

ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

CAP. LXXXIV.

An Act to amend the Laws relating to Spiritual Persons holding of Farms; and for enforcing the Residence of Spiritual Persons on their Benefices, in *England*. [7th *July* 1803.]

WHEREAS many of the Provisions of an Act, made in the Twenty first Year of the Reign of His Majesty King *Henry* the Eighth, intituled, *Spiritual Persons abridged from having Pluralities of Livings, and from taking of Ferms, &c.*, and other the Laws now in force relating to Spiritual Persons residing on their Benefices, have been found inconvenient; and it is expedient that certain of the Provisions of the said Act should be repealed, and that other Provisions should be made in lieu thereof; and that the said Act and Laws aforesaid should be amended, and more effectual Provisions made for enforcing the Residence of Spiritual Persons on their Benefices, and protecting Spiritual Persons from vexatious Prosecutions: May it therefore please Your Majesty that it may be enacted; and 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 present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, every Spiritual Person who shall before the passing of this Act, have incurred any pecuniary Penalty or Penalties, or any Forfeiture or Forfeitures under the said recited Act, for or in respect of Non-residence or farming of Lands, and against whom no Action,

21 Hen. 8. c. 13. recited.

Spiritual Persons against whom no Act on shall have been brought under recited Act indemnified, and Com-

tracts which would be good after passing this Act, valid, notwithstanding that Act.

Action, Suit, Bill, Plaint, or Information, shall have been brought in respect thereof under the said Act, shall be, and is hereby indemnified, freed, and discharged from the same, any Thing in the said recited Act to the contrary thereof notwithstanding; and all Contracts, Agreements, and Leases, made by Words, or otherwise, before the passing of this Act, by any Spiritual Person, either by himself or any other to or for his Use, which if made after this Act would, according to the Provisions thereof, be good and valid, shall, notwithstanding the said recited Act, or any Act, or Law or Laws to the contrary, be and be deemed to be as good and valid in the Law, to all Intents and Purposes, as if the same had been made after the passing of this Act.

Persons sued under recited Act, may apply to the Court, if sitting, or to a Judge, if not sitting, to stay Proceedings, upon certain Conditions.

II. And be it further enacted, That, immediately from and after the passing of this Act, it shall be lawful for any Person or Persons against whom any original Writ, Suit, Action, Bill, Plaint, or Information, shall have been sued out, commenced, or prosecuted, before the passing of this Act, for any pecuniary Penalty or Penalties, or any Forfeiture or Forfeitures incurred or alledged to be under the said recited Act, to apply to the Court in which such original Writ, Suit, Action, Bill, Plaint, or Information, shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or to any Judge of any such Court when not sitting, for an Order that such Writ, Suit, Action, Bill, Plaint, or Information, shall be discontinued, upon Payment of the Sum of Ten Pounds in every Case where a Verdict shall be obtained, together with the Costs; and where no Verdict shall have been obtained, upon Payment of the Costs incurred up to the Time of such Application being made, all such Costs to be taxed as between Attorney and Client, according to the Practice of such Court, and every such Court or Judge is hereby authorized and required, upon such Application, to make such Order as aforesaid; and upon the making such Order, and Payment of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information, shall be forthwith discontinued; and in every Case, until such Application shall be made as aforesaid, it shall be lawful for the Plaintiff or Plaintiffs in any such original Writ, Suit, Action, Bill, Plaint, or Information, to proceed therein as if this Act, or an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act to stay, until the Twenty fifth Day of* March *One thousand eight hundred and two, Proceedings in Actions under the Statute of King* Henry *the Eighth, 'for abridging Spiritual Persons from having Pluralities of Livings, and from 'taking of Ferms,'* had not been passed; any Thing in this Act, or the said last recited Act, or in any other Act or Acts continuing the same to the contrary thereof notwithstanding.

Such Court or Judge may order any Suit commenced on or subsequent to *July* 1, 1801, to be discontinued.

III. Provided nevertheless, That in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information, shall have been sued out or commenced at any Time on or subsequent to the First Day of *July* One thousand eight hundred and one, it shall be competent to such Court or Judge as aforesaid, to make such Order as aforesaid for discontinuing the same, without Payment of any Costs; and upon making such Order, such Writ, Suit, Action, Bill, Plaint, or Information, shall be forthwith discontinued.

IV. And

IV. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Spiritual Person to take to farm to himself, or to any Person or Persons to his Use, by Lease, Grant, Words, or otherwise, for Term of Life, for Term of Years, or at Will, any Messuage, Mansion, or Dwelling House, with or without Orchards, Gardens, and other Appurtenances, although not in any City, Borough, or Town, any Thing in the said recited Act, or any other Act to the contrary thereof notwithstanding; and it shall also be lawful for any Spiritual Person having or holding any Donative, Perpetual Curacy, or Parochial Chapelry, not having any sufficient or convenient Glebe or Demesne Lands annexed to, or in Right of, or by reason of his Benefice or Cure or Chapelry, or for any Stipendiary Curate, or any unbeneficed Spiritual Person, with the Consent or Approbation of the Bishop of the Diocese, signified in Writing, to take to farm to himself, or to any Person or Persons to his Use for a limited Term of Years, any Farm or Farms, Lands, Tenements, or Hereditaments, that may, under all the Circumstances, appear to such Bishop proper to be taken, held, or occupied by any such Spiritual Person, for the Convenience and Accommodation of his Household and Hospitality only, without being subject or liable to any Pains, Penalties, or Forfeitures, under the said first recited Act or any other Act by reason thereof, any Thing therein contained to the contrary notwithstanding: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any Non-residence of any such Spiritual Person as aforesaid.

Spiritual Persons may take Houses, &c. though not in a City, &c. and such as have not sufficient Glebe, may by Consent of the Bishop take Farms.

V. And be it further enacted, That, from and after the passing of this Act, it shall be lawful for any Spiritual Person or Persons, by himself or themselves, or any other to his or their Use, to have, hold, use, or occupy in Farm, any Manors, Lands, Tenements, or Hereditaments, demised, leased, or granted, to such Spiritual Person or Persons, as the Property or Estate of such Spiritual Person or Persons; or to take, purchase, receive, or hold, as the Property and Estate of such Spiritual Person, any Lease or Leases for Life or Lives, or for Term or Terms of Years, absolute or determinable on any Life or Lives, or to take any annual Rent, or other annual Advantage or Profit by Occasion of any Lease or Farm of any Manors, Lands, Tenements, or Hereditaments, the Property or Estate of any such Spiritual Person or Persons belonging to him or them, either in his or their own Right, or in the Right of any other Person or Persons, or in Right or by reason of his or their having or holding any Spiritual Dignity or Benefice, or so taken, purchased, received, or held as aforesaid, as the Property or Estate of such Spiritual Person, without being subject to any Pains, Penalties, or Forfeitures whatever, under the said first recited Act, or any other Act, any Thing therein contained to the contrary thereof notwithstanding: Provided always, that nothing herein contained shall extend, or be construed to extend, to authorize any Spiritual Person, having or holding any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, or serving a Stipendiary Curacy, to take, receive, or hold any such Manors, Lands, Tenements, or Hereditaments, after the passing of this Act, for the Purpose of occupying or to occupy the same, for the Cultivation thereof, or procuring Profit therefrom, by himself or any Bailiff or Bailiffs, or Servant or Servants for his Use, unless the same shall have been taken, received, or holden under a Lease granted to such Person on or before the First Day

May hold Estates as Property, but not any Farm for Cultivation, unless under a Lease granted on or before *January* 1, 1803 or by Consent of the Bishop.

Day of *January* One thouſand eight hundred and three, or unleſs by the Conſent or Approbation of the Biſhop as aforeſaid, ſignified in Writing.

May buy or ſell Cattle or Corn for the Occupation of Farms.

VI. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Spiritual Perſon, by himſelf, or by any other for him or to his Uſe, to bargain, and buy or ſell again for any Lucre, Gain, or Profit any Manner of Cattle or Corn that may be neceſſary proper, or convenient to be bought, ſold kept, or maintained by ſuch Spiritual Perſon, or any other Perſon for him or to his Uſe, for the Occupation, manuring, improving, Paſturage, or Profit of any Farms, Lands, Tenements, or Hereditaments, that may under and by virtue of any Law or Laws now in force, or under any of the Proviſions of this Act be lawfully held and occupied, poſſeſſed, or enjoyed, by ſuch Spiritual Perſon, or any other for him or to his Uſe, without being ſubject to any Pains, Penalties, or Forfeitures, by reaſon thereof, under the ſaid firſt recited Act, or any other Act, or any Thing therein contained to the contrary thereof notwithſtanding: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize any ſuch Spiritual Perſon to buy or ſell any Cattle as aforeſaid, or Corn, to any Perſon, in any Market, Fair, or Place of publick Sale.

Vicars or Curates may take Leaſes of the Impropriate Parſonages of their Pariſhes,

VII. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any Spiritual Perſon having or holding any Vicarage or Perpetual Curacy, or for the Stipendiary Curate thereof reſpectively, to occupy by himſelf or by any other to his Uſe in Ferm, of the Leaſe or Grant of any Perſon or Perſons, the Impropriate Parſonage, Rectory, or Vicarage reſpectively, of the Pariſh of which ſuch Spiritual Perſon ſhall be the Vicar, or Perpetual Curate, or Stipendiary Curate, or any Part or Parts thereof reſpectively, or to take any Profit or Rent out of any ſuch Farm, without being ſubject to any Pains, Penalties, or Forfeitures, by Means thereof, under the ſaid firſt recited Act; any Thing therein contained to the contrary thereof notwithſtanding.

but where not occupied by a Spiritual Perſon before paſſing this Act, the Licence of the Biſhop neceſſary.

VIII. Provided nevertheleſs, That in ſuch Caſes in which ſuch Impropriate Parſonage, Rectory, or Vicarage, or ſuch Part or Parts thereof as ſhall be ſo occupied as aforeſaid, ſhall not, at any Time before the paſſing of this Act, have been ſo occupied by the ſame, or any other ſuch Spiritual Perſon as aforeſaid, ſuch Perſon ſhall remain liable to ſuch Pains, Penalties, and Forfeitures, unleſs he ſhall have obtained the Licence of the Biſhop for ſo occupying the ſame.

Clergyman licenſed or exempted from Reſidence may occupy, where he reſides, ſuch Lands as the Biſhop may allow.

IX. And be it further enacted, That any Clergyman, poſſeſſed of any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, who ſhall be licenſed or otherwiſe exempted from Reſidence under this or any other Act, may take to ferm and occupy in the Pariſh where he reſides, or any adjoining Pariſh, ſuch Lands for the Convenience and Accommodation of his Houſehold and Hoſpitality only, as the Biſhop of the Dioceſe in which he reſides may allow by any Writing under his Hand.

13 *Eliz.* c. 20. &c. repealed.

X. And be it further enacted, That an Act, made in the Thirteenth Year of the Reign of Queen *Elizabeth*, intituled, *An Act touching Leaſes of*

of Benefices and other Ecclesiastical Livings with Cure, together with all and every Explanations, Additions, and Alterations thereof, made by several Statutes in the Fourteenth, Eighteenth, and Forty-third Years of Her said Majesty's Reign, and also so much of an Act, made in the Third Year of the Reign of King *Charles* the First, intituled, *An Act for Continuance and Repeal of divers Statutes*, whereby the same were made perpetual, be from henceforth repealed.

Act not to deprive Spiritual Persons of any Privilege they now enjoy.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to deprive any Spiritual Person of any Privilege, Indemnity, or Permission, as to the taking, having, or holding any Ferms or Lands to which any such Spiritual Person was or would be entitled unto, under any of the Provisions of the said recited Act of His said late Majesty King *Henry* the Eighth, or any otherwise howsoever.

Penalty for Non-Residence under recited Act repealed, and other Penalties imposed.

XII. And be it further enacted, That, from and after the passing of this Act, so much of the said first recited Act as imposes the Penalty of Ten Pounds, in the said Act mentioned, on any Spiritual Person therein described, who shall not keep Residence on One of His Dignities, Prebends, or Benefices, but absent himself wilfully by the Space of One Month together, or by the Space of Two Months, to be accounted at several Times in any One Year, shall be and the same is hereby repealed; and that, from and after the passing of this Act, every Spiritual Person, being possessed of any Archdeaconry, Deanery, or other Dignity, Prebend, Benefice, Donative, or Perpetual Curacy, or Parochial Chapelry, who shall, without sufficient Cause, as in the said first recited Act, or under an Act passed in the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled, *An Act that every Judge of the High Courts may have One Chaplain beneficed with Cure*, or under another Act, passed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled, *The Bill for Non-Residence of Spiritual Men and their Benefices*, or under another Act, passed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled, *An Act for the Chancellor of the Duchy of* Lancaster *and others to have Chaplains*, is specified, or such other sufficient Cause as would exempt such Spiritual Person from any of the Pains, Penalties, and Forfeitures under the said recited Acts, for any Non-residence, and who shall not have any such Licence or Exemption as is in this Act mentioned for that Purpose, wilfully absent himself therefrom for the Space of Three Months together, or to be accounted at several Times in any One Year, and make his Residence and Abiding at any other Place or Places, except at some other Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, of which he may be possessed, shall, when such Absence shall exceed such Period as aforesaid, and not exceed Six Months, forfeit and pay One-third of the annual Value (deducting therefrom all Outgoings, except any Stipend paid to any Curate), of the Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, from which he shall so absent himself as aforesaid; and when such Absence shall exceed Six Months, and not exceed Eight Months, One-half of such annual Value; and when such Absence shall exceed Eight Months, Two-thirds of such annual Value; and when such Absence shall have been for the Whole of the Year, Three-fourths of such annual Value;

to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, or the Courts of Great Seſſions in *Wales*, wherein no Eſſoign, Privilege, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Whole of every ſuch Penalty or Forfeiture ſhall go and be paid to the Perſon or Perſons who ſhall inform and ſue for the ſame, together with ſuch Coſts of Suit as ſhall be allowed, according to the Practice of the Court in which ſuch Action ſhall be brought; provided, that no Parſonage that hath a Vicar endowed, or Perpetual Curate, and having no Cure of Souls, ſhall be taken to be or be comprehended under the Name of Benefice, within the true Intent and Meaning, or for the Purpoſes of this Act.

No Parſonage that hath a Vicar endowed, *etc.* ſhall be deemed a Benefice.

XIII. And be it enacted, That the Court in which any ſuch Action, Bill, Plaint, or Information, ſhall be depending, may and ſhall, upon Application made for that Purpoſe, require by Rule or Order of the ſaid Court, or any Judge thereof, the Archbiſhop or Biſhop of the Dioceſe, within the Limits of which the Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, ſhall be locally ſituate, or to whom the ſame ſhall be ſubject, according to the Proviſions of this Act for or by reaſon of Non-reſidence, in, at, or upon which the Penalties and Forfeitures ſhall be ſought to be recovered by ſuch Action, Bill, Plaint, or Information, to certify in Writing under his Hand to the ſaid Court; and alſo to the Party for that Purpoſe named in the ſaid Rule or Order, the reputed annual Value of ſuch Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry; and upon ſuch Rule or Order being left with ſuch Archbiſhop or Biſhop, or the Regiſter of ſuch Archbiſhop or Biſhop, ſuch Archbiſhop or Biſhop ſhall accordingly ſo certify ſuch reputed annual Value, and ſuch Certificate ſhall in all ſubſequent Proceedings upon ſuch Action, Bill, Plaint, or Information, be received and taken as Evidence of the annual Value of ſuch Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, reſpectively, for the Purpoſes of this Act, without Prejudice nevertheleſs to the Admiſſibility or Effect of any ſuch other Evidence as may be offered or given reſpecting the actual Value thereof.

The Court in which any Action ſhall be depending, may require the Dioceſan to certify the reputed annual Value of Benefices, *etc.*

XIV. Provided alſo, and be it further enacted, That no Spiritual Perſon being poſſeſſed of any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, who ſhall have made his Reſidence and abided at his ſaid Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, for the Space of One whole Year, without wilful Abſence therefrom, for any longer Time than Three Months together, or in the Whole at ſeveral Times, ſhall be liable to any of the Pains, Penalties, or Forfeitures in this Act or the ſaid recited Act contained, for any previous Non-reſidence, unleſs the Action for the Recovery of ſuch Penalties or Forfeitures ſhall have been actually commenced againſt ſuch Perſon, previous to his having completed ſuch Reſidence for One Year, in the Manner herein ſpecified.

No Perſon who has reſided a Year without Abſence for more than Three Months, ſhall be liable for any previous Non-reſidence, unleſs the Action be commenced before he has ſo reſided.

XV. And be it further enacted, That no Spiritual Perſon having or holding any Office, in ſuch Manner as the ſame under any of the Proviſions of the ſaid firſt recited Act, or of an Act, paſſed in the Twenty-fifth Year of the Reign of King *Henry* the Eighth, intituled, *An Act that every Judge*

Certain Perſons exempted from Penalties for Non-reſidence.

no

Judge of the High Courts may have One Chaplain beneficed with Cure; or of another Act paſſed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled, *The Bill for Non-reſidence of Spiritual Men and their Benefices*; or of another Act, paſſed in the Thirty-third Year of the Reign of King *Henry* the Eighth, intituled, *An Act for the Chancellor of the Duchy of* Lancaſter *and others, to have Chaplains*; would exempt ſuch Spiritual Perſons from Reſidence, or from the Penalties and Forfeitures in the ſaid Acts contained for Non-reſidence, or actually ſerving as a Chaplain of the Houſe of Commons, or as Clerk of His Majeſty's Cloſet, or as a Deputy Clerk thereof, during the Time of their reſpective Attendance, or as a Chaplain General of His Majeſty's Forces, or Brigade Chaplain on Foreign Service, or Chaplain on board any of His Majeſty's Ships, or of His Majeſty's Dock Yards, or in any of His Majeſty's Garriſons, or Chaplain of His Majeſty's Corps of Artillery, during the Times of attending the Duties of ſuch Offices reſpectively, or as Chaplain to any *Britiſh* Factory, or in the Houſehold of any *Britiſh* Ambaſſador or publick Miniſter reſiding Abroad, during the Time of his actually reſiding in ſuch Factory or Houſehold, and performing there at all due Times and Seaſons the Duties of ſuch his Office, or as Chancellor or Vicar General, or in his Abſence the Principal Surrogate or Official in any Eccleſiaſtical Court of any Dioceſe, whilſt they are reſiding in the Places where their reſpective Offices are exerciſed, or as Minor Canon, or Vicar Choral, or Prieſt Vicar, or any ſuch other publick Officer in any Cathedral or Collegiate Church, during the Times for which they may be required by the Canons or local Statutes thereof to reſide at ſuch Cathedral or Collegiate Church, and actually reſide and perform Duty at the ſame, or as Deans, Sub-Deans, Prieſts, or Readers in His Majeſty's Royal Chapels at *Saint James's* and *Whitehall*, or as Reader in His Majeſty's private Chapel at *Windſor* or elſewhere, or as Chaplain at the Royal Military Aſylum at *Chelſea*, or Royal Military College at *High Wycombe*, or Teacher at the Royal Military Academy at *Woolwich*, or Chaplains at the Royal Hoſpitals at *Greenwich* and *Chelſea*, or as Chaplains to the Royal Hoſpitals for Seamen at *Haſlar* and *Plymouth*, whilſt they ſhall reſpectively reſide and perform the Duties of their reſpective Offices, or as a Preacher or Reader in any of the Inns of Court or at the Rolls, or as Burſar, Dean, Vice Preſident or publick Tutor or Chaplain, or other ſuch publick Officer, in any College or Hall in either of the Univerſities of *Oxford* or *Cambridge*, during the Period for which he may reſpectively be required, by reaſon of any ſuch Office, to perform the Duties of any ſuch Office, and actually ſhall perform the Duties of the ſame, or as publick Librarian or publick Regiſtrar, or Proctor, or publick Orator, or other ſuch publick Officer, in either of the ſaid Univerſities, during the Period for which he may reſpectively be required, by reaſon thereof, to perform the Duties of any ſuch Office, and actually ſhall perform the Duties of the ſame, or as Fellow of any College in either of the Univerſities, or of *Eton* or *Wincheſter College*, during the Time for which he may be required to reſide by any Charter or Statute, and actually reſides therein, or as Warden or Provoſt of *Eton* or *Wincheſter College*, during the Time for which they may be reſpectively required to reſide, or ſhall actually reſide therein, or as Schoolmaſter or Uſher in the ſame, or as Schoolmaſter or Uſher of *Weſtminſter* School, ſhall be liable to any of the Pains, Penalties, or Forfeitures in the ſaid firſt recited Act or this Act contained, for or on account of any Non-reſidence

on

on any Dignity, Prebend, Benefice, Donative, or Perpetual Curacy; any Thing in the ſaid Act or this Act contained to the contrary notwithſtanding.

Perſons entitled under 28 *Hen* 8. c. 13. to Privilege of Non reſidence till 40 Years old, not to be entitled to it after 30.

XVI. And be it further enacted, That, from and after the paſſing of this Act, no Perſon or Perſons mentioned in an Act, paſſed in the Twenty-eighth Year of the Reign of King *Henry* the Eighth, intituled, *The Bill for Non-reſidence of Spiritual Men, and their Benefices*, and entitled under the Proviſions of the ſaid Act or any other Act, to the Privilege and Liberty of Non-reſidence until after and above the Age of Forty Years, ſhall be entitled to enjoy the Privilege and Liberty of Non-reſidence after or above the Age of Thirty Years, without Prejudice nevertheleſs to any of the Exceptions and Savings contained in the ſaid Act; any Thing in the ſaid Act contained to the contrary notwithſtanding.

No Penalty to be levied againſt the Perſon, where it can be recovered by Sequeſtration of the Benefice in 3 Years.

XVII. And be it further enacted, That no Penalty or Coſts incurred by any Spiritual Perſon by reaſon of any Non-reſidence on his Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, ſhall be levied by Execution againſt the Body of ſuch Perſon, whilſt he ſhall hold the ſame or any other Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, out of the Profits of which the ſame can be levied by Sequeſtration, within the Term of Three Years; and in caſe the Body of any ſuch Spiritual Perſon ſhall be taken in Execution for the ſame, the Court in which the ſame was recovered, or any Judge thereof, may and ſhall, upon Application made for that Purpoſe, diſcharge the Party from ſuch Execution, in caſe it ſhall be made to appear to the Satisfaction of ſuch Court or Judge that ſuch Penalty and Coſts can be levied as aforeſaid.

Biſhops may grant Licences for Non-reſidence in certain Caſes.

XVIII. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for the ſeveral Biſhops reſpectively, in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, upon Application made for that Purpoſe by Petition in Writing, by any Spiritual Perſon having or holding any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, locally ſituated within their reſpective Dioceſes, upon ſuch Proofs as to any Facts ſtated in any ſuch Petition as any ſuch Biſhop may think neceſſary, if he ſhall require it, by Affidavit made before any Surrogate or Maſter Extraordinary in Chancery (which Oath any Surrogate or Maſter Extraordinary in Chancery is hereby authorized and required to adminiſter), to grant in ſuch Caſes as are herein-after enumerated, where, on due Conſideration of all the Circumſtances ſtated in any ſuch Application, and verified to the Satisfaction of the Biſhop as aforeſaid, ſuch Biſhop ſhall in his Diſcretion think it fit to grant the ſame, a Licence in Writing under his Hand, expreſſing the Cauſe of granting the ſame, for the Non-reſidence of ſuch Spiritual Perſon on his Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, for the Purpoſe of exempting ſuch Perſon from any pecuniary Penalties or Forfeitures; under and ſubject nevertheleſs to the Regulations, Proviſions, and Reſtrictions in this Act contained.

XIX. And

XIX. And be it further enacted, That it shall be lawful for any Bishop to grant Licences to any Spiritual Persons having any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, within his Diocese, to reside out of the proper House of Residence, or out of the Parish, and within such Distance therefrom, as the Case may appear to such Bishop to require, if, upon the Consideration of all the Circumstances of any such Case, such Bishop shall in his Discretion think the same fit and proper, in the several Cases herein-after mentioned; (that is to say); To any Spiritual Person who shall be prevented from residing in the proper House of Residence, or in the Parish, by actual Illness or Infirmity of Body of himself, or Wife or Child, making Part of, and residing with him as Part of his Family; and also to any Spiritual Person having or holding any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, whereupon or wherein there shall be no House of Residence, or where the House of Residence shall be unfit for the Residence of such Ecclesiastical Person, such Unfitness not being occasioned by any Negligence, Default, or other Misconduct of such Ecclesiastical Person, such Spiritual Person keeping such House of Residence in such Repair as shall be to the Satisfaction of the Bishop; and also to any Spiritual Person having or holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, and having or possessing or occupying in the Parish of the same respectively, any Mansion or Messuage belonging to himself or any Relative, to reside in such Mansion or Messuage, such Spiritual Person keeping the House of Residence, and other Buildings belonging thereto, in good and sufficient Repair and Condition, to the Satisfaction of the Bishop; and also to any Spiritual Person having or holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, of small Value, and serving as a Stipendiary Curate elsewhere, with the Licence of the Bishop of the Diocese, and providing for the serving of such his Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, to the Satisfaction of the Bishop of his Diocese; and also to any Master or Usher of any endowed School duly licensed by the Bishop, and actually employed in teaching therein, or to the Master of any other School who now is or shall be, within One Month after the passing of this Act, duly licensed by the Bishop; and also to any Master or Preacher of Hospitals or incorporated charitable Foundation during the Period for which he may be required to reside by any Charter or Statute of any such Hospital or incorporated charitable Foundation, or by any other lawful Authority, in the same, and shall actually reside and perform his Duties therein; or to any Person holding any endowed Lectureship, or endowed Chapelry, or endowed Preachership, and performing and executing the Duties thereof respectively; or to any Spiritual Person having or holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry of small Value, and serving as Preacher in any Proprietary Chapel in Cities or Towns, with the Licence of the Bishop in whose Diocese he shall so officiate; or to the Librarians of the *British* Museum, or of *Sion* College; or to the Trustees of Lord *Crewe*'s Charity, during the Times of their personal Attendance on the Duties of their Office: Provided always, that for any such Licence, the Party obtaining the same shall not pay more to the Secretary or Officer of the Bishop than the Sum of Ten Shillings, exclusive of any such Stamps as may be required by Law: Provided always, that if any Spiritual Person applying to any Bishop for any such Licence, shall think himself

Cases in which Bishops may grant Licences for Non-residence.

Fee for Licences.

Persons aggrieved by Refusal of Licences, may appeal to the Archbishop.

himſelf aggrieved by the Refuſal thereof, it ſhall be lawful for ſuch Spiritual Perſon to appeal to the Archbiſhop of the Province, who ſhall forthwith, either by himſelf, or ſome Commiſſioner or Commiſſioners appointed from among the other Biſhops of his Province, under his Hand, make, or cauſe to be made, Enquiry into the ſame, and by Writing, ſigned by himſelf, confirm ſuch Refuſal, or grant a Licence under this Act, as ſhall ſeem juſt and proper: Provided nevertheleſs, that the Party appealing ſhall give Security to the Biſhop for the Payment of ſuch reaſonable Expences occaſioned by the Appeal, as the Archbiſhop, or his Commiſſioner or Commiſſioners ſhall award.

Security to be given for Payment of Expences.

In Caſes not enumerated, Biſhops may grant Licences, and aſſign Salaries to Curates employed.

XX. And be it further enacted, That, from and after the paſſing of this Act, it ſhall be lawful for any ſuch Biſhop as aforeſaid, in any Caſes not herein-before enumerated, in which, under all the Circumſtances of any ſuch Caſe, ſuch Biſhop ſhall think it expedient to grant to any ſuch Spiritual Perſon poſſeſſed of any Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, a Licence to reſide out of the proper Houſe of Reſidence, or out of the Pariſh, as the Caſe may be, or as the Caſe may appear to ſuch Biſhop to require, and to aſſign, in any Caſe in which the Stipendiary Curate may be employed to do the Duty of ſuch Spiritual Perſon, ſuch Salary as he ſhall judge fit to appoint, due Reſpect being had to the Value of the Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, and to all the other Circumſtances of the Caſe: Provided always, that in every ſuch Caſe the Nature and ſpecial Circumſtances thereof, and the Reaſons that have induced ſuch Biſhop to grant ſuch Licence as aforeſaid, ſhall be forthwith tranſmitted to the Archbiſhop of the Province to which ſuch Biſhop ſhall belong, who ſhall forthwith, by himſelf, or by ſome Commiſſioner or Commiſſioners appointed for that Purpoſe from among the Biſhops of ſuch Province, by Writing under his Hand, which Commiſſioner or Commiſſioners is and are thereupon authorized to take upon himſelf or themſelves the Execution of the ſaid Commiſſion, examine into ſuch Caſe, and make ſuch Enquiries as to any Particulars relating thereto, as ſuch Archbiſhop or Commiſſioner or Commiſſioners ſo appointed as aforeſaid may think neceſſary, and after ſuch Enquiries made by himſelf, or where the ſame ſhall be made by ſuch Commiſſioner or Commiſſioners, after a Return of the Subſtance thereof, in Writing, to ſuch Archbiſhop, ſuch Archbiſhop ſhall thereupon allow or diſallow ſuch Licence, in the Whole or in Part, or make any Alteration therein as to the Period for which the ſame may have been granted, or otherwiſe, and likewiſe as to the Stipend aſſigned to the Curate, as to ſuch Archbiſhop ſhall ſeem fit; and no ſuch Licence ſhall be good, valid, or effectual under this Act for any Purpoſe whatever, unleſs it ſhall have been ſo allowed and approved by ſuch Archbiſhop; ſuch Allowance thereof being ſignified by the ſigning thereof by ſuch Archbiſhop: Provided always, that it ſhall not be neceſſary in ſuch Licence to ſpecify the Cauſe of granting the ſame: Provided alſo, that no Licence granted under this Act ſhall be made void by the Death or Removal of the Biſhop or Archbiſhop granting the ſame, but the ſame ſhall be and remain good and valid notwithſtanding any ſuch Death or Removal, unleſs the ſame ſhall be revoked by the next or any ſucceeding Biſhop or Archbiſhop, as the Caſe may require: Provided alſo, that any Spiritual Perſon may appeal againſt any ſuch Revocation by the Biſhop alone, in like Manner as

Reaſons for granting them to be tranſmitted to the Archbiſhop for Examination and Allowance.

Licences not to be void by the Death or Removal of the Grantor, unleſs revoked by the Succeſſor.

as is herein-before directed in case of any Refusal of any Licence: Provided also, that the respective Archbishops may, in their respective Dioceses of which they are Bishops, grant Licences under the Provisions and Regulations in this Act contained, in all Cases in which any Licences may be granted by any Bishop under this Act, either by his own Authority, or with the Allowance and Approval of the Archbishop as aforesaid: Provided also, that it shall be lawful for any such Archbishop to order and direct such reasonable Fees and Charges to be paid by any such Spiritual Person appealing as aforesaid, in respect of any such Proceedings as aforesaid, as he shall in his Discretion think fit: Provided always, that in every Case when any Costs and Charges directed by such Archbishop or Bishop as aforesaid, shall remain unpaid for the Period of Twenty-one Days after Demand thereof left at the usual or last Place of Abode of the Person liable to the Payment, it shall be lawful for such Bishop or Archbishop respectively to cause the same to be recovered by Sequestration of the Profits of the Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, of such Spiritual Person as aforesaid, and which Sequestration such Archbishop or Bishop are respectively hereby empowered to issue.

Archbishops, in their respective Dioceses, may grant Licences.

Fees may be ordered to be paid by Appellants.

Costs may be recovered by Sequestration.

XXI. Provided always, and be it further enacted, That it shall be lawful for any Bishop or Archbishop who shall have granted any Licence for Non-residence as aforesaid, or any Successor or Successors of any such Bishop or Archbishop, to revoke any such Licence, in any Case in which it may appear to him or them proper and expedient to revoke the same: Provided also, that no Licence for Non-residence granted under this Act shall continue in Force for more than Two Years from the granting thereof.

Licences may be revoked.

None to be in Force more than 2 Years.

XXII. And be it further enacted, That every such Bishop or Archbishop who shall grant or revoke any Licence under this Act, shall and he is hereby required to cause a Copy of such Licence or Revocation to be filed in the Registry of the Diocese within which such Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, in respect whereof any such Licence shall be granted or Revocation made, shall be locally situate; and an Alphabetical List of such Licences and Revocations shall be made out by the Register of the said Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of the Sum of Two Shillings, and no more; and a Copy of every such Licence and Revocation, with respect to any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, shall be transmitted to the Churchwardens of the Parish to which the same relates, within One Month after the Grant of such Licence or Revocation thereof, to be by them deposited in the Parish Chest; and a Copy of the same shall likewise be publickly read at the Visitation of the Archdeacon of the Archdeaconry within which the Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, in respect whereof the Licence shall have been granted or Revocation made, shall be locally situate, immediately next succeeding the granting or Revocation thereof.

Copies of Licences or Revocations to be filed in the Registry of the Diocese, and a List kept for Inspection; and Copies of certain Licences and Revocations to be transmitted to Churchwardens, and publickly read at the First Visitation.

XXIII. Provided also, and be it further enacted, That every Archbishop who shall confirm in Manner directed by this Act any Licence or Licences in any Case or Cases not enumerated in this Act, or who shall grant

A List of Licences confirmed by the Archbishop, or granted

ed in his own Diocese, shall be annually transmitted to His Majesty in Council, who may revoke Licences, &c.

grant any Licence in his own Diocese, shall annually on or before the Thirty-first Day of *January* in each Year, transmit to His Majesty in Council a List of all such Licences so confirmed or granted respectively as aforesaid, in the Year ending on the last Day of *December* preceding such Thirty-first Day of *January*; and shall, in every such List, specify the Reasons transmitted to him by the Bishops of the several Dioceses, for granting the said Licences, and the Reasons which have induced him to confirm the same, and also the Reasons which have induced him to grant any such Licence as aforesaid within his own Diocese; and it shall be lawful for His Majesty in Council, by any Order made for that Purpose, to revoke and annul any such Licence, and if His Majesty in Council shall think fit so to do, the same shall be transmitted to the Archbishop who shall have confirmed or granted such Licence, who shall thereupon cause a Copy of every such Order made in relation to any Licence confirmed by him as afore mentioned, to be transmitted to the Bishop of the Diocese in which such Licence shall have been granted, who shall thereupon cause a Copy of the mandatory Part of the said Order to be filed in the Registry of such Diocese, and a like Copy to be delivered to the Churchwardens of the Parish to which the same relates, in Manner herein-before directed as to Licences under this Act; and every such Archbishop shall cause a Copy of the mandatory Part of every such Order made in relation to any such Licence as aforesaid granted by him in his own Diocese, to be in like Manner filed in the Registry of his Diocese, and a like Copy also to be delivered to the Churchwarden of the Parish to which such Licence shall relate, in Manner before mentioned.

Between the Grant and Revocation of a Licence, it shall be deemed valid

XXIV. Provided always, That after such Licence shall have been so revoked by His Majesty in Council, the same shall nevertheless, in all Questions that shall have arisen or may thereafter arise, touching the Non-residence of the Spiritual Person to whom the same shall have been granted, between the Period at which the same were granted or confirmed, and the Time at which the same shall be so revoked as aforesaid, be deemed and taken to be, and to have been valid and effectual to the Intents and Purposes of this Act.

On or before *March* 25, 1805, and so annually, a Return shall be made to His Majesty in Council of every Benefice, *etc.* and of the Persons who shall not have resided thereon; and every Non-resident after *Jan.* 1, 1804, by Exemption, without Licence, shall yearly notify the Nature of it to the Diocesan within a certain Period.

XXV. And be it further enacted, That, on or before the Twenty-fifth Day of *March* One thousand eight hundred and five, and at the like Period in every succeeding Year, a Return or Returns shall be made, to His Majesty in Council, by every such Archbishop and Bishop, of the Names of every Dignity, Prebend, Benefice, Donative, Perpetual Curacy, and Parochial Chapelry, within their respective Dioceses, or subject to their respective Jurisdictions, by virtue of this Act; and the Names of the several Persons possessing the same, who shall not have resided thereon by reason of any Exemption under or by virtue of this Act or any other Act, or by reason of any Licence granted by such Archbishop or Bishop respectively, for any and what Cause enumerated by this Act; and also of all the Persons possessing the same, not having any such Exemption or Licence, who shall not have resided on such Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, so far as the Bishop is informed thereof; and for the Purpose of enabling the Archbishops and Bishops to make such Return as aforesaid, every Person who shall be non-resident in any Year subsequent to the First Day of *January* in the

Year

Year One thouſand eight hundred and four, by reaſon of any Exemption under this Act or any other Act, and to entitle him to which it is not neceſſary to obtain any Licence under this Act, ſhall, within Six Weeks from and after the Firſt Day of *January* in every following Year, notify the ſame in Writing, under his Hand, to the Archbiſhop or Biſhop of the Dioceſe to whoſe Juriſdiction he is ſubject by this Act, or otherwiſe, in reſpect of ſuch Dignity, Prebend, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, ſpecifying the Nature of ſuch Exemption: Provided always, that it ſhall be lawful for the Perſon making ſuch Notification, to deliver, or cauſe to be delivered to the Regiſtrar of ſuch Dioceſe as aforeſaid, a Duplicate of ſuch Notification in Writing, and which Duplicate ſuch Regiſtrar is hereby required to file and preſerve in the Regiſtry of ſuch Dioceſe; and in all Caſes in which any Queſtion ſhall ariſe, whether any ſuch Perſon as aforeſaid has made ſuch Notification as is required by this Act as aforeſaid, a Copy of ſuch Duplicate, certified under the Hand of the Regiſtrar of the Dioceſe for the Time being, together with the Time of filing the ſame, and which Certificate ſuch Regiſtrar is hereby required to give, upon Application for that Purpoſe made by or on the Behalf of the Party intereſted, ſhall be deemed and taken to be Evidence that the Party required to make ſuch Notification as aforeſaid hath made the ſame.

A Duplicate of ſuch Notification may be delivered to the Regiſtrar to be filed, and his Certificate ſhall be Evidence of its being made.

XXVI. And, to the Intent to enforce ſuch Perſons as aforeſaid from Time to Time duly to make ſuch Notification as aforeſaid, be it enacted, That if any Perſon ſhall wilfully neglect to make ſuch Notification as aforeſaid, the Perſon ſo neglecting ſhall not be or be deemed to be entitled, from and after the Expiration of ſuch Six Weeks, to the Benefit of ſuch Exemption as aforeſaid, until he ſhall have made ſuch Notification in Writing; and ſuch Perſon ſo wilfully neglecting to make ſuch Notification as aforeſaid, notwithſtanding ſuch ſubſequent Notification, ſhall not be or be deemed to be entitled to ſuch Exemption in reſpect of any Non-reſidence which ſhall have taken place between the Expiration of ſuch Six Weeks, and the Time of making ſuch ſubſequent Notification; and in all Caſes in which any Queſtion ſhall ariſe, whether ſuch Neglect was wilful, the ſame ſhall be taken to have been wilful, unleſs the contrary is proved by the Perſon claiming ſuch Exemption.

Perſons neglecting to make Notification, ſhall not be entitled to Exemption.

XXVII. And be it further enacted, That it ſhall be lawful for any Spiritual Perſon to whom any ſuch Licence for Non-reſidence ſhall have been granted, and againſt whom any Action ſhall thereafter be brought for any Penalty or Forfeiture under this or any other Act, by reaſon of any Non-reſidence, or any Matter or Thing relating whereto any Licence under this Act has been granted, to plead ſuch Licence in bar of any ſuch Action; and if the Plaintiff in ſuch Suit or Action ſhall be nonſuit, or ſhall diſcontinue any ſuch Suit or Action after any Plea of Licence ſhall have been pleaded thereto under this Act, then and in ſuch Caſe the Defendant in ſuch Suit or Action ſhall have full Coſts of Suit; and if in any ſuch Suit or Action a Verdict ſhall be given for the Defendant, the Defendant ſhall have Treble Coſts, and have the like Remedy for the ſame as any Defendant hath in other Caſes to recover Coſts by Law.

Licence may be pleaded in bar of Action, and in caſe of Nonſuit, *etc.* the Defendant ſhall have Coſts.

XXVIII. Provided always, and be it further enacted, That during the Vacancy of any See, the Power of granting Licences under this Act, ſubject

By whom Licences may be granted, while a See is va-

cant, or the Prelate absent, *etc.*

ject to the Regulations therein contained, shall be exercised by the Vicar General of the Diocese; and that during the Absence of any Prelate out of the Realm, or such Infirmity as disables him from exercising in Person the Functions of his Office, it shall be exercised by such Person or Persons as is or are lawfully empowered to exercise his general Jurisdiction in the Diocese.

Act not to exempt from Censure for Non-residence without Licence; but to Censure for Non-residence not exceeding Three Months in One Year, shall be put in force, nor any Proceedings be admitted except at the Suit of the Bishop or Archdeacon.

XXIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to exempt any Person or Persons from any Canonical or Ecclesiastical Censures, or affect any Proceedings that shall hereafter be instituted in any Ecclesiastical Court, in order to cause the same to be inflicted in relation to the Non-residence of any Spiritual Person, having or holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, not being duly licensed according to the Provisions of this Act to be absent therefrom, nor having any other lawful Cause of Absence: Provided always, that, from and after the passing of this Act, no such Censures by reason of any Non-residence, not exceeding Three Months in any One Year, shall be put in force, nor shall any Proceeding be admitted in any Ecclesiastical Court against any such Spiritual Person for such Non-residence not exceeding Three Months in any One Year, at the Suit or Instance of any Person or Persons other than the Archbishop, Bishop, or Archdeacon only of the Diocese and Archdeaconry within such Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, in respect whereof such Non-residence shall have taken place, shall be locally situated; any Thing in any Law or Laws, or Ecclesiastical Canon or Canons, to the contrary thereof notwithstanding.

If any unlicensed Person does not sufficiently reside, the Bishop may issue a Monition to reside, *etc.*

XXX. And be it further enacted, That in every Case in which it shall appear to any such Bishop or Archbishop as aforesaid, That any Spiritual Person having or holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, and not being licensed according to this Act to be absent therefrom, nor having any other lawful Cause of Absence from the same, does not sufficiently reside on the same respectively, it shall be lawful for such Bishop or Archbishop to issue, or cause to be issued, a Monition, to such Spiritual Person, forthwith to proceed to and reside thereon, and perform the Duties thereof, and to make a Return to such Monition within a certain Number of Days after the issuing thereof; so as that in every such Case there shall be Thirty Days between the Time of delivering such Monition to such Spiritual Person, or leaving the same at his then usual or last Place of Abode, or if not there to be found, with the officiating Minister, or One of the Churchwardens, and also at the House of Residence (if any such there be) belonging to such Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, to which any such Spiritual Person shall be required by such Monition to proceed and reside thereon, and the Time specified in such Monition for the Return thereto; and every such Monition shall immediately on the issuing thereof be filed in the Registry, and open for Inspection on the Payment of Two Shillings, and no more; and the Spiritual Person to whom any such Monition shall be sent under this Act, shall, within the Time specified for that Purpose, make a Return thereto; and it shall be lawful for the Bishop or Archbishop to whom any such Return shall be made to require such Return, or any Facts contained therein, to be verified by the Oath of such Spiritual Person, or others, to be taken before some Surrogate or Master Extraordinary

Returns to be made to Monitions, which may be required to be upon Oath.

in Chancery, which Oath any ſuch Surrogate or Maſter Extraordinary in Chancery is hereby authorized and required to adminiſter, on Application being made for that Purpoſe; and in every Caſe where no ſuch Return ſhall be made, or where ſuch Return ſhall not ſtate ſuch Reaſons as ſhall be deemed ſatisfactory by ſuch Biſhop or Archbiſhop for the Non-reſidence of the Spiritual Perſon to whom ſuch Monition ſhall have been ſent as aforeſaid, or where the ſame or any of the Facts contained therein ſhall not be ſo verified upon Oath as aforeſaid, when the ſame ſhall have been required, then and in ſuch Caſe it ſhall be lawful for ſuch Biſhop or Archbiſhop to iſſue an Order in Writing, under his Hand and Seal, to require ſuch Perſon to proceed to and reſide as aforeſaid, within Thirty Days after ſuch Order in Writing, or a Copy thereof, ſhall have been delivered or left in like Manner as is herein-before required as to Monitions; and in caſe of Non-compliance, it ſhall be lawful for ſuch Biſhop or Archbiſhop to ſequeſter the Profits of ſuch Benefice, Donative, Perpetual Curacy, or Parochial Chapelry of ſuch Spiritual Perſon as aforeſaid, until ſuch Order ſhall be complied with, or ſuch ſufficient Reaſons for Non-reſidence ſtated and proved as aforeſaid; and to direct, by any Order to be made for that Purpoſe under his Hand, the Application of ſuch Profits, after deducting the neceſſary Expences of ſerving the Cure, either in the Whole or in ſuch Proportion as he ſhall think fit, in the firſt Place, to the Payment of ſuch reaſonable Expences as ſhall have been incurred in relation to ſuch Monition and Sequeſtration, and in the next Place towards the Augmentation or Improvement of any ſuch Parſonage, Vicarage, Donative, or Perpetual Curacy, or the Houſe of Reſidence thereof, or any of the Buildings and Appurtenances thereof, or towards the Improvement of any of the Glebe or Demeſne Lands thereof; or may order and direct the ſame, or any Portion thereof, to be paid to the Governors of the Bounty of Queen *Anne* for the Augmentation of the Maintenance of the Poor Clergy, to be applied for the Purpoſe of ſuch Augmentation as ſuch Biſhop or Archbiſhop ſhall in his Diſcretion, under all the Circumſtances, think fit and expedient; and it ſhall alſo be lawful for any ſuch Biſhop or Archbiſhop, within Six Months after ſuch Order for Sequeſtration, or within Six Months after any Money ſhall have been actually levied by ſuch Sequeſtration, to remit to any ſuch Spiritual Perſon any Part or Proportion of ſuch ſequeſtered Profits, or cauſe the ſame or any Part thereof that ſhall have been paid or directed to be paid to ſuch Governors of Queen *Anne*'s Bounty to be repaid to ſuch Spiritual Perſon, which Repayment the ſaid Governors are hereby authorized and required, upon an Order under the Hand of any ſuch Biſhop or Archbiſhop, to make out of any Money then in their Hands, or if no Money ſhall then be in their Hands, out of the next Money that ſhall come to their Hands, in any Caſe in which by reaſon of the ſubſequent Obedience of any ſuch Spiritual Perſon to any ſuch Monition or Order, or the ſtating and proving ſuch ſufficient Reaſons as aforeſaid, ſuch Biſhop or Archbiſhop ſhall think the ſame proper: Provided always, that when any ſuch Spiritual Perſon ſhall think himſelf aggrieved by reaſon of any ſuch Sequeſtration iſſued by any Biſhop, it ſhall be lawful for any ſuch Spiritual Perſon within Fifteen Days after the making any Order for any ſuch Sequeſtration as aforeſaid, and upon ſuch Notice thereof, to be ſerved in like Manner as the Monition herein-before directed, to appeal to the Archbiſhop of the Province to which ſuch Biſhop ſhall belong, who ſhall forthwith, either by himſelf or

Where Returns ſhall not be made, or not be ſatisfactory, the Biſhop may order Reſidence, and if diſobeyed, may ſequeſter the Profits of the Benefice, and direct an Application thereof.

Appeal againſt Sequeſtrations may be made to the Archbiſhop.

or ſome Commiſſioner or Commiſſioners appointed from among the Biſhops of his Province for that Purpoſe under his Hand and Seal, make or cauſe to be made due Enquiry into the ſame, and make ſuch Order therein or relating thereto, or to the Profits that ſhall be ſo ſequeſtered as aforeſaid, for the Return to ſuch Spiritual Perſon of the ſame or any Part thereof, or otherwiſe, as ſhall, under all the Circumſtances of the Caſe, appear to ſuch Archbiſhop (after ſuch Enquiry made by himſelf or by his Commiſſioner or Commiſſioners, and in the latter Caſe, after the Subſtance of ſuch Enquiry ſhall have been returned in Writing to the ſaid Archbiſhop) to be juſt and proper: Provided always, that the Party ſo appealing ſhall give Security to the Biſhop for the Payment of ſuch reaſonable Expences occaſioned by the Appeal as the Archbiſhop or his Commiſſioner or Commiſſioners ſhall award: Provided alſo, that no ſuch Order for any Sequeſtration ſhall be put in force during ſuch Appeal as aforeſaid, and until the ſame ſhall be determined.

Appellant to give Security for Payment of Expences.

Perſons who ſhall return to Reſidence on Monition, ſhall pay the Coſts.

XXXI. Provided alſo, and be it further enacted, That every Spiritual Perſon to whom any ſuch Monition or Order in Writing ſhall be ſent as aforeſaid under this Act, who ſhall be at the Time of the iſſuing thereof abſent from Reſidence in or upon his Benefice, his Donative, Perpetual Curacy, or Parochial Chapelry, contrary to the Proviſions of this Act, but who ſhall, in Obedience to ſuch Monition or Order, forthwith return to due Reſidence, and the Profits of whoſe Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, ſhall, by reaſon of ſuch Return, not be ſequeſtered, ſhall nevertheleſs pay all Coſts, Charges, and Expences incurred by reaſon of the iſſuing and ſerving ſuch Monition or Order; to be levied as any Coſt may be levied on any Spiritual Perſon by any Archbiſhop or Biſhop, under any of the Proviſions of this Act.

If any Perſon returning to Reſidence on Monition, ſhall before Six Months thereafter abſent himſelf, the Biſhop may without Monition, ſequeſter the Profits of the Benefice.

XXXII. And, to the Intent effectually to enforce *bona fide* Reſidence, according to the Intent and Meaning of ſuch Monitions and Orders as aforeſaid; be it further enacted, That if any Spiritual Perſon not licenſed under this Act to be abſent from his Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, nor having other lawful Cauſe of Abſence from the ſame, who, after any ſuch Monition or Order as aforeſaid, requiring his Reſidence, and before or after any ſuch Sequeſtration as aforeſaid, ſhall, in Obedience to ſuch Monition or Order, have begun to reſide upon his Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, ſhall afterwards and before the Expiration of Six Months next after the Commencement of ſuch Reſidence, in the Judgement and without the Leave of ſuch Archbiſhop or Biſhop, begin wilfully to abſent himſelf from ſuch Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, it ſhall be lawful for ſuch Archbiſhop or Biſhop, without iſſuing any other Monition, or making any other Order, again to ſequeſter and apply the Profits of ſuch Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, as is before directed by this Act, for the Purpoſe of enforcing the Reſidence of ſuch Spiritual Perſon, according to the true Intent of the original Monition iſſued by ſuch Archbiſhop or Biſhop as aforeſaid; and it ſhall be lawful for the Archbiſhop or Biſhop ſo to proceed in like Caſes from Time to Time, as often as Occaſion may require; provided, that in each and every of ſuch Caſes, ſuch Spiritual Perſon ſhall be entitled to appeal againſt ſuch Sequeſtration,

tion, in such Manner and upon such Terms as herein-before is and are mentioned, touching Appeals respecting Sequestrations; but nevertheless the same shall be in force during such Appeal.

If a Clerk shall continue under Sequestration Three Years, or incur Three Sequestrations within that Period, the Benefice shall become void.

XXXIII. And be it further enacted, That if any Clerk shall continue under any Sequestration made under the Provisions of this Act, for Non-residence for the Space of Three Years, or shall, under the Provisions of this Act, incur Three Sequestrations in the said Space of Three Years, not being relieved, with respect to any of such Sequestrations, upon Appeal, the Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, in relation to Non-residence upon which such Sequestrations shall have been made, shall become *ipso facto* void, and the Patron or Person entitled to present or nominate some Clerk thereto, other than the Clerk who shall have so continued under such Sequestration or Sequestrations, as if the same had been avoided by the natural Death or Resignation of the Party.

Contracts after passing this Act, for letting Houses in which any Spiritual Person shall by Order of the Bishop be required to reside, shall be void; and Persons holding Possession after the Day appointed, shall be subject to Penalty; but in Cases of Contracts before passing this Act, not till Three Months after Service on the Occupier, &c.

XXXIV. And be it further enacted, That all Contracts or Agreements made after the passing of this Act, for the letting of Houses of Residence, or the Buildings, Gardens, Orchards, and Appurtenances necessary for the convenient Occupation of the same, belonging to any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, to which Houses of Residence any Spiritual Persons shall be required, by Order of the Archbishop or Bishop as aforesaid, to proceed and to reside therein, a Copy of which Order shall, immediately on the issuing thereof, be transmitted to One of the Churchwardens of the Parish, and be by him forthwith served on the Occupier of such House of Residence, or left at the same, and which such Churchwarden is hereby required to serve accordingly, shall be null and void; and any Person continuing to hold any such House of Residence, or any such Building, Garden, Orchard, or Premises, after the Day on which the said Spiritual Person shall be directed by the said Order to reside in such House of Residence, and after Service of such Copy as aforesaid, shall forfeit the Sum of Forty Shillings for every Day he shall, without the Permission of the Archbishop or Bishop in Writing for that Purpose obtained, wilfully continue to hold any such House, Building, Garden, Orchard, or Premises, to be recovered and applied in like Manner as the Penalties for Non-residence are directed to be recovered and applied by the Provisions of this Act; but in Cases of such Contracts or Agreements made before the passing of this Act, the Person holding and occupying under any such Contract or Agreement shall not be liable to any Penalty for Three Calendar Months from the Time of the Service of the Copy of such Order of the Archbishop or Bishop as aforesaid upon such Occupier, or at such House of Residence as aforesaid, and Sequestration shall not issue for Disobedience to the Order of the Archbishop or Bishop for Three Calendar Months, to be computed from the Service of the Copy of the said Order, at the Expiration of which Time it shall be lawful for the Archbishop or Bishop to issue Sequestration; and from and after the Expiration of which Time the Party continuing to hold any such House, Building, Garden, Orchard, Premises, or Appurtenances as aforesaid, shall forfeit the Sum of Forty Shillings for every Day he shall wilfully continue without such Permission in Writing as aforesaid to hold the same, or any of them, to be recovered and applied in like Manner as aforesaid.

XXXV. Provided

No Perſon liable to Penalty for Non-reſidence, while the Tenant ſhall continue to occupy.

XXXV. Provided always, and be it further enacted, That no Spiritual Perſon ſhall be liable to any Penalties under this or any former Act, for not reſiding in ſuch Houſe of Reſidence during ſuch Time as ſuch Tenant ſhall continue to occupy ſuch Houſe of Reſidence, and other Buildings neceſſary to the Occupation of the ſame.

If an Action be brought for Non-reſidence before iſſuing Monition, ſufficient to ſatisfy Penalty and Coſts, ſhall be retained out of the Profits of the Benefice.

XXXVI. Provided always, and be it further enacted, That where any Action, Suit, Bill, Plaint, or Information ſhall have been commenced or brought againſt any Spiritual Perſon to whom any Monition ſhall be ſent as aforeſaid, before the iſſuing thereof, for any Penalty or Forfeiture incurred by Reaſon of the Non-reſidence of any ſuch Spiritual Perſon before the iſſuing of ſuch Monition, then and in ſuch Caſe the Biſhop or Archbiſhop ſending ſuch Monition as aforeſaid, ſhall upon Notice of ſuch Action or Suit, cauſe to be retained the Profits, or ſo much of the Profits of the Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, in reſpect whereof ſuch Action or Suit ſhall be brought, and Monition iſſued as aforeſaid, and which may under this Act be ſequeſtered as aforeſaid, as will be ſufficient to ſatisfy any Penalty or Penalties for which any ſuch Action or Suit ſhall be brought, together with ſuch Coſts as the Plaintiff or Plaintiffs therein may be entitled to, if any, and ſhall, if a Verdict ſhall be given for the Plaintiff or Plaintiffs in ſuch Action, and final Judgement obtained therein, after deducting all the Charges which ſhall have been occaſioned by the ſaid Sequeſtration, to the Biſhop or Archbiſhop, or any Perſon or Perſons who ſhall have acted therein under his Authority, pay or cauſe to be paid to ſuch Plaintiff or Plaintiffs the Sum or Sums of Money that ſhall be recovered in any ſuch Action or Suit, to the Plaintiff or Plaintiffs therein: Provided always, that if at the Time of filing any ſuch Monition as aforeſaid, no Action for any ſuch Penalty or Forfeiture ſhall have been already commenced againſt ſuch Spiritual Perſon, then and in ſuch Caſe no ſuch Action, Suit, Bill, Plaint, or Information ſhall be afterwards brought for any Penalty or Forfeiture incurred by reaſon of any Non-reſidence of ſuch Spiritual Perſon before the iſſuing of ſuch Monition, or during any Proceedings that may be had under ſuch Monition; and if any ſuch Action or Suit ſhall be ſo commenced, the Defendant therein may plead, in bar thereof, that ſuch a Monition as aforeſaid has iſſued in reſpect of the ſame Parſonage, Vicarage, Donative, Perpetual Curacy, or Parochial Chapelry; and ſuch Defendant, unleſs upon Application to the Court, the ſame ſhall be diſpenſed with, ſhall upon pleading ſuch Matter, file or cauſe to be filed an Affidavit in the ſaid Court, thereby ſtating, that, according to the Belief of the Defendant, the Biſhop, or Archbiſhop who has iſſued or cauſed ſuch Monition to be iſſued, is proceeding or intends to proceed upon the ſaid Monition, to the Intent to make the ſame effectual to the Intents and Purpoſes of this Act, otherwiſe ſuch Plea ſhall not be good or available in the Law.

If at the Time of filing any Monition, no Action ſhall have been commenced, none ſhall be afterwards brought, *etc.*

No Oath relating to Reſidence ſhall be required of any Vicar.

XXXVII. And be it further enacted, That, from and after the paſſing of this Act, no Oath ſhall be required of or taken by any Vicar, in relation to Reſidence on his Vicarage; any Law, Cuſtom, Conſtitution, or Uſage, to the contrary thereof notwithſtanding.

Act to extend to all Dignities, Prebends, Benefices, *etc.*

XXXVIII. And be it further enacted, That, from and after the paſſing of this Act, all and every the Clauſes, Proviſions, Penalties, and Forfeitures in

this Act contained, in relation to Reſidence, or to any other Matters and Things relating thereto, ſhall extend and be deemed and conſtrued to extend to all Dignities, Prebends, Benefices, Donatives, Perpetual Curacies, and all Parochial Chapelries, exempt as well as not exempt, and all Peculiars, as fully and amply to all Intents and Purpoſes as if the ſame had been and were in this Act particularly mentioned and ſpecified; any Thing in any Act or Acts, Law or Laws, to the contrary thereof notwithſtanding.

Archbiſhop, Biſhop, and Archdeacon, within whoſe reſpective Province, Dioceſe, or Juriſdiction ſhall be locally ſituate any Benefice, *etc.* exempt or peculiar, ſhall have the ſame Powers as if they were not ſo; and where any ſuch Benefice, *etc.* ſhall be ſituate in more than One Province, *etc.* or between the Limits of Two, the Archbiſhop or Biſhop to whoſe Cathedral the Pariſh Church ſhall be neareſt, ſhall have the like Powers, *etc.*

XXXIX. And be it further enacted, That every Archbiſhop, Biſhop, and Archdeacon, within the Limits of whoſe Province, Dioceſe, or Juriſdiction reſpectively, any Dignity, Benefice, Donative, Perpetual Curacy, or Parochial Chapelry reſpectively, exempt or peculiar, ſhall be locally ſituate, ſhall have, uſe, and exerciſe, all the Powers and Authorities neceſſary for the due Execution by them reſpectively, of the Proviſions and Purpoſes of this Act, and for enforcing the ſame with regard thereto reſpectively, as ſuch Archbiſhop, Biſhop, and Archdeacon reſpectively would have uſed and exerciſed, if the ſame were not exempt or peculiar, but were ſubject in all Reſpects to the Juriſdiction of ſuch Archbiſhop, Biſhop, or Archdeacon; and alſo that where any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, exempt or peculiar, ſhall be locally ſituate within the Limits of more than One Province, Dioceſe, or Juriſdiction, or where the ſame, or any of them, ſhall be locally ſituate between the Limits of any Two or more of ſuch Provinces, Dioceſes, or Juriſdictions, or any of them, the Archbiſhop or Biſhop to the Cathedral Church of whoſe Province or Dioceſe, the Pariſh Church of the ſame reſpectively ſhall be neareſt in local Situation, ſhall have, uſe, and exerciſe all the Powers and Authorities which are neceſſary for the due Execution of the Proviſions of this Act, and enforcing the ſame with regard thereto reſpectively, as ſuch Archbiſhop or Biſhop could have uſed, if the ſame were not exempt or peculiar, but were ſubject in all Reſpects to the Juriſdiction of ſuch Archbiſhop or Biſhop reſpectively; and the ſame, for all the Purpoſes of this Act, ſhall be deemed and taken to be within the Limits of the Province or Dioceſe of ſuch Archbiſhop or Biſhop; and the ſame ſhall alſo, for the Purpoſes of this Act, be taken to be within the Archdeaconry of, and be ſubject to the Juriſdiction of ſuch Archdeacon as hath Juriſdiction as ſuch over the Pariſh, the Pariſh Church of which is neareſt to the Church of ſuch Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, exempt or peculiar; any Thing in any Act or Acts, Law or Laws, Uſage or Uſages, or other Matter or Thing to the contrary notwithſtanding: Provided, that the Peculiars belonging to any Archbiſhoprick or Biſhoprick, though locally ſituated in another Dioceſe, ſhall continue ſubject to the Archbiſhop or Biſhop to whom they belong, as well for the Purpoſes of this Act, as for all other Purpoſes of Eccleſiaſtical Juriſdiction in the Laws whatſoever.

Peculiars ſhall be ſubject to the Archbiſhop or Biſhop to whom they belong, though ſituate in another Dioceſe.

Act not to affect His Majeſty's Prerogative in granting Diſpenſations, nor to affect Clerks retained in His Majeſty's Service under the Statute 9 *Ed.* 2. c.

XL. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to alter or affect His Majeſty's Royal Prerogative in the granting of Diſpenſations for Non-reſidence upon Benefices, as the ſame now exiſts by Law; nor to affect any Privileges of Clerks retained in His Majeſty's Service under the Statute paſſed in the Ninth Year of *Edward* the Second, intituled, *Clerks in the*

the King's Service shall be discharged of their Residence, but shall be corrected by their Ordinary.

No Archbishop or Bishop shall be liable to the Penalties for Non-residence.

XLI. And, to the Intent to avoid all Doubts, be it enacted, That no Archbishop or Bishop having, or who shall have, any Dignity, Prebend, Benefice, Donative, or Perpetual Cure, shall, by reason of Non-residence upon the same, be subject or liable to any Penalties or Forfeitures.

No Penalty shall be incurred under this Act for Non-residence prior to *Jan.* 1, 1804; nor for farming under this or any other Act till *April* 5, 1804.

XLII. Provided also, and be it further enacted, That no Forfeiture or Penalty shall be incurred under or by virtue of this Statute for any Act of Non-residence committed prior to the First Day of *January* One thousand eight hundred and four.

XLIII. Provided also, That no Penalty for farming shall be incurred by any Spiritual Person, under this or any other Statute, till the Fifth Day of *April* One thousand eight hundred and four.

Act not to extend beyond *England*.

XLIV. Provided also, That no Provision in this Act contained shall extend or be construed to extend beyond that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*.

If any Execution shall have been sued out between *July* 7, 1803, and the Day after passing this Act, the Judge may direct the Repayment of so much of Penalties and Costs levied as exceeds what the Defendant would have been liable to if no Execution had been sued out.

XLV. Provided also, and be it further enacted, That in case in any Action, Bill, Plaint, or Information, in which any Verdict shall have been obtained prior to the passing of this Act, any Execution shall have been sued out at any Time between the Seventh Day of *July* One thousand eight hundred and three, and the Day after the passing of this Act, it shall be lawful, after the passing of this Act, for any Judge of the Court in which such Action, Bill, Plaint, or Information shall be depending, upon the Application of the Defendant, to direct, by any Rule or Order, the Plaintiff or Plaintiffs who shall have levied under any such Execution, to repay to the Defendant so much of the Penalties, Forfeitures, and Costs levied by such Execution, as the Sums so levied shall exceed the Amount of what such Defendant would have been liable to pay in Penalty, Forfeiture, and Costs, or any of them, as the Case might be, if no Execution had been sued out against such Defendant, and such Defendant had applied under this Act to such Judge to discontinue the Proceedings in such Action, Bill, Plaint and Information before Execution taken out; and such Judge and Defendant respectively shall have full Power to enforce Obedience to such Order or Rule, in like Manner as Obedience to any Order or Rule of such Court, or any Judge of Court, can or may be enforced.

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