THE ORIGINS, DEVELOPMENT AND DEMISE OF PERPETUAL CURACY

THE REVD CANON DR DAVID W. V. WESTON
Canon Warden and Canon Librarian of Carlisle Cathedral

1. THE BACKGROUND

Perpetual Curacies finally disappeared from the Church of England on 1 April 1969 with the implementation of the Pastoral Measure 1968. That Measure had stated:

> 'From the commencement of this Measure all perpetual curacies, whether created under any Act or Measure or otherwise, and any other benefices which immediately before the commencement of the Measure comprise a parish or parishes with full parochial status, but are not vicarages or rectories, shall become vicarages, and a person holding a perpetual curacy or any other such benefice immediately before the commencement of this Measure shall become the vicar without any further process or form of law.'[1]

The effects of this will scarcely have been noted by most people at the time, for perpetual curates had made the same oaths and declarations as rectors and vicars since the Clerical Subscription Act 1865, and had commonly been called vicars since the Incumbents Act 1868.[2] Perpetual curacies had in the popular mind long been thought of as virtually indistinguishable from vicarages.

With the passing of the Measure an institution of considerable antiquity and interest disappeared from the Church of England. For centuries the majority of perpetual curates of the Church of England represented part of the poor and under-privileged end of the wide spectrum of clergy, the other end of which enjoyed considerable wealth and status, especially when several livings were held in plurality. There was, of course, the even sadder picture of the assistant curate who enjoyed no security of tenure such as the perpetual curate possessed, and who eked out a meagre living on whatever his rector or vicar chose to pay him, and who was often despised by those among whom he laboured for his powerlessness and poverty.

2. AIM

The subject of perpetual curacy presents some unexpected difficulties which perhaps account for the fact that it has been a neglected field of study. Definitions in reference books and in the standard works of ecclesiastical law tend to conceal important aspects of this subject. Some definitions are so lengthy and filled with detail as to suggest, unjustifiably, that they provide the last word on the subject.[3] Others are so short and concise as to suggest that it is a subject without difficulties or obscurities.[4] In consequence, some facts of considerable importance for the subject are slow to emerge. For instance, it would appear to be a fact that the specific terms 'perpetual curacy' and 'perpetual curate' may not have been used before Gibson used them the year 1713, and there is the fact that the tracing of the first

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[1] Pastoral Measure 1968 (No 1), s 87; Church Assembly *Report of Proceedings*, Spring 1969, col xliv, no 2, p 77.

[2] Clerical Subscription Act 1865 (28 & 29 Vict, c 122), s 5; Incumbents Act 1868 (31 & 32 Vict, c 117). See Sir R Phillimore, *The Ecclesiastical Law of the Church of England* (ed W. G. F. Phillimore), vol I (London 1895), pp 240–244.

[3] For instance, R. Burn, *Ecclesiastical Law* (9th edn, 1842).

[4] F. L. Cross, *Dictionary of the Christian Church* (1957).

perpetual curacies back to the period immediately following the dissolution of the monastic and religious houses does not go unchallenged.[5]

A further difficulty is that diocesan archives tend not to have such full records of the licensing of curates, including perpetual curates, as they have for the institution or collation of rectors and vicars. It is often only by going back to individual parish records, rather than to episcopal registers, that details of perpetual curates can be extracted. To a greater degree than rectories and vicarages, perpetual curacies tend to merge without distinction into the total life of the church, and the absence of the title 'perpetual curacy' and 'perpetual curate' from their inception in about 1540 until about 1713 does much to obscure the subject.

My aim in this article is to seek to draw attention to some aspects of the subject which seem not to have received much attention in the past, and which might in consequence be overlooked by those who have occasion to consider the subject.

Few will have had cause to mourn the passing of perpetual curacies, for they had become an anomaly and had always been in the nature of a compromise. At their inception they did represent an achievement because of the measure of protection they provided against abuses, but their continuance represented a failure to grasp deep-seated problems about patronage, pastoral reorganisation and financial provision for the clergy.

3. DEFINITION

The terms 'perpetual curacy' and 'perpetual curate' are, to a large extent, self-explanatory, as they immediately establish the distinction from temporary or assistant curates. The element of perpetuity which the perpetual curates enjoyed derived from the fact that they were originally nominated by lay impropriators and lay patrons for licensing by the diocesan bishops to exercise a cure of souls in a living. However, they usually had no claim upon either tithes or income from the glebe, but depended rather upon a fixed salary, determined in most cases by the impropriator or patron. Temporary or assistant curates, by contrast, were employed by spiritual rectors or vicars either to assist them in running a parish, or to run it in their absence. Their term of office was entirely at the discretion of the rector or vicar, and therefore essentially impermanent. Perpetual curacies, so understood, existed from the time of the dissolution of the monasteries until their abolition in 1969 under the terms of the Pastoral Measure 1968. In providing a definition of perpetual curacy, it is useful to identify three types, categorised by their differing origins.

(a) Perpetual Curacies originating from the dissolution of the monasteries

The first category of perpetual curacy originates from the process of the dissolution of the monastic and religious houses in the period 1536 to 1540. Their creation was a consequence of parishes, which had been appropriated by monastic houses or cathedral chapters and which had derived their pastoral care from those foundations, passing by purchase, exchange or gift into the hands of lay persons who could not themselves exercise the pastoral responsibilities.[6] In this situation, lay impropriators and lay patrons were required to nominate to the bishop a member of the clergy to exercise the cure of souls. By the issuing of a licence the bishop could confer upon the nominated curate a degree of independence from the impropriator or lay patron, which guaranteed a degree of perpetuity. Such nominated and licensed clergy came, in course of time, to be called 'perpetual curates', and their cures 'perpetual curacies'.

[5] E. Gibson, *Codex Juris Ecclesiastici Anglicanis* (1713), fol 866. The term 'perpetual chapel' does occur in 1571 in the Register of Archbishop Grindal (Reg 30, f 63r). For a different view of the origins of perpetual curacy, see R. E. Rodes, *Law and Modernisation in the Church of England*, p 405, note 200.

[6] For a treatment of the subject of appropriation, see Burn *Ecclesiastical Law*, vol 1, pp 65–92.

(b) Perpetual Curacies originating from the establishment of Queen Anne's Bounty

The second category of perpetual curacy came into being from 1713 as a consequence of the setting up and operation of Queen Anne's Bounty.[7] The Bounty made available to the Church, once again, the income from the Tenths and First Fruits which Henry VIII had taken from it for his own use. This income, newly available to the Church, was used to augment the income of the poor clergy by way of augmentations. These augmentations were, initially, intended for the purchase of land in the parishes, the income from which would in turn augment the value of the living for all time. One of the conditions of the augmentations was that augmented livings should become perpetual curacies, if they were not already such, to protect the augmentation against depredations. It was in this context, in about 1713, that the terms 'perpetual curacy' and 'perpetual curate' seem first to have been used, to identify an ecclesiastical entity that had already been in existence for nearly two hundred years.

(c) The third category of perpetual curacy came into being with the Church Building Act 1818

The first batch of Church Building Acts of 1818–31, and the subsequent Church Building Acts, were part of the vigorous response to the pressing need for new churches for the un-churched populations of the new and expanding cities and towns.[8] Perpetual curacies proliferated under the provisions of the new Acts, which gave this status to ministers of new churches of separate parishes, ecclesiastical districts, consolidated chapelries and district chapelries. Although such developments were commendable as far as they went, the first batch of Acts represented also a failure to grasp the larger and more fundamental issues of patronage, parochial reorganisation and clergy pay. It was to address this issue that new perpetual curacies were created, as safeguards against rectors, vicars and patrons who were fighting to retain their powers and their incomes, by blocking attempts to divide parishes with greatly increased populations.[9]

As the nineteenth century proceeded, the process of reform in the Church of England was carried forward, and many of these reforms had a direct bearing on perpetual curacies. The Ecclesiastical Commissioners Acts 1836 and 1840 established the Ecclesiastical Commissioners as a permanent body which was authorised to create new dioceses and to reorganise church finance.[10] Under the terms of the Pluralities Act 1838, perpetual curacies became benefices, although perpetual curates continued to be licensed, rather than instituted and inducted.[11] The Clerical Subscriptions Act 1865 allowed perpetual curates to make the same oaths and declarations as those about to be instituted as rectors or vicars.[12] The Incumbents Act 1868 allowed perpetual curates who were permitted to perform weddings and funerals to be given the title, only, of vicar.[13] These were, however, only small concessions. So powerful was the influence of patrons, rectors and vicars in the self-interested fight against parochial reorganisation which would deplete their power and their income, that it was another hundred years after the Incumbents Act 1868 before the nettle was grasped. Only then did all the remaining perpetual curacies become independent parishes, as part of a far-reaching reform that was long overdue.

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[7] As to Queen Anne's Bounty, see G. F. A. Best, *Temporal Pillars* (1964), and A. Savidge, *The Foundation and Early Years of Queen Anne's Bounty* (1955).

[8] Church Building Act 1818 (58 Geo 3, c 45).

[9] Best, *Temporal Pillars*, p 400.

[10] Ecclesiastical Commissioners Act 1836 (6 & 7 Will 4, c 77); Ecclesiastical Commissioners Act 1840 (3 & 4 Vict, c 113).

[11] Pluralities Act 1838 (1 & 2 Vict, c 106).

[12] Clerical Subscription Act 1865 (28 & 29 Vict, c 122), ss 5, 7, 9.

[13] Incumbents Act 1868 (31 & 32 Vict, c 117).

These three categories of perpetual curacy, classified by mode of origin, will now be examined more closely.

4. PERPETUAL CURACY—I DERIVING FROM THE DISSOLUTION

(a) The medieval background

Those perpetual curacies that had their origins at the dissolution of the monasteries, and their roots in the medieval period, are the most complex in their development. A fundamental factor was 'appropriation', which was a term derived from the Latin phrase *ad proprios usus*, meaning 'to their own use'. When a patron decided to give a benefice to a monastic or religious house, for the spiritual benefit of the benefice and the financial benefit of the monastery, the bishop granted to the superior and the community the right to convert the church and its income 'to their own uses'.[14]

The effect of appropriation was that tithes and other endowments intended for the use of the benefice were acquired by the appropriators wholly or in part for their own purposes. With the passage of time, the hope that appropriation would be in the best interests of the appropriated benefices became less likely. Increasingly, monastic communities sought appropriations for their own financial advantages. White Kennett, writing in 1704, was disposed to see it as a Norman conspiracy to enrich Norman monastic communities at the expense of an indigenous Anglo-Saxon Church.[15] As early as 1102 Archbishop Anselm had tried to forbid appropriators from taking so much from the benefice as to impoverish it, and the Lateran Council in 1179 forbade religious from receiving tithes from the laity without the bishop's consent, and empowered bishops to make provision for the spiritual well-being of appropriated parishes.[16]

In due course government also set out to control appropriations. It had been supposed that the Mortmain Act 1279 had legislated that a licence was required to allow the appropriation of a benefice, but the case of *R v. Prior of Worcester* in 1304 decided that the Act did not apply to appropriations. To counter this, it was further decided that the king had nevertheless the right to require a licence, and that an appropriation without one was void. The legal position was further strengthened in 1391 when it was enacted that royal licences would only be given if the bishop set up an endowed vicarage and made provision for financial help for the poor of the parish.[17] A more permanent solution to the problem was attempted by the establishing of perpetual vicarages under the provisions of the Appropriation of Benefices Act 1402. Phillimore follows Burn in asserting that perpetual curacies had their 'origins' in this Act. It would probably be more accurate to assert that this Act established the conditions from which, with the dissolution of the monasteries about 140 years later, perpetual curacies were subsequently to emerge.[18]

That Act was drawn up to ensure that, 'in every church appropriated there shall be a secular person ordained vicar perpetual, canonically instituted and inducted, and convenably endowed by the discretion of the ordinary'.[19] This meant that the monastic house or cathedral chapter, instead of using one of their own members to serve the parish, had to nominate a competent priest to be approved and instituted by the bishop as Perpetual Vicar. This title *vicarius* indicated that he was the rector's representative, but his tenure of office was permanent, independent and secure. Such a perpetual vicar was answerable only to the bishop, who required the rector, who was

[14] G. C. Homans, *English Villagers of the Thirteenth Century* (1941), p 387.
[15] White Kennett, *The Case of Impropriation and Augmentation of Vicarages* (1704), p 22.
[16] E. L. Cutts, *Parish Priests and their People in the Middle Ages in England* (1898), p 8.
[17] R. E. Rodes, *Lay Authority and Reformation in the Church of England* (1982), p 56.
[18] Appropriation of Benefices Act 1402 (4 Hen 4, c 12). The date 1404 is often assigned to this Act.
[19] Burn, *Ecclesiastical Law* (1842), vol II, p 55b (1775 edn, p 53); Gibson, *Codex Juris Ecclesiastici Anglicanis* (1713), fol 750 ff; Phillimore, *The Ecclesiastical Law of the Church of England*, vol I, pp 222, 240.

usually also the appropriator, to provide the vicar with a house and an endowment from the revenues of the parish to enable him to exercise his ministry. In effect this usually meant that the small tithes were assigned to the vicar, while the appropriator, as rector, took the great tithes.[20] Although appropriated, such perpetual vicarages were not subjected to the full restrictive effects of appropriation.

However, not all appropriated benefices achieved the status of perpetual vicarages, and the first category of perpetual curacies came from among those livings that fell through this net. In two sets of circumstances temporary curates continued to serve appropriated benefices, to the considerable advantage of the appropriators and to the disadvantage of the benefices and those who served them. First, if a benefice was given to religious houses *ad mensam monachorum*, annexed to the table of the monks, then it was served by a temporary curate belonging to the monastic house and sent out to the benefice as occasion required. Secondly, exemption from the requirement to appoint a perpetual vicar could also be granted by way of dispensation. Dispensations could be granted if the poverty of a monastic house prevented it from paying a vicar and endowing the benefice, or if the proximity of the church to the monastic house made the appointing of a perpetual vicar seem unnecessary.[21]

Adding complexity to the situation was the increase of subsidiary chapels within parishes. Out of consideration for the status of mother-churches of such parochial chapels, efforts were made to ensure that their tithes were not reduced by assigning any of them to the chapels which, to confirm their subsidiary status, were often denied the right to have baptisms, marriages and burials performed in them. The large number of perpetual curacies with origins going back into the medieval period demonstrates how comparatively limited were the effects of the Appropriation of Benefices Act 1402, and how many livings were exempted from it for one reason or another.

Accurate statistics about livings do exist from the mid-thirteenth century. These derive from the rights claimed by the popes to demand the first year's income from every new incumbent, the First-Fruits, and an annual tax of one tenth of its income, the Tenths. The survey of 1288–92 suggests that there were 8,085 parishes at that time, and, out of those that had been appropriated by religious bodies, perpetual vicarages had been endowed in about 1,487. There were 457 chapels, plus chapels-of-ease dependent upon incumbents of parishes.[22] It has been calculated that by the time of the dissolution of the monasteries, over half the parishes of England had been appropriated by monastic houses or cathedrals.

(b) The Dissolution of the Monasteries and Lay Impropriations

Before the dissolution of the monasteries, appropriated benefices which had not been made perpetual vicarages, and appropriated chapelries, had suffered pastoral and financial disadvantages at the hands of their religious appropriators, but worse was to come after the dissolution. At the dissolution, the property of monastic and religious houses passed first to the king, and then by grant, purchase or exchange to lay persons. Where livings passed to them with the lands they acquired, they came to be called impropriators, to differentiate them from the ecclesiastical appropriators. As lay persons they were unable to serve the livings themselves, and so were required to nominate to the bishop some ordained person to be licensed by him to serve the cure of souls. By virtue of their licence they became perpetual curates in as far as they could, in theory, only be removed if the bishop revoked the licence, and not at the whim of the impropriator.[23] The terms 'perpetual curacy' and 'perpetual curate'

[20] P. Virgin, *The Church in an Age of Negligence* (1989), p 35.

[21] Burn, *Ecclesiastical Law* (1842), vol II, p 55b (1775 edn, p 53).

[22] *Taxatio Ecclesiastica, Angliae et Walliae, Auctoritate P Nicholai IV, c AD 1291* (1804), p 307; Cutts, *Parish Priests and their People in the Middle Ages in England*, p 381.

[23] *Ecclesiastical Law* (reprint from 14 *Halsbury's Laws of England* (4th edn)), para 771.

were, however, not yet in use. Although these perpetual curates had a freehold interest in the buildings and land of the curacy and held them as a corporation sole, what they usually lacked were the tithes that passed to the impropriators with the land they had acquired.

Information about the parishes, chapelries and chantries in England on the eve of the dissolution of the monasteries is very full because of the *Valor Ecclesiasticus* drawn up at the king's request in 1534.[24] A consequence of the dissolution was the greatest re-distribution of land ownership since the Norman Conquest, and with it the re-distribution of the ownership of the income of appropriated parishes. Although most of the nobility acquired monastic lands, the majority of the land went to the gentry, courtiers, officials, lawyers and townsmen, usually with strong local connections.

The Suppression of Religious Houses Act 1535, by which the lesser monastic houses were suppressed, was accompanied by another Act which set up a Court of Augmentations of the Revenues of the King's Crown which was responsible for taking the surrenders and administering the assets until they were disposed of.[25] The Surrender of Religious Houses Act 1539, which suppressed the greater religious houses, was not just the second part of one process. Whereas the Act of 1535 purported to be concerned about the corruption of the smaller houses, that of 1539 was concerned to establish beyond all doubt the king's undisputed rights over the monastic lands he was acquiring, which by 1538 were already passing into lay hands.[26] A further Act of 1540 dealt with the problem of the payment of tithes, which had been the subject of ecclesiastical jurisdictions, to lay impropriators, whose possessions were predominantly the subject of lay jurisdiction.[27] This Act established a situation where tithes in the hands of lay impropriators were put on the same footing as their other secular hereditaments. As Christopher Hill has commented, 'when impropriators were authorised to sue for tithe in the ecclesiastical courts and these courts were instructed to call in the help of JPs to enable the impropriator to collect his tithes, the Church courts had become rent collectors for laymen'.[28]

In the context of this study of perpetual curacy, the importance of this legislation lies in the fact that it sought to rationalise the anomaly of spiritual possessions intended for spiritual purposes passing into the hands of lay persons intent on using them for their own personal profit. What in other circumstances might have been judged to be sacrilege, was legally established with the authority of the king and with the consent of the Lords Spiritual and Temporal, and the Commons. The enormous implications of the secularisation of tithes, appropriations and consecrated monastic buildings and lands, effected by the Act of 1540, have never been fully explored. The ecclesiastical documentation of the period simply reflects the changes that had been brought about. For instance the record of an institution from the register of the Bishop of Bath and Wells, under the date 18 October 1541, has the simple words, 'on the presentation of Anthony Gylbert, gentleman, patron for this turn by reason of a conveyance of the advowson by the late abbot and convent of Bermondesey, co. Surrey' . . .[29] There is no hint in such a record of either the dramatic events that had occurred, or of their far-reaching

[24] J. Caley (ed), *Valor Ecclesiasticus* (6 vols) (Record Commission, London, 1810–34).

[25] Court of Augmentations Act 1535 (27 Hen 8, c 27); Suppression of Religious Houses Act 1535 (27 Hen 8, c 28). The date 1536 is usually assigned to the latter Act by historians. See D. Knowles, *The Religious Orders of England* (1958), vol III, p 393.

[26] Surrender of Religious Houses Act 1539 (31 Hen 8, c 13). See G. R. Elton (ed), *The Tudor Constitution, Documents and Commentary* (1965), p 142.

[27] Tithe Act 1540 (32 Hen 8, c 7).

[28] C Hill, *Economic Problems of the Church, from Archbishop Whitgift to the Long Parliament* (1956), p 134.

[29] Sir H. Maxwell-Lyte, *The Registers of Thomas Wolsey, John Clerke, William Knight and Gilbert Bourne* (1940), p 93.

theological and legal consequences. Between 1539 and the end of his reign, Henry sold land to the value of three-quarters of a million pounds.[30] The enthusiasm with which this opportunity to buy land was taken up by the wealthier laity may account, in part, for the fact that the suppression of the religious houses brought so little reaction.

(c) The Hidden Years, 1540–1704

It seems to be a fact that the terms 'perpetual curacy' and 'perpetual curate' had no place in the formal ecclesiastical language of the Church of England until the beginning of the eighteenth century. Nevertheless, curacies which had precisely the character of those later identified in these terms are to be found from about 1540 onwards. To be identified as perpetual curacies, before the terms were formally established, four conditions will need to have been fulfilled. First, they will have been appropriated in the pre-reformation period. Secondly, as appropriated livings they will not have been among those endowed as perpetual vicarages. Thirdly, they will have passed by gift, purchase or exchange into the ownership of a lay impropriator who could not himself have exercised the cure of souls. Fourthly, the impropriator will have nominated to the bishop of the diocese a duly qualified minister whom the bishop will then have licensed to exercise pastoral ministry in that place.

Where these characteristics existed there will have been perpetual curacies and perpetual curates in all but name. On this basis, some livings in the period immediately after the dissolution of the monastic and religious houses can confidently be identified as perpetual curacies. Thus we find Baskerville affirming that Canon John Stalworth was perpetual curate of Princes Risborough in the late 1540s.[31]

However, in many cases it is not easy to establish these facts about a living with any certainty. It is the fact of appropriation that is usually the easiest to confirm. The names of lay patrons and lay impropriators show up with some frequency, but the practice of selling or devising advowsons had the complicating effect of dividing the two roles. The most difficult of the four characteristics to confirm is often the licensing by the bishop. These tended not to be recorded and indexed at the time with the same care as the institutions, collations and inductions of rectors or vicars.[32] This in itself gives some indication of the relative importance attached to these appointments.

One of the significant differences between perpetual curacies on the one hand and rectories and vicarages on the other was that where patrons failed to nominate or bishops failed to licence a perpetual curacy could lapse, whereas rectories and vicarages, once established, had permanent existence except in exceptional circumstances. Some curacies were so poorly paid that no minister could be found to fill it for years on end, and in the early part of Queen Elizabeth's reign there was also a shortage of clergy. In other cases patrons put in a curate without nominating him to the bishop for licensing, either through neglect or because the curate failed to fulfil the necessary qualifications for holding that office. In extreme circumstances lay 'lectors' were sometimes appointed.[33] In those cases, strictly speaking, the perpetual curacy had lapsed.

The distinctive characteristics of perpetual curacies in the period 1540 to 1704,

[30] J. D. Mackie, *The Early Tudors, 1485–1558* (1952), p 400.

[31] G. Baskerville, *English Monks and the Suppression of the Monasteries* (1937), p 294.

[32] H. G. Owen, 'The London Parochial Clergy in the Reign of Elizabeth I' (unpublished Ph.D. thesis for London University, 1957), pp 599–603, underlines the needs to return to the parochial sources rather than depend on episcopal records.

[33] P. Collinson, 'The Elizabethan Church and the new Religion' in C. Haigh (ed), *The Reign of Elizabeth* (1984), p 185.

setting aside for the moment the complexities of the medieval background and the processes of appointment, were poverty and perpetuity.

(d) Poverty

Poverty was a likely but not inevitable characteristic of perpetual curacies in the period before the establishing of Queen Anne's Bounty. The primary reason for this was because the lay rector will in most cases have retained the tithes and glebe for his own use, and allowed the perpetual curate only a small fixed income. Frequently this poverty was compounded by the fact that there was no parsonage house, in which cases the curate will either have rented a small cottage and piece of land, or else accepted board and lodging within the chapelry.[34] For curates who were married and had children, the consequent hardships could be extreme.

However, not all perpetual curates will have been without other sources of income. Some held a perpetual curacy in plurality with a rectory or vicarage. In these circumstances a perpetual curacy could make a rich rector still richer. Others will have had some secular employment. Teaching was thought to be the most acceptable secular occupation for a clergyman, but in some cases manual work was undertaken. A further factor that might augment a curate's income in the sixteenth century was the pension payable to ex-monks, which might amount to as much as £8 per annum. With perpetual curates' salary as low as £2 per annum, such a pension could make a substantial difference.[35] These ameliorating factors need to be taken into account, but the fact remains that perpetual curates' incomes from that one source alone were very low.

(e) Attempted remedies

In fairness it needs to be recorded that there were attempts to grapple with the problems of poor parishes and poor clergy in the period 1540 to 1704. Three of these deserve mention here as examples of what could be done. First, there is evidence of several initiatives within the Church of England to grapple with the difficulties. Cranmer had hoped to apply the proceeds of the suppressed chantries for this end, but without success. Queen Mary planned that ecclesiastical revenues that had become due to the Crown should be used for poor clergy and parishes, but her reign was brief. Archbishop Laud, and, later, Charles II's government, in the Act for uniting churches in cities and towns corporate of 1665, tried to bring pressure to bear on bishops, deans and chapters to augment livings.[36] Second, a radical attempt from the puritan wing was that of the Feoffees for Impropriations who between 1625 and 1633 raised £6,000 to buy impropriations to augment livings and lectureships and so achieve a well-paid preaching ministry.[37] Their success, and the power they exercised over the clergy whose livings they controlled, drew down upon them Archbishop Laud's displeasure. He brought their activities to an end through their prosecution before the Court of Exchequer.[38] The third and most radical initiative to improve the pay of the clergy in the period 1540 to 1704 was during the Commonwealth period.

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[34] F. J. Sobee, *A History of Pilling* (1953), p 62. In Pilling, the perpetual curacy lapsed in Elizabeth's reign because the impropriator left only £2 for the curate's stipend, and 'the same fund of forty shillings only, will in no sort sustain a minister'. When there had been a curate, and no parsonage house, he had received 'lodging and diet' from the farmer of the domain.

[35] For an example of a salary of £2, see Sobee, p 62. 'Salary' is the term used in respect of perpetual curates by Burn, *Ecclesiastical Law*, vol II, p 65.

[36] Augmentation of Benefices Act 1665 (17 Chas 2, c 3) ('an Act for uniting Churches in Cities and Towns Corporate'); Hill, *Economic Problems of the Church, from Archbishop Whitgift to the Long Parliament*, p 305. Evidence of the success of this policy as far as the Bishop, Dean and Chapter of Carlisle were concerned is provided by White Kennett, *The Case of Impropriation*, pp 419, 420.

[37] Hill, *Economic Problems of the Church, from Archbishop Whitgift to the Long Parliament*, pp 252–4.

[38] Hill, p 254.

From 1649 to 1660 profits from the cathedrals and from confiscated royalist impropriations were used to create a fund in each county to augment the pay of the clergy in poorer livings.[39] Many perpetual curacies effectively lapsed in this period because episcopal licences had no place in the new pattern of church life. The turmoils of the times far outweighed the financial advantages that some of the clergy briefly enjoyed. Nevertheless, here was an attempt to provide a radical solution. The mood of the Restoration of 1660 was not such as to admit that there might be lessons to be learnt from the period of the Commonwealth. The old vested interests reasserted themselves, but initiatives attempting to provide perpetual augmentations to poor parishes and curacies under Charles II did suggest that change was on the way.[40]

5. PERPETUAL CURACY II, DERIVING FROM QUEEN ANNE'S BOUNTY

(a) The establishing of Queen Anne's Bounty

The financial consequences of the dissolution of the monasteries for impropriated parishes were in most cases dire. Under lay impropriators parishes were usually worse off, because impropriators tended to see the nomination of curates and the payment to them of a minimum income as the extent of their responsibilities. This situation continued from about 1540 to 1704, with the exception of the Commonwealth period, when a radical solution was attempted, and of the piecemeal and largely unsuccessful initiatives already mentioned. However, the year 1704 marked a significant new development.

It had been anticipated that Queen Anne on her accession would demonstrate her concern for the Church more effectively than her predecessors. The best solution to Church poverty would have been the return of the glebe and tithes to the parochial clergy by the appropriators and impropriators. Failing this, the bishops might have been empowered to compel appropriators and impropriators to make adequate provision for parishes and clergy at whose expense they were profiting. However, Queen Anne did what she was able to do. She returned to the use of the Church the income from First Fruits and Tenths which Henry VIII had taken for his own use, and which all his successors except Mary continued to use.[41]

On 7 February 1704 Sir Charles Hedges, one of the Secretaries of State, informed the House of Commons:

> 'Her Majesty having taken into serious consideration the mean and insufficient maintenance belonging to the Clergy in divers parts of this Kingdom, to give them ease hath been pleased to remit the arrears of tenths to the poor clergy. And for the augmentation of their maintenance Her Majesty is pleased to declare that she will make a grant of her whole revenue arising out of First Fruits and Tenths.'[42]

A Bill to this effect was given the royal assent on 3 April 1704.[43] It enabled the Queen to set up a corporation to handle the revenues from the First-Fruits and Tenths and to administer them for the augmentation of the incomes of the poorer clergy. This corporation was set up under the royal seal on 3 November 1704.[44] However, although the Bounty was set up so rapidly, ten years were to pass before the first aug-

[39] W. A. Shaw, *Plundered Ministers' Accounts, Orders for the County of Lancaster*, Lancaster and Cheshire Record Society, vol XXVIII (1894), pp 110 ff.

[40] Augmentation of Benefices Act 1677 (29 Chas 2, c 8) ('an Act for Confirming and Perpetuating Augmentations made by Ecclesiastical Persons to Small Vicarages and Curacies'): Best, *Temporal Pillars*, p 12.

[41] Best, p 22.

[42] Best, p 30, quoted White Kennett *The Case of Impropriation*, pp 358, 359.

[43] Queen Anne's Bounty Act 1703 (2 & 3 Anne, c 20) (text in Gibson, *Codex Juris Ecclesiastici Anglicanis*, pp 917, 918).

[44] Best, *Temporal Pillars*, p 31.

mentations were paid. The main reasons for the delay were the constitution of the quarterly general courts of the Bounty which made them almost unworkable, the need to draw up new surveys of livings to determine which needed augmentation, and difficulties associated with the methods of collecting the revenues.[45]

(b) The working of Queen Anne's Bounty

The revenue available was about £13,000 per annum, but the method of augmentation was not immediately decided. Eventually it was determined that augmentation should be by purchase not by pension. In practice this meant that capital sums of £200 each were paid to poor parishes decided by lot, starting with the poorest with incomes less than £10 per annum. The £200 was to be used to purchase land which would provide rent to augment the living permanently. To attract private benefactions there was a parallel scheme whereby sums of £200 would be given where private benefactors would give a further £200 or more, or the equivalent in land or tithes.[46]

The first Bounty augmentations were made in October 1714. A further Act of 1715 established that all churches, curacies and chapels which were augmented under this scheme should become perpetual curacies if they were not already so.[47] This safeguarded the augmentation of the now wealthier living, and perpetual curate from any exploitation. The Act ensured that patrons, rectors and ministers of mother-churches could not reduce the stipend or pension of their vicars or curates, or take the benefits of the augmentations themselves. In fact patrons did benefit from the augmentations because the value of the advowson as well as the value of the living was increased.[48]

(c) The terms 'perpetual curacy' and 'perpetual curate'

The term 'perpetual curate' is missing from Queen Anne's Bounty Act 1703 and from the White Kennett's *Case of Impropriations* (1704). Without using the specific term, The Act for Discharging Small Livings 1706 makes explicit the extension of perpetuity to curates, which it claims was implicit in the Act of 1703.[49] Edmund Gibson was perhaps the first to use the terms in his *Codex* of 1713. The affirmation of perpetuity was further strengthened by the Queen Anne's Bounty Act 1714. By the time John Ecton wrote his *Thesaurus Rerum Ecclesiasticarum* in 1723, the terms 'perpetual curacy' and 'perpetual curate' were fully established.[50]

(d) Licensing Perpetual Curates

It is interesting to observe how the new legislation had the effect of regularising anomalous situations that had long existed. A good example of this is provided in the case of *Fifield* in the Diocese of Oxford, as the following document demonstrates:

> 'To the Right Reverend Father in God Thomas Lord Bishop of Oxford. Whereas the Church or Chappel of Fifield in the County or Diocese of Oxford hath for many years last past been served by Thomas Williams Clerk, M.A., without any

[45] Best, pp 79–84.

[46] Best, pp 86 ff.

[47] Queen Anne's Bounty Act 1714 (1 Geo 1, St 2, c 10) ('an Act for making more effectual Her Late Majesty's Gracious Intentions for augmenting the Maintenance of the Poor Clergy'); Best, p 90; Phillimore, *The Ecclesiastical Law of the Church of England*, vol I, p 242.

[48] Best, p 91.

[49] Queen Anne's Bounty Act 1703 (2 & 3 Anne, c 20); Queen Anne's Bounty Act 1706 (6 Anne, c 24); Queen Anne's Bounty Act 1714 (1 Geo 1, St 2, c 10). For texts, see Gibson, *Codex Juris Ecclesiastici Anglicanis*, pp 917–19.

[50] Gibson, fol 866; J. Ecton *Thesaurus Rerum Ecclesiasticarum* (London 1723), App II, 766.

> nomination in writing, and where as I have bound my self and covenanted with Witting Colton, Clerk, Chancellor of the Cathedral Church of the Blessed Virgin Mary in Sarum to pay to the said curate for the time to come sixteen pounds a year clear of all taxes and deductions, And in consideration thereof the Governors of the Bounty of Queen Anne have agreed or promised two hundred pounds for augmenting the said curacy and two hundred more as a Benefaction to the said curacy of Fifield which nomination doth of right belong to me Thomas Fettiplace, lessee of the Church or Chappel of Fifield. These are humbly to certify your Lordship that I do nominate the said Thomas Williams to be curate of the said Church or Chappel of Fifield aforesaid humbly beseeching your Lordship to grant him your licence for serving the said cure. In witness whereof I have hereunto set my hand and seal this seventh day of September in the year of our Lord One thousand seven hundred and fifty-four.
>
> Thomas Fettiplace'[51]

The common form of application would say of a given curacy that it 'hath been augmented by the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy, by reason whereof it is requisite that a curate should be duly nominated and licensed to serve the said cure pursuant of an Act of Parliament in that case made and provided . . .'[52]

(e) Allaying suspicions

It is worth recording that the method of augmentation adopted by the Bounty was not generally well received. Because the acquiring of land had been one of the unacceptable aspects of the church in the medieval period, the prospect of the proceeds of First-Fruits and Tenths being spent specifically for the purchase of land was not popular. Only by further legislation, in the form of a mortmain Act entitled the Charitable Uses Act 1735, could that anxiety to some extent be allayed.[53] In this context it may also be noted that in two respects limitations upon augmentations were lifted. An Act of 1803 allowed the Bounty to apply its augmentations to the provision of parsonage houses for the clergy.[54] Under the terms of another Act, augmentations were allowed to be used for the purchase of government stock rather than land. One reason for this was that it frequently occurred that no suitable land was available for purchase in a parish which had been granted an augmentation.

(f) Perpetuity

In the period before the setting up of Queen Anne's Bounty, the perpetuity of the Bishop's licence had not infrequently been successfully challenged. Phillimore quotes Burn's affirmation that by the Queen Anne's Bounty Act 1714 all augmented churches were made perpetual cures, their ministers made bodies politic and that they not removable at pleasure as some had sought to maintain.[55]

Augmentations by Queen Anne's Bounty are usually well documented, and in many cases the wall plaques recording the augmentations, which the Bounty's Second Charter required to be set up, are still to be seen in churches.

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[51] MS Oxford Diocesan Papers, c 83, lb 2, *Licensing of Curates 1642–1924*, no 75, in Oxford Diocesan Archives.

[52] MS Oxford Diocesan Papers, no 17.

[53] Charitable Uses Act 1735 (9 Geo 2, c 36); Best, *Temporal Pillars*, pp 104 ff.

[54] Queen Anne's Bounty Act 1803 (43 Geo 3, c 107).

[55] Queen Anne's Bounty Act 1714 (1 Geo 1, St 2, c 10), s 4; Phillimore, *The Ecclesiastical Law of the Church of England*, vol I, p 240, and vol II, p 1648; Burn, *Temporal Pillars*, p 53; Gibson, *Codex Juris Ecclesiastici Anglicanis*, fol 919. The history of successful and unsuccessful challenges to the principle of perpetuity is a subject which cannot be pursued here.

6. PERPETUAL CURACY III, DERIVING FROM THE CHURCH BUILDING ACTS

With the conclusion of the Napoleonic Wars in 1815, there began the massive task of adjusting the nation's life for peace. As far as the Church of England was concerned, a pressing priority was to adjust the old parochial system to rapidly changing social conditions. If this seemed an obvious need, there were nevertheless many forces working against it. Tithes, church rates, appropriators, impropriators, rectors and patrons all stood in the way of change, and initially they had considerable success in delaying progress. Each involved deeply entrenched interests, and the subject of patronage was made more difficult because the Crown was by far the largest patron.

(a) Background to the Church Building Act 1818

Before the Church Building Act 1818, separate Acts of Parliament were required to alter parish boundaries.[56] This was not just a reflection of an age when such changes were rarely necessary, but was a way of safeguarding vested interests. For it was against the interests of patrons and incumbents of large parishes that they should be divided when new churches were built. For the patron, it meant a decrease in the value of his advowson, which was as much a piece of property as any of his other material assets. For the incumbent, it meant a loss of income if the size of his parish and the number of his parishioners decreased. In consequence, such church building as there was before 1818 tended to be the building of propriety and parochial chapels that were subordinate to the 'mother-church' of the parish and within the patron's living. Proprietary chapels were in law private, but in fact open to the public for prayer and preaching, but not for the sacraments, which were the preserve of the incumbent of the parish. Although such buildings did go some way to meet the pressing need for church accommodation for rapidly growing populations, they failed to meet the real need of providing properly resourced parishes and adequately paid clergy.

(b) The Effects of the Church Building Act 1818

In response to the growing need, the Church Building Act 1818 set up the Church Building Commissioners, and established the rules for the use of one million pounds of public money for the building of churches.[57] The Act made easier the building of new churches, and did something towards the establishing of new parishes, but this Act and the series of statutes that followed it, up to 1831, still paid undue respect to the vested interests of patrons, incumbents of mother-churches and pew-owners. Under this legislation complete divisions of parishes were comparatively rare. The effect of any divisions tended to be new perpetual curacies within existing parishes. This situation is well illustrated in Lawton's *Collectio Rerum Ecclesiasticarum Diocesi Eboracensi*, published in 1840.[58] This shows an extraordinary proliferation of perpetual curacies within the rapidly expanding industrial parishes of Yorkshire.

(c) Later Church Building Acts

The process of extending the category of perpetual curacy to an ever wider range of chapelries is well illustrated in the provision made for chapelries with districts attached.

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[56] Church Building Act 1818 (58 Geo 3, c 45); Best, *Temporal Pillars*, p 195.
[57] R. E. Rodes, *Law and Modernization in the Church of England* (1991), pp 77, 78, 168.
[58] London, Rivington, 1840.

'(The) minister duly nominated and licensed thereunto, and his successors, shall not be a stipendiary curate, but shall be and esteemed in law to be a perpetual curate, and a body politic and corporate, with perpetual succession, and may receive and take to himself all such lands, tenements, tithes and rent charges, and hereditaments as shall be granted unto or purchased for him or them by the said governors of the Bounty of Queen Anne or otherwise, and such perpetual curate shall henceforth have within the district chapelry so assigned as aforesaid sole and exclusive cure of souls, and shall not be in any wise subject to the control or interference of the rector, vicar or minister of the parish or place from which such district chapelry shall have been taken, any law or statute to the contrary notwithstanding'.[59]

Although this legislation seemed to take a strong line with those who might be tempted to try to control or interfere with the new perpetual curacies it was still failing to address the fundamental issue of the division of parishes. Successive Acts fretted the edges of the problem without addressing it directly, but Peel's New Parishes Act of 1843 marked the beginning of a breakthrough. This allowed, with the bishop's consent, the establishing of a separate parish taken out of another parish even though without an existing church. In such cases the patronage was in the hands of the Crown and bishop alternately. His 'Act to make better Provision for the Spiritual Care of Populous Parishes' was funded by borrowing £600,000 worth of exchequer bills from Queen Anne's Bounty. This sum was soon exhausted, but the precedent had been established.[60] Between 1818 and 1856 there were twenty-one Church Building Acts, and a contemporary expert in that field wrote of them in 1856 as, 'so complex and conflicting in their nature as to have defied all endeavours to arrange or classify them'.[61]

The importance of the Church Building Acts, in this context, is that they were the means by which a progressive extension and consolidation of the status of perpetual curacy was achieved. They represented increased independence in the face of powerful vested interests, but they were also a demonstration of failure to achieve the great breakthrough of establishing truly independent parishes of full vicarage status.

7. ECCLESIASTICAL REFORM AND STATISTICAL ACCURACY

(a) Statistics

One of the characteristics of the reform movement in the nineteenth century was the assembling of accurate records and statistics without which processes of reform, secular and ecclesiastical, had been severely hampered. For instance, no full and accurate survey of the alienation of tithes had been undertaken since the *Valor* of Henry VIII of 1535. John Ecton's *Liber Valorum et Decimarum* of 1711 was incomplete in as far as its scope was limited to livings worth less than £50 a year, and it was in any case not concerned with the value or ownership of tithes.[62]

(b) Tithe

To remedy this lack of information, the Ecclesiastical Revenue Commissioners produced a Report in 1835 which revealed that in 4,662 parishes the tithes were fully or partly alienated. Of these it emerged that 2,552 were in the hands of private owners,

[59] Church Building Act 1839 (2 & 3 Vict, c 49). See Phillimore. *The Ecclesiastical Law of the Church of England*, vol I, p 243, and vol II, pp 1693 ff.

[60] New Parishes Act 1843 (6 & 7 Vict, c 37); Best, *Temporal Pillars*, p 357.

[61] Best, p 355, quoting J. C. Traill, *The New Parishes Acts* (1857), p 22.

[62] J. Ecton, *Liber Valorum et Decimarum* (1711). Ecton, whatever the limitations of the book, was a highly effective officer of the Bounty and the first Receiver of Tenths. J. Caley produced an edition of the *Valor Ecclesiasticus* in six volumes (1810–34).

1,521 belonged to archbishops, bishops and ecclesiastical corporations. The usefulness of this material was limited by the fact that there was no record of the value of the alienated tithes. It was not in fact until the publication in 1896 of Henry Grove's work on tithes that a fuller picture emerged. Grove revealed that of the total value of tithe estimated at £4,243,550, lay impropriators owned £3,165,980 and ecclesiastical appropriators owned £1,077,570. Grove concludes, 'the largest amount of abstracted tithe is now held for the pecuniary benefit of those who have no original ownership in tithe, or moral right to possess the same'.[63]

(c) Glebe

Grove also produced figures for glebe. The proportional distribution of these were different. He found that £27,250 worth of glebe was in the hands of ecclesiastical appropriators, and only £4,400 worth in the hands of lay impropriators.[64]

(d) Sources of income

These general figures are inevitably an over-simplification and conceal the developing situation in a very wide range of diverse parishes. A detailed study of perpetual curacies in Carlisle Diocese in 1858 reveals that by that date they were receiving income from many sources. These sources of income might include salary, tithes, glebe, rents, Parliamentary Grants, Ecclesiastical Commissioners, Queen Anne's Bounty, surplice fees, pew rents, private and corporate benefactions, invested funds.[65] By this time many livings and clergy were experiencing an up-turn in their financial situations, as augmentations and other ameliorating factors became more widespread and effective.

(e) Distribution of perpetual curacies

Another factor that emerges in the ever increasing statistical material was the widely differing proportion of perpetual curacies from area to area. For instance, in 1840 in the Diocese of York, 25 per cent of livings were perpetual curacies in the Deanery of New Ainsty whereas the figure was 69 per cent in the Deanery of Pontefract.[66] Exploring the background to these differences is a fascinating study, but not one to be developed here.

8. TOWARDS A SOLUTION

What has to be said is that the improving of the financial circumstances of perpetual curacies and curates should not be allowed to conceal the fact that the fundamental solution of dividing over-large and over-populous parishes to create new parishes was still not being addessed.

An important step forward was the publication in 1916 of the *Report on the Relations of Church and State.* This bore fruit in the Church of England Assembly (Powers) Act of 1919, better known as the Enabling Act.[67] Under the terms of this Act, the Church Assembly was not made an independent legislating body, but it was empowered to draft ecclesiastical Measures and present them to Parliament. Parliament could accept or reject such Measures, but it could not amend a Measure passed by the Church Assembly. The Act gave the Church of England the additional powers that it needed to address urgent matters of pastoral reorganisation. The fact that fifty years were to elapse between the passing of the Enabling Act and the

[63] H. Grove, *Alienated Tithes in Appropriated and Impropriated Parishes* (1896).
[64] Grove, pp 6, 7.
[65] *Carlisle Diocese Visitation Returns* 1858 (MSS at Rose Castle, Cumbria).
[66] G. Lawton *Collectio Rerum Ecclesiasticarum* (1840), pp 45–83, 103–68.
[67] Church of England Assembly (Powers) Act 1919 (9 & 10 Geo 5, c 76).

implementation of the Pastoral Measure 1968 that finally brought perpetual curacies to an end, was symptomatic of a process in which failure to tackle the fundamental issues had dogged every step, although in fairness it must be admitted that the war years and their aftermath also had their effect.

9. CONCLUSION

Perpetual curacies came into being in three sets of circumstances as a well-intentioned, limited and not entirely effective way of safeguarding some of the poorer clergy, their livings and their livelihood from exploitation by self-interested and acquisitive impropriators, appropriators and patrons. Although they were in effect an interim solution, they remained in being through a failure to tackle pastoral reorganisation in a radical way, in the face of the vested interests of powerful forces, clerical and lay, corporate and private, within the Church. To a limited degree they will have fulfilled their purpose, and as the years passed the worst effects of poverty and powerlessness were ameliorated. Belatedly they were brought to an end, having become embarrassing symbols of the perpetuation of outmoded attitudes in a changing world, less tolerant of the vested interests and compromises of former times.

Perpetual curacy as a subject seems not to have received from ecclesiologists and ecclesiastical historians the attention it deserves. If this article has the effect of drawing renewed attention to the subject it will have succeeded in its purpose.