

ANNO QUINTO

GEORGII IV. REGIS.

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in the Parliament of the United Kingdom of *Great Britain* and *Ireland*, in the Forty-eighth Year of the Reign of His said late Majesty, intituled
48 G. 3. c. 66. *An Act for enforcing the Residence of Spiritual Persons on their Benefices in* Ireland: 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 for enforcing of Residence, and the Maintenance of Stipendiary Curates, in *Ireland*, should be amended; and that Spiritual Persons in *Ireland* should in certain Cases be restrained from buying and selling: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Act passed in the Reign of His Majesty King *Henry* the Sixth, and so much of the said recited Act of His Majesty King *Charles* the First, as relates to Gifts, Grants, Alienations, Forfeitures, Charges, and Incumbrances, imposed, laid, or suffered by any Minister or other Beneficer therein mentioned, or by any Parson, Vicar, or other Beneficer having Cure of Souls, and to Residence of Spiritual Persons on their Benefices; and also so much of the said recited Acts of the Parliament of *Ireland*, made in the Sixth Year of King *George* the First, and in the First Year of King *George* the Second, and in the Fortieth Year of King *George* the Third, as relates to the Maintenance of Curates within the Church of *Ireland*, and making Provisions for appointing Stipends for such Curates; and the whole of the said recited Act passed in the Forty-eighth Year of the Reign of King *George* the Third, shall be and the same are respectively hereby repealed.

Recited Acts of 36 H. 6.

10 & 11 C. 1. as to Alienation, &c. by the Clergy;

so much of 6 G. 1., 1 G. 2., and 40 G. 3. as relates to Maintenance of Curates;

and the whole of 48 G. 3. c. 66. repealed.

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

II. And be it further enacted, That no Spiritual Person having or holding any Dignity, Prebend, Canonry, Benefice, Stipendiary, Perpetual, or Impropriate Curacy or Lectureship, shall, by himself, or by any other for him, or to his Use, act as Treasurer of any County, or engage in or carry on any Trade or Dealing for Gain or Profit, or be an Agent or Factor for any Estate, 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 or Agency, 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

III. 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 Matter 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 and 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.

done in such Employment, or for the Use of the Family, or occupying any Glebe, &c.

IV. 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 *Dublin*, 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.

Penalty for Non-residence.

V. And be it further enacted, That every Spiritual Person having any Benefice, and who shall not have any House of Residence thereon,

Where no House belonging to

the Benefice, &c. Residence within the Limits of Parish, &c. deemed legal 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 Trustees of First Fruits to be deemed Residences.

VI. And whereas the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, may have in some Instances purchased and may hereafter purchase Houses not situated 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, Residence of the Vicar deemed legal.

VII. 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.

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

VIII. 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.

Certain Persons exempted while exercising certain Offices, viz. Masters of Hospitals and Charities; Vicars General, Surrogates or Officials;

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to or in any Manner to affect any Person holding any of the Offices or Situations hereafter mentioned; that is to say, any Master or Preacher of any Hospital, or of any incorporated charitable Foundation in *Ireland*, 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 the Duties therein; or any Vicar General or principal Surrogate, or Official in any Ecclesiastical Court of any Diocese, whilst they are respectively residing in the Places where their respective Offices are exercised; or any Chaplain or Chaplains

lains of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, provided that every such Chaplain shall have a Certificate from such Lord Lieutenant or other Chief Governor or Governors, or his or their Chief Secretary, that he is Resident in *Dublin*, or near the Person of such Lord Lieutenant or other Chief Governor or Governors, and is occupied by the Duty of his Office as such Chaplain; or any Chaplain of any Archbishop or Bishop, or of any Peer of *Ireland*, during such Time as such Chaplain shall abide and dwell, and daily attend in the Performance of his Duty as Chaplain in the Household to which he shall belong within *Ireland*; or the Provost or any Fellow of or any Professor or public Officer in the College of the Holy and Undivided Trinity near *Dublin*, or the Professor of Astronomy at *Armagh*, during the Period for which any such Provost, Fellow, Professor, or Officer may respectively be required to perform the Duties of any such Office, and shall actually perform the Duties of the same; or any Schoolmaster of any School founded and endowed by His Majesty or any of His Royal Predecessors, or any Diocesan Schoolmaster during such Time as such Schoolmaster shall actually reside at such School and perform the Duties of a Schoolmaster therein; or any Person who shall be specially exempted from Residence under the Provisions of any Act or Acts of Parliament not repealed by this Act.

Certified Chaplains of Lord Lieutenant;

Chaplains of Archbishops, Bishops, and Peers;

Provost, Fellows, and Officers of Trinity College, Dublin, &c.

Schoolmasters of endowed Diocesan Schools;

Persons exempted by special Acts

X. 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 holding any other Dignity, or being Prebendary or Canon in any Cathedral or Collegiate Church or Churches, who shall reside any Period not exceeding Four Months altogether within the Year upon such Dignity, Prebend, or Canonry, to account such Residence as if he had legally resided on some Benefice, provided he keep a Resident Curate on his 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 Day 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 Day of *January* and the Thirty-first Day of *December* in any one Year, to account such Residence, although exceeding Four Months in the Year, as reckoned from the First Day of *January* to the Thirty-first Day of *December*, as if he had legally resided on some Benefice; any thing in this Act contained to the contrary notwithstanding.

Dignitaries residing at Cathedral Churches for certain Periods exempted

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

XI. 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 Dean or Person holding any other Dignity in any Cathedral or Collegiate Church, or of any Prebendary or Canon 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

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

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.

XII. 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.

XIII. 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.

XIV. 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, 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 such his Benefice to the Satisfaction of such Bishop; and also to any Usher of any endowed School duly licensed by the Bishop, and actually employed in teaching 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: 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 such 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, 10s.

Persons aggrieved may appeal to the Archbishop.

Security to be given for Payment of Expences.

XV. 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, 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

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

shall think fit, and in every such Case to appoint a Stipendiary Curate, in case no Curate duly licensed should 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, or to appoint an additional 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.

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

XVI. 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.

XVII. And be it further enacted, That every Application made by or in behalf of any Spiritual Person holding any Benefice, Donative, Perpetual or Impropriate 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 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

Every Application for Licence shall be in Writing, and shall state certain Particulars.

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.

XVIII. And be it further enacted, That during the Vacancy of any See, or the Absence of the Bishop of the Diocese from that Part of the United Kingdom called *Ireland*, 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.

XIX. 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; and Copies transmitted to Churchwardens;

XX. 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 Licence with respect to any Benefice, shall be transmitted by the Spiritual Person to whom the Licence is granted, to the Churchwardens

wardens of the Parish, Township, or Place to which the same relates, or to one of them, 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, or to one of them, 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 Churchwardens, and publicly read by the Registrar or other Officer at the Visitation of the Diocese or 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.

Penalty on Registrar neglecting to enter such Licence or Revocation, 5*l.*

To be publicly read at the First Visitation.

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

XXI. 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 the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, 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 shall 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 the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council there, by an Order made for that Purpose, to revoke and annul any such Licence, from such Time as shall be mentioned in such Order; and in case any such Order shall be so made, the same 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 relates, in manner herein-before 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 the Time from which such Licence shall have been so revoked by Order in Council, the same shall nevertheless, in all Questions that shall have arisen or may thereafter arise, touching the Non-

Licence, although revoked, shall be deemed valid between

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 Intents and Purposes of this Act. the Grant and Revocation.

XXII. 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. On or before 25th March, annually, a Return shall be made to His Majesty in Council of every Benefice, and whether it exceeds the Value of 300*l.* or not, with Names of Residents and Non-residents, &c. Non-residents by Exemption without Licence shall yearly notify to the Bishop of the Diocese within a certain Period.

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

Power of Mitigation or remitting by the Bishop.

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

XXIV. 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, 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.

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

XXV. 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 Times 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

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

Where Return shall not be made, or

Spiritual

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 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, 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 House of Residence thereof, or any of the Buildings and Appurtenance 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 Trustees and Commissioners of the First Fruits in *Ireland* 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 for 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 said Trustees and Commissioners, to be repaid to such Spiritual Person, which Repayment the said Trustees and Commissioners 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 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

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

Appeal against Sequestration may be made to the Archbishop.

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.

Appellant to give Security for Payment of the Expences.

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

XXVI. 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 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.

XXVII. 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.

XXVIII. 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.

XXIX. And be it further enacted, That in every Case in which any Archbishop or Bishop shall think proper under all 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 the Lord Lieutenant or other Chief Governor or Governors, and to the Privy Council in *Ireland*, 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 the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, 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 in this Act with relation to the Allowance or 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.

XXX. And be it further enacted, That if the Benefice of any Spiritual Person shall continue for the Space of Two Years under any Sequestration, and 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.

XXXI. 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

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 Expences 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 for 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 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.

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

Justice may grant Warrant to take Possession.

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

XXXII. Provided always, and be it further enacted, That no Spiritual Person shall be liable to any Penalties for not residing in any such House or 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.

XXXIII. 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.

XXXIV. 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.

XXXV. And

XXXV. 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. Penalties not levied under Monition may be recovered by Action.

XXXVI. 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 *Dublin*, until the First Day of *May* after the Expiration of the Year in which the alleged Offence shall have taken place. Actions for Penalties not to be commenced before 1st May after Expiration of the Year.

XXXVII. 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. Commencement and Conclusion of the Year.

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

XXXIX. 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 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. No Action to be commenced for any Penalty until after One Calendar Month's Notice given to the Defendant and Bishop of Diocese.

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

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

XLI. 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.

XLII. 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.

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

XLIII. 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.

Licences may be pleaded in bar of Action; and in case of Nonsuit, &c. the Defendant shall have Double Costs.

XLIV. 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

ment 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.

XLV. 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, and 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 caused 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 all 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.

XLVI. 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 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 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.

XLVII. 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 Parsonage House or Vicarage House, or other usual House or 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 a 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

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.

Licence to specify whether Curate is to reside in the Parish or not.

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

XLVIII. 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, the Bishop may appoint Curate.

XLIX. 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, or mental or bodily Infirmity of the Spiritual Person holding the same, that the Ecclesiastical Duties of such Benefice are inadequately performed, or where it shall appear to such Bishop as aforesaid, that the Residence of such Spiritual Person is at too great a Distance from any Parish united to the one in which he resides to admit of his performing all the Ecclesiastical Duties, 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

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.

Appeal to Archbishop.

L. 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.

LI. 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.

LII. 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 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

Bishops shall appoint Salaries to Curates.

Licences to express the Amount.

On obtaining such Licence a Fee of 1*l.* to the Bishop's Secretary.

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 made in the Parliament of *Ireland* in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, intituled *An Act for the Uniformity of Public Prayers and Administration of Sacraments, and other Rites and Ceremonies; and for establishing the Form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of* Ireland; and once to take the Oaths of Allegiance and Abjuration; and also that it shall be sufficient for such Person to produce One Certificate only of his having so signed such Declaration and taken such Oaths before the Bishop of the Diocese.

Person appointed to Two or more Curacies to sign One Declaration.

Stipends to Curates of Incumbents before 3d February 1824 not to exceed 75*l.* per Ann. and the Use of the Residence, &c. except in Cases of Neglect.

LIII. 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 Third Day of *February* One thousand eight hundred and twenty-four; 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.

LIV. And be it further enacted, That in every Case in which any Spiritual Person shall have been, after the Third Day of *February* One thousand eight hundred and twenty-four, or shall at any Time after the passing of this Act 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 Salary as is herein-after next mentioned; (that is

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 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 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 Trustees and Commissioners of the First Fruits in *Ireland*, or from any future Returns which may be made by the said Bishops to the said Trustees and Commissioners 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 Trustees and Commissioners, or otherwise; and that the Annual Value of all Benefices, of which the Value estimated as is herein provided does amount to One hundred Pounds or upwards, shall be estimated by the Bishops of the several Dioceses, in such Manner as shall be satisfactory to them.

Stipends to Curates of Benefices not to exceed 150*l.* nor be reduced below 75*l.* Benefices exceeding 400*l.* a Year not to be reduced in Value, &c.

LV. And be it further enacted, That in any Parish or Place, where it shall appear to the Satisfaction of the Bishop, that the actual 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 or further Stipend or Allowance, or to appoint an additional Curate, so that the Stipends or Allowances to such Curate or Curates 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.

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

LVI. And

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, from Age, Sickness, or other unavoidable Cause, of performing the Duties thereof, 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 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.

LVIII. 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

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 serve in an adjoining Parish.

LIX. 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.

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

LX. 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

by the Person liable to make the Payment in respect of which such Profits shall be sequestrated.

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

LXI. 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.

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

LXII. 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 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.

LXIII. And be it further enacted, That it shall be lawful for the Bishop who shall grant any Licence to the 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, together with any Portion of the Glebe Land of such Benefice, not exceeding Ten Acres in the Whole, 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.

LXIV. 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 be so in Occupation, and for the Repairs of such House, and for any Payments to the Commissioners and Trustees of the First Fruits of any Sums payable out of or in respect of such Benefice, 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.

LXV. 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 *Dublin*, as any Penalties may be recovered for Non-residence under this Act.

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.

LXVI. 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 him to quit such House of Residence.

Curate not to quit Curacy assigned him without Three Months Notice to the Incumbent

LXVII. 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

and Bishop, under a certain Penalty,

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.

LXVIII. 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.

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

Fee for Inspection, 3s.

LXIX. 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 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.

Copy of Licences and Revocation to be transmitted to Churchwardens.

Fee 10s.

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

LXX. 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.

LXXI. 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

and taken to mean Benefices with Cure, and no others, and to comprehend therein, for the Purposes of this Act, all Donatives, Perpetual and Impropriate Curacies, and Parochial Chapelries.

Power of Archbishops and Bishops as to Benefices Exempt or Peculiar, locally situate within their Provinces;

and also as to such Benefices situate in more than one Province, or between the Limits of Two.

LXXII. 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 given to Bishop, &c. all concurrent Jurisdiction to cease.

LXXIII. 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 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.

Monitions and Sequestrations.

LXXIV. 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 show 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 Bishop, and in such Form as is commonly used on that Behalf.

Penalties to be recovered by Monition and Sequestration.

LXXV. 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 Re-payment 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 provided.

Recovery of Fees, &c.

LXXVI. 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.

Act not to invalidate Licences before 31st December 1824, nor to require any Licence before that Time.

LXXVII. 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 after the passing of this Act, 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*, which would not have been required by Law before the passing of this Act.

Commission to administer Oaths not to be subject to Stamp Duty.

LXXVIII. 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.

Act not to affect His Majesty's Prerogative in granting Dispensations.

LXXIX. 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.

LXXX. 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.

LXXXI. 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 Bishop-

rick, shall nominate and appoint a resident Curate, according to the Provisions of this Act.

Not to affect Powers of Bishops;

LXXXII. 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, Patent, Canon, Usage, or otherwise howsoever.

nor the due Celebration of Divine Service.

LXXXIII. 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 beyond Ireland.

LXXXIV. And be it further enacted, That this Act shall extend and be construed to extend and relate only to that Part of the United Kingdom called *Ireland*.

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