



Pluralities Act 1838

CHAPTER 106

PLURALITIES ACT 1838

Both Acts now wholly repealed ; saving as to Penalties already incurred, or Licences already granted.

- II Not more than Two Preferments to be held together ;
- III nor Two Benefices, unless within Ten Miles of each other ;
- IV nor if Population of One such Benefice is more than 3,000, or joint yearly Value shall exceed 1,000l.
- 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.
- VI Licence or Dispensation to hold together any Two Benefices must be obtained from the Archbishop of Canterbury.
- 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 Certificate to the Archbishop of *Canterbury*, setting forth Copy of the Statement made to the Bishop and other Particulars.
- VIII How annual Value of Two Benefices to be held together by Dispensation to be estimated.
- IX Certificate to be deposited in Office of Faculties; and be conclusive Evidence of Value, Population, and Distance.
- X In other Cases how annual Value, to be estimated.
- XI Acceptance of Preferment contrary to this Act vacates the former Preferment.
- XII Present Rights of Possession saved.
- XIII Saving of other Rights.
- XIV Saving as to former Chaplains to the House of Commons.

Status: This is the original version (as it was originally enacted).

- XV Acts 37 H.8 c.21 and 17 c.2 c.3 for uniting Churches, repealed ;
- XVI and their Provisions re-enacted and extended.
- 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.
- 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.
- XIX Approval of Bishop of the Diocese.
- XX No Union except under this Act.
- XXI Provisions for partly disuniting united Benefices.
- XXII Incumbent may resign One or more of disunited Benefices, and Patron may present.
- XXIII Portion of Glebe, &c. may be assigned to each of the dissevered Benefices ;
- XXIV and shall belong to the Incumbent.
- XXV More than One House may be provided in disunited Benefices.
- XXVI Provisions for annexing isolated Places to the contiguous Parishes, or making them separate Befices.
- XXVII Power of adjusting Disputes arising out of the foregoing Alterations.
- 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.
- XXIX No Spiritual Person, beneficed or performing Ecclesiastical Duty, shall engage in Trade, or buy to sell again for Profit or Gain.
- 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.
- XXXI Spiritual Persons illegally trading may be suspended, and for the Third Offence deprived.
- XXXII Penalties for Non-residence, on Incumbent not having a Licence or Exemption, unless he be resident on another Benefice.
- XXXIII Licence to reside out of the usual House, if unfit.
- XXXIV Houses purchased by Governors of Queen Anne's Bounty to be deemed Residences.
- XXXV Vicar or Perpetual Curate may reside in Rectory House.
- XXXVI Widow of any Spiritual Person may continue in the House of Residence for Two Months after his Decease.
- XXXVII Certain Persons exempt from Penalties for Non-residence.
- XXXVIII Privileges for temporary Non-residence.
- XXXIX Performance of Cathedral Duties, &c. may be accounted as Residence, under certain Restrictions.
- XL Existing Rights as to Exemptions and Licences preserved.
- XLI If House of Residence not kept in repair, the Incumbent to be liable to the Penalties for Non-residence.
- XLII Every Petition for Licence for Non-residence to be in Writing, and to state certain Particulars.
- XLIII Bishop may grant Licences for Non-residence in certain enumerated Cases. Appeal to Archbishop in case of Refusal.

- XLIV In Cases not enumerated Bishops may grant Licences to reside out of Limits of Benefice, subject to Allowance by the Archbishop.
- XLV By whom Licences may be granted while a See is vacant, &c.
- XLVI Duration of Licences.
- XLVII Fee for Licence.
- XLVIII Licences not to be void by the Death or Removal of the Grantor
- XLIX Licences may be revoked.
 - 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.
 - 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.
 - LII Incumbents to answer Questions transmitted to them by Bishop.
 - LIII Annual Return to be made to Her Majesty in Council of Residents and Non-residents, &c.
 - LIV Residence may be enforced by Monition, or the Living sequestered. Appeal against Sequestration to the Archbishop.
 - LV Incumbents returning to Residence on Monition to pay the Costs.
 - LVI Incumbent returning to Residence on Monition, but again absenting himself within 12 Months, the Bishop may, without further Monition sequester.
 - LVII Reasons for remitting Penalties for Non-residence of a certain Amount to be transmitted to the Queen in Council.
 - LVIII Benefice continuing so sequestered One Year, or being Twice so sequestered within Two Years, to become void.
 - 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.
 - LX Incumbent not liable to Penalty for Non-residence while the Tenant occupies.
 - LXI Vicar's Oath relating to Residence abolished.
 - 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.
 - 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.
 - LXIV Every Mortgagee to execute a Counterpart of the Mortgage, to be kept by the Incumbent, &c.
 - LXV On Failure of Payment of Principal and Interest for 40 Days after due, Mortgagee may distrain.
 - 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.
 - LXVII Directions for Payment of Principal and Interest of the Mortgages. As soon as the Buildings are completed, Incumbent to insure them against Fire.
 - LXVIII For proportioning the annual Payment, in case of Death or other Avoidance.

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- 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.
- 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.
- LXXI Buildings and Lands to be conveyed to Patron in Trust for the Incumbent for the Time being.
- LXXII Governors of Queen Anne's Bounty empowered to lend certain Sums to promote the Execution of this Act.
- 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.
- LXXIV Allowance to Person nominated by the Bishop to pay and apply Money.
- LXXV Non-resident Incumbents neglecting to appoint Curates, the Bishop to appoint.
- LXXVI Curate to reside on Benefices, under certain Circumstances.
- LXXVII If Duty inadequately, performed, the Bishop may appoint a Curate ; but Incumbent may appeal.
- LXXVIII In large Benefices an Assistant Curate may be required. Appeal.
- LXXIX Stipend to be paid by Committee of Lunatic's Estate.
- LXXX Bishops may enforce Two Services on Sundays in certain Cases. Not to affect the Provision of the Act.
- LXXXI Statement of Particulars necessary to be given, and Declaration to be made, on Application for a Licence for a Curate.
- LXXXII Fee for Licence.
- LXXXIII Bishop shall appoint Stipends to Curates ; and decide Differences respecting them.
- LXXXIV Stipends to Curates of Incumbents before 20th July 1813 not to exceed a certain Rate.
- LXXXV Stipends to Curates to be according to specified Scale, proportioned to the Value and Population of the Benefice.
- LXXXVI Larger Stipends in certain Cases of larger Value and Population. Bishop may require Two Curates. Appeal.
- LXXXVII Smaller Stipends in certain Cases.
- LXXXVIII Stipend of Curate engaged to serve interchangeably at different Benefices belonging to the same Incumbent.
- LXXXIX How the Stipends shall be adjusted where the Curate is permitted to serve in Two adjoining Parishes.
- XC Agreements for Stipends to Curates contrary to this Act void.
- XCI Curate's Stipend, if of the Value of the Benefice, liable to all Charges.
- XCII Bishop may allow Incumbent to deduct from Curate's Stipend for Repairs to a limited Amount, in certain Cases.
- 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.
- XCIV Curates to pay Taxes of Parsonage Houses in certain Cases.
- 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.
- XCVI Curate peaceably to deliver up Possession of House of Residence within Six Months after Notice, or pay 40s. per Day.

- XCVII Curate not to quit Curacy without Three Months Notice to Incumbent and Bishop, under a Penalty.
- XCVIII Bishop may license Curates employ out Nomination, revoke any Licence, and remove the Curate, subject to Appeal to the Archbishop.
- XCIX Bishop may appoint Curates to all sequestered Benefices.
 - C Stipend of Curate of sequestered Benefice to be paid by Sequestrator.
 - CI Proviso for Payment by succeeding Incumbent, where Profits during Sequestration insufficient.
 - CII Licences to Curates, and Revocations thereof, to be entered in the Registry of the Diocese.
 - CIII Repeal of Part of 6 & 7 W.4 c.77.
 - CIV Provision for Benefices in certain Welsh Dioceses.
 - CV Provision for Curates in certain Welsh Dioceses.
 - CVI No Spiritual Person to serve more than Two Benefices in One Day.
 - CVII Provisions relating to Bishops to apply to Archbishops in their own Dioceses.
 - CVIII Power of Archbishops and Bishops as to exempt or peculiar Benefices, &c.
 - CIX Where Jurisdiction is given to Bishop, &c. all concurrent Jurisdiction to cease.
 - CX Sequestrations under this Act to have Priority.
 - CXI The Mode of appealing to the Archbishop of the Province.
 - CXII Regulations respecting Monitions and Sequestrations.
 - CXIII Sequestration not to issue after Monition to reside, until Service of Order.
 - CXIV Recovery of Penalties against Spiritual Persons.
 - CXV Recovery of Fees, &c.
 - CXVI Penalty on Registrar for Neglect.
 - CXVII Recovery of Penalties against Laymen or unbeneficed Clergymen.
 - CXVIII Penalties not recoverable for more than One Year
 - CXIX Application of Penalties,
 - CXX Commencement and Conclusion of the Year.
 - CXXI How Months to be calculated.
 - CXXII Certified Copy of Entry of Licence to be Evidence.
 - CXXIII Statements how to be verified.
 - CXXIV Definition of the Terra " Cathedral Preferment ". and " Benefice. "
 - CXXV Who to be considered Patron.
 - CXXVI How Consent of Patron to be testified, where Patronage in the Crown.
 - CXXVII How where Patron is an incapacitated Person.
 - CXXVIII How where Patronage is attached to the Duchy of Cornwall.
 - CXXIX Distance how to be computed.
 - CXXX Population how to be computed.
 - CXXXI Tables of Fees to be taken by Officers with respect to Admissions to Benefices, by whom to be established.
 - CXXXII Act not to affect Powers of Bishops.
 - CXXXIII Act not to extend to Ireland.

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The SECOND —
SCHEDULE referred
to in the foregoing Act