be delivered to him, or to the Officiating Minister of the Benefice for the Time being, make and transmit to the Bishop full and specific Answers thereto, such Answers being signed by such Spiritual Person;

**LIII Annual Return to be made to Her Majesty in Council of Residents and Non-residents, &c.**

And be it enacted, That on or before the Twenty-fifth Day of March in every Year a Return shall be made to Her Majesty in Council by every Bishop of the Name of every Benefice within his Diocese or Jurisdiction, and the Names of the several Spiritual Persons holding the same respectively who shall have resided thereon ; and also the Names of the several Spiritual Persons who, by reason of any Exemption under or by virtue of this Act, or by reason of any Licence granted by such Bishop, shall not have, resided on their respective Benefices: and also the Names of all Spiritual Persons, not having any such Exemption or Licence, who shall not have resided on their respective Benefices, so far as the Bishop is informed thereof; and also the Substance of the Answers received in all Cases, to the Questions so transmitted as aforesaid.

**LIV Residence may be enforced by Monition, or the Living sequestered. Appeal against Sequestration to the Archbishop.**

And be it enacted, That in every Case in which it shall appear to the Bishop that any Spiritual Person holding any Benefice within his Diocese, and not having a Licence to reside elsewhere than in the House of Residence belonging thereto, nor having any legal Cause of Exemption from Residence, does not sufficiently, according to the true Meaning and Intent of this Act, reside on such Benefice, it shall be lawful for such Bishop, instead of proceeding for Penalties under this Act, or for Penalties incurred before the passing of this Act under the Act of the Fifty-seventh Year of His Majesty King *George* the Third, or after proceeding for the same, to issue or cause to be issued a Monition to such Spiritual Person, requiring him forthwith to proceed to and to reside on such Benefice, and perform the Duties thereof, and to make a Return to such Monition within a certain Number of Days after the issuing thereof; provided that in every such Case there shall be Thirty Days between the Time of serving such Monition on such Spiritual Person, in the manner herein-after directed, and the Time specified in such Monition for the Return thereto ; and the Spiritual Person on whom any such Monition shall be served shall, within the Time specified for that Purpose, make a Return thereto into the Registry of the Diocese, to be there filed; and it shall be lawful for the Bishop to whom any such Return shall be made to require such Return or any Fact contained therein to be verified by Evidence ; and in every Case where no such Return shall be made, or where such Return shall not state such Reasons for the Non-residence of such Spiritual Person as shall be deemed satisfactory by the Bishop, or where such Return, or any of the Facts contained therein, shall not be so verified as aforesaid, when such Verification shall have been required, it shall be lawful for the Bishop to issue an Order in Writing under his Hand and Seal, requiring such Spiritual Person to proceed and reside as, aforesaid within Thirty Days after such Order shall have been served upon him in like Manner as is herein-after directed with respect to the Service of Monitions ; and in case of Non-compliance with such Order it shall be lawful for the Bishop to sequester the Profits of such Benefice until such Order shall be complied with, or such sufficient Reasons for Non-compliance therewith shall

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*Status: This is the original version (as it was originally enacted).*

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be stated and proved as aforesaid, and to direct, by any Order to be made for that Purpose under his Hand, and filed as aforesaid, the Application of such Profits, after deducting the necessary Expences of serving the Cure, either in the Whole or in such Proportions as he shall think fit, in the first place to the Payment of the Penalties proceeded for, if any, and of such reasonable Expences as shall have been incurred in relation to such Monition and Sequestration, and in the next place towards the Repair or Sustentation of the Chancel, House of Residence of such Benefice, or of any of the Buildings and Appurtenances thereof, and of the Glebe and Demesne Lands, and in the next place, where such Benefice shall be likewise under Sequestration at the Suit of any Creditor, then towards the Satisfaction of such last-mentioned Sequestration ; and after the Satisfaction thereof, then and in the next place towards the Augmentation or Improvement of any such Benefice, or the House of Residence thereof, or any of the Buildings and Appurtenances thereof, or towards the Improvement of any of the Glebe or Demesne Lands thereof, or to order and direct the same or any Portion thereof to be paid to the Treasurer of the Governors of the Bounty of Queen *Anne*, for the Purposes of the said Bounty, as such Bishop shall, on his Discretion, under all Circumstances, think fit and expedient; and it shall also be lawful for the Bishop, within Six Months after such Order for Sequestration, or within Six Months after any Money shall have been actually levied by such Sequestration, to remit to such Spiritual Person any Proportion of such sequestered Profits, or to cause the same or any Part thereof, whether the same remain in the Hands of the Sequestrator or shall have been paid to the said Treasurer, to be paid to such Spiritual Person ; and every such Sequestrator at the Suit of the Bishop, is hereby required, upon receiving an Order under the Hand of such Bishop, forthwith to obey the same; and the said Treasurer is hereby authorized and required, upon receiving a like Order from such Bishop, to make such Payment out of any Money in his Hands: Provided always, that any such Spiritual Person may, within One Month after Service upon him of the Order for any such Sequestration, appeal to the Archbishop of the Province, who shall make such Order relating thereto, or to the Profits that shall have been so sequestered as aforesaid, for the Return of the same or any Part thereof to such Spiritual Person, or to such Sequestrator at the Suit of any Creditor, (as the Case may be,) or otherwise as may appear to such Archbishop to be just and proper; but nevertheless such Sequestration shall be in force during such Appeal.

**LV Incumbents returning to Residence on Monition to pay the Costs.**

And be it enacted, That every Spiritual Person to whom any such Monition or Order in Writing shall be issued as aforesaid, who shall be at the Time of the issuing thereof absent from his Benefice, contrary to the Provisions of this Act, but who shall forthwith obey: such Monition or Order, and the Profits of whose Benefice shall by reason of such Obedience not be sequestered, shall nevertheless pay all Costs, Charges, and Expences incurred by reason of the issuing and serving such Monition or Order, and that the Proceedings thereon shall not be stayed until such Payment shall be made.

**LVI Incumbent returning to Residence on Monition, but again absenting himself within 12 Months, the Bishop may, without further Monition sequester.**

And for effectually enforcing *bonâ fide* Residence according to the Intent of such Monition and Order, be it enacted, That if any Spiritual Person, not having a Licence to reside out of the Limits of his Benefice, nor having other lawful Cause of Absence from the same, who after any such Monition or Order as aforesaid requiring him to reside, and before or after any such Sequestration as aforesaid, shall in obedience to



any such Monition or Order have begun to reside upon his Benefice, shall afterwards, and before the Expiration of Twelve Months next after the Commencement of such Residence, wilfully absent himself from such Benefice for the Space of One Month together, or to be accounted at several Times, it shall be lawful for the Bishop, without issuing any other Monition or making any Order, to sequester and apply the Profits of such Benefice, as before directed by this Act, for the Purpose of enforcing the Residence of such Spiritual Person, according to the true Intent of the original Monition issued by the Bishop as aforesaid ; and it shall be lawful for the Bishop so to proceed in like Cases from Time to Time as often as Occasion may require ; provided that in each such Case such Spiritual Person may, within One Month after the Service upon him of the Order for any such Sequestration, appeal to the Archbishop of the Province, who shall make such Order relating thereto, or to the Profits sequestered, or to any Part thereof, as to him may seem just and proper, but nevertheless such Sequestration shall be in force during such Appeal.

**LVII Reasons for remitting Penalties for Non-residence of a certain Amount to be transmitted to the Queen in Council.**

And be it enacted, That in every Case in which any Archbishop or Bishop shall think proper, after proceeding by Monition for the Recovery of any Penalty under this Act for Non-residence of more than One Third Part of the yearly Value of any Benefice for any Non-residence exceeding Six Months in the Year, to remit the Whole or any Part of any such Penalty, such Archbishop shall forthwith transmit to Her Majesty in Council, and such Bishop shall forthwith transmit to the Archbishop of the Province to which he belongs, a Statement of the Nature and special Circumstances of each Case, and the Reasons for the Remission of any such Penalty; and it shall thereupon be lawful for Her Majesty in Council, or for the Archbishop, as the Case may be, to allow or disallow such Remission in whole or in part, in the same Manner as is provided in this Act with relation to the Allowance or Disallowance of Licences of Non-residence granted in Cases not herein-before expressly enumerated : Provided always, that the Decision of the Archbishop with respect to Cases transmitted to him from a Bishop shall be final.

**LVIII Benefice continuing so sequestered One Year, or being Twice so sequestered within Two Years, to become void.**

And be it enacted, That if the Benefice of any Spiritual Person shall continue for the Space of One whole Year under Sequestration issued under the Provisions of this Act for Disobedience to the Bishop's Monition or Order requiring such Spiritual Person to reside on his Benefice, or if such Spiritual Person shall, under the Provisions of this Act, incur Two such Sequestrations in the Space of Two Years, and shall not be relieved with respect to either of such Sequestrations upon Appeal, such Benefice shall thereupon become void; and it shall be lawful for the Patron of such Benefice to make Donation or to present or nominate to the same as if such Spiritual Person were dead, and the Bishop, on such Benefice so becoming void, shall give Notice in Writing under his Hand to such Patron, which Notice shall either be delivered to such Patron or left at his usual Place of Abode, or if such Patron or Place of Abode shall be unknown, or shall be out of *England*, such Notice shall be Twice inserted in the *London Gazette*, and also Twice in some Newspaper printed and usually circulated in *London*, and in some other Newspaper usually circulated in the Neighbourhood of the Place where such Benefice is situate; and for the Purposes of Lapse the Avoidance of the Benefice shall be reckoned from the Day on which such Notice shall have been delivered as

aforesaid, or from the Day on which Six Months shall have expired after the Second Publication of such Notice in the *London Gazette*, as the Case may be ; and every such Notice in the Gazette and Newspapers shall state that the Patron or the Place of Abode of the Patron is unknown, of that he is said to be out of *England*, as the Case may be, and that the Benefice will lapse, at the furthest, after the Expiration of One Year from the Second Publication thereof as aforesaid; and upon any such Avoidance it shall not be lawful for the Patron to appoint by Donation or present of nominate to such Benefice so avoided the Person by reason of whose Non-residence the same was so avoided.

**LIX    Contracts for letting Houses in which any Spiritual Persons required by Bishop to reside to be void. Penalty for holding adverse Possession 40s. for every Day.**

And be it enacted, That any Agreement made for the letting of the House of Residence, or the Buildings, Gardens, Orchards, or Appurtenances necessary for the convenient Occupation of the same, belonging to any Benefice, to which House of Residence any Spiritual Person may be required, by Order of the Bishop as aforesaid, to proceed and to reside therein, or which may be assigned or appointed as a Residence to any Curate by the Bishop, shall be made in Writing, and shall contain a Condition for avoiding the same, upon a Copy of such Order, Assignment, or Appointment being served upon the Occupier thereof, or left at the House, and otherwise shall be null and void; and a Copy of every such Order, Assignment, or Appointment shall immediately on the issuing thereof be transmitted to One of the Churchwardens of the Parish, or such other Person as the Bishop shall think fit, and be by him forthwith served on the Occupier of such House of Residence, or left at the same; and any Person continuing to hold any such House of Residence, or any such Building, Garden, Orchard, or Appurtenances, after the Day on which such Spiritual Person shall be directed by such Order to reside in such House of Residence, or which shall be specified in any such Order, Assignment, or Appointment, and after such Copy shall be so served or left as aforesaid, shall forfeit the Sum of Forty Shillings for every Day he shall, without the Permission of the Bishop in Writing under his Hand for that Purpose obtained, wilfully continue to hold any such House, Building, Garden, Orchard, or Appurtenances, together with the Expence of serving or leaving such Order, Assignment, or Appointment, to be allowed by the Bishop issuing the Order or making such Assignment or Appointment; and it shall also be lawful for the Spiritual Person so directed to reside, or the Curate to whom any such Residence is assigned, to apply to any Justice of the Peace having Jurisdiction in the Place for a Warrant for the taking Possession thereof; and the Justice to whom any such Order for such Possession is produced shall and he is hereby required, upon its being duly verified, to grant a Warrant to some Peace Officer to deliver such Possession, and Possession may thereupon be taken of such House under such Warrant at any Time in the Daytime, by entering the same by Force, if necessary, without any other Proceeding by Ejectment or otherwise, any Law or Statute to the contrary notwithstanding ; provided that any Person who shall have been in Possession of any such House of Residence or Premises under a verbal Agreement only, or under any Agreement in which the Condition aforesaid for avoiding the same shall not be inserted, and who shall be turned out of Possession by virtue of this Act, shall be entitled to sue the Person with whom he or she had entered into such Agreement for Damages occasioned by his or her being so turned out of Possession, to be recovered in any of Her Majesty's Superior Courts at *Westminster*.

**LX Incumbent not liable to Penalty for Non-residence while the Tenant occupies.**

Provided always, and be it enacted, That no Spiritual Person shall be liable to any Penalty for not residing in any such House of Residence during such Time as such Tenant shall continue to occupy such House of Residence or other Building or Appurtenances necessary to the Occupation of the same.

**LXI Vicar's Oath relating to Residence abolished.**

And be it enacted, That no Oath shall be required of or taken by any Vicar in relation to Residence on his Vicarage; any Law, Custom, Constitution, or Usage to the contrary notwithstanding.

**LXII On Avoidance of Benefice not having fit House of Residence Bishop to raise Money to build one by Mortgage of Glebe, &c. for 35 Years.**

And be it enacted, That upon or at any Time after the Avoidance of any Benefice it shall be lawful for the Bishop and he is hereby required to issue a Commission to Four beneficed Clergymen of his Diocese, or if the Benefice be within his peculiar Jurisdiction, but locally situate in another Diocese, then to Four beneficed Clergymen of such last-mentioned Diocese, One of whom shall be the Rural Dean (if any) of the Rural Deanery or District wherein such Benefice shall be situate, directing them to inquire whether there is a fit House of Residence within such Benefice, and what are the annual Profits of such Benefice, and if the clear annual Profits of such Benefice exceed One hundred Pounds whether a fit House of Residence can be conveniently provided on the Glebe of such Benefice, or otherwise; and if the said Commissioners, or any Three of them, shall report in Writing under their Hands to the said Bishop that there is no fit House of Residence within such Benefice, and that the clear annual Profits of such Benefice exceed One hundred Pounds, and that a fit House of Residence can be conveniently provided on the Glebe of such Benefice, or on any Land which can be conveniently procured for the Site of such House of Residence, it shall be lawful for the said Bishop and he is hereby required to procure from some skilful and experienced Workman or Surveyor a Certificate containing a Statement of the Condition of the Buildings (if any), and of the Value of the Timber and other Materials (if any) thereupon fit to be employed in building or repairing or to be sold, and also a Plan or Estimate of the Work fit and proper to be done for building or repairing such House of Residence, with all necessary and convenient Offices, and thereupon, by Mortgage of the Glebe, Tithes, Rents, Rent-charges, and other Profits and Emoluments, arising or to arise from such Benefice, to levy and raise such Sum or Sums as the said Estimate shall amount to, after deducting the Value of any Timber or other Materials which may be thought proper to be sold, not exceeding Four Years net Income and Produce of such Benefice, after deducting all Outgoings, (except only the Salary of the Assistant Curate where such a Curate is necessary), which Mortgage shall be made to the Person or Persons who shall advance the Money so to be levied and raised for the Term of Thirty-five Years, or until the Money so to be raised, with Interest for the same, and such Costs and Charges as may attend the Recovery thereof, shall be fully paid and satisfied according to the Provisions of this Act; and the same Mortgage shall be made by One or more Deed or Deeds in the Form or to the Effect for that Purpose contained in the Second Schedule to this Act, and shall bind the Incumbent of such Benefice for the Time being and his Successors until the Principal and Interest, Costs and Charges, shall be fully paid off and satisfied, and every Incumbent for the Time being is hereby made liable to the Payment of so much of the Principal and Interest, and Costs as under the Directions hereinafter contained

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*Status: This is the original version (as it was originally enacted).*

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shall become payable during the Time he shall be such Incumbent, and every such Incumbent and his Representatives shall be and are hereby also made respectively liable to the Proportion of the Payments for the Year which shall be growing at the Time or the Death of such Incumbent or Avoidance of such Benefice according to the Directions herein-after contained, which said Principal, Interest, and Costs, and the Proportion of Payment growing at the Time of the Death of such Incumbent or of such Avoidance, shall and may be recovered by Action of Debt in any Court of Record.

**LXIII Bishop to transmit Copies of Report, &c. to Patron and Incumbent, who may object within Two Months, and if so Bishop may order Plan to be modified or abandoned.**

Provided always, and be it enacted, That the said Bishop shall cause to be transmitted to the Patron and the Incumbent (if any) of such Benefice Copies of the Report so to be made by such Commissioners, and of the Plan, Estimate, and Certificate so to be made by such Workman or Surveyor, Two Calendar Months at the least before making any such Mortgage as aforesaid; and that in case the Patron and the Incumbent, or either of them, shall object to the proposed Site for a Residence, or to the proposed Plan for erecting or repairing such Residence, or to the Amount proposed to be raised, and shall deliver such Objections in Writing to the said Bishop before the Expiration of such Period of Two Calendar Months, the said Bishop shall have full Power to direct that the Plan proposed to be carried into effect shall be altered or modified in such Manner as he may think fit: Provided also, that if the Bishop shall, after receiving the Report to be made by such Commissioners, be of opinion that it is not expedient under the special Circumstances of any such Benefice to levy and raise any Sum or Sums of Money by Mortgage as herein-before required, or otherwise to take Measures for providing a fit House of Residence for such Benefice, he shall state in detail such special Circumstances and the Grounds of his Opinion in the next annual Return to be made by him to Her Majesty in Council, according to the Directions herein-before contained.

**LXIV Every Mortgagee to execute a Counterpart of the Mortgage, to be kept by the Incumbent, &c.**

And be it enacted, That every such Mortgagee shall execute a Counterpart of every such Mortgage, to be kept by the Incumbent for the Time being; and a Copy of every such Deed of Mortgage shall be registered in the Office of the Registrar of the Bishop of the Diocese, after having been first examined by him with the Original, which Officer shall register the same, and be entitled to demand and receive the Sum of Five Shillings, and no more, for such Register; and every such Deed shall be referred to upon all necessary Occasions, the Person inspecting the same paying One Shilling for every such Search: and the said Deed, or a Copy thereof certified under the Hand of the Registrar, shall be allowed as legal Evidence, in case any such Mortgage Deed shall happen to be lost or destroyed.

**LXV On Failure of Payment of Principal and Interest for 40 Days after due, Mortgagee may distrain.**

And be it enacted, That whenever the Principal and Interest directed to be paid to the Mortgagee under the Provisions of this Act shall be in arrear and unpaid for the Space of Forty Days after the same shall become due, it shall be lawful for such Mortgagee, his Executors, Administrators, or Assigns, to recover the same, and the Costs and

Charges attending the Recovery thereof, by Distress and Sale in such Manner as Rents may be recovered by Landlords or Lessors from their Tenants by the Laws in being.

**LXVI Money borrowed to be paid to such Persons as the Bishop shall appoint ; who shall contract for the Buildings &c. and see the same executed, and pay for them, &c. How the Balance remaining shall be disposed of.**

And be it enacted, That the Money so to be raised shall be paid into the Hands of such Person or Persons as shall be nominated and appointed by the Bishop of the Diocese by Writing under his Hand to receive and apply the same for the Purposes aforesaid, in the Form for that Purpose contained in the said Schedule, after such Nominee shall have given a Bond to the Ordinary, with sufficient Surety, in double the Sum so to be borrowed or raised, with Condition for his duly applying and accounting for the same according to the Directions of this Act; and the Receipt of the Person or Persons so to be nominated shall be a sufficient Discharge to the Person or Persons who shall advance and pay the Money ; and the Person or Persons so to be nominated shall enter into Contracts with proper Persons for such Buildings or Repairs as shall be approved by the said Bishop and shall be specified in an Instrument written upon Parchment and signed by him, and shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Buildings and Repairs, according to the Terms of such Agreements, and also the Expences of preparing the Mortgage Deed and incident thereto, and of making such Certificate, Plan, and Estimate, and Copies thereof as aforesaid, and shall take proper Receipts and Vouchers for the same ; and as soon as such Buildings or Repairs shall be completed, and the Money paid, shall make out an Account of his Receipts and Payments, together with the Vouchers for the same, and enter them in a Book fairly written, which shall be signed by him, and laid before the Bishop of the Diocese and examined by him, and when allowed by Writing under his Hand, such Allowance shall be a full Discharge to the Person so nominated in respect to the said Accounts ; and if any Balance shall remain in the Hands of such Nominee or Nominees, the same shall be laid out in some further lasting Improvements in building upon such Glebe, or shall be paid and applied in discharge of so much of the said Principal Debt as such Balance will extend to pay, at the Discretion of the said Bishop, by Order signed by him ; and an Account shall also be kept, made out, and allowed of such further Disbursements in manner aforesaid ; all which Accounts when made out, completed, and allowed, shall be deposited with the Vouchers in the Hands of the said Registrar, and kept by him for the Use and Benefit of the Incumbents of such Benefice for the Time being, who shall have a Right to inspect the same whenever Occasion shall require, paying to such Registrar or Deputy Registrar the Sum of One Shilling for every such Inspection.

**LXVII Directions for Payment of Principal and Interest of the Mortgages. As soon as the Buildings are completed, Incumbent to insure them against Fire.**

And be it enacted, That the Incumbent of every such Benefice, in Cases where such Mortgage or Mortgages shall be made as aforesaid, and his Successors for the Time being, shall, from and after the Expiration of the first Year of the said Term (in which Year no Part of the Principal Sum borrowed shall be repayable), yearly and every Year (such Year to be computed from the Date of such Mortgage) pay to the Mortgagee One Thirtieth Part of the Principal Sum until the whole thereof shall be repaid, and shall at the End of the first and each succeeding Year pay the yearly Interest on the Principal Sum, or so much thereof as shall from Time to Time remain unpaid; and that every such Incumbent shall annually, at his own Expence, from the Time such

Buildings authorized to be made by this Act shall be completed, insure, at one of the public Offices established in *London* or *Westminster* for Insurance of Houses and Buildings, the House and other Buildings upon such Glebe against Accidents by Fire, at such Sum of Money as shall be determined upon by the Bishop ; and in default of the Payment of either the Principal or Interest in manner aforesaid, or Neglect of the Incumbent to make such Insurance, the Bishop shall have Power to sequester the Profits of the Benefice till such Payment or Insurance shall be made.

**LXVIII For proportioning the annual Payment, in case of Death or other Avoidance.**

And be it enacted, That the Sum payable at the End of any Year in which there shall be an Avoidance of such Benefice shall be apportioned between the Successor and the Incumbent avoiding such Benefice by Death or otherwise, or his Representatives, in such Proportions as the Profits of such Living shall have been received by them respectively for the Year in which such Death or Avoidance shall happen ; and that in case any Difference shall arise in adjusting or settling the Proportions aforesaid, the same shall be determined by Two indifferent Persons, the one to be named by the said Successor, and the other by the Person making such Avoidance, or his Representatives in case of his Death ; and in case such Nominees shall not be appointed within the Space of Two Calendar Months next after such Death or Avoidance, or if they cannot agree in adjusting such Proportions within the Space of One Calendar Month after they shall have been appointed, the same shall be determined by some neighbouring Clergyman, to be nominated by the Bishop, whose Determination shall be final and conclusive between the Parties.

**LXIX All Money received for Dilapidations, &c. shall be applied in Part of the Payments under the aforesaid Estimate ; or in making some additional Improvements, &c.**

And be it enacted, That all Sums of Money recovered or received, by Suit or Compositions, from the Representatives of any former Incumbent of such Benefice, and not laid out in the Repairs of such Buildings, shall go and be applied in Part of the Payments under such Estimate as aforesaid; and that all Money thereafter to be recovered or received, in case the same cannot be had before such Buildings are completed, and the Money paid for the same, shall be applied as soon as received in Payment of the Principal then due, as far as the same will extend; or in case the said Mortgage Money shall have been discharged, all such Money arising from Dilapidations shall be paid into the Hands of the Nominee to be appointed as aforesaid, or of some other Person or Persons to be nominated by the Bishop, in case such Nominee shall be dead or shall decline to act therein, to be laid out and expended in making some additional Buildings or Improvements upon the Glebe of such Benefice, to be approved by the Bishop ; and in the meantime, or in case such Buildings shall not be necessary, then in Trust to lay out the same in Government or other good Securities, and pay the Interest thereof to the Incumbent for the Time being.

**LXX Where new Buildings are necessary for the Residence of the Incumbent, the Bishop may purchase any conveniently situated House, and a certain Portion of Land.**

And be it further enacted, That where new Buildings are necessary to be provided for the Residence of the Incumbent of any Benefice exceeding in Value One hundred Pounds a Year, and avoided after the passing of this Act, and where such new Buildings

cannot be conveniently erected on the Glebe of such Benefice, it shall be lawful for the Bishop to contract, or to authorize, if he shall think fit, the Person so to be nominated by him as aforesaid to contract, for the absolute Purchase of any House or Buildings in a Situation convenient for the Residence of the Incumbent of such Benefice, and also to contract for any Land adjoining or lying convenient to such House or Building, or to contract for any Land upon which a fit House of Residence can be conveniently built, and to raise the Purchase Money for such House or Buildings and Land adjoining, or for such Land upon which a House of Residence can be conveniently built (as the Case may be), by Mortgage of the Glebe, Tithes, Rents, and either Profits and Emoluments arising or to arise from such Benefice, in the same Manner in all respects as is hereinbefore directed with respect to the Mortgage herein-before authorized or directed to be made, which Mortgage shall be binding upon the Incumbent and his Successors, and he and they and their Representatives are hereby made liable to the Payment of the Principal, Interest, and Costs, in the same Manner and to the same Extent as herein-before directed with respect to the aforesaid Mortgage ; and the Receipt of such Nominee or Nominees as aforesaid shall be a sufficient Discharge to the Person or Persons who shall advance or pay the Money so to be raised: Provided always, that no greater Sum shall be charged on any Benefice under the Authority of this Act than Four Years net Income and Produce -of such Benefice (after such Deduction as aforesaid).

**LXXI Buildings and Lands to be conveyed to Patron in Trust for the Incumbent for the Time being.**

And be it enacted, That the Buildings and Lands so to be purchased shall be conveyed to the Patron of such Benefice and his Heirs or Successors, as the Case may be, in Trust for the sole Use and Benefit of the Incumbent of such Benefice for the Time being and his Successors, and shall be annexed to such Benefice, and be enjoyed and go in succession with the same for ever; but no Contract of Purchase made by the Nominee shall be valid until confirmed by the Bishop by Writing under his Hand ; and every such Purchase Deed shall be in the Form or to the Effect contained in the Schedule hereunto annexed, and shall be registered in such Manner and in such Office as the other Deeds are hereby directed to be registered.

**LXXII Governors of Queen Anne's Bounty empowered to lend certain Sums to promote the Execution of this Act.**

And be it enacted, That it shall be lawful for the Governors authorized or appointed to regulate and superintend the Bounty given by Her late Majesty Queen *Anne* for the Augmentation of the Maintenance of the poor Clergy, to advance and lead out of the Money which has arisen or shall from Time to Time arise from that Bounty, for promoting and assisting the Purposes of this Act, any Sum not exceeding the Amount hereby authorized to be raised upon such Mortgage and Security as aforesaid, and subject to the several Regulations of this Act, and to receive Interest for the same not exceeding Four Pounds for One hundred Pounds by the Year.

**LXXIII Colleges in Oxford and Cambridge and other Corporate Bodies, Patrons of Livings, may lend any Sums without Interest, to aid the Execution of this Act.**

And be it enacted, That it shall be lawful for any College or Hall within the Universities of *Oxford* and *Cambridge*, or for any other Corporate Bodies possessed of the Patronage of Ecclesiastical Benefices, to advance and lend any Sum or Sums of Money

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*Status: This is the original version (as it was originally enacted).*

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of which they have the Power of disposing in order to aid and assist the several Purposes of this Act for the building, rebuilding, repairing, or purchasing of any Houses or Buildings for the Habitation and Convenience of the Clergy, upon Benefices under the Patronage of such College or Hall, upon the Mortgage and Security directed by this Act for the Repayment of the Principal, without taking any Interest for the same.

**LXXIV Allowance to Person nominated by the Bishop to pay and apply Money.**

And be it enacted, That it shall be lawful for the said Bishop, by Writing under his Hand, to make such Allowance to the Person or Persons to be nominated by him for the Purpose of paying and applying the Money so to be raised as aforesaid as he shall think fit, not exceeding the Sum of Five Pounds for every One hundred Pounds so to be laid out and expended as aforesaid.

**LXXV Non-resident Incumbents neglecting to appoint Curates, the Bishop to appoint.**

And be it enacted, That if any Spiritual Person holding any Benefice, who shall not actually reside thereon Nine Months in each Year, (unless such Person shall, with the Consent of the Bishop, from Time to Time, signified in Writing under his Hand and revocable at any Time, perform the Ecclesiastical Duties of the same, he either being resident on another Benefice, of which he shall also be the Incumbent, or having a legal Exemption from Residence on his Benefice, or having a Licence to reside out of the same, or to reside out of the usual House of Residence belonging to the same,) shall for a Period exceeding Three Months altogether, or to be accounted at several Times, in the course of any One Year absent himself from his Benefice, without leaving a Curate or Curates duly licensed or approved by the Bishop to perform such Ecclesiastical Duties, or shall, for a Period of One Month after the Death, Resignation, or Removal of any Curate who shall have served his Church or Chapel, neglect to notify such Death, Resignation, or Removal to the Bishop, or shall for the Period of Four Months after the Death, Resignation, or Removal of such Curate neglect to nominate to the Bishop a proper Curate, in every such Case the Bishop is hereby authorized to appoint and license a proper Curate, with such Salary as is by this Act allowed and directed, to serve the Church or Chapel of the Benefice in respect of which such Neglect or Default shall have occurred: Provided always, that such Licence shall in every Case specify whether the Curate is required to reside within the Parish or Place, or not; and if the Curate is permitted by the Bishop to reside out of the Parish or Place, the Grounds upon which the Curate is so permitted to reside out of the same shall be specified in such Licence; and the Distance of the Residence of any Curate from any such Church or Chapel which he shall be licensed to serve shall not exceed Three Statute Miles, except in Cases of Necessity, to be approved by the Bishop, and specified in the Licence.

**LXXVI Curate to reside on Benefices, under certain Circumstances.**

And be it enacted, That in every Case where a Curate is appointed to serve in any Benefice upon which the Incumbent either does not reside or has not satisfied the Bishop of his full Purpose to reside during Four Months in the Year, such Curate shall be required by the Bishop to reside within the Parish or Place in which such Benefice is situate, or if no convenient Residence can be procured within such Parish or Place, then within Three Statute Miles of the Church or Chapel of the Benefice in which he shall be licensed to serve, except in Cases of Necessity, to be approved of



by the Bishop, and specified in the Licence, and such Place of Residence shall also be specified in the Licence.

**LXXVIII If Duty inadequately performed, the Bishop may appoint a Curate ; but Incumbent may appeal.**

And be it enacted, That whenever the Bishop shall see Reason to believe that the Ecclesiastical Duties of any Benefice are inadequately performed, it shall be lawful for him to issue a Commission to Four beneficed Clergymen of his Diocese, or if the Benefice be within his peculiar Jurisdiction but locally situate in another Diocese then to Four beneficed Clergymen of such last-mentioned Diocese, one whereof shall be the Rural Dean, if any, of the Rural Deanery or District wherein such Benefice is situated, directing them to inquire into the Facts of the Case ; and it shall be lawful for the Incumbent of the said Benefice to add to such Commissioners One other Incumbent of a Benefice within the same Diocese ; and if the said Commissioners or the major Part of them report in Writing under their Hands to the said Bishop that in their Opinion the Duties of such Benefice are inadequately performed, it shall be lawful for such Bishop, if he shall see fit, by Writing under his Hand, to require the Spiritual Person holding such Benefice, though he may actually reside or be engaged in performing the Duties thereof, to nominate to him a fit Person or Persons, with sufficient Stipend or Stipends, to be licensed by him to perform or to assist in performing such Duties, specifying therein the Grounds of such Requisition ; and if such Spiritual Person shall neglect or omit to make such Nomination for the Space of Three Months after such Requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and license a Curate or Curates, as the Case shall appear to him to require, with such Stipend or Stipends as he shall think fit to appoint, not exceeding the respective Stipends allowed to Curates by this Act in the Case of non-resident Incumbents, nor, except in the Case of Negligence, exceeding One Half of the net annual Value of such Benefice ; and such Bishop shall cause a Copy of every such Requisition, and the Evidence to found the same, to be forthwith filed in the Registry of his Court: Provided always, that it shall be lawful for any such Spiritual Person within One Month after the Service upon him of such Requisition to nominate a Curate, or of Notice of any such Appointment and Licence of such Curate or Curates, to appeal to the Archbishop of the Province, who shall approve or revoke such Requisition, or confirm or annul such Appointment, as to him may seem just and proper.

**LXXVIII If large Benefices an Assistant Curate may be required. Appeal.**

And be it enacted, That whenever the annual Value of any Benefice the Incumbent whereof was not in Possession at the Time of the passing of this Act shall exceed Five hundred Pounds, and the Population thereof shall amount to Three thousand Persons, or though the Population do not amount to Three thousand Persons, if there be in the said Benefice a second Church or Chapel situated not less than Two Miles from the Mother Church, and with a Hamlet or District connected with it containing Four hundred Persons, it shall be lawful for the Bishop, if he shall see fit, to require the Spiritual Person holding such Benefice, although he shall be resident thereon or engaged in performing the Duties thereof, to nominate a fit and proper Person to be licensed as a Curate to assist in performing the Duties of such Benefice, and to be paid by the Person holding the same and if a fit Person shall not be nominated to the Bishop within Three Months after his Requisition for that Purpose shall have been delivered to the Incumbent, or left at his last or usual Place of Abode, it shall be lawful for the Bishop to appoint and license a Curate, with such Stipend as he shall think fit to

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*Status: This is the original version (as it was originally enacted).*

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appoint, not exceeding the respective Stipends allowed to Curates by this Act, nor in any Case exceeding One Fifth Part of the net annual Value of the Benefice: Provided always, that such Spiritual Person may, within One Month after Service upon him of such Requisition to nominate a Curate, or of Notice of any such Appointment of a Curate, appeal to the Archbishop of the Province, who shall approve or revoke such Requisition, or confirm or annul such Appointment, as to him may appear just and proper.

**LXXIX Stipend to be paid by Committee of Lunatic's Estate.**

And be it enacted, That in case of a Stipend being assigned by the Bishop, according to the Provisions of this Act, to the Curate of any Benefice, the Incumbent whereof shall have been duly found a Lunatic or Person of unsound Mind, the Committee of the Estate of any such Lunatic or Person of unsound Mind shall pay such Stipend to such Curate out of the Profits of the Benefice which shall come to his Hands.

**LXXX Bishops may enforce Two Services on Sundays in certain Cases. Not to affect the Provision of the Act.**

And be it enacted, That it shall be lawful for the Bishop, in his Discretion, to order that there shall be Two full Services, each of such Services, if the Bishop shall so direct, to include a Sermon or Lecture on every *Sunday* throughout the Year, or any Part thereof, in the Church or Chapel of every or any Benefice within his Diocese, whatever may be the annual Value or the Population thereof; and also in the Church or Chapel of every Parish or Chapelry, where a Benefice is composed of Two or more Parishes or Chapelries, in which there shall be a Church or Chapel, if the annual Value of the Benefice arising from that Parish or Chapelry shall amount to One hundred and fifty Pounds, and the Population of that Parish or Chapelry shall amount to Four hundred Persons: Provided always, that nothing herein contained shall be taken to repeal or affect the Provisions of an Act passed in the Fifty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for building and promoting the building of additional Churches in populous Parishes*, by which the Bishop of any Diocese is empowered to direct the Performance of a Third or additional Service in the several Churches or Chapels within his Diocese under the Circumstances therein mentioned.

**LXXXI Statement of Particulars necessary to be given, and Declaration to be made, on Application for a Licence for a Curate.**

And be it enacted, That every Bishop to whom any Application shall be made for any Licence for a Curate to serve for any Person not duly residing upon his Benefice shall, before he shall grant such Licence, require a Statement of all the Particulars by this Act required to be stated by any Person applying for a Licence for Non-residence; and in every Case in which Application shall be made to any Bishop for a Licence for any stipendiary Curate to serve in any Benefice, whether the Incumbent be resident or non-resident, such Bishop shall also require a Declaration in "Writing to be made and subscribed by the Incumbent and the Curate, to the Purport and Effect that the one *bonâ fide* intends to pay, and the other *bonâ fide* intends to receive, the whole actual Stipend mentioned in such Statement, without any Abatement in respect of Rent or Consideration for the Use of the Glebe House, and without any other Deduction or Reservation whatever.

**LXXXI Fee for Licence.**

And be it enacted, That every Curate obtaining such Licence as aforesaid shall pay to the Secretary or other proper Officer of the Bishop for the same the Sum of Ten Shillings, over and above any Stamp Duty which may be chargeable thereon, which Sum of Ten Shillings shall be in lieu of all Fees heretofore demandable by such Secretary or Officer for such Licence, or for any Certificate connected therewith ; and that whenever any Person shall be licensed to Two Curacies within the same Diocese at the same Time, it shall be sufficient for such Person to sign a Declaration appointed to be signed by an Act, intituled *An Act of Uniformity*, once only; and it shall be sufficient for such Person to produce One Certificate only of his having so signed such Declaration.

**LXXXII Bishop shall appoint Stipends to Curates ; and decide Differences respecting them.**

And be it enacted, That it shall be lawful for the Bishop of the Diocese and he is hereby required, subject to the several Provisions and Restrictions in this Act contained, to appoint to every Curate of a non-resident Incumbent such Stipend as is specified in this Act; and every Licence to be granted to a stipendiary Curate, whether the Incumbent of the Benefice be resident or non-resident thereon, shall specify the Amount of the Stipend to be paid to the Curate; and in case any Difference shall arise between the Incumbent of any Benefice and his Curate touching such Stipend, or the Payment thereof or of the Arrears thereof, the Bishop, on Complaint to him made, may and shall summarily hear and determine the same, without Appeal; and in case of wilful Neglect or Refusal to pay such Stipend, or the Arrears thereof, he is hereby empowered to enforce Payment of such Stipend, or the Arrears thereof, by Monition, and by Sequestration of the Profits of such Benefice.

**LXXXIII Stipends to Curates of Incumbents before 20th July 1813 not to exceed a certain Rate.**

And be it enacted, That it shall not be lawful for the Bishop to appoint for the Curate of any Benefice, to which the Spiritual Person holding the same was instituted, licensed, or otherwise admitted before the Twentieth Day of *July* One thousand eight hundred and thirteen, any Stipend exceeding Seventy-five Pounds *per Annum*, together with the Use of the House of Residence, and the Gardens and Stables belonging thereto, or a further Sum of Fifteen Pounds in lieu of the Use of the Rectory or Vicarage House, or other House of Residence, in case there shall be no House, or it shall not appear to the Bishop convenient to assign the House to the Curate.

**LXXXIV Stipends to Curates to be according to specified Scale, proportioned to the Value and Population of the Benefice.**

And be it enacted, That in every Case in which any Spiritual Person shall have been, since the Twentieth Day of *July* One thousand eight hundred and thirteen, or shall hereafter be instituted, inducted, nominated, or appointed to, or otherwise become Incumbent of any Benefice, and shall not duly reside thereon, the Bishop shall appoint for the Curate licensed under the Provisions of this Act to serve such Benefice such Stipend as is herein-after next mentioned ; (that is to say,) such Stipend shall in no Case be less than Eighty Pounds *per Annum*, or than the annual Value of the Benefice, if such Value shall not amount to Eighty Pounds; nor less than One hundred Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred

Pounds, in any Parish or Place where the Population shall amount to Three hundred Persons ; nor less than One hundred and twenty Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and twenty Pounds, in any Parish or Place where the Population shall amount to Five hundred Persons ; nor less than One hundred and thirty five Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and thirty-five Pounds, in any Parish or Place where the Population shall amount to Seven hundred and fifty Persons; nor less than One hundred and fifty Pounds *per Annum*, or than the whole Value, if such Value shall not amount to One hundred and fifty Pounds, in any Parish or Place where the Population shall amount to One thousand Persons.

**LXXXVI Larger Stipends in certain Cases of larger Value and Population. Bishop may require Two Curates. Appeal.**

And be it enacted, That where the annual Value of any such Benefice shall exceed Four hundred Pounds, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, a Stipend of One hundred Pounds, notwithstanding the Population may not amount to Three hundred Persons ; and that where the annual Value of any such Benefice shall exceed Four hundred Pounds, and the Population shall amount to Five hundred Persons, it shall be lawful for the Bishop to assign to the Curate, being resident within the same, and serving no other Cure, any larger Stipend, so that the same shall not exceed by more than Fifty Pounds *per Annum* the Amount of the Stipend hereinbefore required to be assigned to any such Curate ; and that where the Population of any such Benefice shall exceed Two thousand Persons, it shall be lawful for the Bishop to require the Incumbent thereof to nominate to him Two Persons to be licensed as Curates; and if such Spiritual Person shall neglect or omit to make such Nomination for the Space of Three Months after such Requisition so made as aforesaid, it shall be lawful for the Bishop to appoint and license Two Curates or a Second Curate, and in all and every of such Cases to assign to each Curate so nominated or appointed such Stipend as he shall think fit, not exceeding together the highest Rate of Stipend allowed by this Act in the Case of One such Curate, except in Cases where the Incumbent shall consent to a larger Stipend: Provided always, that such Incumbent may within One Month after Service upon him of such Requisition, or of Notice of any such Appointment of Two Curates or a Second Curate, appeal to the Archbishop of the Province, who shall approve or revoke such Requisition or confirm or annul such Appointment, as to him may appear just and proper.

**LXXXVII Smaller Stipends in certain Cases.**

And be it enacted, That in every Case in which the Bishop shall be satisfied that any Spiritual Person holding any Benefice within his Diocese is non-resident, or has become incapable of performing the Duties thereof from Age, Sickness, or other unavoidable Cause, and that, from these or from any other special and peculiar Circumstances, great Hardship or Inconvenience would arise if the full Stipend specified in this Act should be allowed to the Curate of such Benefice, it shall be lawful for such Bishop, with the Consent of the Archbishop of the Province, to be signified in Writing under the Hand of the said Archbishop upon the Licence to be granted to such Curate, to assign to the Curate such Stipend less than the full Amount in this Act specified as shall appear to him just and reasonable; Provided always, that in the Licence granted in every such Case it shall be stated that for special Reasons the Bishop hath not thought proper to assign to the Curate the full Stipend required by this Act : Provided also, that such special Reasons shall be entered fully in a separate

Book to be kept for that Purpose, and to be deposited in the Registry of the Diocese, which Book shall be open to Inspection with the Leave of the Bishop, as in the Cases of Application for Licences for Non-residence.

**LXXXVIII. Stipend of Curate engaged to serve interchangeably at different Benefices belonging to the same Incumbent.**

. And be it enacted, That if any Incumbent of Two Benefices, residing *bonâ fide* in different Proportions of every Year on one or other of such Benefices the full Period specified by this Act, shall employ a Curate to perform Ecclesiastical Duty interchangeably from Time to Time upon such of the Benefices from which he shall be absent during his own actual Residence upon the other thereof, it shall be lawful for the Bishop to assign to such Curate any Stipend not exceeding such Stipend as would be allowed under this Act for the larger of such Benefices, nor less than would be allowed for the smaller, as to the Bishop shall under all the Circumstances appear just and reasonable: Provided always, that if any such Incumbent shall employ a Curate or Curates for the whole Year upon each of such Benefices, such Incumbent so residing *bonâ fide* as aforesaid, in such Case it shall be lawful for the Bishop to assign to either or each of such Curates any such Stipend less than the Amount specified in this Act as he shall think fit.

**LXXXIX. How the Stipends shall be adjusted where the Curate is permitted to serve in Two adjoining Parishes.**

And be it enacted, That in every Case where the Bishop shall find it necessary or expedient for obtaining the proper Performance of Ecclesiastical Duties to license any Spiritual Person holding any Benefice to serve as Curate of any adjoining or other Parish or Place, it shall be lawful for such Bishop, if he shall think fit, to assign to such Person so licensed a Stipend less by a Sum not exceeding Thirty Pounds *per Annum* than the Stipend which in the several Cases in this Act specified the Bishop is required to assign ; and in every Case where the Bishop shall find it necessary or expedient to license the same Person to serve as Curate for Two Parishes or Places, it shall be lawful for such Bishop, if he shall think fit, to direct that during such Time as such Curate shall serve the Churches or Chapels of such Two Parishes or Places the Stipend to be received by him for serving each of the said Churches or Chapels shall be less by a Sum not exceeding Thirty Pounds *per Annum* than the Stipend which in the several Cases herein-before specified the Bishop is required by this Act to assign.

**XC. Agreements for Stipends to Curates contrary to this Act void.**

And be it enacted, That all Agreements made or to be made between Persons holding Benefices and their Curates, in fraud or derogation of the Provisions of this Act, and all Agreements whereby any Curate shall undertake or in any Manner bind himself to accept or be content with any Stipend less than that which shall be assigned by his Licence, shall be void to all Intents and Purposes, and shall not be pleaded or given in Evidence in any Court of Law or Equity ; and, notwithstanding the Payment and Acceptance, in pursuance of any such Agreement, of any Sum less than that assigned by the Licence, or any Receipt, Discharge, or Acquittance that may be given for the same, the Curate and his personal Representatives shall be and remain entitled to the full Amount of the Stipend assigned by his Licence; and the Payment of so much thereof as shall be proved to the Satisfaction of the Bishop to remain unpaid shall, together with full Costs of recovering the same as between Proctor and Client,

be enforced by Monition, and by Sequestration of the Profits of the Benefice, to be issued by the Bishop for that Purpose on Application made by the Curate or his Representatives ; provided that such Application shall in every such Case be made to the Bishop within Twelve Months after such Curate shall have quitted his Curacy, or have died.

**XCI Curate's Stipend, if of the Value of the Benefice, liable to all Charges.**

And be it enacted, That in every Case in which the Bishop shall assign to any Curate a Stipend equal to the whole annual Value of the Benefice in which he is licensed to serve, such Stipend shall be subject to Deduction in respect to all such Charges and Outgoings as may legally affect the Value of such Benefice, and to any Loss or Diminution which may lessen such Value, without the wilful Default or Neglect of the Spiritual Person holding the Benefice.

**XCII Bishop may allow Incumbent to deduct from Curate's Stipend for Repairs to a limited Amount, in certain Cases.**

And be it enacted, That in every such Case as last aforesaid it shall be lawful for the Bishop, upon the Application of the Spiritual Person holding the Benefice, to allow such Spiritual Person to retain in each Year so much Money, not exceeding in any Case One Fourth Part of the annual Value, as shall have been actually expended during the Year in the Repair of the Chancel and of the House of Residence and Premises and Appurtenances thereto belonging, in respect of which such Spiritual Person, or his Executors or Administrators, would be liable for Dilapidations to the Successor; and it shall also be lawful for the Bishop in like Manner to allow any Spiritual Person holding any Benefice the annual Value whereof shall not exceed One hundred and fifty Pounds to deduct from the Stipend assigned to the Curate in each Year so much Money as shall have been actually expended in such Repairs above the Amount of the Surplus remaining of such Value after Payment of such Stipend ; provided that the Sum so deducted, after laying out such Surplus, shall not in any Year exceed One Fourth Part of such Stipend.

**XCIII Curate directed to reside in Parsonage House, in case of Non-residence of Incumbent, may have certain Portion of Glebe assigned to him by Bishop.**

And be it enacted, That it shall be lawful for the Bishop who shall have granted any Licence to any Curate to serve in any Benefice the Incumbent whereof is not resident for Four Months in each Year, and who shall have required such Curate to reside in the House of Residence belonging to the Benefice, to assign to such Curate such House of Residence, together with the Offices, Stables, Gardens, and Appurtenances thereto belonging, or any Part or Parts thereof, without Payment of any Rent, and also to assign any Portion of Glebe Land adjacent to the House, and not exceeding Four Statute Acres, at such Rent as shall be fixed by the Archdeacon of the Archdeaconry, or by the Rural Dean, if any, of the Deanery or District within which the Benefice is situate, and One neighbouring Incumbent, and approved of by the Bishop, during the Time of such Curate's serving the Cure, or during the Non-residence of the Incumbent of such Benefice ; and it shall be lawful for the Bishop making any such Assignment to any Curate to sequester the Profits of the Benefice in any Case in which Possession of the Premises so assigned shall not be given up to the Curate, and until such Possession shall be given, and to direct the Application of the Profits arising from such Sequestration as is herein-before directed in the Case

of Sequestration for Non-residence, or to remit the same or any Part thereof, as the Bishop shall in his Discretion think fit.

**XCIV Curates to pay Taxes of Parsonage Houses in certain Cases.**

And be it enacted, That in every Case where the Bishop shall assign to the Curate licensed to serve in any Benefice a Stipend not less than the whole Value of the same, and shall in addition to such Stipend direct that such Curate shall reside in the House of Residence belonging to such Benefice, such Curate shall be liable during the Time of his serving such Cure to the same Taxes and Parochial Rates and Assessments, in respect of such House, Premises, and Appurtenances thereto belonging, as if he had been Incumbent of the Benefice: Provided always, that in every other Case in which the Curate shall so reside by Direction of the Bishop it shall be lawful for such Bishop, if he shall think fit, to order that the Incumbent shall pay to the Curate all or any Part of such Sums as he may have been required to pay and shall have actually paid within One Year ending at Michaelmas Day next preceding the Date of such Order for any such Taxes, Parochial Rates, or Assessments as shall become due at any Time after the passing of this Act, and the Bishop may, if necessary, enforce Payment thereof by Monition, and Sequestration of the Profits of such Benefice.

**XCv Curate to quit Cure upon having Six Weeks Notice from new Incumbent within Six Months after his Admission, and in other Cases Incumbent, with Bishop's Permission, may dispossess Curate of Cure on Six Months Notice. Appeal.**

And be it enacted, That every Curate shall quit and give up the Cure of any Benefice which shall become vacant upon having Six Weeks Notice from the Spiritual Person admitted, collated, instituted, or licensed to such Benefice, provided such Notice shall be given within Six Months from the Time of such Admission, Collation, Institution, or Licence ; and that in all other Cases it shall be lawful for the Incumbent of any Benefice, whether resident or non-resident thereon, having first obtained the Permission of the Bishop of the Diocese, to be signified by Writing under his Hand, to require any One or more of his Curates, who after the passing of this Act shall be licensed to any Curacy, to quit and give up his Curacy upon Six Months Notice thereof given to the Curate, who shall thereupon quit the same according to such Notice: Provided always, that any Incumbent resident on his Benefice, or not resident but desiring to reside on his Benefice, may, within One Month after Refusal of such Permission as aforesaid by the Bishop, appeal to the Archbishop of the Province, who shall either confirm such Refusal or grant such Permission as to him may seem just and proper.

**XCvI Curate peaceably to deliver up Possession of House of Residence within Six Months after Notice, or pay 40s. per Day.**

And be it enacted, That every Curate who shall reside in the House of Residence of any Benefice which shall become vacant shall peaceably deliver up Possession thereof, with the Appurtenances, upon having Six Weeks Notice from the Spiritual Person admitted, collated, instituted, or licensed to such Benefice, provided such Notice be given within Six Months from the Time of such Admission, Collation, Institution, or Licence ; and that in all other Cases it shall be lawful for the Incumbent of any Benefice, with the Permission signified in Writing under the Hand of the Bishop of the Diocese, or for such Bishop, at any Time, upon Six Months Notice in Writing, to direct any Curate to deliver up the House of Residence, and the Offices, Stables,

Gardens, and Appurtenances thereto belonging, and such Portion of the Glebe Land as shall have been assigned to such Curate, and such Curate shall thereupon peaceably deliver up the Possession of the Premises pursuant to such Notice; and if any Curate shall refuse to deliver up such Premises in any or either of the Cases aforesaid he shall pay to the Spiritual Person holding the Benefice the Sum of Forty Shillings for every Day of wrongful Possession after the Service of such Notice.

**XCVII Curate not to quit Curacy without Three Months Notice to Incumbent and Bishop, under a Penalty.**

And be it enacted, That no Curate shall quit any Curacy to which he shall be licensed until after Three Months Notice of his Intention given to the Incumbent of the Benefice and to the Bishop, unless with the Consent of the Bishop, to be signified in Writing under his Hand, upon pain of paying to the Incumbent a Sum not exceeding the Amount of his Stipend for Six Months, at the Discretion of the Bishop, such Sum to be specified in Writing under the Hand of the Bishop, which Sum may in such Case be retained out of the Stipend if the same or any Part thereof shall remain unpaid, or, if the same cannot be retained out of the Stipend, may be recovered by the Spiritual Person holding the Benefice by Action of Debt.

**XCVIII Bishop may license Curates employ out Nomination, revoke any Licence, and remove the Curate, subject to Appeal to the Archbishop.**

And be it enacted, That it shall be lawful for the Bishop to license any Curate who is or shall be actually employed by any non-resident Incumbent of any Benefice within his Diocese although no express Nomination of such Curate shall have been made to such Bishop by the Incumbent; and that the Bishop shall have Power, after having given to the Curate sufficient Opportunity of showing Reason to the contrary, to revoke, summarily and without further Process, any Licence granted to any Curate, and to remove such Curate, for any Cause which shall appear to such Bishop to be good and reasonable : Provided always, that any such Curate may, within One Month after Service upon him of such Revocation, appeal to the Archbishop of the Province, who shall confirm or annul such Revocation as to him shall appear just and proper.

**XCIX Bishop may appoint Curates to all sequestered Benefices.**

And be it enacted, That in every Case in which a Benefice shall be under Sequestration, except for the Purpose of providing a House of Residence as aforesaid, it shall be lawful to the Bishop and he is hereby required, if the Incumbent shall not perform the Duties of the said Benefice, to appoint and license a Curate or Curates thereto, and to assign to him or them a Stipend or Stipends, not exceeding, in the Case of any One such Curate, the highest Rate of Stipend allowed by this Act, nor, where more than One Curate is appointed, a Stipend exceeding One hundred Pounds to more than One such Curate, such Stipend or Stipends to be paid by the Sequestrator of such Benefice out of the Profits thereof: Provided always, that not more than One Curate shall be appointed to any such Benefice in any Case in which there is not more than One Church, or the Population does not exceed Two thousand Persons.

**C Stipend of Curate of sequestered Benefice to be paid by Sequestrator.**

And be it enacted, That upon the Avoidance of any Benefice, by Death, Resignation, or otherwise, the Sequestrator appointed by the Bishop shall, out of the Profits thereof



which shall come to his Hands, pay to the Curate or Curates appointed by such Bishop to perform the Ecclesiastical Duties of such Benefice during the Vacancy thereof, such Stipend or Stipends as shall be ordered to be paid to him or them by such Bishop, not exceeding the respective Stipends allowed by this Act, and in proportion only to the Time of such Vacancy.

**CI Proviso for Payment by succeeding Incumbent, where Profits during Sequestration insufficient.**

Provided always, and be it enacted, That if the Profits of such Benefice which shall have come to the Hands of such Sequestrator during the Vacancy thereof shall not be sufficient to pay such Stipend, the same, or so much thereof as shall remain unpaid, shall be paid to such Curate by the succeeding Incumbent of such Benefice out of the Profits thereof; and such Bishop is hereby empowered and required, if necessary, to enforce Payment of the same by Monition, and by Sequestration of the Profits of such Benefice.

**CII Licences to Curates, and Revocations thereof, to be entered in the Registry of the Diocese.**

And be it enacted, That every Bishop who shall grant or revoke any Licence to any Curate under this Act shall cause a Copy of such Licence or Revocation to be entered in the Registry of the Diocese ; and an alphabetical List of such Licences and Revocations shall be made out by the Registrar of each Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of Three Shillings, and no more ; and a Copy of every such Licence and Revocation shall be transmitted by the said Registrar to the Churchwardens or Chapelwardens of the Parish, Township, or Place to which the same relates, within One Month after the Grant of such Licence or Revocation thereof, to be by them deposited in the Parish Chest: Provided always, that every such Registrar shall for every such Copy transmitted to such Churchwardens or Chapelwardens as aforesaid be entitled to demand and receive from the Incumbent of such Benefice a Fee of Three Shillings, and no more : Provided also, that in case the Archbishop shall, on Appeal to him, annul the Revocation of any such Licence, the Bishop by whom such Revocation shall have been made shall, immediately on receiving Notice from the Archbishop that he had annulled the same, make such or the like Order as is herein-before directed to be made on the Revocation of a Licence for Non-residence being annulled, which Order shall be. binding on the Registrar and Churchwardens respectively to whom the same shall be addressed.

**CIII Repeal of Part of 6 & 7 W.4 c.77.**

And whereas in many Benefices in *Wales* and in the Counties adjacent thereunto many of the Inhabitants are imperfectly or not at all instructed in the English Language, and it is expedient that Persons to be hereafter instituted or licensed to such Benefices should possess an adequate Knowledge of the *Welsh* Language : And whereas in and by an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act for carrying into effect the Reports of the Commissioners appointed, to consider the State of the Established Church in England and Wales, with reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues, and Patronage*, the said Commissioners were directed to prepare and lay before His then Majesty in Council a Scheme for preventing the Appointment of any Clergyman not fully conversant with the *Welsh* Language to

certain Benefices with Cure of Souls in *Wales* : And whereas it is expedient to repeal such Enactment, and instead thereof to enact other Provisions of more general and extensive Application; be it therefore enacted, That the said Enactment shall be and the same is hereby repealed.

**CIV Provision for Benefices in certain Welsh Dioceses.**

And be it enacted, That within the several Dioceses of *Saint Asaph, Bangor, Llandaff*, and *Saint David's* it shall and may be lawful for the Bishop, if he shall think fit, to refuse Institution or Licence to any Spiritual Person who after due Examination and Inquiry shall be found unable to preach, administer the Sacraments, perform other pastoral Duties, and converse in the *Welsh* Language : Provided always, that any such Spiritual Person may, within One Month after such Refusal, appeal to the Archbishop of *Canterbury*, who shall either confirm such Refusal or direct the Bishop to grant Institution or Licence, as shall seem to the said Archbishop just and proper: Provided also, that nothing herein-before contained shall be construed to affect or abridge any Rights which the Inhabitants of any Benefice within the said Four *Welsh* Dioceses may at present by Law possess of entering a Caveat against or objecting in due Course of Law to the Institution, Collation, or Licence of any Spiritual Person, or of proceeding to procure the Deprivation of any such Person.

**CV Provision for Curates in certain Welsh Dioceses.**

And be it enacted, That all the Provisions and Powers of this Act relating to the Appointment of Curates where the Ecclesiastical Duties are inadequately performed shall within the several Dioceses of *Saint Asaph, Bangor, Llandaff*, and *Saint David's* extend and apply to Cases wherein the Bishop shall see Reason to believe that, the Ecclesiastical Duties of any Benefice are not satisfactorily performed by reason of the insufficient Instruction in the *Welsh* Language of the Spiritual Person serving such Benefice.

**CVI No Spiritual Person to serve more than Two Benefices in One Day.**

And be it enacted, That no Spiritual Person shall serve more than Two Benefices in One Day unless in case of unforeseen and pressing Emergency, in which Case the Spiritual Person who shall so have served more than Two Benefices shall forthwith report the Circumstance to the Bishop of the Diocese.

**CVII Provisions relating to Bishops to apply to Archbishops in their own Dioceses.**

And be it enacted, That all the Powers, Authorities, Provisions, Regulations, Matters, and Things in this Act contained, in relation to Bishops in their Dioceses, shall extend and be construed to extend to the Archbishops in the respective Dioceses of which they are Bishops, and also in their own Peculiar Jurisdictions, as fully and effectually as if the Archbishops were named with the Bishops in every such Case.

**CVIII Power of Archbishops and Bishops as to exempt or peculiar Benefices, &c.**

And be it enacted, That every Archbishop and Bishop, within the Limits of whose Province or Diocese respectively any Benefice, exempt or peculiar, shall be locally situate, shall, except as herein otherwise provided, have, use, and exercise all the Powers and Authorities necessary for the due Execution by them respectively of

the Provisions and Purposes of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop; and where any Benefice, exempt or peculiar, shall be locally situate within the Limits of more than One Province or Diocese, or where the same or any of them shall be locally situate between the Limits of the Two Provinces, or between the Limits of any Two or more Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Parish Church of the same respectively shall be nearest in local Situation shall have, use, and exercise all the Powers and Authorities which are necessary for the due Execution of the Provisions of this Act, and enforcing the same, with regard thereto respectively, as such Archbishop or Bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop respectively, and the same for all the Purposes of this Act shall be deemed and taken to be within the Limits of the Province or Diocese of such Archbishop or Bishop ; provided that the Peculiars belonging to any Archbishoprick or Bishoprick, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the Purposes of this Act as for all other Purposes of Ecclesiastical Jurisdiction.

**CIX Where Jurisdiction is given to Bishop, &c. all concurrent Jurisdiction to cease.**

And be it enacted, That in every Case in which Jurisdiction is given to the Bishop of the Diocese or to any Archbishop, under the Provisions of this Act, and for the Purposes thereof, and the enforcing the due Execution of the Provisions thereof, all other and concurrent Jurisdiction in respect thereof shall, except as herein otherwise provided, wholly cease, and no other Jurisdiction in relation to the Provisions of this Act shall be used, exercised, or enforced, save and except such Jurisdiction of the Bishop and Archbishop under this Act; any thing in any Act or Acts of Parliament, or Law or Laws, or Usage or Custom, to the contrary notwithstanding.

**CX Sequestrations under this Act to have Priority.**

And be it enacted, That every Sequestration issued under the Provisions of this Act shall have Priority, and the Sums to be thereby recovered shall be paid and satisfied in preference to all other Sequestrations, and the Sums to be thereby recovered, except such Sequestrations as shall be founded on Judgments duly docketed before the passing of this Act, and also except such Sequestrations as shall have been issued before any Sequestration under this Act under the Provisions of an Act passed in the Seventeenth Year of the Reign of King *George* the Third, for promoting the Residence of the Parochial Clergy, and the Monies to be recovered by such excepted Sequestrations respectively.

**CXI The Mode of appealing to the Archbishop of the Province.**

And be it enacted, That all Appeals under the Provisions of this Act to any Archbishop shall be in Writing signed by the Party appealing; and that in order to discourage frivolous Appeals no Proceeding shall be had in any such Appeal until the Appellant shall, if required, have given Security in such Form and to such Amount as the Archbishop shall direct of Payment to the Bishop of such Costs as shall be awarded by the Archbishop if he shall decide against the Appellant; and that after such Security, if required, shall have been given, the said Archbishop shall forthwith, either by

himself or by some Commissioner or Commissioners appointed under his Hand from among the other Bishops of his Province, make or cause to be made Inquiry into the Matter complained of, and shall after such Inquiry, and in the latter Case after a Report in Writing from his said Commissioner or Commissioners, give his Decision in such Appeal in Writing under his Hand ; and when he shall decide the Merits of the Appeal against the Appellant he shall also award and direct whether any and what Amount of Costs shall be paid by the Appellant to the Bishop Respondent; and in like Manner when he shall decide in favour of the Appellant he shall also award and direct whether any and what Amount of Costs shall be paid by the Bishop Respondent to the Appellant.

## **CXII Regulations respecting Monitions and Sequestrations.**

And be it enacted, That in all Cases in which Proceedings under this Act are directed to be by Monition and Sequestration, such Monition shall issue under the Hand and Seal of the Bishop, and such Monition, and any other Instrument or Notice issued in pursuance of the Provisions of this Act, and not otherwise specially provided for, shall be served personally' upon the Spiritual Person therein named or to whom it shall be directed, by showing the Original to him and leaving with him a true Copy thereof, or, in case such Spiritual Person cannot be found, by leaving a true Copy thereof at his usual or last known Place of Residence, and by affixing another Copy thereof upon the Church Door of the Parish in which such Place of Residence shall be situate, and also, in the Case of such Monition, by leaving another Copy thereof with the Officiating Minister or One of the Churchwardens of the said Parish, and also by affixing another Copy thereof on the Church Door of the Parish in which the Benefice of such Spiritual Person shall be situate; and such Monition or other Instrument, or Notice as aforesaid, shall, immediately after the Service thereof, be returned into the Consistorial Court of such Bishop, and be there filed, together with an Affidavit of the time and Manner in which the same shall have been served : and thereupon, in case of such Monition, it shall be competent to the Party monished to show Cause, by Affidavit or otherwise, as the Case may require, why a Sequestration should not issue according to the Tenor of such Monition; and if such Spiritual Person shall not, within the Time assigned by such Monition, show sufficient Cause to the contrary, such Sequestration shall issue under the Seal of the Consistorial Court of such Bishop, and shall be served and returned into the Registry of such Court in like Manner as is herein-before directed with respect to Monitions issued under the Provisions of this Act.

## **CXIII Sequestration not to issue after Monition to reside, until Service of Order.**

Provided always, and be it enacted, That in any Case of Non-residence in which a Monition shall have been served upon any Spiritual Person under the Provisions of this Act, requiring such Spiritual Person to reside on his Benefice, no Sequestration shall issue until an Order requiring such Spiritual Person to proceed and reside Upon such Benefice within Thirty Days, as herein-before enacted, shall have been served upon him in the same Manner as is hereinbefore directed as to the Service of Monitions.

## **CXIV Recovery of Penalties against Spiritual Persons.**

And be it enacted, That all Penalties and Forfeitures which shall be incurred under this Act by any Spiritual Person holding a Benefice shall and may be sued for and recovered in the Court of the Bishop of the Diocese in which such Benefice is situate, and by some Person duly authorized for that Purpose by such Bishop by Writing under

his Hand and Seal, and in no other Court, and by or at the Instance of no other Person whatever ; and that the Payment of every such Penalty or Forfeiture, together with the reasonable Expence incurred in recovering the same, shall and may be enforced by Monition and Sequestration ; and that it shall and may be lawful for such Bishop, by any Order made for that Purpose in Writing under his Hand, and to be registered in the Registry of the Diocese, which the Registrar is hereby required to do, to direct that every such Penalty or Forfeiture so recovered as aforesaid, and which shall not have been remitted in whole or in part, or so much thereof as shall not have been remitted, shall be applied towards the Augmentation or Improvement of such Benefice or of the House of Residence thereof, or of any of the Buildings or Appurtenances thereof.

**CXV Recovery of Fees, &c.**

And be it enacted, That all Fees, Charges, Costs, and Expences incurred or directed to be paid by any Spiritual Person holding any Benefice under the Provisions of this Act, which shall remain unpaid for the Period of Twenty-one Days after Demand thereof in Writing delivered to or left at the usual or last Place of Abode of such Spiritual Person, may be recovered by Monition and Sequestration : Provided always, that it shall be lawful for the Person or Persons of whom any such Fees, Costs, Charges, and Expences shall be so demanded to apply to the Bishop of the Diocese to order the Taxation thereof, and such Bishop shall thereupon order some proper Person to tax and settle the same; and the Certificate of Allowance, by the Person so to be appointed, of such Fees, Costs, Charges, and Expences so to be taxed, shall be final.

**CXVI Penalty on Registrar for Neglect.**

And be it enacted, That if the" Registrar of any Diocese shall refuse or neglect to make any Entry, or to do any other Matter or Thing prescribed by this Act, he shall forfeit for every such Refusal or Neglect the Sum of Five Pounds.

**CXVII Recovery of Penalties against Laymen or unbeneficed Clergymen.**

And be it enacted, That all Penalties and Forfeitures under this Act incurred by Persons not Spiritual, or by Spiritual Persons not holding Benefices, shall be sued for and recovered by any Person who will sue for the same by Action of Debt in any of Her Majesty's Courts of Record at *Westminster*.

**CXVIII Penalties not recoverable for more than One Year**

And be it enacted, That no Penalty shall be recovered against any Spiritual Person, under the Provisions of this Act, other or further than those which such Spiritual Person may have incurred subsequent to the First Day of *January* in the Year immediately preceding the Year in which such Proceedings shall be commenced.

**CXIX Application of Penalties,**

And be it enacted, That all Penalties recovered under the Provisions of this Act, the Application of which is not specially directed thereby, shall be paid over to the Treasurer of the Governors of the Bounty of Queen *Anne*, to be applied to the Purposes of the said Bounty.

**CXX Commencement and Conclusion of the Year.**

And be it enacted, That for all the Purposes of this Act, except as herein otherwise provided, the Year shall be deemed to commence on the First Day of *January*, and be reckoned therefrom to the Thirty-first Day of *December*, both inclusive.

**CXXI How Months to be calculated.**

And be it enacted, That for all the Purposes of this Act the Months therein named shall be taken to; be Calendar Months, except in any Case in which any Month or Months are to be made up of different Periods less than a Month, and in every such Case Thirty Days shall be deemed a Month.

**CXXII Certified Copy of Entry of Licence to be Evidence.**

And be it enacted, That in every Case where by the Provisions of this Act the Copy of any Licence is required to be filed or entered in the Registry of the Diocese, a Copy thereof, certified by the Registrar, shall be admissible as Evidence in all Courts and Places whatever.

**CXXIII Statements how to be verified.**

And be it enacted, That when Authority is given by this Act to any Archbishop or Bishop to require any Statement or Facts to be verified by Evidence, or to inquire or to cause Inquiry to be made into any Facts, such Archbishop or Bishop may require any such Statement or any of such Facts to be verified in such Manner as the said Archbishop or Bishop shall see fit; and that when any Oath, Affidavit, or Affirmation or solemn Declaration is or may be by or in pursuance of the Provisions of this Act required to be made, such Oath, Affidavit, or Affirmation or solemn Declaration shall and may be made either before such Archbishop or Bishop, or the Commissioner or Commissioners, or One of them, of such Archbishop or Bishop respectively or before some Ecclesiastical Judge or his Surrogate, or before a Justice of the Peace, or before a Master or Master Extraordinary in Chancery, who are hereby authorized and empowered in all and every of the Cases aforesaid to administer such Oath, Affidavit, and Affirmation, or to take such Declaration, as the Case may fee.

**CXXIV Definition of the Terra " Cathedral Preferment ". and " Benefice. "**

And be it enacted, That in all Cases where the Term " Cathedral Preferment" is used in this Act, it shall be construed to comprehend (unless it shall otherwise appear from the Context) every Deanery, Archdeaconry, Prebend, Canonry, Office of Minor Canon, Priest Vicar, or Vicar Choral, having any Prebend or Endowment belonging thereto, or belonging to any Body Corporate consisting of Persons holding any such, Office, and also every Precentorship, Treasurership, Sub-Deanery, Chancellorship of the Church, and other Dignity and Office in any Cathedral or Collegiate Church, and every Mastership, Wardenship, and Fellowship in any Collegiate Church; and that in all Cases where the Term " Benefice " is used in this Act, the said Term shall be understood and taken to mean Benefice with Cure of Souls, and no other, (unless it shall otherwise appear from the Context,) and therein to comprehend all Parishes, Perpetual Curacies, Donatives, endowed public Chapels, Parochial Chapelries, and Chapelries or Districts belonging or reputed to belong, or annexed or reputed to

be annexed, to any Church or Chapel, any thing in any other Act to the contrary notwithstanding.

**CXXV Who to be considered Patron.**

And be it enacted, That in every Case in which the Consent of, or the Execution of any Deed or Deeds, Instrument or Instruments by, the Patron of any Cathedral Preferment, or of any Benefice, Sinecure Rectory, or Vicarage, or the Owner or Impropiator of any Lands, Tithes, Tenements, or Hereditaments, is required for carrying into effect any of the Purposes of this Act, and also in every Case in which it may be necessary to give any Notice to any such Patron for any of the said Purposes, the Consent of Execution by or Notice to the Patron or Person entitled to make Donation or present or nominate to such Cathedral Preferment, Benefice, Sinecure Rectory, or Vicarage, in case the same were then vacant, or the Person or Persons who shall be in the actual Possession, Receipt, or Perception of the Rents, Proceeds, or Profits of such Lands, Tithes, Tenements, or Hereditaments for an Estate or Interest not less than an Estate for Life, shall respectively be sufficient.

**CXXVI How Consent of Patron to be testified, where Patronage in the Crown.**

And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, or in which any Notice shall be required by this Act to be given to the Patron of any Benefice, and the Patronage of such Benefice shall be in the Crown, the Consent of the Crown to the Exercise of such Power shall be testified and such Notice shall be given respectively in the Manner herein-after mentioned; (that is to say,) if such Benefice shall be above the yearly Value of Twenty Pounds in the Queen's Books, the Instrument by which the Power shall be exercised shall be executed by and any such Notice shall be given to the Lord High Treasurer or First Lord Commissioner of the Treasury for the Time being; and if such Benefice shall not exceed the yearly Value of Twenty Pounds in the Queen's Books, such Instrument shall be executed by and any such Notice shall be given to the Lord High Chancellor, Lord Keeper or Lords Commissioners of the Great Seal, for the Time being; and if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Lancaster*, such Instrument shall be executed by and any such Notice shall be given to the Chancellor of the said Duchy for the Time being; and the Execution of such Instrument and any such Notice given to such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by and a sufficient Notice to the Patron of the Benefice.

**CXXVI How where Patron is an incapacitated Person.**

And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, and the Patron of such Benefice shall be a Minor, Idiot, Lunatic, or Feme Covert, it shall be lawful for the Guardian or Guardians, Committee or Committees, or Husband of such Patron (but in case of a Feme Covert with her Consent in Writing) to execute the Instrument by which such Power shall be exercised in testimony of the Consent of such Patron ; and such Execution shall for the Purposes of this Act be deemed and taken to be an Execution by the Patron of the Benefice.

**CXXVI How where Patronage is attached to the Duchy of Cornwall.**

And be it enacted, That in any Case in which the Consent of the Patron of any Benefice shall be required to the Exercise of any Power given by this Act, or in which any Notice shall be required by this Act to be given to the Patron of any Benefice, and the Advowson and Right of Patronage of such Benefice shall be Part of the Possessions of the Duchy of *Cornwall*, the Consent of the Patron of such Benefice to the Exercise of such Power shall be testified and such Notice shall be given respectively in the Manner herein-after mentioned; (that is to say,) the Instrument by which the Power shall be exercised shall be executed by and any such Notice shall be given to the Duke of *Cornwall* for the Time being, if of- full Age, but if such Benefice shall be within the Patronage of the Crown in right of the Duchy of *Cornwall*, such Instrument shall be executed by and any such Notice shall be given to the same Person or Persons who is or are by this Act authorized to testify the Consent of the Crown to the Exercise of any Power given by this Act in respect of any Benefice in the Patronage of the Crown; and the Execution of such Instrument by and any such Notice given to such Person or Persons shall be deemed and taken for the Purposes of this Act to be an Execution by and a sufficient Notice to the Patron of the Benefice.

**CXXIX Distance how to be computed.**

And be it enacted, That the Distance between any Two Benefices for the Purposes of this Act shall be computed from the Church of the one to the Church of the other by the nearest Road or Footpath, or by an accustomed Ferry.; and if on one of the said Benefices there be Two or more Churches, then the Distance shall be computed from or to the nearest of such Churches, as the Case may be ; or if on one of such Benefices there be no Church, then in such Manner as shall be directed by the Bishop of the Diocese in which the Benefice proposed to be taken and held by any Spiritual Person in addition to one already held by him shall be locally situate.

**CXXX Population how to be computed.**

And be it enacted, That whenever the Population of any Place shall be required by this Act to be ascertained, the same shall be taken from the latest Returns ; of Population made under any Act of Parliament for that Purpose at the Time when the Question shall arise, if such Returns shall apply to the Place respecting which the Question shall be, but if such Place shall only form Part of a Parish or District named in such Returns, then such Returns shall be taken to represent truly the Population of the Parish or District named therein, and from them the Population of the Place required shall be computed, according to the best Evidence of which the Subject shall be capable.

**CXXXI Tables of Fees to be taken by Officers with respect to Admissions to Benefices, by whom to be established.**

And be it enacted, That the Archbishop of *Canterbury*, the Lord High Chancellor, and the Archbishop of *York*, with the Assistance of the Vicars General of the said Two Archbishops, and of One of the Masters of the High Court of Chancery, to be selected for that Purpose by the Lord High Chancellor, shall ordain and establish Tables of Fees, and shall have Power from Time to Time to amend or alter such Tables of Fees, to be taken in respect of Donation, Presentation, Nomination, Collation, Institution, Installation, Induction, or Licence, or any Instrument, Matter, or Thing connected with the Admission of any Spiritual Person to any Cathedral Preferment or any Benefice throughout *England* and *Wales*, by any Officer, Secretary, Clerk, or Minister to whom



belong the Duties of preparing, sealing, transacting, or doing any of such Instruments, Matters, and Things ; and before the Fees contained in such Tables or such amended Tables shall be demanded, taken, or received by any of the said Persons such Tables or amended Tables shall be submitted to Her Majesty's Privy Council, who may disallow the same or any Part thereof; and Notice shall be given in the *London Gazette* of such Submission to the Privy Council; and if within the Space of Three Months from the Time of giving such Notice the same shall not be disallowed, such Fees, or such Parts thereof as shall not be disallowed, shall from and after the Expiration of the said Three Months be deemed, and taken to be lawful Fees, and thenceforward such Fees, and none others, save only such as may be altered or subsequently ordained, as before provided, shall be demanded, taken, or received by any of such Officers, Secretaries, Clerks, or Ministers respectively, under any colour or pretence whatsoever: Provided always, that the said Persons shall not ordain or establish any Fees exceeding the Fee which for the Twenty Years next preceding the passing of this Act shall have been usually taken for or in respect of the same Instrument, Matter, or Thing in case of Admission to any Cathedral Preferment or any Benefice within the Diocese of *London*: Provided also, that the said Persons shall have Power to ordain graduated Scales of Fees in respect of Benefices below the yearly Value of Five hundred Pounds,

**CXXXI~~A~~ Act not to affect Powers of Bishops.**

And he it enacted, That nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any Powers, Authorities, Rights, or Jurisdiction already vested in or belonging to any Archbishop or Bishop under or by virtue of any Statute, Canon, Usage, or otherwise howsoever.

**CXXXI~~B~~ Act not to extend to Ireland.**

And be it enacted, That no Provision in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

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*Status: This is the original version (as it was originally enacted).*

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## THE FIRST SCHEDULE REFERRED TO IN THE FOREGOING ACT

QUESTIONS to be annually transmitted by each Bishop to every Spiritual Person holding any Benefice within his Diocese or Jurisdiction.

- 1           What is the Name of your Benefice?
- 2           In what County ?
- 3           Name of Incumbent, and Date of Admission ?
- 4           Is there a Glebe House belonging to your Benefice ?
- 5           Were you resident in the Glebe House, or, there being no Glebe House, or none fit for your Residence, were you resident in any and what House appointed by the Bishop in his Licence, during the last Year, for the Term prescribed by Law ?
- 6           Being non-resident, were you performing the Duties of your Parish for the said Time ? If so, state where you resided; and at what Distance from the Church or Chapel ?
- 7           Were you in the last Year serving any other Church or Chapel in the Neighbourhood as Incumbent ? If so, state the Name thereof, and the Distance from the above-named Church or Chapel; and when and for how long you served the same ?
- 8           Were you serving any other Church or Chapel in the Neighbourhood as Curate ? If so, state the Name thereof, and the Distance from your own Church or Chapel and when and for how long you served the same ?
- 9           What are the Services in your Church ? Is a Sermon or Lecture given at every or which of such Services ?
- 10          Were these Services duly performed last Year ? If not, for what Reason ?
- 11          What are the Services in your Chapel or Chapels, if any? Is a Sermon or Lecture given at every or which of such Services ?
- 12          Were these Services duly performed last Year? If not, for what Reason ?
- 13          Have you any Assistant Curate or Curates ? If so, state his or their Names ; also whether he or they is or are licensed, and the Amount of his or their Stipend or respective Stipends ?
- 14          If you were non-resident, were you so by Licence ?
- 15          If non-resident by Licence, state the Ground of Licence, and the Time when it will expire ?
- 16          If non-resident without Licence, were you so by Exemption ?
- 17          If non-resident by Exemption, state the Ground of Exemption, und whether such Exemption was claimed for the whole Year, or during what Part thereof ?
- 18          If you were non-resident, and did not perform the Duties of your Benefice, what Ecclesiastical Duties, if any, were you performing, and where do you now reside ?

OBSERVE,—The foregoing Questions are to be answered by every Incumbent, whether resident or not.

FURTHER QUESTIONS to be answered, in addition to the foregoing, in case the Incumbent be non-resident.

- 19 What is the Name of your Curate ?
- 20 Does he reside in the Glebe House ?
- 21 Does he pay any and what Rent or Consideration for the Use of the Glebe House ;  
or is any Deduction made on account thereof from the Stipend assigned to him in  
his Licence ?
- 22 If not resident in the Glebe House, does he reside in the Parish ?
- 23 If not resident in the Parish, where does he reside, and at what Distance from your  
Church or Chapel ?
- 24 Does he serve any other Church or Chapel as Incumbent ? If so, state the Name  
thereof, and the Distance from your own Church or Chapel ?
- 25 Does he serve any other Church or Chapel as Curate ? If so, state the Name thereof,  
and the Distance from your own Church or Chapel ?
- 26 Is he licensed ?
- 27 What is his Salary from you ?
- 28 Has he from you any other Allowances or Emoluments ? State what, and the  
Average Value thereof respectively ?
- 29 What is the gross and what is the net annual Value of your Benefice ?

N.B.—All the Questions have reference to the Year immediately preceding that in which they  
are transmitted.

THE SECOND SCHEDULE  
REFERRED TO IN THE  
FOREGOING ACT

FORM of the MORTGAGE.

**Status:** *This is the original version (as it was originally enacted).*

THIS Indenture, made the \_\_\_\_\_ Day of \_\_\_\_\_ in the  
 Year of our Lord \_\_\_\_\_ between the Right Reverend  
 Father in God \_\_\_\_\_ Lord Bishop of \_\_\_\_\_ of the one  
 Part, and \_\_\_\_\_ of the other Part: Whereas the said Bishop,  
 pursuant to the Directions of an Act passed in the Second Year of  
 the Reign of Her Majesty Queen Victoria, intituled “ An Act to  
 “ abridge the holding of Benefices in Plurality, and to make better  
 “ Provision for the Residence of the Clergy,” hath determined to  
 levy and raise the Sum of \_\_\_\_\_ Pounds, to be laid out and  
 expended in building, rebuilding, *or* repairing [*as the Case shall be*],  
 the Parsonage House and other necessary Offices upon the Glebe  
 belonging to the Rectory, Vicarage, &c. of \_\_\_\_\_ [*describing it*],  
 [*or, in purchasing a House and Land for the Residence and Occupation*  
*of the Incumbent of the Rectory, &c.*]: And whereas the said  
 hath agreed to lend and advance the Sum of \_\_\_\_\_ Pounds, upon  
 a Mortgage of the Glebe, Tithes, Rent-charges, Rents, and other  
 Profits and Emoluments of the said Benefice, pursuant to the Directions  
 and the true Intent and Meaning of the said Act. Now this Indenture  
 witnesseth, That the said Bishop, in consideration of the Sum  
 of \_\_\_\_\_ Pounds, paid at or before the sealing and Delivery

hereof into the Hands of (a Person or Persons [*as the Case shall be*] nominated by the said Bishop to receive the same, pursuant to the Directions of the said Act (which Nomination is hereunto annexed), and which Receipt of the said Sum of                      Pounds the said                      have *or* hath acknowledged by an Endorsement on this Deed), hath granted, bargained, sold, and demised, and by these Presents doth grant, bargain, sell, and demise, unto the said                      his Executors, Administrators, and Assigns, all the Glebe Lands, Tithes, Rent-charges, Rents, Moduses, Compositions for Tithe, Salaries, Stipends, Fees, Gratuities, and other Profits and Emoluments whatsoever, arising, coming, growing, renewing, or payable to the Incumbent of the said Benefice in respect thereof, with all and every the Rights, Members, and Appurtenances thereunto belonging; to have, hold, receive, take, and enjoy the said Premises and their Appurtenances unto the said                      his Executors, Administrators, and Assigns, from henceforth for the Term of Thirty-five Years, fully to be complete and ended: Provided always, that if the Incumbent for the Time being of the said Benefice and his Successors shall, from and after the Expiration of the first Year of the said Term, yearly and every Year (such Year to be computed from the Date hereof,) pay to the said                      his Executors, Administrators, and Assigns, One Thirtieth Part of the Sum of                      Pounds, until the whole thereof shall be repaid, and at the End of the first and each succeeding Year pay Interest at the Rate of                      per Cent. per Annum on the said Sum of                      Pounds, or so much thereof as shall from Time to Time remain unpaid, according to the true Intent and Meaning of the said Act and of these Presents, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, these Presents and every thing herein contained shall be void: Provided also, that it shall be lawful for the Incumbent for the Time being of the said Benefice, and his Successors, peaceably and quietly to hold and enjoy the said Glebe Lands, Tithes, Rent-charges, Rents, Moduses, Compositions for Tithes, Stipends, Fees, Gratuities, and other Emoluments and Profits whatsoever, arising or to arise from or in respect of the said Benefice, until Default shall be made by him or them respectively in the Payment of the Interest and Principal, or some Part thereof, at the Times and in the Manner aforesaid. In witness, &c.

APPOINTMENT of the NOMINEE (to be written on Parchment.)

*Status: This is the original version (as it was originally enacted).*

I, the Right Reverend Father in God Lord Bishop  
of do hereby nominate and appoint  
of to receive the Money authorized to be raised  
by an Act passed in the Second Year of the Reign of Her  
Majesty Queen Victoria, intituled "An Act to abridge the holding  
" of Benefices in Plurality, and to make better Provision for the  
" Residence of the Clergy," for the Purpose of building, rebuilding,  
repairing, or purchasing the Parsonage House, &c. [*as the Case may be*]  
to the Rectory, Vicarage, &c. of belonging, and to pay  
and apply the same, and to enter into Contracts with proper Persons  
for such Buildings or Repairs, and to inspect and to take care of the

Execution of such Contracts, and to take such Receipts and Vouchers,  
keep such Accounts, and do and perform all such other Matters and  
Things which Nominees are authorized and required to do and per-  
form in and by the said Act, the said having given Security  
for the due Application thereof, according to the Directions of the  
said Act. Given under my Hand this Day of .

FORM of the DEED of PURCHASE of Buildings or Lands to be annexed to the Benefice.

THIS Indenture, made the Day of in the  
Year of our Lord between A. B. of  
of the one Part, the Right Reverend Father in God Lord  
Bishop of and E. F. of Patron of the  
Rectory, &c. of of the other Part: Whereas there  
is no fit Parsonage House belonging to the said Rectory, &c.:  
And whereas a Contract hath been made, by the Direction of the  
said Bishop, with the said A. B., for the absolute Purchase of the  
House, Buildings, and Lands herein-after described, for the Price or  
Sum of Pounds, pursuant to the Directions of an Act  
passed in the Second Year of the Reign of Her Majesty Queen  
Victoria, intituled "An Act to abridge the holding of Benefices in  
" Plurality, and to make better Provision for the Residence of the  
" Clergy." Now this Indenture witnesseth, That the said A. B., in  
consideration of the Sum of Pounds to him in hand  
paid for the Purchase aforesaid, the Receipt of which Sum the said  
A. B. hath admitted by an Endorsement on the Back of this Deed,  
hath granted, bargained, and sold, and by these Presents doth grant,  
bargain, and sell, unto the said E. F. and his Heirs, all, &c. [*here*  
*insert a full Description of the Buildings or Lands so intended to be*  
*conveyed, with their and every of their Rights, Privileges, and Appur-*  
*tenances*], to hold unto the said E. F. and his Heirs or Successors  
[*as the Case may be*] in Trust for the sole Use and Benefit of the  
Incumbent of the said Benefice and his Successors, Rectors, Vicars, &c.  
[*as the Case may be*] of the said Benefice for the Time being, for  
ever. [*Usual Covenants for Title to be added.*] In witness, &c.