ANNO TRICESIMO SEXTO

Georgii III. Regis.

CAP. LXXXIII.

An Act for the further Support and Maintenance of Curates within the Church of *England*, and for making certain Regulations reſpecting the Appointment of ſuch Curates, and the Admiſſion of Perſons to Cures augmented by Queen *Anne*'s Bounty, with reſpect to the Avoidance of other Benefices.

[14th *May* 1796.]

Preamble. 12 *Anne*, Stat. 2, Cap. 12.

WHEREAS, in and by a Statute paſſed in the Twelfth Year of the Reign of Queen *Anne*, it is enacted, That if any Rector or Vicar, having Cure of Souls, ſhould, after the Twenty-ninth of *September* One thouſand ſeven hundred and fourteen, nominate and preſent any Curate to the Biſhop or Ordinary, to be licenſed or admitted to ſerve the Cure of ſuch Rector or Vicar in his Abſence, the ſaid Biſhop or Ordinary, having regard to the Greatneſs of the Cure, and the Value of the Eccleſiaſtical Benefices of ſuch Rector or Vicar, ſhould, on or before the granting ſuch Licence, appoint, by Writing under his Hand and Seal, a ſufficient certain Stipend or Allowance, not exceeding Fifty Pounds *per Annum* nor leſs than Twenty Pounds *per Annum*, to be paid or anſwered at ſuch Times as he ſhould think fit, by ſuch Rector or Vicar to ſuch Curate, for his Support and Maintenance; and if it ſhould appear to the Biſhop or Ordinary, upon Complaint or otherwiſe, that any Curate of ſuch Rector or Vicar, licenſed or admitted before the Twenty-ninth of *September* One

thouſand ſeven hundred and fourteen, had not a ſufficient Maintenance, it ſhould be lawful for the ſaid Biſhop or Ordinary to appoint him a certain Stipend or Allowance in like Manner as before mentioned; and in caſe any Difference ſhould ariſe between any Rector or Vicar and his Curate, touching ſuch Stipend or Allowance, or the Payment thereof, the Biſhop or Ordinary, on Complaint to him made, ſhould ſummarily hear and determine the ſame; and in caſe of Neglect or Refuſal to pay ſuch Stipend or Allowance, might ſequeſter the Profits of ſuch Benefice for and until Payment thereof: And whereas in many Places the Proviſion made, in and by the ſaid Statute, for the Support and Maintenance of ſuch Curate is now become inſufficient; be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for the Biſhop or Ordinary to appoint under his Hand and Seal any Stipend or Allowance for any Curate heretofore nominated or employed, or hereafter to be nominated or employed, not exceeding Seventy-five Pounds *per Annum*, over and beſides, on Livings where the Rector or Vicar does not perſonally reſide Four Months in the Year at leaſt, the Uſe of the Rectory or Vicarage Houſe, and the Garden and Stable thereunto belonging, ſuch Uſe to be granted to the ſaid Curate for the Space of Twelve Calendar Months by the Authority of the Biſhop or Ordinary, under his Hand and Seal, with Power in the ſaid Biſhop or Ordinary to renew the Grant from Time to Time, or a further Sum not exceeding Fifteen Pounds *per Annum*, in lieu of ſuch Houſe, Garden, and Stable, in caſe there ſhall be none ſuch, or it ſhall appear to the Biſhop or Ordinary not to be convenient to allot and aſſign the ſame to ſuch Curate; which ſaid Stipend or Stipends ſhall be paid and recovered in ſuch and the ſame Manner as the Stipend payable under and by virtue of the ſaid recited Act: Provided always, That the ſaid Houſe, Garden, and Stable, ſhall be for the Uſe of the ſaid Curate and his Family only during his actual Reſidence in the ſaid Rectory and Vicarage Houſe.

Biſhop or Ordinary may appoint a Stipend to Curates, of 75 *l. per Ann.* with the Uſe of the Parſonage Houſe in a certain Caſe, or an Allowance for it.

II. Provided alſo, and be it further enacted, That the Biſhop or Ordinary ſhall have Power, at any Time, under his Hand and Seal, to revoke the Grant to the ſaid Curate of the ſaid Houſe, Garden, and Stable, or any of them; and alſo to inſert in ſuch Grant ſuch Terms and Conditions to be obſerved on the Part of the Curate as he ſhall think reaſonable; and alſo that the Curate ſhall peaceably deliver up the Poſſeſſion of the Premiſes granted to him at the Expiration or other ſooner Determination of the Grant thereof; and in caſe he ſhall refuſe ſo to do, he ſhall forfeit and loſe to the Rector or Vicar all ſuch Parts of his Stipend as ſhall then be unpaid, or ſhall thereafter become due, and alſo the Sum of Fifty Pounds to ſuch Rector or Vicar, and which ſhall be recoverable in an Action of Debt.

The Grant of the Houſe may be revoked.

Penalty on not delivering it up.

III. And whereas by an Act, paſſed in the Firſt Year of His late moſt gracious Majeſty King *George* the Firſt, it was enacted, That all Churches, Curacies, and Chapels, which ſhould be augmented by the Governors of the late Queen *Anne*'s Bounty, ſhould be from thenceforth perpetual Cures and Benefices: And whereas it is expedient that ſuch augmented Churches,

1 *Geo.* I, Stat. 2, Cap. 10.

Churches, Curacies, and Chapels, ſhould be ſubjected to the ſame Rules as Benefices with reſpect to the Avoidance of other Benefices; be it further enacted, That ſuch augmented Churches, Curacies, and Chapels, ſhall be conſidered in Law as Benefices preſentative, ſo as that the Licence thereto ſhall operate in the ſame Manner as Inſtitution to ſuch Benefices, and ſhall render voidable other Livings in like Manner as Inſtitution to the ſaid Benefices; and that it ſhall be lawful for the Biſhop or Ordinary within whoſe Juriſdiction ſuch augmented Church, Curacy, or Chapel, ſhall lie, to appoint under his Hand and Seal any Stipend or Allowance for the officiating Curate to be nominated or employed by the perpetual Curate or Incumbent thereof, not exceeding Seventy-five Pounds *per Annum*, for which Payment the ſaid Curate ſhall have the ſame and like Remedies as are herein-before given to the Curates of Rectors and Vicars.

Churches augmented by Queen *Anne's* Bounty, to be deemed Benefices preſentative, and the officiating Curate may have a like Stipend.

IV. And whereas Doubts have been lately entertained, whether the Acceptance of ſuch augmented Churches, Curacies, and Chapels, has rendered voidable in Law ſuch other Benefices as the Incumbents poſſeſſed before their Acceptance of the ſame: And whereas it is fit that many Incumbents who have accepted ſuch Churches, Curacies, and Chapels, ſhould be quieted in the Poſſeſſion of the Benefices they enjoyed before the Acceptance of the ſame; it is hereby enacted and declared, That all ſuch Benefices as were held in Conjunction with augmented Cures before the paſſing of this Act, ſhall continue to be held by the preſent Imcumbents therewith; and that it ſhall not be lawful to preſent to the ſaid Benefices until they ſhall become void or voidable by Death or Ceſſion, or by other lawful Cauſe of Avoidance, ariſing after the paſſing of this Act.

Benefices held with augmented Cures to be held by the preſent Incumbents.

V. And whereas many perpetual Curacies, although not augmented by the Bounty of Queen *Anne*, have nevertheleſs become conſiderable in Value by the Improvement of the Tythes or Glebe of which they happen to be endowed, or by other Circumſtances; be it further enacted, That the Biſhop or Ordinary within whoſe Juriſdiction they lie, ſhall have the like Power, and under the like Limitations, and with the like Remedies, in apportioning the Stipends to be paid to the ſaid officiating Curates by the Curates or Incumbents of perpetual Curacies, as is herein-before given reſpecting the Apportionment of the Stipends to the Curates employed in perpetual Cures augmented.

Biſhop or Ordinary may apportion the Stipend to officiating Curates of perpetual Curacies not augmented.

VI. And whereas, it is expedient that the Authority of Ordinaries to licenſe Curates, and to remove licenſed Curates, ſhould be further explained, enlarged, and confirmed; be it enacted and declared, That it ſhall be lawful for the Ordinary to licenſe any Curate who is or ſhall be actually employed by the Rector, Vicar, or other Incumbent of any Pariſh Church or Chapel, although no expreſs Nomination of ſuch Curate ſhall have been made, either in Words or in Writing, to the Ordinary by the ſaid Rector, Vicar, or other Incumbent; and that the Ordinary ſhall have Power to revoke, ſummarily and without Proceſs, any Licence granted to any Curate employed within his Juriſdiction, and to remove ſuch Curate for ſuch good and reaſonable Cauſe as he ſhall approve;

Ordinary may licenſe Curates employed, though no Nomination ſhall have been made to him by the Incumbent, and may revoke any Licence, ſubject to Appeal to the Archbiſhop of the Province.

prove; ſubject, nevertheleſs, to an Appeal, as well in the Caſe of a Grant of a Licence to a Curate who has not been nominated, as in the Revocation of a Licence granted to a Curate; ſuch Appeal to be made, in either Caſe, to the Archbiſhop of the Province, and to be determined in a ſummary Manner.

FINIS.