

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

***

in England: And whereas another Act passed in the Forty-third Year of
43 G. 3. c. 109. the Reign of His present Majesty, intituled *An Act to rectify a Mistake in an Act made in this present Session of Parliament, 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 to remove a Doubt respecting the Title of the Statute of the Twenty-first 'Year of King* Henry *the Eighth therein mentioned:'* And whereas an Act was passed in the Twelfth Year of the Reign of Her late Majesty Queen
12 Anne, Stat. 2. c. 12. *Anne*, intituled *An Act for the better Maintenance of the Curates within the Church of* England, *and for preventing any Ecclesiastical Persons from buying the next Avoidance of any Church Preferment:* And whereas an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty,
36 G. 3. c. 83. intituled *An Act for the further Support and Maintenance of Curates within the Church of* England, *and for making certain Regulations respecting the Appointment of such Curates, and the Admission of Persons to Cures augmented by Queen* Anne's *Bounty, with respect to the Avoidance of other Benefices:* And whereas another Act passed in the Fifty-third Year of the Reign of
53 G. 3. c. 149. His present Majesty, intituled *An Act for the further Support and Maintenance of Stipendiary Curates:* And whereas Doubts have arisen upon the Construction of some of the Provisions of the said Acts; and it is therefore necessary that such Provisions of the said Acts should be explained, and other Provisions made, and that the several Laws relating to Spiritual Persons holding of Farms, and to buying and selling, and for enforcing of Residence and the Maintenance of Stipendiary Curates, should be consolidated in one Act: 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

Recited Acts repealed. the same, That from and after the passing of this Act, so much of the said several recited Acts passed in the Reign of His Majesty King *Henry* the Eighth, and so much of the said Acts of the Reign of Her Majesty Queen *Elizabeth*, and of the said recited Act of His Majesty King *Charles* the First, as relates to Spiritual Persons holding of Farms, and to Leases of Benefices and Livings, and to buying and selling, and to Residence of Spiritual Persons on their Benefices; and also so much of the said recited Act of Her Majesty Queen *Anne*, and of the said recited Act of the Thirty-sixth Year of the Reign of His present Majesty, as relates to the Maintenance of Curates within the Church of *England*, and making Provision for appointing Stipends for such Curates, and all the said several other recited Acts passed in the Reign of His present Majesty, shall be and the same are respectively hereby repealed.

Spiritual Persons not to take to farm for Occupation above Eighty Acres, without Consent of the Bishop under Penalty of 40*s.* per Acre. II. And be it further enacted, That from and after the passing of this Act it shall not be lawful for any Spiritual Person having or holding any Dignity, Prebend, Canonry, Benefice, or any Stipendiary Curacy or Lectureship, to take to farm, for Occupation by himself, by Lease, Grant, Words, or otherwise, for Term of Life or Term of Years, or at Will, any Lands, exceeding in Amount in the whole Eighty Acres, for the Purpose of occupying or using or cultivating the same, without the Consent in Writing of the Bishop of the Diocese in which such Dignity, Canonry, Prebend, Benefice, Stipendiary Curacy, or Lectureship shall be locally situate, specially given for that Purpose; and every such Permission to any Spiritual Person to take to farm, for the Purpose of occupying the same,

any greater Quantity of Land than Eighty Acres, shall specify the Number of Years, not exceeding Seven, for which the Permission is given; and every such Spiritual Person as aforesaid who shall, without such Permission as aforesaid, take to farm any greater Quantity of Land than Eighty Acres, shall forfeit for every Acre of Land above the Quantity of Eighty Acres so taken to farm, the Sum of Forty Shillings for each and every Year during or in which he shall so occupy, use, cultivate, or farm such Land contrary to the Provisions of this Act, to be recovered by and to the Use of any Person who may inform and sue for the same.

No Spiritual Person beneficed, or performing Ecclesiastical Duty, shall engage in Trade, or buy to sell again for Profit or Gain.

III. And be it further enacted, That no Spiritual Person having or holding any Dignity, Prebend, Canonry, Benefice, Stipendiary Curacy, or Lectureship, shall by himself, or by any other for him or to his Use, engage in or carry on any Trade or Dealing for Gain or Profit, or deal in any Goods, Wares, or Merchandize, by buying and selling for Lucre, Gain, or Profit, in any Market, Fair, or other Place, upon Pain of forfeiting the Value of the Goods, Wares, and Merchandizes, by him, or by any to his Use, bargained and bought to sell again contrary to the Provisions of this Act; and that every Bargain and Contract so made by him, or by any to his Use, in any such Trade or Dealing, contrary to this Act, shall be utterly void and of none Effect; and the One Half of every such Forfeiture shall go to His Majesty, and the other Half to him that will sue for the same.

Not to extend to Spiritual Persons engaged in keeping Schools, or as Tutors, &c. in respect of any Thing done, or any buying or selling in such Employment; or to selling any Thing bonâ fide bought for the Use of the Family; or occupying any Glebe, &c.

IV. And be it further enacted, That nothing in this Act contained in relation to being engaged in Trade or Dealing, or buying or selling, shall extend or be construed to extend to, or to subject to any Penalty or Forfeiture, any Spiritual Person for keeping a School or Seminary, or acting as a Schoolmaster or Tutor or Instructor, or being in any Manner concerned or engaged in giving Instruction or Education for Profit or Reward, or for buying or selling, or doing any other Act, Matter, or Thing in the Conduct of, or carrying on, or in relation to the Management of any such School, Seminary, or Employment; or to any Spiritual Person whatever, for the buying of any Goods, Wares, or Merchandizes, or Articles or Things of any Description, which shall, without Fraud or Covin, be bought, to the Intent and Purpose, at the buying thereof, to be used and employed by the Spiritual Person buying the same for his Family or in his Household, and after the buying of any such Goods, Wares, or Merchandizes, or Articles or Things, the selling the same again, or any Parts thereof, which such Person may not want or choose to keep, although the same shall be sold at any advanced Price beyond that which may have been given for the same; or for any buying or selling again for any Lucre, Gain, or Profit of any Manner of Cattle or Corn, or other Matters or Things whatever, necessary, proper, or convenient to be bought, sold, kept, or maintained by any Spiritual Person, or any other Person for him, or to his Use, for the Occupation, Manuring, Improving, Pasturage, or Profit of any Glebe, Demesne, Farms, Lands, Tenements, or Hereditaments, which may be lawfully held and occupied, possessed, or enjoyed by such Spiritual Person, or any other for him or to his Use: Provided always, that nothing herein contained shall extend or be construed to extend to authorize any such Spiritual Person to sell any Cattle or Corn, or other Matters or Things as aforesaid, in Person, in any Market, Fair, or Place of public Sale.

V. And

Penalty for Non-Reſidence.

V. And be it further enacted, That from and after the paſſing of this Act every Spiritual Perſon holding any Benefice, who ſhall, without any ſuch Licence or Exemption as is in this Act allowed for that Purpoſe, wilfully abſent himſelf therefrom for any Period exceeding 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 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 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.

Where no Houſe belonging to the Benefice, &c. Reſidence within the Limits of Pariſh, &c. deemed legal Reſidence.

VI. And be it further enacted, That every Spiritual Perſon having any Benefice, and who ſhall not have any Houſe of Reſidence thereon, and who ſhall have reſided Nine Months in the Year within the Limits of his Benefice, or within the Limits of the City, Town, Place, or Pariſh in which his Benefice may be ſituated, provided ſuch laſt-mentioned Reſidence be within the Diſtance of Two Miles from the Church or Chapel of his Benefice, ſhall not be liable to any Penalties on account of Non-reſidence, nor be obliged to take out any Licence in reſpect thereof, but that the ſame ſhall be deemed a legal Reſidence to all the Intents and Purpoſes of 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.

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

Rectories having Vicarages endowed.

VIII. And be it further enacted, That in all Caſes of Rectories having Vicarages endowed, the Reſidence of the Vicar in the Rectory Houſe ſhall be deemed a legal Reſidence to all Intents and Purpoſes whatever; provided that the Vicarage Houſe be kept in proper Repair, to the Satisfaction of the Biſhop.

IX. And

IX. And be it further enacted, That it ſhall be lawful for the Biſhop, in every Caſe in which there ſhall not be a Houſe of Reſidence belonging to any Benefice within his Dioceſe, to allow and adjudge any fit Houſe within the Limits of ſuch Benefice, and belonging thereto, or any fit Houſe belonging thereto not within the Limits, but ſo contiguous as to be ſufficiently convenient for the Purpoſe, to be the Houſe of Reſidence thereof; and ſuch Allowance and Adjudication in Writing under the Hand and Seal of ſuch Biſhop ſhall thereupon be regiſtered in the Regiſtry of the Dioceſe from Time to Time; and ſuch Houſe ſhall thenceforth be deemed the Houſe of Reſidence for the Time being to all Intents and Purpoſes whatſoever.

Power in the Biſhop to allow any fit Houſe belonging to the Preferment, to be a Houſe of Reſidence.

X. And be it further enacted, That no Spiritual Perſon, being Chancellor, Vice-Chancellor, or Commiſſary of either of the Univerſities of *Oxford* or *Cambridge*, or being Warden, Dean, Provoſt, Preſident, Rector, Principal, Maſter, or other Head Ruler of any College or Hall within the ſaid Univerſities, and no Spiritual Perſon having or holding any Profeſſorſhip, or any public Readerſhip in either of the ſaid Univerſities, being actually reſident within the Precincts of the Univerſity, and reading Lectures therein; and no Scholar under the Age of Thirty Years, abiding for Study without Fraud at either of the ſaid Univerſities; and no Chaplain of the King's or Queen's moſt Excellent Majeſty, or of any of the King's or Queen's Children, Brethren, or Siſters, during ſo long as he ſhall actually attend in the Diſcharge of his Duty as ſuch Chaplain in the Houſehold to which he ſhall belong; and no Chaplain of any Archbiſhop or Biſhop, or of any Temporal Lord of Parliament, or of any other Perſon or Perſons authorized by Law to appoint any Chaplain or Chaplains, during ſo long as ſuch Chaplain or Chaplains ſhall abide and dwell and daily attend in the actual Performance of his Duty as ſuch Chaplain in the Houſehold to which he ſhall ſo belong; and no Spiritual Perſon actually ſerving as a Chaplain of the Houſe of Commons, or as Clerk of His Majeſty's Cloſet, or as a Deputy Clerk thereof, or a Clerk of the Cloſet of the Heir Apparent, or as a Deputy Clerk thereof, or as a Chaplain General of His Majeſty's Forces by Sea or Land, or Chaplain of His Majeſty's Dock Yards, while ſuch Spiritual Perſon ſhall be actually attending and performing the Duties of ſuch Office reſpectively; or as a Chaplain in the Houſehold of any *Britiſh* Ambaſſador reſiding abroad, during the Time of his performing the Duties of ſuch his Office; or as Chancellor or Vicar General, or as Commiſſary, whilſt exerciſing the Duties of their Offices reſpectively; or as an Archdeacon while upon Viſitations, or otherwiſe engaged in the Exerciſe of his Functions; and no Spiritual Perſon being a Minor Canon, or Vicar Choral, or Prieſt Vicar, or any ſuch other Public Officer, in any Cathedral or Collegiate Church, during the Times for which ſuch Spiritual Perſon ſhall actually reſide within the Precincts of the Cathedral or Collegiate Church to which he ſhall belong, or within the City or Town in which the ſaid Cathedral or Collegiate Church is ſituate, or the Suburbs thereof, and ſhall actually perform the Duties of his Office; or as a Dean or Subdean, or Prieſt or Reader in any of His Majeſty's Royal Chapels at *Saint James's* or *Whitehall*, or as a Reader in His Majeſty's Private Chapels at *Windſor* or elſewhere, whilſt reſiding and actually performing the Duty of any ſuch Office reſpectively; or as a Preacher in any of the Inns of Court, or at the Rolls; or as Burſar, Treaſurer, Dean, Vice-Preſident, Subdean, or Public Tutor or

Certain Perſons exempted from Penalties for Non-reſidence.

Chaplain, or other ſuch Public 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 reſide and perform the Duties of any ſuch Office, and actually ſhall reſide and perform the Duties of the ſame; or as Public Librarian or Public Regiſtrar or Proctor, or Public Orator, or other ſuch Public Officer, in either of the ſaid Univerſities, during the Period for which he may reſpectively be required by reaſon thereof to reſide and perform the Duties of any ſuch Office, and actually ſhall reſide and perform the Duties of the ſame; or as Fellow of any College in either of the Univerſities, during the Time for which he may be required to reſide by any Charter or Statute, and ſhall actually reſide therein; or as Warden, Provoſt, or Fellow of *Eton* or *Wincheſter* College, or the Maſter of the Charter Houſe, during the Time for which he may be required ſo to reſide, and ſhall actually reſide therein reſpectively; or within the City or Town or Suburbs of the City or Town within or near to which the ſaid Colleges are reſpectively ſituate; or as a Maſter or Uſher in the ſaid Colleges of *Eton* or *Wincheſter*, or as a Maſter or Uſher of *Weſtminſter* School, or as Principal or Profeſſor of the *Eaſt India* College; or who ſhall be ſpecially exempt from Reſidence under the Proviſions of any Act or Acts of Parliament not repealed by this Act, ſhall be liable to any of the Pains, Penalties, or Forfeitures in this Act contained, for or on account of any Non-reſidence, during any ſuch Period as aforeſaid, on any Benefice; but every ſuch Spiritual Perſon ſhall, with reſpect to Reſidence under this Act, be entitled to account ſuch Period as if he had legally reſided on ſome other Benefice; any Thing in this Act contained to the contrary notwithſtanding.

Dignitaries reſiding at Cathedral Churches for certain Periods, exempted.

XI. And be it further enacted, That it ſhall be lawful for any Spiritual Perſon being Dean, during ſuch Time as he ſhall reſide upon his Deanery, or being Prebendary or Canon, or holding any other Dignity or Dignities in any Cathedral or Collegiate Church or Churches, who ſhall reſide any Period not exceeding Four Months altogether within the Year upon ſuch Dignity or Dignities, to account ſuch Reſidence as if he had legally reſided on ſome Benefice: Provided always, that it ſhall be lawful for any Spiritual Perſon having or holding any Prebend, Canonry, or Dignity in any Cathedral or Collegiate Church, in which the Year for the Purpoſes of Reſidence is accounted to commence at any other Period than the Firſt of *January*, and who may keep the Periods of Reſidence required for Two ſucceſſive Years at ſuch Cathedral or Collegiate Church, in whole or in part, between the Firſt of *January* and the Thirty-firſt of *December* in any one Year, to account ſuch Reſidence, although exceeding Four Months in the Year, as reckoned from the Firſt of *January* to the Thirty-firſt of *December*, as if he had legally reſided on ſome Benefice; any Thing in this Act contained to the contrary notwithſtanding.

Proviſion for Caſes in which the Year of Reſidence at Cathedrals commences at any other Period than the 1ſt of January.

Biſhop may licenſe for a longer Period, if the Duties of a Cathedral require it.

XII. And be it further enacted, That it ſhall be lawful for the Biſhop of the Dioceſe in which any Benefice ſhall be locally ſituate to licenſe any longer Period of Non-reſidence upon any ſuch Benefice of any Prebendary, Canon, or other Perſon holding any Dignity in any Cathedral or Collegiate Church, in any Caſe in which it ſhall appear to ſuch Biſhop, from his own Knowledge, if ſuch Cathedral or Collegiate Church is locally ſituate within his own Dioceſe, or if not, by the Certificate of the Biſhop of the Dioceſe in which the Cathedral or Collegiate Church ſhall be locally

ſituate, to be required for the Performance of any Duties in any ſuch Cathedral or Collegiate Church; provided that every ſuch Spiritual Perſon ſhall during ſuch Period reſide on ſuch Prebend, Canonry, or Dignity.

Proviſo for Prebendaries, &c. appointed before this Act.

XIII. Provided always, and be it further enacted, That no Spiritual Perſon appointed to any Prebend, Canonry, or Dignity in any Cathedral or Collegiate Church before the paſſing of this Act, ſhall be ſubject to any Penalty or Forfeiture for Non-reſidence upon any Benefice during the Period of his actually reſiding upon ſuch Prebend, Canonry, or Dignity.

Perſons having Houſe of Reſidence on their Benefice to forfeit the Exemption, if Houſe not kept in Repair.

XIV. And be it further enacted, That every Spiritual Perſon having any Houſe of Reſidence upon his Benefice, who ſhall not reſide thereon, ſhall, during ſuch Period or Periods of Non-reſidence, whether the ſame ſhall be for the Whole or Part of any Year, keep ſuch Houſe of Reſidence in good and ſufficient Repair; and that every ſuch Spiritual Perſon who ſhall not keep ſuch Houſe of Reſidence in Repair, and who ſhall not, upon Monition iſſued by the Biſhop of the Dioceſe in which the ſame ſhall be locally ſituate, put the ſame in Repair, according to the Requiſition of ſuch Monition, within the Time ſpecified therein, to the Satisfaction of the Biſhop of the Dioceſe, and to be certified to the Biſhop upon ſuch Survey and Report as ſhall be required by the Biſhop in that Behalf, ſhall be liable to all Penalties for Non-reſidence, notwithſtanding any Exemption or Licence, during the Period of ſuch Houſe of Reſidence remaining out of Repair, and until the ſame ſhall have been put in good and ſufficient Repair, to the Satisfaction of the Biſhop of the Dioceſe.

Biſhop may grant Licences for Non-reſidence in certain Caſes enumerated.

XV. And be it further enacted, That from and after the paſſing of this Act it ſhall be lawful for any Biſhop, upon Application made for that Purpoſe, by Petition in Writing, by any Spiritual Perſon, or by any fit and proper Perſon on behalf of any Spiritual Perſon having or holding any Benefice locally ſituated within his Dioceſe, upon ſuch Proofs as to any Facts ſtated in any ſuch Petition as any ſuch Biſhop may think neceſſary, and ſhall require by Affidavit made before any Eccleſiaſtical Judge or his Surrogate, or any Juſtice of the Peace or Magiſtrate, or any Maſter Extraordinary in Chancery (which Oath any ſuch Eccleſiaſtical Judge or Surrogate or Juſtice of the Peace or Magiſtrate, or Maſter Extraordinary in Chancery, is hereby authorized and required to adminiſter), to grant in ſuch Caſes as are in this Act enumerated, in which, upon 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 to ſuch Spiritual Perſon to reſide out of the Pariſh, or out of the proper Houſe of Reſidence of his Benefice, for the Purpoſe of exempting ſuch Perſon from any pecuniary Penalty or Forfeiture in reſpect of any Non-reſidence thereon; (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 any actual Illneſs or Infirmity of Body of himſelf, or of his 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 Benefice whereupon or wherein there ſhall be no Houſe of Reſidence, or where the Houſe of Reſidence ſhall be unfit for the Reſidence of ſuch Spiritual Perſon, ſuch Unfitneſs not being occaſioned by any Negligence,

Default,

Default, or other Miſconduct of ſuch Spiritual Perſon, and ſuch Spiritual Perſon keeping ſuch Houſe of Reſidence in Repair to the Satisfaction of the Biſhop; and alſo to any Spiritual Perſon having or holding any Benefice, and occupying in the Pariſh of the ſame reſpectively any Manſion or Meſſuage, 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, and producing to the Biſhop Proof to his Satisfaction, at the Time of granting and renewing any ſuch Licence, of ſuch good and ſufficient State of Repair; and alſo to any Spiritual Perſon having or holding any Benefice of ſmall Value, and ſerving as a licenſed Stipendiary Curate elſewhere, and providing for the ſerving of ſuch his Benefice, to the Satisfaction of ſuch Biſhop; and alſo to any Maſter or Uſher of any endowed School duly licenſed by the Biſhop, and actually employed in teaching therein; and alſo to any Maſter or Preacher of any Hoſpital 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, with the Licence of the Biſhop in whoſe Dioceſe he ſhall ſo officiate; or to any Spiritual Perſon having or holding any Benefice of ſmall Value, and ſerving as Preacher in any Proprietary Chapel, in any City or Town, with the Licence of the Biſhop in whoſe Dioceſe he ſhall ſo officiate; or to any Spiritual Perſon actually ſerving as Chaplain in any of His Majeſty's Garriſons, or as Chaplain to the Royal Military Aſylum at *Chelſea*, or Royal Military College at *Sandhurſt*, or as Teacher of the Royal Military Academy at *Woolwich*, or as Chaplain at either of the Royal Hoſpitals at *Greenwich* or *Chelſea*, or as Chaplain to either of the Royal Hoſpitals for Seamen at *Haſlar* or *Plymouth*, or as Chaplain to the Naval Aſylum, or in His Majeſty's Navy, or as Chaplain of His Majeſty's Gaol of *Newgate*, or of the Penitentiary at *Milbank*, or as Chaplain of any *Britiſh* Factory, or as principal Surrogate or Official in any Eccleſiaſtical Court of any Dioceſe, or as a Librarian of the *Britiſh* Muſeum, or of *Sion* College, or as one of the Truſtees of Lord *Crewe's* Charity, during the Time of perſonal Attendance on the Duties of ſuch Office reſpectively: Provided always, that the Spiritual Perſon obtaining any ſuch Licence ſhall pay to the Secretary or Officer of the Biſhop the Sum of Ten Shillings, excluſive of and over and above the Stamp Duty chargeable thereon, and no more: Provided alſo, that if any Spiritual Perſon applying to any Biſhop for any ſuch Licence ſhall think 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 Inquiry 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 always, that in every ſuch Caſe the Spiritual Perſon 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;

Fee for Licences.

Perſons aggrieved may appeal to the Archbiſhop.

Security to be given for Payment of Expences.

XVI. And

XVI. And be it further enacted, That 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 Spiritual Person possessed of any Benefice a Licence to reside out of the Parish, or out of the proper House of Residence, as the Case may be, or as the Case may appear to such Bishop to require, and to assign, in any Case in which a 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 such Benefice, and to all other Circumstances of the Case: And it shall also be lawful for any Bishop, in case of the Absence from the Realm of any Spiritual Person, to grant any such Licence without any Application made for that Purpose, and from Time to Time in any such Case to renew any such Licence as he shall think fit, and in every such Case to appoint a Stipendiary Curate in case no Curate duly licensed shall be then employed in serving such Benefice, and to assign a Salary to such Curate; or if any Curate shall have been and be then so employed, to assign any additional Salary to such Curate; and in every and any of such Cases to cause such Salaries to be paid by Sequestration of the Profits of the Benefice: Provided always, that in every such Case respectively, 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 Inquiries as to any Particulars relating thereto, as such Archbishop or Commissioner or Commissioners so appointed as aforesaid may think necessary; and after such Inquiries 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.

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

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

XVII. And be it further enacted, That no Licence granted under this Act shall be made void by the Death or Removal of the Bishop 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, as the Case may require.

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

XVIII. And be it further enacted, That every Application made by or in behalf of any Spiritual Person holding any Benefice, Donative, Perpetual Curacy, or Parochial Chapelry, to the Bishop of the Diocese, for any Licence for Non-residence, shall be in Writing, and shall be signed by the

Every Application for Licence shall be in Writ-

ing, and ſhall ſtate certain Particulars.

Perſon making the ſame, and ſhall ſtate whether ſuch Spiritual Perſon intends to perform the Duty himſelf, and if he does, where and at what Diſtance he intends to reſide; or if he intends to employ a Curate, the Application ſhall ſtate what Salary he propoſes to give to his Curate, and whether the Curate propoſes to reſide or not to reſide in the Pariſh; and if the Curate intends to reſide, then whether in the Parſonage Houſe; and if he does not intend to reſide in the Pariſh, then the Application ſhall ſtate at what Diſtance therefrom, and at what Place ſuch Curate intends to reſide; and whether ſuch Curate ſerves any other Pariſh as Curate or Incumbent, or has any Eccleſiaſtical Preferment, or holds any Donative, Perpetual Curacy, or Parochial Chapelry, or officiates in any other Church or Chapel; and ſuch Application ſhall alſo ſtate the groſs annual Value of the Benefice in reſpect of which any Licence for Non-reſidence ſhall be applied for; and it ſhall not be lawful for the Biſhop to grant any ſuch Licence, unleſs the Application ſhall contain a Statement of the ſeveral Particulars aforeſaid; and all ſuch Applications and Specifications ſhall be kept and filed by the Regiſtrar of the Dioceſe in a ſeparate Book, which ſhall be kept and preſerved for that Purpoſe; and ſuch Book ſhall not be open to public Inſpection, or diſcloſed, or Copies thereof made, except with the Leave in Writing of the Biſhop of the Dioceſe.

By whom Licences may be granted while a See is vacant, or the Biſhop abſent, &c.

XIX. And be it further enacted, That during the Vacancy of any See, the Power of granting Licences under this Act, ſubject to the Regulations therein contained, ſhall be exerciſed by the Vicar General of the Dioceſe; or in caſe ſuch Circumſtances ſhall ariſe as ſhall diſable the Biſhop 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.

Licences may be revoked.

XX. And be it further enacted, That it ſhall be lawful for any Biſhop who ſhall have granted any Licence for Non-reſidence as aforeſaid, or for any Succeſſor or Succeſſors of any ſuch Biſhop, 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, that any Spiritual Perſon may appeal againſt any ſuch Revocation by the Biſhop, in like Manner as is herein-before directed in caſe of any Refuſal of any Licence: Provided alſo, that it ſhall be lawful for any Archbiſhop to whom ſuch Appeal ſhall be made, to order and direct ſuch reaſonable Fees and Charges to be paid by any Spiritual Perſon appealing as aforeſaid, in reſpect of any ſuch Proceedings as aforeſaid, as he ſhall in his Diſcretion think fit: Provided alſo, that no Licence for Non-reſidence granted under this Act ſhall continue in force for more than Three Years from the granting thereof, or after the Thirty-firſt Day of *December* in the Second Year after the Year in which ſuch Licence is granted.

Fees may be ordered to be paid by Appellants.

Limiting the Time of Licences.

Copies of Licences or Revocations to be filed in the Regiſtry of the Dioceſe, and a Liſt kept for Inſpection;

XXI. And be it further enacted, That every Biſhop who ſhall grant or revoke any Licence for Non-reſidence under this Act ſhall and he is hereby required, within One Month after the Grant or Revocation of ſuch Licence, to cauſe a Copy of every ſuch Licence or Revocation to be filed in the Regiſtry of his Dioceſe; and an Alphabetical Liſt of ſuch Licences and Revocations ſhall be made out by the Regiſtrar of ſuch Dioceſe, and entered in a Book, and kept for the Inſpection of all Perſons, upon Payment of the Sum of Three Shillings and no more; and a Copy of every ſuch

such Licence with respect to any Benefice shall be transmitted by the Spiritual Person to whom the Licence is granted, to the Churchwardens of the Parish, Township, or Place to which the same relates, within One Month after the Grant of such Licence; and every Bishop revoking any Licence shall cause such Revocation to be transmitted to the Churchwardens of the Parish, Township, or Place to which it relates, which Copies shall be by them deposited in the Parish Chest; and every Registrar who shall neglect to enter the same shall forfeit for every Neglect of entering any such Licence or Revocation in any such List the Sum of Five Pounds, to be recovered by and for the Use of any Person who shall sue for the same, in like Manner as any Penalty may be recovered under the Provisions of this Act; and a Copy of every such Licence or Revocation shall likewise be produced by the Churchwarden, and publicly read by the Registrar or other Officer at the Visitation of the Ecclesiastical District within which the Benefice in respect whereof the Licence shall have been granted, or Revocation made, shall be locally situate, immediately next succeeding the granting or Revocation thereof.

and Copies transmitted to Churchwardens;

and publicly read at the first Visitation.

XXII. And be it further enacted, That every Archbishop who shall in his own Diocese grant any Licence, or who shall allow or approve, in Manner directed by this Act, any Licence or Licences in any Case or Cases not enumerated in this Act, 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 granted or allowed or approved 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 which have induced him to grant, allow, or approve the said Licences, together with the Reasons transmitted to him by the Bishops for granting any such Licences in their respective Dioceses; and it shall be lawful for His Majesty in Council, by an Order made for that Purpose, to revoke and annul any such Licence; and if His Majesty in Council shall think fit so to do, such Order shall be transmitted to the Archbishop who shall have granted or allowed or approved such Licence, who shall thereupon cause a Copy of every such Order, made in relation to any Licence so allowed or approved, to be transmitted to the Bishop of the Diocese in which such Licence shall have been granted; and such Bishop shall cause a Copy of the mandatory Part of the 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 same relates, in Manner hereinbefore directed as to Revocation of 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: 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 was granted or allowed or approved, 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 all the Intents and Purposes of this Act.

A List of Licences allowed by the Archbishop, or granted in his own Diocese, shall be annually transmitted to His Majesty in Council, who may revoke Licences, &c.

Licence, although revoked, shall be deemed valid between the Grant and Revocation.

XXIII. And

On or before 25th March annually a Return ſhall be made to His Majeſty in Council of every Benefice, with Names of Reſidents and Non-reſidents, &c.

XXIII. And be it further enacted, That on or before the Twenty-fifth Day of *March* in every Year a Return or Returns ſhall be made to His Majeſty in Council, by every Biſhop, of the Names of every Benefice within his Dioceſe, or ſubject to his Juriſdiction by virtue of this Act, and the Names of the ſeveral Spiritual Perſons holding the ſame reſpectively who ſhall have reſided, and alſo the Names of the ſeveral Spiritual Perſons reſpectively who ſhall not have reſided thereon by reaſon of any Exemption under or by virtue of this Act, or by reaſon of any Licence granted by ſuch Biſhop for any and what Cauſe enumerated by this Act, and alſo of all Spiritual Perſons not having any ſuch Exemption or Licence, who ſhall not have reſided on their reſpective Benefices, ſo far as the Biſhop is informed thereof; and alſo the Names of all Curates licenſed to ſerve any Benefice on which the Incumbent is not reſident, and whether the groſs annual Value of ſuch Benefice amounts to or exceeds Three hundred Pounds *per Annum* or not, the Amount of the Curate's Salary, and the Place of his Reſidence; and every Spiritual Perſon who ſhall be non-reſident in any Year ſubſequent to the paſſing of this Act, by reaſon of Reſidence on any other Benefice, or of any Exemption under this 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 Biſhop of the Dioceſe to whoſe Juriſdiction he is ſubject by this Act, or otherwiſe, in reſpect of ſuch Benefice, ſpecifying the Nature of ſuch Exemption, and whether the groſs annual Value of the Benefice on which he is non-reſident amounts to or exceeds Three hundred Pounds *per Annum* or not; and every Spiritual Perſon who ſhall have more than One Benefice, and who ſhall reſide on one of them, or who ſhall reſide during any Period of the Year on any Dignity, or in the Performance of the Duties of any Office in any Cathedral or Collegiate Church, or who ſhall be non-reſident for any Period of the Year on account of any of the Cauſes of temporary Exemption ſpecified in this Act, ſhall in like Manner, and within the like Period in each Year, notify the ſame.

Non-reſidents by Exemption without Licence ſhall yearly notify to the Biſhop of the Dioceſe within a certain Period.

Perſons neglecting to notify Cauſe of Exemption, to forfeit 20l. recoverable by Sequeſtration;

with Power of Mitigation or remitting by the Biſhop.

XXIV. And be it further enacted, That every Spiritual Perſon who ſhall neglect to make ſuch Notification as by this Act is directed within ſuch Period of Six Weeks as aforeſaid, ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Pounds, to be levied, by Order of the Biſhop of the Dioceſe, by Sequeſtration, if not otherwiſe paid, after Monition to pay the ſame, out of the Profits of the Benefice in reſpect of which he ſhall neglect to make ſuch Notification, by the Biſhop of the Dioceſe to whom the Notification ought to be made, to be applied, as ſuch Biſhop may direct, to uſeful and charitable Purpoſes: Provided always, that it ſhall be lawful for ſuch Biſhop to remit or order the Repayment of any Part of any ſuch Penalty, in like Manner as is allowed by this Act in Caſes of Non-compliance with an Order for Reſidence.

Act not to exempt from Cenſure for Non-reſidence without Licence; but no Cenſure for Non-reſidence

XXV. And be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to exempt any Spiritual 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, who ſhall not have obtained a Licence according to the Proviſions of this Act to be abſent therefrom,

therefrom, nor have any other lawful Cauſe of Abſence: Provided always, that no Proceeding be admitted in any Eccleſiaſtical Court againſt any Spiritual Perſon for Non-reſidence not exceeding Three Months in any One Year, at the Suit or Inſtance of any Perſon or Perſons other than the Biſhop only of the Dioceſe within which the Benefice 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.

ſhall be in force, nor any Proceedings be admitted, except at the Suit of the Biſhop.

XXVI. And be it further enacted, That in every Caſe in which it ſhall appear to any ſuch Biſhop as aforeſaid that any Spiritual Perſon, having or holding any Benefice, and not being licenſed according to this Act to be abſent therefrom, nor having any lawful Cauſe of Abſence from the ſame, does not ſufficiently reſide on the ſame reſpectively, it ſhall be lawful for ſuch Biſhop 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 a Copy thereof at the Houſe of Reſidence (if any ſuch there be) belonging to ſuch Benefice, 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 a Copy of every ſuch Monition ſhall immediately on the iſſuing thereof be filed in the Regiſtry of ſuch Biſhop's Court, and ſhall be open for Inſpection on the Payment of Three 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 into ſuch Regiſtry, to be there filed; and it ſhall be lawful for the Biſhop to whom any ſuch Return ſhall be made, to require ſuch Return or any Fact contained therein to be verified by the Oath of ſuch Spiritual Perſon or others, to be taken before ſome Surrogate or Juſtice of the Peace, or Maſter Extraordinary in Chancery, which Oath any ſuch Surrogate or Juſtice of the Peace, 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 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 as aforeſaid when the ſame ſhall have been required, then and in ſuch Caſe it ſhall be lawful for ſuch Biſhop 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 to ſequeſter the Profits of ſuch Benefice 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, and filed as aforeſaid, the Application of ſuch Profits,

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

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

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

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 Benefice, 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 to 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 Purpoſes of ſuch Augmentation as ſuch Biſhop ſhall in his Diſcretion under all Circumſtances think fit and expedient; and it ſhall alſo be lawful for any ſuch Biſhop, 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 the 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, 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 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 ſuch Spiritual Perſon, within One Month after the making any Order for any ſuch Sequeſtration as aforeſaid, to appeal to the Archbiſhop of the Province to which ſuch Biſhop ſhall belong, who ſhall forthwith, either by himſelf 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 Inquiry 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 Inquiry made by himſelf or by his Commiſſioner or Commiſſioners, and in the latter Caſe, after the Subſtance of ſuch Inquiry 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.

Appeal againſt Sequeſtration may be made to the Archbiſhop.

Appellant to give Security for Payment of the Expences.

XXVII. 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 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 ſhall by reaſon of ſuch Return not be ſequeſtered, ſhall nevertheleſs pay all Coſts, Charges, and

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

Expences incurred by reaſon of the iſſuing and ſerving ſuch Monition or Order, to be levied as any Coſts may be levied upon any Spiritual Perſon by any 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.

XXVIII. And, to the Intent effectually to enforce *bonâ fide* Reſidence according to the Intent and Meaning of ſuch Monition and Order as aforeſaid, be it further enacted, That if any Spiritual Perſon not licenſed under this Act to be abſent from his Benefice, 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 any ſuch Monition or Order have begun to reſide upon his Benefice, ſhall afterwards, and before the Expiration of Six Months next after the Commencement of ſuch Reſidence, without the Leave of ſuch Biſhop, wilfully in the Judgment of ſuch Biſhop abſent himſelf from ſuch Benefice, it ſhall be lawful for ſuch Biſhop, without iſſuing any other Monition or making any other Order, again to ſequeſter and apply the Profits of ſuch Benefice, as 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 Biſhop as aforeſaid; and it ſhall be lawful for the 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, in ſuch Manner and upon ſuch Terms as herein-before is and are mentioned touching Appeals reſpecting Sequeſtration, but nevertheleſs the ſame ſhall be in force during ſuch Appeal.

Biſhops empowered to puniſh paſt Non-reſidence.

XXIX. And whereas it is expedient that Biſhops ſhould be empowered ſummarily to puniſh paſt Non-reſidence, as well as to compel Reſidence in future; be it therefore 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 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 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 Repayment of any Part of ſuch Penalties, as is directed or allowed in Caſes of Non-compliance with any Order for Reſidence.

Penalties, for the Recovery of which Monition has been iſſued, may be remitted by the Biſhop; and ſpecial Returns made of the Reaſons for ſuch Remiſſion.

XXX. And be it further enacted, That in every Caſe in which any Archbiſhop or Biſhop ſhall think proper, under all the Circumſtances, after proceeding by Monition for the Recovery of any Penalty under this Act of more than One-third of the Value of any Benefice, for any Non-reſidence exceeding Six Months in the Year, to remit the Whole or any Part of any ſuch 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; 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 is provided

vided in this Act with relation to the Allowance or the Diſallowance of Licences for Non-reſidence: Provided always, that the Deciſion of the ſaid Archbiſhop, with reſpect to Caſes tranſmitted to him from any ſuch Biſhop, ſhall be final.

If any Spiritual Perſon ſhall continue under Sequeſtration Two Years, or incur Three Sequeſtrations within that Period, the Benefice ſhall become void.

XXXI. And be it further enacted, That if the Benefice of any Spiritual Perſon ſhall continue for the Space of Two Years under any Sequeſtration made under the Proviſions of this Act for Diſobedience to the Biſhop's Monition requiring ſuch Spiritual Perſon to reſide on his Benefice, or ſhall under the Proviſions of this Act incur Three ſuch Sequeſtrations in the ſaid Space of Two Years, the Spiritual Perſon not being relieved with reſpect to any of ſuch Sequeſtrations upon Appeal, the Benefice, in relation to Non-reſidence upon which ſuch Sequeſtration ſhall have been made ſhall become *ipſo facto* void; and the Biſhop of the Dioceſe ſhall thereupon give Notice thereof to the Patron or Perſon entitled to preſent, who ſhall thereupon preſent or nominate ſome Clerk thereto other than the Spiritual Perſon whoſe Benefice ſhall have ſo continued under ſuch Sequeſtration, or who ſhall have incurred ſuch Sequeſtrations as aforeſaid, as if the ſame had been avoided by the natural Death or Reſignation of ſuch Spiritual Perſon.

Contracts for letting Houſes in which any Spiritual Perſons ſhall by Order of the Biſhop be required to reſide, ſhall be void.

XXXII. And be it further enacted, That all Contracts or Agreements made for the letting of the Houſe of Reſidence, or the Buildings, Gardens, Orchards, and Appurtenances neceſſary for the convenient Occupation of the ſame, belonging to any Benefice, to which Houſe of Reſidence any Spiritual Perſon ſhall be required by Order of the Biſhop as aforeſaid to proceed and to reſide therein, or which ſhall be aſſigned or appointed as a Reſidence to any Curate by the Biſhop, ſhall, upon a Copy of ſuch Order, Aſſignment, or Appointment being ſerved upon the Occupier thereof, or left at the Houſe, be null and void; and a Copy of every ſuch Order, Aſſignment, or Appointment ſhall immediately on the iſſuing thereof be tranſmitted to One of the Churchwardens of the Pariſh, or ſuch other Perſon as the Biſhop ſhall think fit, and be by him forthwith ſerved on the Occupier of ſuch Houſe of Reſidence, or left at the ſame: And any Perſon continuing to hold any ſuch Houſe of Reſidence, or any ſuch Building, Garden, Orchard, or Appurtenances, after the Day on which the ſaid Spiritual Perſon ſhall be directed by ſuch Order to reſide in ſuch Houſe of Reſidence, or which ſhall be ſpecified in any ſuch Aſſignment or Appointment, and after Service of ſuch Copy as aforeſaid, or the ſame being ſo left as aforeſaid, ſhall forfeit the Sum of Forty Shillings for every Day he ſhall, without the Permiſſion of the Biſhop in Writing for that Purpoſe obtained, wilfully continue to hold any ſuch Houſe, Building, Garden, Orchard, or Appurtenances, together with the Expence of ſerving ſuch Order, in caſe it ſhall have been deemed neceſſary ſpecially to ſerve ſuch Order, to be allowed by the Biſhop iſſuing the Order or making ſuch Aſſignment or Appointment as aforeſaid, and 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; and it ſhall alſo be lawful for the Spiritual Perſon ſo directed to reſide as aforeſaid, or Curate to whom any ſuch Reſidence is aſſigned, to apply to any Juſtice of the Peace or Magiſtrate of the County, Riding, Province, City, or Place, for a Warrant for the taking Poſſeſſion thereof; and the Juſtice of the Peace to whom any ſuch Order for ſuch Poſſeſſion is produced ſhall and he is hereby required

Any Perſon holding Poſſeſſion after the Day appointed ſhall be ſubject to Penalty.

thereupon to give a Warrant for ſuch Poſſeſſion, and Poſſeſſion may thereupon be taken of ſuch Houſe under ſuch Warrant at any Time in the Day-time, by entering the ſame by Force, if neceſſary, without any other Proceeding] by Ejectment or otherwiſe; any Thing in any Act or Acts of Parliament or Law or Laws to the contrary notwithſtanding.

Not liable to Penalty while the Tenant ſhall continue to occupy.

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

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

XXXIV. 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.

Penalties not recoverable for more than One Year.

XXXV. And be it further enacted, That no Penalty or Forfeiture ſhall be recovered by any Proceeding or Action againſt any Spiritual Perſon under the Proviſions of this Act, other or further than thoſe which ſuch Spiritual Perſon may have incurred during the Year ending on the Thirty-firſt Day of *December* immediately preceding the Commencement of ſuch Proceeding or Action.

Penalties not levied under Monition may be recovered by Action.

XXXVI. And be it further enacted, That every Penalty for Non-reſidence under this Act, in reſpect of which no Proceeding ſhall have been had by Monition before the Firſt Day of *April* next after the Year in which the ſame ſhall have been incurred, may be recovered by Action or Suit in the Manner by this Act directed.

Actions for Penalties not to be commenced before 1ſt May after Expiration of the Year.

XXXVII. And be it further enacted, That no Action of Debt, Bill, Plaint, or Information againſt any Spiritual Perſon, for the Recovery of any Penalties and Forfeitures under this 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 the alleged Offence ſhall have taken place.

Commencement and Concluſion of the Year.

XXXVIII. And be it further enacted, That for all the Purpoſes 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.

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

XXXIX. And be it further enacted, That for all the Purpoſes 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.

No Action to be commenced for any Penalty, until after One Calendar Month's Notice given to

XL. And whereas, notwithſtanding the Regulations contained in this Act, Spiritual Perſons may through Inadvertence, and in many Caſes from unavoidable Circumſtances and Cauſes, become ſubject to Penalties and Forfeitures and vexatious Proſecutions, unleſs Proviſion is made for the Prevention thereof; be it therefore enacted, That from and after the paſſing of this Act, no Writ ſhall be ſued out againſt, nor any Copy of

the Defendant and Biſhop of Dioceſe.

any Proceſs at the Suit of any Informer be ſerved upon any Spiritual Perſon, for any Penalty or Forfeiture incurred under any of the Proviſions of this Act, until a Notice in Writing of ſuch intended Writ or Proceſs ſhall have been delivered to him, or left at the uſual or laſt Place of his Abode, and alſo to the Biſhop of the Dioceſe, by leaving the ſame at the Regiſtry of his Dioceſe, by the Attorney or Agent for the Party who intends to ſue or cauſe the ſame to be ſued out, or ſerved One Calendar Month at the leaſt before the ſuing out or ſerving the ſame; in which Notice ſhall be clearly and explicitly contained the Cauſe of Action which ſuch Party hath or claimeth to have, and the Penalty or Penalties for which ſuch Perſon intends to ſue, and on the Back of which Notices reſpectively ſhall be endorſed the Name of ſuch Attorney or Agent, together with the Place of his Abode; and no ſuch Notice ſhall be given before the Firſt Day of *April* in the Year next after any ſuch Penalty or Penalties ſhall have been incurred.

Plaintiff not to recover without Proof made that ſuch Notices were given.

XLI. And be it further enacted, That no Plaintiff ſhall recover any Verdict againſt any Spiritual Perſon for any Penalty or Forfeiture under the Proviſions of this Act, unleſs it is proved upon the Trial of ſuch Action that ſuch Notices were reſpectively given as aforeſaid; but in Default thereof ſuch Spiritual Perſon ſhall recover a Verdict with Double Coſts.

No Evidence to be given but ſuch as is contained in the Notices.

XLII. And be it further enacted, That no Evidence ſhall be permitted to be given by the Plaintiff, on the Trial of any ſuch Action as aforeſaid, of any Cauſe of Action, except ſuch as is contained in the Notices hereby directed to be given.

Spiritual Perſon may by Leave pay into Court, before Iſſue joined, ſuch Sum as he ſhall think fit.

XLIII. And be it further enacted, That it ſhall be lawful for any Spiritual Perſon againſt whom any Action ſhall be brought for any Penalty or Forfeiture under the Proviſions of this Act, by Leave of the Court in which ſuch Actions ſhall depend, at any Time before Iſſue joined, to pay into Court ſuch Sum of Money as he ſhall ſee fit; whereupon ſuch Proceedings, Orders, and Judgments ſhall be had, made, and given in and by ſuch Court, as in other Actions where the Defendant is allowed to pay Money into Court.

The Court in which any Action ſhall be depending, may require the Dioceſan to certify the reputed Annual Value of Benefices, &c.

XLIV. And be it further enacted, That the Court in which any Action, Bill, Plaint, or Information ſhall be depending for the Recovery of any Penalty or Forfeiture for Non-reſidence under this Act, may and ſhall, upon Application made for that Purpoſe, require, by Rule or Order of the ſaid Court or any Judge thereof, the Biſhop of the Dioceſe within the Limits of which the Benefice 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, 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 Benefice; and upon ſuch Rule or Order being left with ſuch Biſhop, or the Regiſtrar of ſuch Biſhop, ſuch Biſhop ſhall accordingly 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 Benefice, 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.

Licence may be pleaded in bar of Action; and in caſe of Non-ſuit, &c. the Defendant ſhall have Double Coſts.

XLV. And be it further enacted, That it ſhall be lawful for any Spiritual Perſon to whom any Licence for Non-reſidence ſhall have been granted, and againſt whom any Action ſhall be brought for any Penalty or Forfeiture by reaſon of any Non-reſidence, or any Matter or Thing relating whereto any ſuch 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 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, or the Plaintiff ſhall become nonſuit, the Defendant ſhall have Double Coſts, and have the like Remedy for the ſame as any Defendant hath in other Caſes to recover Coſts by Law; and it ſhall be lawful for the Court, or any Judge of the Court in which any Suit or Action ſhall be commenced, upon any Application made in that Behalf, to order and direct, if ſuch Court or Judge ſhall deem it expedient ſo to do, that the Plaintiff in any ſuch Suit or Action ſhall give Security for the Payment of ſuch Coſts, and that all Proceedings in any ſuch Suit or Action ſhall be ſtaid until ſuch Security ſhall be given as to the Court or Judge to whom any ſuch Application ſhall be made ſhall ſeem fit.

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

XLVI. Provided always, and be it further enacted, That if at the Time of filing any Monition requiring any Spiritual Perſon to reſide on his Benefice, or to recover the Penalties incurred by paſt Non-reſidence, no Notice of any Action for any ſuch Penalty or Forfeiture ſhall have been already given in Manner aforeſaid, 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 Benefice; 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 the Period ſpecified in ſuch Monition, and that, according to the Belief of the Defendant, the Biſhop who has iſſued or cauſed ſuch Monition to be iſſued is proceeding 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.

No Penalty to be levied againſt the Perſon where it can be recovered by Sequeſtration within Three Years.

XLVII. And be it further enacted, That no Penalty or Coſts incurred by any Spiritual Perſon by reaſon of any Non-reſidence on his Benefice, ſhall be levied by Execution againſt the Body of any ſuch Perſon, whilſt he ſhall hold the ſame or any other Benefice 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

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.

Non-reſident Incumbents neglecting to appoint Curates, Biſhop to appoint.

XLVIII. And be it further enacted, That if any Spiritual Perſon holding any Benefice, who does not or ſhall not actually reſide thereon Nine Months in each Year (unleſs ſuch Perſon ſhall do the Duty of the ſame, having a legal Exemption from Reſidence, or a Licence to reſide out of the ſame, or to reſide out of the Parſonage Houſe or Vicarage Houſe, or other uſual Houſe of Reſidence belonging to the ſame), ſhall for a Period exceeding Three Months abſent himſelf from his Benefice, without leaving a Curate duly licenſed or other Spiritual Perſon to perform, and who ſhall duly perform the Eccleſiaſtical Duties of ſuch Benefice, or ſhall for the Period of Three Months after the Death, Reſignation, or Removal of any Curate who has ſerved his Church or Chapel, neglect to notify ſuch Death, Reſignation, or Removal to the Biſhop of the Dioceſe, or to nominate to the Biſhop of the Dioceſe a proper Curate, then and in every ſuch Caſe, and in every Caſe in which no Curate ſhall be nominated to the Biſhop for the Purpoſe of being licenſed by him within ſuch Period as aforeſaid, the Biſhop is hereby authorized to appoint and licenſe a proper Curate, with ſuch Salary as by this Act is allowed and directed, to ſerve the Church or Chapel of the Pariſh or Place in reſpect of which ſuch Neglect or Default ſhall have occurred: Provided always, that the Licence ſhall in every Caſe ſpecify whether the Curate is required to reſide within the Pariſh or Place or not; and if the Curate is permitted by the Biſhop granting the Licence to reſide out of the Pariſh or Place, the Grounds upon which the Curate is ſo permitted to reſide out of the Pariſh or Place ſhall be ſpecified in the ſaid Licence, and the Diſtance of the Reſidence of any Curate from any Church or Chapel which he ſhall be licenſed to ſerve ſhall not exceed Five Statute Miles, except in Caſes of Neceſſity, to be approved by the Biſhop, and ſpecified in the Licences.

Curate to reſide on all Benefices above 300l. a Year, &c. except under ſpecial Circumſtances.

XLIX. And be it further enacted, That in every Caſe where a Curate is appointed to ſerve a Benefice upon which the Incumbent is non-reſident for more than Three Months in the Year from Exemption, Licence, or otherwiſe, ſuch Curate ſhall be required by the Biſhop to reſide within the Pariſh; provided the groſs Value of ſuch Benefice amounts to Three hundred Pounds a Year or upwards, and the Population amounts to Three hundred Perſons or upwards, or provided the Population amounts to One thouſand Perſons or upwards, whatever may be the Value of ſuch Benefice: Provided always, that whenever it ſhall be made out to the Satisfaction of ſuch Biſhop, that from ſpecial and peculiar Circumſtances great Inconvenience would ariſe from ſuch Curate being compelled to reſide within the Pariſh, it ſhall be lawful for the Biſhop to allow ſuch Curate to reſide in ſome near and convenient Place: Provided alſo, that the Licence to be granted to ſuch Curate ſhall ſpecify the ſpecial Circumſtances which have induced the Biſhop to allow ſuch Reſidence out of the Pariſh, and ſhall be entered and filed in the Regiſtry of the Dioceſe.

If Duty be inadequately performed,

L. And be it further enacted, That whenever it ſhall appear to the Satisfaction of any Biſhop, either of his own Knowledge, or upon Proof

by Affidavit laid before him, that by reaſon of the Number of Churches or Chapels belonging to any Benefice locally ſituate within his Dioceſe, or the Diſtance of ſuch Churches or Chapels from each other, or the Diſtance of the Reſidence of the Spiritual Perſon ſerving the ſame from ſuch Churches or Chapels, or any or either of them, or the Negligence of the Spiritual Perſon holding the ſame, that the Eccleſiaſtical Duties of ſuch Benefice are inadequately performed, ſuch Biſhop may by Writing under his Hand require the Spiritual Perſon holding ſuch Benefice to nominate to him a fit Perſon or Perſons, with ſufficient Stipend or Stipends, to be licenſed by him to perform or to aſſiſt in performing ſuch Duties, ſpecifying therein the Grounds of ſuch Proceeding; and if ſuch Spiritual Perſon ſhall neglect or omit to make ſuch Nomination for the Space of Three Months after ſuch Requiſition ſo made as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for ſuch Biſhop to appoint a Curate or Curates, as the Caſe ſhall appear to ſuch Biſhop to require, with ſuch Stipend or Stipends as ſuch Biſhop ſhall think fit to appoint, not exceeding in any Caſe in the whole the Stipends allowed to Curates by this Act, nor, except in the Caſe of Negligence, exceeding One-half of the groſs annual Value of the Benefice, although the Spiritual Perſon to whom ſuch Churches or Chapels ſhall belong ſhall actually reſide or ſerve the ſame: Provided always, that ſuch Requiſition, and any Affidavit made to found the ſame, ſhall be forthwith filed by the Biſhop in the Regiſtry of his Court: Provided alſo, that it ſhall be lawful for any ſuch Spiritual Perſon, who ſhall think himſelf aggrieved by any ſuch Appointment of ſuch Curate or Curates, to appeal to the Archbiſhop of the Province to which ſuch Biſhop ſhall belong, in ſuch and the like Manner, and under ſuch Proviſions and Directions, as are allowed to any Spiritual Perſon thinking himſelf aggrieved by any Sequeſtration iſſued by any Biſhop.

the Biſhop may appoint Curate.

LI. And be it further enacted, That in all Caſes where the Biſhop of the Dioceſe ſhall deem it proper to enforce the Performance of Morning and Evening Service on *Sundays*, or any other Service required by Law in any Pariſh Church or Parochial Chapel, or the Chapel of any Extra-parochial Place, it ſhall be lawful for ſuch Biſhop to enforce the ſame by Monition and Sequeſtration, to be iſſued in the Manner by this Act provided.

Biſhops may enforce Performance of Church Service both Morning and Evening.

LII. And be it further enacted, That every Biſhop to whom any Application ſhall be made for any Licence for a Curate to ſerve for any Perſon not duly reſiding upon his Benefice, ſhall, before he ſhall grant ſuch Licence, require a Statement of all the Particulars by this Act required to be ſtated by any Perſon applying for a Licence for Non-reſidence; and it ſhall not be lawful for any Biſhop to grant a Licence to any Curate to ſerve the Church or Chapel of any Perſon as aforeſaid, upon any ſuch Application as aforeſaid, until a Statement of all ſuch Particulars as aforeſaid ſhall have been delivered to him; and ſuch Statement ſhall be kept and filed and preſerved from public Inſpection, and diſcloſed only in like Manner and in ſuch Caſes as is before directed as to Statements of Perſons applying for Licences for Non-reſidence.

Statement of Particulars neceſſary to be given by Perſons applying for a Licence for a Curate.

LIII. And be it further enacted, That it ſhall be lawful for the Biſhop, and he is hereby required, ſubject to the ſeveral Proviſions and Reſtrictions in this Act contained, to appoint to every Curate ſuch Salary as is allowed and ſpecified in this Act; and every Licence to be granted to a Stipendiary

Biſhops ſhall appoint Salaries to Curates.

Curate under this Act ſhall contain and ſpecify the Amount of the Salary allowed by the Biſhop to the Curate; and ſuch Licence, or any Copy of the Regiſtry thereof, ſigned by the Regiſtrar of the Dioceſe or his Deputy, ſhall be Evidence of the Amount of the Salary ſo appointed to any Curate in all Courts of Law or Equity; and in caſe any Difference ſhall ariſe between any Rector or Vicar or Perſon holding any Benefice, and his Curate, touching ſuch Stipend or Allowance, or the Payment thereof, or of the Arrears thereof, the Biſhop, on Complaint to him made, may and ſhall ſummarily hear and determine the ſame; and in caſe of wilful Neglect or Refuſal to pay ſuch Stipend, Salary, or Allowance, or the Arrears thereof, he ſhall be and is hereby empowered to proceed by Monition and Sequeſtration to ſequeſter the Profits of the Benefice for and until Payment of ſuch Stipend or Allowance or the Arrears thereof: Provided always, that the Curate obtaining any ſuch Licence ſhall pay to the Secretary or Officer of the Biſhop the Sum of One Pound, excluſive of any Stamp Duty which may be chargeable thereon; which ſaid Sum of One Pound ſhall be in Remuneration of all and every Fee or Fees now demandable by the ſaid Secretary or Officer for obtaining ſuch Licence, or for the Signature of any Declaration by the ſaid Curate in conſequence of ſuch Licence, or of any Certificate of ſuch Curate having ſigned ſuch Declaration; and provided alſo, that from and after the paſſing of this Act, as often as any Perſon ſhall be licenſed to Two or more Curacies within the ſame Dioceſe at one and the ſame Time, it ſhall be ſufficient for ſuch Perſon to ſign One Declaration only, appointed to be ſigned by an Act intituled *An Act of Uniformity*; and alſo that it ſhall be ſufficient for ſuch Perſon to produce One Certificate only of his having ſo ſigned ſuch Declaration before the Biſhop of the Dioceſe.

Stipends to Curates of Incumbents before July 20, 1813, not to exceed certain Rates, except in Caſes of Neglect.

LIV. And be it further enacted, That it ſhall be lawful for the Biſhop to appoint for the Curate any Stipend or Allowance not exceeding Seventy-five Pounds *per Annum*, and alſo the Uſe of the Houſe of Reſidence, with the Gardens and Stables belonging thereto, or a further Sum of Fifteen Pounds in lieu of the Uſe of the Rectory or Vicarage Houſe, or other Houſes of Reſidence, in caſe there ſhall be no Houſe, or it ſhall not appear to the Biſhop convenient to allot or aſſign the Houſe to the Curate, in reſpect of any Benefice to which the Spiritual Perſon holding the ſame was inſtituted or appointed before the Twentieth Day of *July* One thouſand eight hundred and thirteen; but it ſhall not be lawful for the Biſhop to aſſign any greater Stipend or Allowance than aforeſaid, in reſpect of any ſuch Benefice, during the Incumbency of any ſuch Spiritual Perſon as aforeſaid, unleſs with the Conſent of the Spiritual Perſon holding the Benefice, or in caſe of Neglect to appoint or to nominate to the Biſhop a proper Curate.

The Salaries payable to Curates, to be in proportion to the Value and Population of the Benefices.

LV. And be it further enacted, That in every Caſe in which any Spiritual Perſon ſhall have been, after the Twentieth Day of *July* One thouſand eight hundred and thirteen, or ſhall hereafter be inſtituted or inducted, or nominated or appointed to, or otherwiſe become Incumbent or poſſeſſed of any Benefice, and ſhall not duly reſide thereon, unleſs ſuch Perſon ſhall do the Duty of the ſame, having a legal Exemption from Reſidence, or a Licence to reſide out of the ſame, or to reſide out of the Parſonage or Vicarage, or other uſual Houſe of Reſidence belonging to the ſame, the Biſhop ſhall appoint for the Curate licenſed to ſerve ſuch Benefice of ſuch non-reſident Incumbent or Perſon as aforeſaid, in his Abſence,

ſuch

ſuch Salary as is herein-after next mentioned; (that is to ſay), ſuch Salary ſhall in no Caſe be leſs than Eighty Pounds *per Annum*, or than the Annual Value of the Benefice, if the groſs Value thereof ſhall not amount to Eighty Pounds *per Annum*; and ſuch Salary ſhall not be leſs than One hundred Pounds *per Annum*, or than the whole Value as aforeſaid, if the ſaid Value ſhall not amount to One hundred Pounds *per Annum* in any Pariſh or Place where the Population, according to the Returns then laſt made in purſuance of any Act or Acts of Parliament, ſhall amount to or exceed Three hundred Perſons; and ſuch Salary ſhall not be leſs than One hundred and twenty Pounds *per Annum*, or the whole Value as aforeſaid, if the ſaid Value ſhall not amount to One hundred and twenty Pounds *per Annum*, in any Pariſh or Place where the Population ſhall appear as aforeſaid to amount to or to exceed Five hundred Perſons; and ſuch Salary ſhall not be leſs than One hundred and fifty Pounds *per Annum*, or than the whole Value as aforeſaid, if the ſaid Value ſhall not amount to One hundred and fifty Pounds *per Annum*, in any Pariſh or Place where the Population ſhall appear as aforeſaid to amount to or to exceed One thouſand Perſons: Provided always, that the annual Value of all Benefices of which the Value, eſtimated as is herein provided, does not amount to One hundred and fifty Pounds *per Annum*, ſhall be eſtimated from the Returns made by the Biſhops of the ſeveral Dioceſes to the Governors of Queen *Anne*'s Bounty; or from any future Returns which may be made by the ſaid Biſhops to the ſaid Governors reſpecting Pariſhes or Places omitted in the ſaid Returns; or reſpecting Pariſhes or Places in the actual Income of which it ſhall be made appear to the Biſhops that any conſiderable Variation has taken place, either by Augmentation made by the ſaid Governors or otherwiſe.

Where the Benefice exceeds 400l. an Allowance may be made to Curate of 100l. per Annum, &c.

LVI. And be it further enacted, That in any Pariſh or Place where it ſhall appear to the Satisfaction of the Biſhop that the actual Annual Income of the Benefice, clear of all Deductions, exceeds the Sum of Four hundred Pounds *per Annum*, it ſhall be lawful for the Biſhop to aſſign to the Curate of ſuch Pariſh or Place, being reſident within the ſame, and ſerving no other Cure, a Salary or Allowance of One hundred Pounds *per Annum*, notwithſtanding the Population of ſuch Pariſh or Place may not appear as aforeſaid to amount to Three hundred Perſons; and that in any Pariſh or Place where the actual Annual Income ſhall appear to exceed Four hundred Pounds as aforeſaid, and where the Population ſhall alſo appear as aforeſaid to amount to or exceed Five hundred Perſons, it ſhall be lawful for the Biſhop to aſſign to the Curate of ſuch Pariſh or Place, being reſident within the ſame, and ſerving no other Cure, any larger Stipend or Allowance, ſo that the ſame ſhall not exceed by more than Fifty Pounds *per Annum* the Amount of the Stipend or Allowance herein-before reſpectively required to be aſſigned to any ſuch Curate.

Smaller Salaries to be allowed to Curates in certain Caſes.

LVII. And be it further enacted, That in every Caſe in which it ſhall be made out to the Satisfaction of the Biſhop of any Dioceſe, that any Spiritual Perſon holding any Benefice is or has become non-reſident or incapable of performing the Duties thereof from Age, Sickneſs, or other unavoidable Cauſe, and that from theſe or from any other ſpecial and peculiar Circumſtances of the Caſe great Hardſhip or Inconvenience would ariſe if the full Amount of Salary ſpecified in this Act ſhould be allowed to the Curate, then and in ſuch Caſe it ſhall be lawful for ſuch Biſhop to aſſign to the Curate any ſuch Salary leſs than the ſaid full Amount

Amount in this Act ſpecified, as ſhall under all the Circumſtances appear to him juſt and reaſonable: Provided always, that in the Licence granted in every ſuch Caſe it ſhall be ſtated, that for ſpecial Reaſons the Biſhop hath not thought proper to aſſign to the Curate the full Amount of Salary allowed or required to be aſſigned by this Act: Provided alſo, that ſuch ſpecial Reaſons ſhall be entered fully and at large in a ſeparate Book to be kept for that Purpoſe, and to be depoſited in the Regiſtry of the Dioceſe, which Book ſhall not be open to Inſpection unleſs with the Leave of the Biſhop or by other proper Authority, as in the Caſes of Application for Licences for Non-reſidence.

Salary of Curate engaged to ſerve interchangeably at different Places belonging to the ſame Incumbent.

LVIII. And be it further enacted, That if any Incumbent of Two or more Benefices, reſiding *bonâ fide*, in different Proportions of each and every Year, on ſome or one other of ſuch Benefices, the full Period ſpecified by this Act, ſhall employ a Curate to perform Eccleſiaſtical Duty interchangeably from Time to Time upon ſuch of the Benefices from which he ſhall be abſent during his own actual Reſidence upon any other thereof, then and in ſuch Caſe it ſhall be lawful for the Biſhop to aſſign to any ſuch Curate any Salary not exceeding ſuch Salary as would be allowed under this Act for the largeſt of ſuch Benefices, nor leſs than would be allowed for the ſmalleſt, as to the Biſhop ſhall under all the Circumſtances appear juſt and reaſonable: Provided always, that if any ſuch Incumbent ſhall employ a Curate or Curates for the whole Year upon each or any of ſuch Benefices, ſuch Incumbent ſo reſiding *bonâ fide* as aforeſaid, then and in ſuch Caſe it ſhall be lawful for the Biſhop to aſſign to either or each of ſuch Curates any ſuch Salary leſs than the Amount ſpecified in this Act, as he ſhall think fit.

Spiritual Perſons not to ſerve more than Two Churches in One Day, except in certain Caſes, and with ſpecial Licence for that Purpoſe from the Biſhop.

LIX. And be it further enacted, That from and after the paſſing of this Act no Spiritual Perſon ſhall ſerve more than Two Churches in One Day, or Two Chapels, or One Church and One Chapel, in One Day, unleſs from the local Situation of the Churches or Chapels, or from the Value of the Benefices to which they belong, or other ſpecial Cauſes, it may in the Judgment of the Biſhop be expedient or neceſſary, for the Performance of Eccleſiaſtical Duties in ſuch Places, to grant Licence to any Spiritual Perſon to ſerve Three Churches or Chapels, then and in ſuch Caſe it ſhall be lawful for the Biſhop to grant ſuch Licence to any Spiritual Perſon to ſerve Three Churches or Chapels, not being diſtant from each other more than Four meaſured Miles: Provided always, that in every ſuch Caſe the Reaſons for granting ſuch Licence ſhall be ſtated by the Biſhop in the Licence granted for ſerving the Third of ſuch Churches or Chapels held by ſuch Spiritual Perſons, and ſuch Licence ſhall not be valid or effectual unleſs the Reaſons for granting the ſame are inſerted therein as aforeſaid: Provided always, that the Reſidence of ſuch Curate or Spiritual Perſon ſhall be ſo placed as that it ſhall not be neceſſary for him to travel more than Sixteen meaſured Miles in one Day for the Performance of the Duties of ſuch Churches or Chapels.

How the Salaries ſhall be adjuſted where the Curate is permitted to

LX. And be it further enacted, That in every ſuch Caſe where any Biſhop ſhall find it neceſſary or expedient, for the obtaining any proper Performance of Eccleſiaſtical Duties, to licenſe any Perſon holding any Benefice to ſerve as Curate of any adjoining or other Pariſh or Place, it ſhall be lawful for ſuch Biſhop to appoint, for ſuch Spiritual Perſon ſo licenſed, a Salary leſs

by a Sum not exceeding Thirty Pounds *per Annum* than the Salary which in the ſeveral Caſes in this Act ſpecified the Biſhop is required to aſſign and appoint; and in every Caſe where the Biſhop ſhall find it neceſſary or expedient as aforeſaid to licenſe one and the ſame Perſon to ſerve as Curate for more than one Pariſh or Place, it ſhall be lawful for ſuch Biſhop to direct, that during ſuch Time as ſuch Curate ſhall ſerve ſuch Churches or Chapels, the Salary to be received by him for ſerving each of the ſaid Churches or Chapels ſhall be leſs by a Sum not exceeding Thirty Pounds *per Annum* than the Salary which in the ſeveral Caſes herein-before mentioned the Biſhop is required by this Act to aſſign and appoint.

ſerve in an adjoining Pariſh.

LXI. And be it further enacted, That all Agreements and Contracts made or to be made between Perſons holding Benefices and their Curates, in Fraud or Derogation of the Proviſions of this Act, and all Agreements and Contracts whereby any Curate ſhall undertake or in any Manner bind himſelf to accept or be content with any Stipend or Salary leſs than that which ſhall be ſtated to be allowed in any Licence of ſuch Curate, ſhall be void to all Intents and Purpoſes in the Law whatſoever, and ſhall not be ſet up, pleaded, or given in Evidence in any Court of Law or Equity; and notwithſtanding the Payment and Acceptance, in purſuance of any ſuch Contract or Agreement, of any Sum leſs than the Sum ſpecified in the Licence of ſuch Curate, or any Receipt, Diſcharge, or Acquittance that may be given in Caſes of ſuch Payment and Acceptance, the Curate or his perſonal Repreſentatives ſhall be and remain entitled to the full Amount of what ſhall remain unpaid of the Stipend, Salary, or Allowance ſpecified in his Licence; and the Payment of what ſhall ſo remain unpaid ſhall, together with Treble Coſts of recovering the ſame, be enforced by Monition, on Proof of what ſhall ſo remain unpaid to the Satisfaction of the Biſhop, and by Sequeſtration of Profits of the Benefice, to be iſſued by the Biſhop for that Purpoſe: Provided that the Application of the Curate ſhall in every ſuch Caſe be made to the Biſhop within Twelve Months after he ſhall have quitted his Curacy, or by the Repreſentative of any Curate within Twelve Months after his Death; and provided alſo, that no Sequeſtration ſhall by virtue of this Act affect the Profits of any Benefice beyond the Time during which the Benefice ſhall be held by the Perſon liable to make the Payment in reſpect of which ſuch Profits ſhall be ſequeſtered.

Agreements for Salaries to Curates contrary to this Act, void.

LXII. And be it further enacted, That in every Caſe in which any Biſhop ſhall appoint for any Curate a Salary equal to the whole annual Value of ſuch Benefice, ſuch Salary ſhall be ſubject to Deduction in reſpect of all ſuch Charges and Outgoings as may legally affect the Value of ſuch Benefice, and to any Loſs or Diminution which may leſſen ſuch Value, without the wilful Default or Neglect of the Spiritual Perſon holding the Benefice.

Curate's Salary, if of the Value of the Benefice, ſhall be liable to certain Charges.

LXIII. And be it further enacted, That it ſhall be lawful for the Biſhop, upon the Application of any Rector, Vicar, or Spiritual Perſon holding any Benefice, the whole Profit or Income of which ſhall have been allotted to the Curate, to allow ſuch Rector, Vicar, or Spiritual Perſon to deduct and retain therefrom, in any or each Year, ſo much Money, not exceeding in any Caſe One-fourth Part of ſuch Profits or Income, or of the Salary aſſigned to the Curate, as ſhall have been actually laid out and expended during the Year in the Repair of the Chancel, Parſonage, Vicarage, or other Houſe of Reſidence, and Premiſes and Appurtenances thereto belonging, in reſpect

The Biſhop to allow the Rector, &c. to deduct from Curate's Salary, for Repairs, to a limited Amount, in certain Caſes.

of which ſuch Rector, Vicar, or Perſon as aforeſaid, or his Executors, Adminiſtrators, or Aſſigns, would be liable for Dilapidations to the Succeſſors; and it ſhall alſo be lawful for the Biſhop, in like Manner, to allow any Rector, Vicar, or Spiritual Perſon aforeſaid, having or holding any Benefice the Profits or Income of which ſhall not exceed One hundred and fifty Pounds *per Annum*, to deduct and retain from the Salary allotted to the Curate, in each or any Year, ſo much Money as ſhall have been actually laid out and expended in ſuch Repairs as aforeſaid over and above the Amount of the Surplus remaining of ſuch Profits or Income after Payment of the Salary allotted to the Curate, ſo that the Sum ſo deducted, after laying out ſuch Surplus, ſhall not in any Year exceed One-fourth Part of the Salary allotted to the Curate.

Curates may be directed to reſide in Parſonage Houſe, in caſe of Non-reſidence of Incumbents.

LXIV. And be it further enacted, That it ſhall be lawful for the Biſhop who ſhall grant any Licence to any Curate to ſerve any Church or Chapel where the Rector or Vicar or Perſon holding any Benefice is not reſident for Four Months in each Year, to allot, if he ſhall think fit, for the Reſidence of ſuch Curate, the Parſonage or Vicarage Houſe, or uſual Houſe of Reſidence of the Perſon holding the Benefice, with the Offices, Stables, Gardens, and Appurtenances thereto belonging, if there ſhall be any ſuch Houſe of Reſidence belonging thereto, or any Part or Parts thereof, during the Time of ſuch Curate's ſerving the Cure, or during the Non-reſidence of ſuch Rector or Vicar or Spiritual Perſon; and it ſhall be lawful for the Biſhop aſſigning any ſuch Houſe or Reſidence to any Curate, to ſequeſter the Profits of the Benefice to which the Houſe ſhall belong, in any Caſe in which Poſſeſſion ſhall not be given up to the Curate, and until ſuch Poſſeſſion ſhall be given, and to apply or direct the Application of the Profits ariſing from ſuch Sequeſtration, or to remit the ſame or any Part thereof, as the Biſhop ſhall in his Diſcretion think fit.

Curates to pay Taxes of Parſonage Houſes in certain Caſes.

LXV. And be it further enacted, That in every Caſe where the Biſhop ſhall appoint, for the Curate licenſed to ſerve any Benefice, a Salary not leſs than the whole groſs Annual Value of the ſame, and ſhall, in addition to ſuch Salary, direct that ſuch Curate ſhall reſide in the Parſonage or Vicarage Houſe, or uſual Houſe of Reſidence of the Spiritual Perſon holding ſuch Benefice, ſuch Curate ſhall be liable, during his ſerving ſuch Cure, to the ſame Taxes and Parochial Rates and Aſſeſſments, in reſpect of ſuch Houſe and the Appendages thereof of which he may ſo be in Occupation, as if he had been inſtituted or inducted or nominated or appointed to the ſaid Benefice.

Biſhop may direct the Curate to give up Poſſeſſion of Parſonage.

LXVI. And be it further enacted, That it ſhall be lawful for the Biſhop at any Time, upon Three Months Notice in Writing, to direct any ſuch Curate to deliver up any ſuch Parſonage or Vicarage Houſe or uſual Houſe of Reſidence, and the Offices, Stables, Gardens, and Appurtenances thereto belonging, and ſuch Curate ſhall thereupon peaceably deliver up the Poſſeſſion of the ſaid Premiſes, purſuant to ſuch Notice; and in caſe any ſuch Curate ſhall refuſe to deliver up ſuch Premiſes, he ſhall forfeit and pay to the Rector or Vicar, or Spiritual Perſon holding the Benefice, the Sum of Forty Shillings for every Day of ſuch wrongful Poſſeſſion, to be recovered by ſuch Rector or Vicar or Spiritual Perſon by Action of Debt in any Court of Record at *Weſtminſter*, as any Penalties may be recovered for Non-reſidence under this Act.

LXVII. And

Rector, &c. shall not dispossess Curate of House without Order of the Bishop, and Three Months Notice to Curate: Curate to quit in One Month after Institution to a vacant Benefice, &c.

LXVII. And be it further enacted, That it shall not be lawful for the Rector or Vicar or other Person holding any Benefice, in any Case in which the Parsonage or Vicarage, or usual House of Residence shall have been assigned to the Curate as a Residence, to dispossess such Curate, or take Possession thereof, until the Permission of the Bishop shall have been given in Writing for that Purpose, and Three Months Notice of such his Intention to the Curate, who shall thereupon quit the same according to such Notice; and every Curate who shall reside in the House of Residence of any Benefice which shall become vacant, shall quit such House of Residence within Three Months after the Institution or Appointment of any Spiritual Person thereto, upon being required so to do by the Spiritual Person instituted or appointed, and having One Month's previous Notice at the least given to him to quit such House of Residence.

Curate not to quit Curacy assigned him without Three Months Notice to the Incumbent and Bishop, under a certain Penalty.

LXVIII. And be it further enacted, That no Curate shall quit any Benefice to which he shall be licensed, until after Three Months Notice of his Intention to quit given to the Person holding such Benefice, and to the Bishop of the Diocese, unless with the Consent of the Bishop of the Diocese, upon Pain of forfeiting to the Spiritual Person holding the Benefice a Sum not exceeding the Amount of his Stipend for Six Months, at the Discretion of the Bishop, which Sum may in such Case be retained out of the Stipend, if the same or any Part thereof shall remain unpaid; or if the same cannot be retained out of the Stipend, may be recovered by the Spiritual Person holding the Benefice, as any Penalty or Forfeiture under this Act may be recovered.

Bishop may license Curates employed without Nomination, revoke any Licence, and remove Curate, subject to Appeal to the Archbishop.

LXIX. And be it further enacted, That it shall be lawful for the Bishop of the Diocese to license any Curate who is or shall be actually employed by the Rector, Vicar, or other Incumbent of any Church or Chapel, although no express Nomination of such Curate shall have been made to such Bishop by the said Rector, Vicar, or other Incumbent; and that the Bishop shall have Power to revoke summarily and without Process any Licence granted to any Curate employed in his Diocese, or subject to his Jurisdiction by virtue of this Act, and to remove such Curate for any Cause which shall appear to such Bishop to be good and reasonable; subject nevertheless to an Appeal to the Archbishop of the Province, and to be determined in a summary Manner.

Licence to Curates, and Revocations of such Licences, to be entered in the Registry of the Diocese.

LXX. And be it further enacted, That every Bishop who shall grant or revoke any Licence to any Curate under this Act shall and he is hereby required to cause a Copy of such Licence or Revocation to be entered in the Registry of the Diocese within which the Benefice 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 Registrar of each Diocese, and entered in a Book, and kept for the Inspection of all Persons, upon Payment of the Sum of Three Shillings and no more; and a Copy of every such Licence and Revocation with respect to any Benefice shall be transmitted by the said Registrar to the Churchwardens or Chapelwardens of the Parish, Township, or Place 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 every Registrar who shall refuse or neglect or omit to make

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any ſuch Entry, or to tranſmit any ſuch Copy, ſhall forfeit for every ſuch Offence or Neglect the Sum of Five Pounds, to be recovered as any Penalty or Forfeiture may be recovered under this Act: Provided always, that every ſuch Regiſtrar ſhall, for every ſuch Copy tranſmitted to ſuch Churchwardens or Chapelwardens as aforeſaid, be entitled to demand and have from ſuch Churchwardens or Chapelwardens a Fee of Ten Shillings and no more; and ſuch Fee ſhall be allowed in the Accounts of ſuch Churchwardens or Chapelwardens.

Clauſes relating to Biſhops to apply to Archbiſhops in their Dioceſes.

LXXI. And be it further enacted, That all the Powers, Authorities, Proviſions, Regulations, Penalties, Forfeitures, Clauſes, Matters, and Things in this Act contained in relation to Biſhops in their Dioceſes, ſhall extend and be conſtrued to extend to the Archbiſhops in the reſpective Dioceſes of which they are Biſhops, and alſo in their own peculiar Juriſdictions, as fully and effectually as if the Archbiſhops were named with the Biſhops in every ſuch Caſe.

Definition of the Term Benefice.

LXXII. And be it further enacted, That in all Caſes wherein the Term Benefice is uſed in this Act, the ſaid Term ſhall be underſtood and taken to mean Benefices with Cure, and no others, and to comprehend therein, for the Purpoſes of this Act, all Donatives, Perpetual Curacies, and Parochial Chapelries.

Power of Archbiſhops and Biſhops as to Benefices, &c. Exempt or Peculiar, locally ſituate within their Provinces; and alſo as to Benefices, &c. ſituate in more than One Province, or between the Limits of Two.

LXXIII. And be it further enacted, That every Archbiſhop and Biſhop, within the Limits of whoſe Province or Dioceſe reſpectively any Benefice, 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 and Biſhop 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 or Biſhop; and where any Benefice, Exempt or Peculiar, ſhall be locally ſituate within the Limits of more than One Province or Dioceſe, or where the ſame or any of them ſhall be locally ſituate between the Limits of the Two Provinces, or between the Limits of any Two or more ſuch Dioceſes, the Archbiſhop or Biſhop of the Cathedral Church, to 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; provided that the Peculiars belonging to any Archbiſhoprick or Biſhoprick, though locally ſituate 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.

Peculiars ſhall be ſubject to the Archbiſhop or Biſhop to whom they belong.

In every Caſe in which Juriſdiction is

LXXIV. And be it further enacted, That in every Caſe in which Juriſdiction is given to the Biſhop of the Dioceſe, or to any Archbiſhop, under the Proviſions of this Act, and for the Purpoſes thereof, and the enforcing the due

due Execution of the Provisions thereof, all other and concurrent Jurisdiction in respect thereof shall wholly cease, and no other Jurisdiction in relation to the Provisions of this Act shall be used, exercised, or enforced, save and except such Jurisdiction of the Bishop and Archbishop under this Act; any Thing in any Act or Acts of Parliament, or Law or Laws, or Usage or Custom to the contrary notwithstanding. given to Bishop, &c. all concurrent Jurisdiction to cease.

LXXV. And be it further enacted, That in all Cases where Proceedings under this Act are directed by Monition and Sequestration, such Monition shall issue under the Hand and Seal of the Bishop, and being duly served shall be returned, with a Certificate of Service, into the Registry of the Consistorial Court of such Bishop; and thereupon it shall be competent for the Party monished to shew Cause by Affidavit or otherwise, as the Case may require, against the Sequestration issuing; and unless sufficient Cause be shown to the contrary, the Sequestration shall issue under the Seal of the said Consistorial Court, and in such Form as is commonly used on that Behalf. Monitions and Sequestrations.

LXXVI. And be it further enacted, That it shall be lawful for the Bishop of any Diocese in which any Spiritual Person shall hold any Dignity or Benefice, or shall serve as Stipendiary Curate, to recover any Penalty incurred under this Act, in a summary Way, by Monition and Sequestration, to be issued in the Manner by this Act directed, with the like Powers and Authorities, and subject to the like Restrictions in respect to the Remission and Repayment of such Penalty, as are by this Act particularly provided in respect to Penalties for Non-residence: Provided always, that no Spiritual Person against whom any such Proceeding shall have been had by any Bishop for the Recovery of any Penalty, shall thereafter be subject to any Action at Law by any Informer or other Person for the Recovery of any Penalty for the same Offence in respect of which such Proceeding shall have been so had by the Bishop as aforesaid. Penalties to be recovered by Monition and Sequestration.

LXXVII. And be it further enacted, That any Fees, Charges, Costs, or Expences incurred or directed to be paid by any Spiritual Person under the Provisions of this Act, which shall remain unpaid for the Period of Twenty-one Days after Demand thereof in Writing delivered to or left at the usual or last Place of Abode of the Spiritual Person liable to the Payment thereof, may be recovered by Monition and Sequestration, to be issued in the Manner directed by this Act. Recovery of Fees, &c.

LXXVIII. Provided always, and be it further enacted, That none of the Provisions of this Act shall extend or be construed to extend to render void or invalid, before the Thirty-first Day of *December* next, any Licence or Exemption which would have been otherwise valid and effectual, nor to require any Licence to be taken before the said Thirty-first Day of *December* next, which would not have been required by Law before the passing of this Act. Act not to invalidate Licences before 31st Dec. nor to require any Licence before that Time.

LXXIX. And be it further enacted, That no Commission issued by any Bishop to any Commissary or Commissaries appointed to administer the Oaths required to be taken by any Curate for the Purpose of any Licence or Licences granted under the Provisions of this Act shall be subject to any Stamp Duty; any Thing contained in any Act or Acts of Parliament to the contrary notwithstanding. Commission to administer Oaths not to be subject to Stamp Duty.

LXXX. And

A&t not to affect His Majesty's Prerogative in granting Dispensations.

LXXX. 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.

Parsonage without Cure of Souls not deemed a Benefice.

LXXXI. And be it further enacted, That no Parsonage that hath a Vicar endowed, or that hath a perpetual Curate, and having no Cure of Souls, shall be deemed or taken to be a Benefice within the Intent and Meaning of this Act.

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

LXXXII. And be it further enacted, That no Archbishop or Bishop having or who shall have any Benefice shall by reason of Non-residence upon the same be subject or liable to any Penalties or Forfeitures: Provided always, that any Archbishop or Bishop who shall hold any Benefice *in commendam* with his Archbishoprick or Bishoprick, shall nominate and appoint a resident Curate, according to the Provisions of this Act.

Not to affect Powers of Bishops;

LXXXIII. And be it further enacted, That nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any Powers, Authorities, Rights, or Jurisdiction already vested in or belonging to any Archbishop or Bishop under or by virtue of any Statute, Canon, Usage, or otherwise howsoever.

nor the due Celebration of Divine Service.

LXXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to repeal or alter the Provisions contained in any Act of Parliament, or any other Provision of Law, for the due Celebration of Divine Service in any Church or Chapel, or for the Discharge of any other Duty of any Rector or Vicar, or Person holding any Benefice, by himself or his Curate.

Act not to extend to Ireland.

LXXXV. And be it further enacted, That no Provision in this Act contained shall extend or be construed to extend to that Part of the United Kingdom called *Ireland*.

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