

CHAP. 45.

An Act for amending the Law relating to Sequestration of Ecclesiastical Benefices. [13th July 1871.]

A.D. 1871.

BE it 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, as follows:

On sequestration bishop to appoint curate and assign stipend, as defined in 34 & 35 Vict. c. 44.

1. Where, after the thirty-first day of August one thousand eight hundred and seventy-one, under a judgment recovered against the incumbent of a benefice as defined in the Incumbents Resignation Act, 1871, or under the bankruptcy of such incumbent, a sequestration issues and the same remains in force for a period of six months, the bishop of the diocese shall from and after the expiration of such period of six months, and as long as the sequestration remains in force, take order for the due performance of the services of the church of the benefice, and shall have power to appoint and license for this purpose such curate or curates, or additional curate or curates, as the case may require, with such stipend in each case as the bishop thinks fit, the amount thereof to be specified in the license, and the bishop may at any time revoke any such appointment and license: Provided always, that such stipend or stipends shall not exceed in the whole the following sums; that is to say, if the population shall not exceed five hundred, the sum of two hundred pounds yearly; if the population shall exceed five hundred but not one thousand, the sum of three hundred pounds yearly; if the population shall exceed one thousand but not three thousand, the sum of five hundred pounds yearly; if the population shall exceed three thousand, the sum of six hundred pounds yearly: Provided also, that such stipend or stipends shall not exceed in the whole two thirds of the annual value of the benefice as defined in the last-mentioned Act.

A.D. 1871.

Application of enactments in Schedule, Part I.

2. Such of the provisions of the Act specified in the schedule to this Act as are described in Part I. of that schedule and all provisions of that Act relative thereto shall have effect for purposes of this Act as if they were here re-enacted.

Payment of stipend.

3. Every stipend assigned under this Act shall be paid by the sequestrator out of moneys coming to his hands under the sequestration, as long as the sequestration is in force, in priority to all sums payable by virtue of the judgment or the bankruptcy under which the sequestration issues, but not in priority of liabilities in respect of charges on the benefice.

Application of enactments in Schedule, Part II.

4. Such of the provisions of the Act specified in the schedule to this Act as are described in Part II. of that schedule and all provisions of that Act relative thereto shall apply in every case where a curate is appointed under this Act.

Power for bishop to inhibit in certain cases.

5. In case any such sequestration remains in force for more than six months, the bishop, if it appears to him that scandal or inconvenience is likely to arise from the incumbent continuing to perform the services of the church while the sequestration remains in force, may, from and after the expiration of such period, inhibit the incumbent from performing any services of the church within the diocese as long as the sequestration shall remain in force, and the bishop may at any time withdraw such inhibition.

Presentation to benefices suspended during sequestration.

6. During such time as any sequestration remains in force, the incumbent shall be absolutely disabled from presenting or nominating to any benefice then vacant, of which he may be patron in right of the benefice under sequestration, and the right of presentation or nomination to such vacant benefice shall be exercised by the bishop of the diocese in which such vacant benefice is locally situate.

Incumbent of sequestrated benefice not to accept other benefice but with leave.

7. During the continuance of any sequestration it shall not be lawful for the incumbent of the benefice under sequestration to accept or be instituted or licensed to any other benefice or preferment, the acceptance of or institution or licensing to which would avoid or vacate the benefice so under sequestration, unless with the consent in writing of the bishop of the diocese and the sequestrator.

Extent of Act.

8. This Act shall not extend to Scotland or Ireland.

Short title.

9. This Act may be cited as The Sequestration Act, 1871.

The SCHEDULE.

1 & 2 Vict. c. 106.—An Act to abridge the holding of benefices in plurality, and to make better provision for the residence of the clergy.

ENACTMENTS APPLIED.

PART I.

Section one hundred and seven.	Provisions relating to bishops to apply to archbishops in their own dioceses.
Section one hundred and eight.	Power of archbishops and bishops as to exempt or peculiar benefices, &c.
Section one hundred and nine.	Where jurisdiction is given to bishop, &c. all concurrent jurisdiction to cease.

PART II.

Section seventy-five.	Non-resident incumbents neglecting to appoint curates, the bishop to appoint - - - As far as the same relates to the residence of curates.
Section seventy-six.	Curate to reside on benefices under certain circumstances.
Section eighty-two.	Fee for license.
Section ninety-seven.	Curate not to quit curacy without three months notice to incumbent and bishop, under a penalty.
Section one hundred and two.	Licenses to curates and revocations thereof to be entered in the registry of the diocese.

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