



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

C A P. XCVIII.

An Act to amend the Law relating to the holding
of Benefices in Plurality. [14th August 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abridge the holding of Benefices in Plurality, and to make better Provision for the Residence of the Clergy*; and it is by the said Act provided, that no Spiritual Person shall 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, and that the said Benefices shall be within the Distance of Ten Statute Miles the one from the other, and that the Population of the said Benefices shall not exceed a certain Amount, as provided by the said Act: And whereas it is desirable further to restrain Spiritual Persons from holding Benefices in Plurality: 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, That, notwithstanding any Provision in the said recited Act contained, it shall not be lawful, after the passing of this Act, for any Spiritual Person to take and hold together any Two Benefices, except in the Case of Two Benefices the Churches of which are within Three Miles of one another by the nearest Road, and the annual Value of one of which does not exceed One hundred Pounds.

1 & 2 Vict.
c. 106.

Spiritual Persons not to hold Benefices in Plurality except under certain Circumstances.

Benefices in Plurality.

Spiritual
Persons may
hold Two
Benefices,
subject to
Provisions of
this Act.

II. And be it enacted, That, notwithstanding any Provision in the said recited Act contained, it shall be lawful for any Spiritual Person to hold together Two Benefices according to the Provision hereinbefore contained, whatever may be the yearly Value of such Two Benefices jointly, but this Enactment shall not extend to repeal or affect any Provision of the said Act whereby any Restraint on the holding of Benefices in Plurality is imposed in respect of or with reference to the Amount of the Population of any Benefice, or to repeal or affect the Provisions of the said Act concerning the Licence or Dispensation required for the holding together of any Two Benefices.

Explanation
of Term
"Benefice."

III. And be it enacted, That the Term "Benefice" in this Act shall be taken to mean Benefice with the Cure of Souls, and no other, 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, anything in any other Act to the contrary notwithstanding.

To estimate
Value of
Benefice.

IV. And be it enacted, That for the Purpose of estimating the annual Value of such Benefice there shall be considered as deducted from the gross Amount of the annual Value all Taxes, Rates, Tenths, Dues, and permanent Charges and Outgoings, 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 of 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 Premises belonging thereto.

Deans of
Cathedrals
not to hold
Office of
Heads of
Colleges or
Halls in the
Universities.

V. And be it enacted, That it shall not be lawful for any Person appointed after the passing of this Act to the Deanery of any Cathedral Church to hold the Office of Head Ruler of any College or Hall within either of the Universities of *Oxford* or *Cambridge*, or the Office of Provost of *Eton College*, or of Warden of *Winchester College*, or of Master of the *Charter House*, together with his Deanry: Provided always, that nothing herein contained shall apply to the Dean of the Cathedral Church of *Christ* in *Oxford* as Chief Ruler of the College there maintained.

Heads of
Colleges in
the Universi-
ties not to
hold Cathed-
ral Prefer-
ments except
in certain
Cases.

VI. And be it enacted, That (anything in the said recited Act to the contrary notwithstanding) it shall not be lawful for any 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*, and also holding any Benefice, to take after the passing of this Act and hold therewith any Cathedral Preferment or any other Benefice, or for any such Spiritual Person, also holding
any

Benefices in Plurality.

any Cathedral Preferment, to take after the passing of this Act and hold therewith any Benefice: Provided always, that nothing in this Act contained shall be construed to prevent any such Spiritual Person from holding any Benefices or Cathedral Preferment permanently attached to or forming Part of the Endowment of his Office.

VII. And be it enacted, That if any Spiritual Person holding any Benefice or Benefices shall accept any other Benefice, and shall be admitted, instituted, or licensed thereto, contrary to the Provisions of this Act, every such Benefice or Benefices which he previously held shall become *ipso facto* void as if he had died or resigned the same, any Law, Statute, Canon, Usage, Custom, Faculty, or Dispensation whatsoever to the contrary notwithstanding.

Presentation of the same Person to Two Benefices to be void.

VIII. And whereas in the said recited Act a Provision is contained authorizing the Union by Order of Her Majesty in Council after such Inquiry and Notice, and with such Consent and upon such Certificate as therein mentioned, of Two or more Benefices, or of One or more Benefice or Benefices, and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in the same Parish, or contiguous to each other, of which the aggregate Population shall not exceed One thousand five hundred Persons, and the aggregate yearly Value shall not exceed Five hundred Pounds: Be it enacted, That the said Provision of the said Act shall extend and be applicable to and for the Union of Two or more Benefices, or One or more Benefice or Benefices, and One or more Spiritual Sinecure Rectory or Rectories, Vicarage or Vicarages, in the same Parish or contiguous to each other, and of which the aggregate Population shall not exceed One thousand five hundred Persons, notwithstanding the aggregate yearly Value shall exceed Five hundred Pounds, in like Manner and with the like Preliminaries and Consequences as if the Words "and the aggregate yearly Value shall not exceed Five hundred Pounds" had not been inserted in the Provision lastly herein-before referred to: Provided always, that it shall be lawful for the Bishop to direct that there shall be Two full Services in each Church of such consolidated Livings.

Her Majesty in Council may authorize Union of Benefices in certain Cases.

IX. And be it enacted, That nothing herein-before contained shall be construed to prejudice or affect the Right of Possession in any Preferment or Benefice to which any Spiritual Person shall have been admitted, instituted, or licensed, or which shall have been otherwise granted to any Spiritual Person, before the passing of this Act.

Not to affect Preferments or Benefices to which Persons have been admitted before the passing of this Act.

X. Provided always, and be it enacted, That nothing herein-before contained shall be construed to prevent any Spiritual Person possessed of One or more than One Benefice on the Fourteenth Day of *August* One thousand eight hundred and thirty-eight, and to-whom or in trust for whom the Advowson of or the next Presentation or

Persons already holding One Benefice may hold One other Benefice if nominated or

Nomination

Benefices in Plurality.

appointed
for next
Presentation
previously to
23d Dec.
1837.

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.

Extending
Provisions
of Act
4 & 5 Vict.
c. 39. as to
holding Be-
nefices with
Honorary
Canonries,
&c.

XI. And be it enacted, That the Provisions of an Act passed in the Session of Parliament held in the Fourth and Fifth Years of Her Majesty's Reign, intituled *An Act to explain and amend Two several Acts relating to the Ecclesiastical Commissioners for England*, which authorize the holding of more Benefices than One with an Honorary Canonry, or with any Prebend, Dignity, or Office not then in any Manner endowed, or whereof the Endowments shall have been vested in the Ecclesiastical Commissioners for *England*, or which might thereafter be endowed to an Amount not exceeding Twenty Pounds by the Year, shall be extended so as to authorize the holding of One Benefice and One Cathedral Preferment in the same Church with such Honorary Canonry, Prebend, Dignity, or Office.

Previous
Provisions
not to extend
to Ireland.

XII. And be it enacted, That nothing herein-before contained shall be construed to extend to that Part of the United Kingdom called *Ireland*.

Faculties for
the same Per-
son to hold
Two Livings
in Ireland
not to be
granted.

XIII. And whereas no Faculty or Dispensation has been granted for the holding of Two or more Benefices in that Part of the United Kingdom called *Ireland* for upwards of Twenty Years last past, and it is expedient to prevent the future Grant thereof: Be it therefore enacted, That no Faculty or Dispensation shall be granted to any Spiritual Person to hold Two or more Benefices in *Ireland*; and that if any Spiritual Person, holding or taking any Benefice in *Ireland*, shall take or accept of any other Benefice to the holding whereof together with the Benefice so previously held a Faculty or Dispensation would before the passing of this Act have been necessary, and shall be admitted, licensed, or instituted to the same, every Benefice so previously held by such Spiritual Person shall be and become *ipso facto* void as if he had died or had resigned the same, any Law, Statute, Canon, or Usage to the contrary notwithstanding; provided, however, that nothing herein contained shall be deemed, construed, or taken to affect or alter the Laws now in force in *Ireland* regulating and respecting the Unions or Divisions of Parishes.

Act may be
amended, &c.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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