

ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

CAP. CLXXV.

An Act to explain and amend ſeveral Acts relating to Spiritual Perſons holding of Farms, and for enforcing the Reſidence of ſuch Perſons on their Benefices, in *England*, for One Year, and from thence until Six Weeks after the Meeting of the then next Seſſion of Parliament. [30th *July* 1814.]

WHEREAS an Act was paſſed in the Forty-third Year of the Reign of His preſent Majeſty, intituled *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: And whereas certain of the Proviſions of the ſaid Act have been found inconvenient; and it is expedient that the ſaid Act be amended, and that further Proviſion be made for the better carrying into Execution the Purpoſes thereof: And whereas it is alſo expedient to amend certain Proviſions contained in an Act, paſſed in the Twenty-firſt Year of the Reign of King *Henry* the Eighth, intituled *Spiritual Perſons abridged from taking Pluralities of Livings and from taking of Ferms*; and alſo in an Act paſſed in the laſt Seſſion, intituled *An Act for the further Support and Maintenance of Stipendiary Curates*; be it therefore 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 no Action of Debt, Bill, Plaint, or Information, againſt any Spiritual Perſon, for the Recovery of any Penalties or

43 G. 3. c. 84.

21 H. 8. c. 13.

53 G. 3. c. 149.

Actions for Penalties under firſt recited Act not

to be commenced before 1ſt May after Expiration of the Year.

or Forfeitures under or by virtue of the ſaid firſt recited Act, ſhall be commenced or filed in any of His Majeſty's Courts of Record at *Weſtminſter*, or the Court of Great Seſſions in *Wales*, until the Firſt Day of *May* after the Expiration of the Year in which any alleged Offence againſt the ſaid Act ſhall have taken place.

Biſhops empowered to puniſh paſt Non-reſidence.

II. And whereas it is expedient that the Archbiſhops and Biſhops of their reſpective Dioceſes ſhould be further empowered to puniſh paſt Non-reſidence, as well as to compel Reſidence in future; be it enacted, That in all Caſes in which any Spiritual Perſon ſhall have become ſubject to any Penalty or Forfeiture for any Non-reſidence, it ſhall be lawful for the Archbiſhop or Biſhop within whoſe Dioceſe ſuch Penalty or Forfeiture ſhall have ariſen, to proceed againſt ſuch Spiritual Perſon for ſuch paſt Non-reſidence; and to levy the Penalties incurred thereby under the ſaid firſt recited Act as amended by this Act, by Monition and Sequeſtration, and to direct the Application thereof in like Manner, and ſubject to the ſame Regulations, and with like Powers of remitting or ordering the Re-payment of any Part of ſuch Penalties, as is directed or allowed in the ſaid Act, in Caſes of Non-compliance with any Order for Reſidence.

Archbiſhops and Biſhops may levy Penalties and Coſts by Sequeſtration.

III. And be it further enacted, That every Archbiſhop or Biſhop may levy any Coſts, Charges, or Penalties by this Act impoſed upon any Spiritual Perſon, ſubject to his Juriſdiction or locally ſituate therein, who ſhall under the Proviſions of the ſaid firſt recited Act or this Act become liable thereto, in the ſame Manner as any Coſts may be levied upon any Spiritual Perſon by any Archbiſhop or Biſhop under the Proviſions of the ſaid Act, and may order the Application of ſuch Penalties in ſuch Manner as is by the ſaid Act directed concerning any Money levied by Sequeſtration.

Penalties not levied by the Biſhop, may be recovered by Action.

IV. And be it alſo enacted, That every Penalty under the firſt reciting Act, or this Act, in reſpect of which no Proceeding ſhall have been had by Monition for the Recovery thereof, before the Firſt Day of *May* after the ſame ſhall have been incurred, may be recovered and applied by Action or Suit, in like Manner as the Penalties for Non-reſidence are directed to be recovered and applied by any Action or Suit under the ſaid firſt recited Act and this Act.

Perſons may appeal as under the Act of 43 G. 3. c. 84.

V. Provided always, and be it further enacted, That it ſhall be lawful for any Spiritual Perſon to appeal againſt any Proceedings had under the Proviſions of this Act, in the ſame Manner as is directed in relation to any Appeal under the ſaid firſt recited Act.

Penalties may be remitted.

VI. Provided always, and be it further enacted, That in every Caſe in which any Archbiſhop or Biſhop ſhall think proper, under all the Circumſtances thereof, after proceeding by Monition for the Recovery of any Penalty under the ſaid firſt recited Act or under this Act, to remit the Whole or any Part of the ſaid Penalty, ſuch Archbiſhop ſhall forthwith tranſmit to His Majeſty in Council, and ſuch Biſhop ſhall tranſmit to the Archbiſhop of the Province to which he belongs, a Liſt of ſuch Caſes as have occurred in his or their reſpective Dioceſes, ſpecifying the Nature and ſpecial Circumſtances of each Caſe, and the Reaſons for

the ſaid Remiſſion, in the ſame Manner as is directed in relation to the Licences for Non-reſidence granted in non-enumerated Caſes, under the ſaid firſt-recited Act; and it ſhall thereupon be lawful for His Majeſty in Council, or for the ſaid Archbiſhop, as the Caſe may be, to allow or diſallow ſuch Remiſſion in Whole or in Part, in the ſame Manner as the Allowance or Diſallowance of the ſaid Licences for Non-reſidence is provided for by the ſaid Act; the Deciſion of the ſaid Archbiſhop, with reſpect to Caſes tranſmitted to him from any ſuch Biſhop, to be final.

Penalties not recoverable for more than One Year.

VII. And whereas Doubts have been entertained, whether Penalties and Forfeitures impoſed by the ſaid firſt recited Act might not be recovered for more than One Year, be it declared and enacted, That no Penalties or Forfeitures ſhall be recovered by any Proceeding or Action, other and further than thoſe to which ſuch Spiritual Perſons may be liable under the Proviſions of the ſaid Act, for any Offence alleged to have been committed againſt the Proviſions of the ſaid Act or this Act during the Year ending on the Thirty-firſt Day of *December* immediately preceding the Commencement of ſuch Proceeding or Action.

The Year for Purpoſes of this Act to commence 1ſt January, and end 31ſt December; and Licences, except for temporary Cauſes, to be granted accordingly.

VIII. And be it further enacted, That for all the Purpoſes of the ſaid firſt recited Act and of this Act, the Year ſhall be deemed to commence on the Firſt Day of *January*, and be reckoned therefrom to the Thirty-firſt Day of *December*, both incluſive; and all Licences granted under the ſaid Act, other than ſuch as ſhall be granted for Periods leſs than a Year, on account of Illneſs or other temporary Cauſe, ſhall be granted to commence and terminate at ſuch reſpective Periods as aforeſaid, for the Year or Years for which they ſhall be granted; ſave and except ſuch as it may be neceſſary to grant for the Remainder of any Year after the Expiration of any Licence now ſubſiſting.

Calendar Months to be taken for the Purpoſes of the Act.

IX. And be it further enacted, That for all the Purpoſes of the ſaid firſt recited Act and of this Act, the Months therein named ſhall be taken to be Calendar Months; except in any Caſe in which any Month or Months are to be made up of different Periods leſs than a Month; and in every ſuch Caſe Thirty Days ſhall be deemed a Month.

Repealing the Proviſion of former Act as to Perſons neglecting to notify Cauſe of Exemption, and impoſing a Penalty of 20l.

X. And be it further enacted, That ſo much of the ſaid firſt recited Act as enacts, That any Perſon neglecting to notify any Reaſon of any Exemption from Reſidence, for which it is not neceſſary to obtain a Licence, ſhall not be deemed to be entitled to the Benefit of ſuch Exemption, ſhall be and the ſame is hereby repealed; and from and after the paſſing of this Act, every Spiritual Perſon having lawful Cauſe of Exemption from Reſidence under the ſaid Act, or any other Act, and being Non-reſident, who ſhall neglect to make ſuch Notification thereof, as in the ſaid Act is directed, ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Pounds, to be levied by Sequeſtration, if not otherwiſe paid after Monition to pay the ſame, of the Profits of the Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, for which he ſhall claim Exemption from Reſidence, by the Archbiſhop or Biſhop of the Dioceſe to whom the Notification ought to be made, to be applied as he may direct, to uſeful and charitable Purpoſes, with the like Power of remitting or ordering the Re-payment of any Part of ſuch Penalties, as is directed or allowed in the ſaid Act, in Caſes of Non-compliance with an Order for Reſidence.

XI. And

So much of 53 G. 3. c. 149. as enacts that Incumbents neglecting to notify the Death of Curate shall lose his Exemption, repealed, and Penalty of 20 l. imposed.

XI. And be it further enacted, That so much of an Act passed in the last Session of Parliament, intituled *An Act for the further Support and Maintenance of Stipendiary Curates*, as enacts, that every Incumbent of or Person holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, who does not nor shall not duly reside thereon (except as therein excepted) and who shall, for the Period of Three Months after the Death or Resignation of any Curate who has served his Church or Chapel, neglect to notify to the Bishop of the Diocese such Death or Resignation, shall forfeit and lose all the Benefit of any Dispensation or Exemption from Residence, or Licence for Non-residence, and be subject and liable to such and the like Penalties for Non-residence, as if he had no such Dispensation, Exemption from Residence, or Licence for Non-residence, shall be and the same is hereby repealed; and from and after the passing of this Act, every such Person shall, for such Neglect, forfeit and pay the Sum of Twenty Pounds, to be levied, applied, and remitted, in like Manner as is herein-before provided with respect to the Neglect of notifying Exemptions from Residence.

In cases of no House of Residence, what should be deemed a Residency.

XII. And be it further enacted, That every Spiritual Person having any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, and who shall not have, nor during any Part of his Incumbency have had any House of Residence thereon, and who shall have resided Nine Months in the Year within the Limits of his Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, shall not be liable to any Penalties on account of Non-Residence, nor be obliged to take out any Licence therefore; but that the same shall be deemed a legal Residence to all the Intents and Purposes of the said first recited Act and this Act; and in all Returns made by the Bishops, Persons so residing shall be returned as resident.

Houses purchased by Governors of Queen Anne's Bounty to be deemed Residences.

XIII. And whereas the Governors of Queen *Anne*'s Bounty have in some Instances purchased, or may hereafter purchase Houses not situate within the Parishes for which they are purchased, but so contiguous as to be equally convenient and suitable for the Residence of the officiating Ministers thereof; be it enacted, That such Houses, having been previously approved by the Archbishop or Bishop, by Writing under his Hand, shall be deemed Parsonage Houses appertaining to such Livings, to all Intents and Purposes whatsoever.

Sinecure Rectories.

XIV. And be it further enacted, That in all Cases of Sinecure Rectories having Vicarages endowed, the Residence of the Vicar in the Rectory House shall be deemed a sufficient legal Residence, to all Intents and Purposes whatever.

Continuance of Act.

XV. And be it further enacted, That this Act shall continue and be in force for One Year, and from thence until Six Weeks after the Meeting of the then next Session of Parliament.

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