## CHAP. 109.

An Act for repealing part of an Act of the first year of the reign of their Majesties King William and Queen Mary, intituled "An Act to vest in the two Universities the "presentations of benefices belonging to Papists," and for securing uniformity in the law relating to the residence of spiritual persons upon their benefices, and to the penalties and forfeitures consequent on non-residence. A.D. 1869.

[11th August 1869.]

WHEREAS by an Act passed in the first year of the reign of their Majesties King William and Queen Mary, chapter twenty-six, it was (amongst other things) enacted, that if any person presented or nominated to any benefice with cure as in the same Act is mentioned should be absent from the same above the space of sixty days in any one year, in such case the said benefice should become void: 1 W. & M. c. 26.

And whereas by an Act passed in the first and second years of the reign of Her present Majesty, chapter one hundred and six, intituled "An Act to abridge the holding of benefices in plurality, "and to make better provision for the residence of the clergy," provisions are made for enforcing the residence of spiritual persons upon their benefices, and penalties and forfeitures are thereby imposed for non-residence, which Act was amended by an Act passed in the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, but the herein-before recited provision contained in the said Act of the first year of the reign of their Majesties King William and Queen Mary was not expressly repealed: 1 & 2 Vict. c. 106.

And whereas it is desirable, for the sake of uniformity, that the residence of spiritual persons upon their benefices should in all cases be enforced under the powers of the herein-before mentioned Acts of the reign of Her present Majesty, and that such spiritual

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persons should not be subjected to any penalties or forfeitures in consequence of non-residence, other than the penalties and forfeitures provided by the same Acts:

Be it therefore enacted by the Queen'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, as follows:

Repeal of part of first recited Act.

**1.** So much of the said Act of the first year of the reign of their Majesties King William and Queen Mary as is herein-before recited shall be and the same is hereby repealed; but so as not to prejudice or affect any right which may have accrued by reason of any avoidance of a benefice under the same section incurred before the passing of this Act.

What proceedings may be taken for enforcing residence.

**2.** From and after the passing of this Act, no proceeding shall be taken against any spiritual person for enforcing the residence of such spiritual person upon his benefice, or by reason of his non-residence on his benefice, except under the powers and provisions contained in the herein-before mentioned Acts of Parliament of the first and second years of the reign of Her present Majesty, chapter one hundred and six, and the thirteenth and fourteenth years of the reign of Her present Majesty, chapter ninety-eight, or of any Act for the time being in force for amending the same, and no penalty or forfeiture shall be incurred in consequence of the non-residence of any spiritual person upon his benefice, save and except such penalties for non-residence as are provided by the herein-before mentioned Acts of the reign of Her present Majesty, or as shall be provided by any Act for the time being in force for amending the same.

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