



(Ireland.)



A

B I L L

To amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

[Note.—The Words printed in *Italics* are proposed to be inserted in the Committee.]

WHEREAS an Act was passed in the third and fourth years of the reign of His present Majesty, intituled, "An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland," which Act was amended by another Act passed in the fourth and fifth years of the reign of His said Majesty: And whereas it is expedient to extend, explain and amend, in certain respects, the provisions of the said Acts; **BE** it therefore **Enacted**, by The KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **THAT** it shall and may be lawful for any inferior tenant or lessee, holding any lands, tenements or hereditaments by virtue of any lease or contract, containing a toties quoties covenant for renewal, and whose next immediate landlord has or shall have acquired a perpetual estate or interest in such lands, tenements or hereditaments under the provisions of the said recited Acts or of this Act, to apply to such next immediate landlord for a conveyance of a perpetual estate and interest in such lands, tenements or hereditaments, which conveyance such next immediate landlord is hereby required to make and execute to such inferior tenant, his heirs and assigns; provided that such tenant shall previously have paid or tendered to such landlord or his known agent such sum or sums of money as shall be payable by such

Preamble.
3 & 4 Will. 4.
c. 37.

4 & 5 Will. 4.
c. 90.

1.
Inferior Tenants may apply to their immediate Landlord, having acquired a Perpetuity for a like Conveyance.

Such Tenant having previously paid his contribution and

arrears of Rent and Fine.

tenant, as or for contribution to the purchase-money paid or secured by such landlord for the purchase of a perpetual estate or interest in such lands, tenements or hereditaments pursuant to the said recited Acts and this Act, together with all rent and fines and fees for renewal, and all arrears thereof then due and payable by such tenant by virtue of such lease or contract. 5

2. Yearly Rent reserved on such Conveyance to be composed of former Rent and renewal Fine and yearly average thereof.

And be it Enacted, That the yearly rent to be reserved on every such last-mentioned conveyance shall be ascertained in manner following; that is to say, when the fine and fees payable by such inferior tenant upon each renewal of his interest in such lands, tenements or hereditaments shall be a fixed and ascertained sum, then in the case of leases or interests renewable every year, the amount of such fine and fees, or in the case of leases renewable at longer intervals than every year, the annual average amount of such fine and fees, computed as by the said first recited Act directed for the purposes of that Act, shall be added to the yearly rent reserved and made payable by the lease or contract under which such lands, tenements or hereditaments are held by such inferior tenant; and when the fine and fees payable by such inferior tenant upon every such renewal as aforesaid shall be a fixed proportion of or dependent upon the renewal fine payable by the immediate superior tenant of said lands, tenements or hereditaments, then there shall be added to the yearly rent reserved upon such lease or contract a sum of money bearing a like proportion to the average annual amount of the renewal fine so payable by such immediate superior tenant, as the same shall have been ascertained by the said Ecclesiastical Commissioners pursuant to the said recited Acts; and such yearly rent reserved upon such lease or contract, together with such sum of money so to be added thereto as aforesaid, shall be the future rent to be reserved on the conveyance of a perpetual estate or interest in such lands, tenements or hereditaments to such inferior tenant. 10 15 20 25 30

3. In case of disputes or refusal or disability on the part of the Landlord to execute, the Tenant may petition the Court of Chancery or Exchequer.

And be it Enacted, That in case of any dispute or difference between such inferior tenant and his next immediate landlord, or in case such landlord shall not execute to such tenant a conveyance of the fee simple and inheritance of and in such lands, tenements and hereditaments, within *One* calendar Month next after the same shall have been duly tendered to him or to his known agent, or in case such next immediate landlord shall be an infant or lunatic, or shall not be resident in the United Kingdom of Great Britain and Ireland, then and in every such case it shall and may be lawful for such inferior tenant to apply to the Court of Chancery or Court of Exchequer in Ireland, by Petition, setting forth the facts and circumstances of the case; and it shall and may be lawful for such Court to hear such Petition in a summary manner, and to make such order thereon as such Court shall think fit, and to appoint a person to execute such conveyance 35 40

Court may determine in a summary manner and appoint a person to convey.

conveyance to such tenant in the name of such landlord, in case such landlord shall reside out of the jurisdiction of such Court, or shall labour under any legal disability, or in case such Court for any other reason shall think it expedient to appoint such person; and every such conveyance so executed shall be valid and effectual to all intents and purposes.

And be it Enacted, That it shall and may be lawful for every such next immediate landlord, and he is hereby authorized and required, although he shall be tenant for life or for any other limited interest of such lands, tenements or hereditaments, or although he shall labour under any legal incapacity or disability (except infancy or lunacy), to execute such conveyance to his next inferior tenant, subject to the provisions hereinbefore contained, and every such conveyance shall be valid and effectual to all intents and purposes.

4.
Tenants for life and persons under legal incapacity (except Infants and Lunatics) may convey.

And be it Enacted, That in case any portion of the yearly rent reserved on such conveyance of any lands, tenements or hereditaments shall be a proportion of or dependent upon the average annual amount, as ascertained by the said Commissioners, of the renewal fine payable by the first and immediate tenant of such lands, tenements or hereditaments, then and in every such case such yearly rent shall be subject to variation in like manner and at such times as the rents reserved upon the immediate conveyance of any lands, tenements or hereditaments by the said Ecclesiastical Commissioners, or by the Archbishop, Bishop or other sole Ecclesiastical Corporation under whom the said lands, tenements or hereditaments are held; and all the provisions in the said recited Acts contained relative to the variation of such last-mentioned rents shall be applicable to rents reserved on conveyances to be made under the provisions of this Act so far as the nature and circumstances of each case will admit.

5.
Rent reserved on such Conveyance to be subject to variation in certain cases.

And be it Enacted, That every such next immediate landlord shall and may have all such and the like remedies for the recovery of the rent reserved upon any such conveyance to his inferior tenant or tenants as any landlord or lessor now has or may, can or shall have by virtue of any law now or hereafter to be in force in Ireland for the recovery of rent payable under a demise by which a reversion is reserved to or remains in such landlord or lessor, and every person who shall have acquired the fee simple or inheritance in any lands, tenements or hereditaments pursuant to the provisions of this Act, shall and may have all such and the like remedies against his under tenants as in and by the said recited Acts are provided in cases of persons who shall have acquired the fee simple and inheritance of any lands, tenements or hereditaments under the provisions of the said recited Acts.

6.
Immediate Landlord to have the like remedies for recovery of Rent as original Grantee of Perpetuity.

See 4 & 5 Will. 4. c. 90. s. 33.

7.
Saving of provisions of 3 & 4 Will. 4. c. 37. as to Undertenants who shall not apply for Perpetuities.

Provided always, and be it Enacted, That nothing herein contained shall extend, or be construed to alter or affect the provisions of the said recited Acts, with respect to renewals to be made to inferior tenants holding under leases or contracts containing toties quoties covenants for renewal in the case of any such inferior tenant who shall not apply to his next immediate landlord, pursuant to the provisions of this Act, for a conveyance of the fee simple and inheritance of and in the lands, tenements or hereditaments held by him under such next immediate landlord.

5

8.
Commissioners may give Certificates of terms of purchase, and call on Tenants by notice to complete purchases.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any time after application shall have been made to them for the purchase of the fee simple and inheritance of and in any lands, tenements or hereditaments pursuant to the said recited Acts or this Act, to cause such certificate of the terms of such purchase, and of the amount of purchase-money to be paid on the completion of such purchase, and of the annual rent to be reserved and made payable in and by the deed or deeds of conveyance as by the said recited Acts they are directed to grant to the applicant when so required, to be without any request on his part delivered to him, together with a notice in writing to be annexed to such certificate requiring such applicant to complete such purchase, pursuant to the said recited Acts, within such time as shall be specified in such notice, not being less than *Six* calendar Months from the service thereof; and the said Ecclesiastical Commissioners may, if they shall so think fit, cause such certificate and notice to be transmitted to such applicant by post, addressed to him at his usual place of residence, or to his known agent or receiver, at the usual place of residence of such agent or receiver; and for the purposes of this Act such transmission by the post to such applicant, or his known agent or receiver, shall be deemed good and sufficient service of such certificate and notice; and if such applicant shall neglect or refuse to complete such purchase within *Six* calendar Months after the service of such certificate and notice, or within such further period as shall be specified in such notice, then and in every such case such applicant shall be deemed to have renounced such purchase, and his right of preference thereto; and it shall be lawful for the said Commissioners, at any time after the expiration of such *Six* calendar Months, or such further period as shall have been specified in such notice, to treat and contract for the sale of a perpetual estate or interest in the said lands, tenements or hereditaments, with the person or persons entitled to apply for the purchase of such perpetual estate or interest next after the person so neglecting or refusing as aforesaid; and the said Commissioners shall deduct from the sum deposited or secured, pursuant to the said recited Acts, by such person so neglecting or refusing as aforesaid to complete such purchase, such sum or sums of money as the said

10

15

20

25

30

35

40

Service of Notice.

On failure to complete Purchase, Commissioners may consider the treaty terminated, and treat with the person next entitled.

Ecclesiastical

Ecclesiastical Commissioners shall find necessary to defray the expenses which they may have incurred in ascertaining the terms of such purchase upon his said application.

5 And be it Enacted, That in every case in which any deed has been or shall hereafter be executed, which by the provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a transcript of such deed, certified under their seal, to be made upon parchment, and deposited in the hands of the Deputy Keeper of the Rolls, or other proper officer of the Rolls Office
10 of the High Court of Chancery in Ireland, who upon receipt thereof shall, without any fiat or other order, cause the same to be preserved in the said Rolls Office, and such transcripts shall be conveniently arranged in books for the purpose of reference and examination; and every such transcript so deposited shall be and be deemed and taken
15 to be an enrolment of such deed to all intents and purposes whatsoever: Provided always, That neither such transcript for enrolment nor any certificate required by the said recited Acts, or either of them, to be given or enrolled, shall be liable to any stamp duty whatsoever, and that no fee shall be demanded or paid for the enrolment of any
20 certificate required by law to be annexed to the enrolment of any such deed as aforesaid, in addition to the fee of Two Shillings and Sixpence payable on enrolment of such deed pursuant to the said first recited Act.

9.
Deeds shall be enrolled by depositing Transcripts in the Rolls Office.

Transcripts to be arranged in Books for reference.

Transcripts and Certificates for Enrolment not liable to Stamp Duty.

Fee on Enrolment.

25 And be it Enacted, That it shall and may be lawful for any person whatever to make searches in such enrolment books for the enrolment or enrolments of any deed or deeds which he shall have occasion to examine, and every person making any such search shall pay for the same (including the liberty of taking notes or making extracts from any enrolment or enrolments) a fee of *Two Shillings and Sixpence* and
30 no more for such day on which he shall make any such search.

10.
Searches in Enrolment Books may be made on payment of a fee of 2s. 6d.

And be it Enacted, That so much of the said first recited Act as provides that any Archbishop, Bishop or person, other than the said Ecclesiastical Commissioners, shall cause any such deed or deeds to be enrolled, shall be and the same is hereby repealed; and that the
35 said Ecclesiastical Commissioners shall defray the costs and expenses of making such transcript for enrolment, and of enrolling the same in manner aforesaid, out of the purchase-money paid for the purchase of the fee simple and inheritance of and in the lands, tenements or premises comprised in such transcript.

11.
Provision of 3 & 4 Will. 4. c. 37. as to Archbishops, &c. causing Enrolments to be made repealed. Expenses of Transcripts, &c. to be defrayed by Commissioners.

40 And be it Enacted, That it shall and may be lawful for any superior or under tenant who shall, within *Two Years* next after the *passing of this Act*, contract and agree for the purchase of the fee simple and inheritance of and in any lands, tenements or hereditaments held
466. under

12.
Tenants, instead of paying Purchase-money, may execute mortgage at 3½ per centum, payable within 15 years.

under any sole Corporation, or under the said Ecclesiastical Commissioners, pursuant to the provisions of the said recited Acts or of this Act, instead of paying the sum ascertained, agreed or adjudged to be payable for or on account of such purchase, to execute to the said Ecclesiastical Commissioners, in case such purchase-money shall exceed *Five hundred* Pounds, but not otherwise, a mortgage of the lands, tenements or hereditaments so purchased for securing the payment of such purchase-money either by one payment or by instalments of not less than *One hundred* Pounds each, at any time within *Fifteen* Years next after the making thereof, with interest in the meantime thereon, or, on so much thereof as shall remain from time to time due, at the rate of *Three Pounds and Ten Shillings* per centum per annum; and every such mortgage shall have priority and precedence over all other charges and incumbrances whatsoever, and shall be subject to all such and the like provisions as by the said recited Act of the third and fourth years of the reign of His present Majesty made in respect of any mortgage for securing the payment of purchase-money to the said Commissioners made under that Act.

13.
Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account in Exchequer Bills.

And be it Enacted, That the said Ecclesiastical Commissioners shall cause all such monies as may now stand or hereafter accrue to their credit in the Perpetuity Purchase Fund Account mentioned in the said last recited Act to be invested from time to time, under such regulations as the Commissioners of the Treasury shall direct, in the purchase of Exchequer Bills; and the said Ecclesiastical Commissioners shall have power, with the consent of the said Commissioners of the Treasury, to sell and dispose of the same as occasion shall arise, and apply the proceeds thereof and the dividends and interest arising therefrom to the purposes authorized and directed by the said last recited Act.

14.
In Leases of See houses, &c. Covenants not to sublet, except with consent of Commissioners, may be inserted, instead of absolute Covenants against subletting.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners in any demise or lease to be made by them pursuant to the said first recited Act of the See house, offices and mensal or demesne lands of or belonging to any Archbishoprick or Bishoprick, to cause to be inserted instead of such clause or covenant against assigning or subletting as by the said Act is required, a clause or covenant making void such demise or lease, in case the premises thereby demised, or any part thereof, shall be sublet or assigned without the previous consent of the said Ecclesiastical Commissioners, testified in writing under their common seal; which consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give upon such terms and subject to such restrictions or conditions as they shall deem expedient.

15.
Lessees of See houses, &c. under Leases

And be it Enacted, That it shall and may be lawful for the lessee named in any lease or demise heretofore made by the said Ecclesiastical

tical Commissioners of any such See house, offices, mensal or demesne lands, or for the heirs, executors, administrators or assigns of such lessee, by and with the consent in writing of the said Commissioners, and subject to such terms, conditions and restrictions as shall be expressed therein, to assign or sublet such See house, offices and lands, or such part or parts thereof as shall be specified in such consent, and that no such lease or demise shall be or become void or voidable by reason of such assigning or subletting, with such consent as aforesaid, any thing in such demise or in the said recited Act contained to the contrary hereof notwithstanding.

already made may sublet, with consent of Commissioners.

And be it Enacted, That whensoever under the provisions of the said Acts or this Act, the appointment, presentation or collation to any dignity, office, rectory or benefice, has been or shall be suspended, the Ecclesiastical Commissioners for Ireland shall for and during such period as such dignity, office, rectory or benefice shall remain vacant, have, and at their discretion exercise, by and in their own name and right, all such powers of leasing and demising any lands, tenements or hereditaments whatsoever belonging or appertaining or appropriated to or usually enjoyed with such dignity, office, rectory or benefice, as, in case no suspension had taken place, any person filling the same might have had or exercised; and it shall be lawful for the said Commissioners, in the case of lands, tenements or hereditaments demised by leases customarily renewed, from time to time to accept surrenders of such leases, and to make new leases or renewals of the same respectively, in like manner to all intents and purposes as the said Commissioners are authorized and required to do in respect of any lands, premises or hereditaments at any time belonging to any Bishoprick, and which may have been transferred to and vested in them by virtue of the said Acts; and that it shall be lawful for the respective tenants, lessees or undertenants of any such lands, tenements or hereditaments, during the suspension of such appointment, presentation or collation as aforesaid, to apply to the said Commissioners for the purchase of a perpetual estate and interest of and in any such lands, tenements or hereditaments, in like manner as such tenants, lessees or undertenants respectively could or might have done by virtue of the said recited Acts or this Act, in case the appointment, collation or presentation to such dignity, office, rectory or benefice had not been so suspended; and in case of any such application, all such and the like proceedings shall be had as by the said Acts prescribed in the case of any application for the purchase of the fee simple and inheritance of and in any lands, premises or hereditaments at any time belonging to any Bishoprick, and which may have been transferred to and vested in the said Commissioners by virtue of the said Acts.

16. Ecclesiastical Commissioners may make Leases and Renewals of Lands belonging to suspended Dignities or Benefices pending suspension.

Tenants of such Lands may purchase Perpetuities pending suspension.

And be it Enacted, That in case of the removal of any such suspension as aforesaid, all leases, demises, renewals or conveyances thereto-

17. Rents reserved on Leases made during sus-

pension to be payable to persons subsequently appointed to Dignities or Benefices, and their successors.

fore made as aforesaid by the said Ecclesiastical Commissioners, shall be and remain valid and binding to all intents and purposes whatsoever; provided that in the case of the removal of such suspension, all rent, covenants and reservations made payable by or contained in such lease, demise, renewal or conveyance shall, from and after the time when such dignity, office, rectory or benefice shall have been filled, become and be payable to and inure for the benefit of the person appointed, collated or presented to such dignity, office, rectory or benefice, and his successors, who shall have all such and the like remedies for enforcing payment or performance of such rent, covenants and reservations as if the same had been expressly made payable to, or reserved or covenanted with or by the person filling such dignity, office, rectory or benefice, and his successors.

18.

In cases of Petitions under 3 & 4 Will. 4. c. 37. s. 102. for recovery of Stipends of officiating Clergymen, Certificate of Archbishop or Bishop shall be evidence of the liability of Improprator.

AND whereas it is expedient to make more effectual provision for enforcing payment of stipends or salaries for the maintenance of officiating Clergymen in parishes whereof the Tithes are appropriate or impropriate, and the owners thereof are bound to maintain such Clergymen: AND whereas by the said recited Act of the third and fourth years of His present Majesty's reign it was provided, that in any case where the owners of Improprations or Improprate Tithes are by law bound, but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, it should be lawful for the said Ecclesiastical Commissioners, or for the Archbishop or Bishop of the Diocese, to present a Petition to the Court of Chancery or Exchequer in Ireland, praying relief, and such Courts were authorized and required to hear such Petition in a summary way, and to make such order therein as should appear just: AND whereas it is expedient to extend the said recited provisions of the said Act; BE it therefore Enacted, That the same shall be deemed and taken to extend and shall extend to cases where the owners of Appropriations or Appropriate Tithes are by law bound but refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister, in like manner and as fully to all intents and purposes as to cases where the owners of Improprations or Improprate Tithes are so bound and so refuse or neglect to repair the chancel of any church, or to maintain an officiating Minister.

19.

What is to be deemed Evidence of Liability to pay Stipend or repair Chancels.

And be it Enacted, That in case in which any Petition shall be presented pursuant to the said recited Act or this Act for the repair of any chancel, or for recovery of any stipend or salary of an officiating Minister, or any arrears thereof, the Certificate of the Archbishop or Bishop of the Diocese in which the church or parish is situate, that such chancel has been repaired or such salary usually paid to the officiating Minister of such parish, or that such chancel has at any time been agreed to be repaired or such salary to be paid by the owner or owners of the Impropration or Appropriation or Appropriate or Improprate

Improprate Tithes, as the case may be, of such parish, shall be prima facie evidence of the liability of such owner or owners to pay such stipend or salary or repair such chancel, as the case may be, and every such stipend or salary shall be a charge upon such Appropriate or Improprate Tithes, paramount to all other charges whatsoever.

And be it Enacted, That it shall and may be lawful for the Court to which any such Petition shall be presented, to appoint a Receiver over any such Appropriate or Improprate Tithes for payment of any such repairs, stipend or salary, or arrears thereof, or to direct that any Receiver already appointed over such Tithes shall pay such repairs, stipend or salary to the person entitled to receive the same, in preference and priority to all other charges whatsoever.

20.
Court may appoint Receiver.

And be it Enacted, That whensoever the Improprator or Appropriator or owner of the Appropriate or Improprate Tithes of any parish not having a Vicar or Curate endowed, shall not maintain an officiating Minister in such parish, or shall not have agreed to pay a stipend or salary for or towards the maintenance of such officiating Minister, then and in every such case it shall and may be lawful for the Archbishop or Bishop of the Diocese in which such parish is situate, to certify to the Ecclesiastical Commissioners that there is no Vicar endowed, nor any stipend paid to any Curate, or other provision made by such Appropriator or Improprator for the discharge of the spiritual duties of such parish, and that it is fit and proper that an officiating Minister should be maintained within the same, and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable stipend to be paid by the Improprator or Appropriator or owner of the Appropriate or Improprate Tithes of such parish, having regard to the annual value of such Improprate Tithes, and to the extent of the duty to be performed in such parish, and the said Ecclesiastical Commissioners shall cause to be lodged in the registry of the Diocese in which such parish shall be situate, a Certificate under their seal of the amount of the stipend so ascertained, and shall also transmit to the owner, or if more than one, to each of the owners of the Improprate or Appropriate Tithes of such parish, a copy of the said Certificate.

21.
If Improprator in any Parish not having Vicar or Curate endowed shall not contribute to the maintenance of an officiating Minister, the Commissioners, on Certificate of the Archbishop, &c. may fix a Stipend to be paid by the Improprator.

Certificate of the amount of Stipend to be lodged in the Registry.

And be it Enacted, That the amount of the stipend so fixed and ascertained as aforesaid shall be a charge on the Improprate Tithes of such parish paramount to all other charges whatsoever, and shall from and immediately after the lodging of such Certificate in the registry of the Diocese be paid and payable to the officiating Clergyman of such parish for the time being by equal half-yearly payments, and such officiating Clergyman shall be nominated and appointed from time to time, in such manner and subject to such provisions and regulations as the Curate of any Curacy augmented

22.
Stipend shall be a paramount charge on the Improprate Tithes, and shall be payable from the lodging of the Certificate.

Amount not to exceed

per centum on the value of the Tithes ascertained by Certificate of Composition.

by the Trustees and Commissioners of First Fruits pursuant to any Statutes heretofore in force in Ireland: Provided always, That the amount of the salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed for every Hundred Pounds of the annual value of the Improprate or Appropriate Tithes of such parish, as the same shall have been ascertained by the Certificate of the Commissioners appointed to carry into effect the composition for Tithes in the said parish.

23. Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners, subject to existing interests, and for the maintenance of such members of such Corporations as have duties to perform.

AND whereas it appears by the Report of certain Commissioners constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in Ireland, bearing date the Fifteenth day of April One thousand eight hundred and Thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various names, and that some of such Corporations have dwindled down to a single individual in each, who appears to be wholly discharged of any duty whatever, and that some such offices would long since have become wholly obsolete and extinct but for the emoluments which still attach and are enjoyed by the individuals who fill them; BE it therefore Enacted, That the right, title and interest in and to all lands, tithes, rents, profits and other emoluments heretofore held and enjoyed by any and every Corporation of or belonging to any Cathedral Church in Ireland, known by the names of Minor or Petty Canons, Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, shall from and after the passing of this Act vest in the said Ecclesiastical Commissioners, subject nevertheless to all existing leases, charges and incumbrances, legal or equitable, now affecting the same, and that the rents, issues and profits thereof shall be by the said Ecclesiastical Commissioners applied during the lives of the present members of such Corporations respectively to their use in the same manner and proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the demise or cession of each such member of such Corporations, adequate provision be made out of such rents, issues and profits for the due maintenance of such and so many of their successors as may in the judgment of the said Commissioners be required for the effectual discharge of the duties, if any, appertaining to the members of such Corporations respectively in cases where such provision is not made from other sources; and that the surplus of such rents, issues and profits from time to time accruing to the said Ecclesiastical Commissioners shall be carried to the general fund under the administration of the said Commissioners, who shall have all and every the like powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and be in all respects subject to such and the like restrictions and conditions.

AND

For removing doubts as to the provisions of the recited Act respecting the Precentorship of Christ Church, Dublin.

AND whereas by the hereinbefore recited Act passed in the fourth and fifth years of His Majesty's reign, the Lord Lieutenant or other Chief Governor or Governors of Ireland and His Majesty's Privy Council there, are empowered, on the recommendation of the said Ecclesiastical Commissioners, to order and direct that the appointment to any ecclesiastical dignity or office under the rank of an Archbishoprick or Bishoprick, the person holding which shall not have actual cure of souls within any parish appropriated thereto, shall be suspended upon the next avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such period as such dignity or office shall remain vacant, all and every the tithes, glebes, lands, rents, profits and emoluments whatsoever belonging or appertaining thereto, and all arrears of such tithes, rents, profits and emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like purposes as the other monies and funds accruing to or vested in them under the provisions of the said Act: AND whereas doubts have arisen whether the provisions of the said Act apply to the case of the Precentorship of the Church of the Holy and Undivided Trinity, otherwise called Christ Church, in Dublin, now vacant by reason of the cure of souls in certain parishes belonging in contemplation of law to the said Precentor, although in fact such Cure has not been served by the occupant of such dignity, nor by any resident Curate employed at a sufficient stipend: AND whereas it is expedient to remove such doubts, and also further to explain the said Act; BE it therefore Enacted, That the hereinbefore recited provisions of the said Act shall be taken to extend to the said Precentorship, and also to all dignities or offices the occupants whereof, although having in contemplation of law cure of souls, habitual or actual, in any parish or parishes appropriated or in anywise belonging thereto, shall not for the term of *Three Years* next preceding the *passing of this Act* have continuously served the cure of souls in such parish or parishes, either personally or by a resident Curate remunerated by a sufficient stipend; and also that the said provisions of the said Act shall be taken to extend to all such offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same may not be ecclesiastical offices, nor held by ecclesiastical persons, and also to all cases where Tithes may have been held or enjoyed by the occupants of such dignities or offices, though not in law appropriated to them, and also to cases where Lands only, or Land as well as Tithes, may have been so held and enjoyed or appropriated, or where the same may be under lease: Provided always, That if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the cure of souls within any parish appropriated to any such dignity or office, and that the stipends allowed to such

Curates are insufficient, then and in such case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the profits or emoluments of the parish so appropriated, to allow such stipend to any such Curate, not exceeding *One hundred Pounds* per annum, as they may think necessary, with regard to the duties to be by him discharged. 5

25.
Tithes, &c. disappropriated from Dignities, &c. may be carried to general Fund under administration of Ecclesiastical Commissioners.

AND whereas by the said recited Act of the third and fourth years of His present Majesty's reign, as the same is amended by the said Act of the fourth and fifth years of His Majesty's reign, authority is given to the said Lord Lieutenant or other Chief Governor or Governors and Council, on the next avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend or Canonry, or with the consent of the Incumbent thereof, to disappropriate, disunite and divest from and out of the same any Rectory, Vicarage, Tithes or portion of Tithes and Glebes, or part or parts thereof, and to unite any such Rectory, Vicarage, Tithes or portion of Tithes, or Glebes or part thereof, to the Vicarages or perpetual or other Curacies of such parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage or Curacy, or to erect the same into a distinct Parish or Benefice: AND whereas difficulties have arisen in carrying the provisions of the said Acts into effect by reason of the existence of leases of Tithes or portions of Tithes and Lands, sometimes included in one and the same demise, and sometimes situate in or arising out of several parishes, and doubts have arisen whether the said provisions extend to mensal or demesne lands; FOR remedy whereof, be it Enacted, That the said provisions shall be deemed and taken to extend to and comprise all and every Tithes or portions of Tithes, whether under lease or otherwise, and all lands mensal, demesne or otherwise belonging or appertaining, or anywise held or enjoyed in right of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, whether such Tithes or Lands shall arise out of or be situate in one or more parishes. 10 15 20 25 30

Provisions of recited Acts explained.

26.
In case disappropriated Lands, Tithes, &c. cannot be conveniently united to neighbouring Vicarage or Curacy, or that such Vicarage or Curacy is already sufficiently endowed, the Lands, Tithes, &c. disappropriated shall be transferred to the Ecclesiastical Commissioners and be by them carried to the

And be it Enacted, That in any case where the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit in the exercise of the powers conferred upon them by the said Acts and this Act to disappropriate, disunite and divest from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend or Canonry, any Rectory, Vicarage, Tithes or portion of Tithes or Lands, or part or parts thereof, which by reason of the existence of any such leases as aforesaid, or for any other reason cannot be conveniently appropriated or united to any adjoining or neighbouring Rectory, Vicarage or Curacy, or in case such Rectories, Vicarages or Curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant, or other Chief Governor or Governors and Council, to order that such Rectory, Vicarage, Tithes or portion of Tithes 35 40

Tithes or Land, or part or parts thereof, so disappropriated, disunited and divested as aforesaid, shall be transferred to the said Ecclesiastical Commissioners; and the right and interest in and to the same and all arrears thereof shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general fund under their administration, but charged with and subject nevertheless to the payment of such annual or periodical sum or sums of money, if any, as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit to direct to be paid to any Rector, Vicar or Curate, their or his successors, whose Rectory, Vicarage or Curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the provisions of the said Acts, any such disappropriated Rectory, Vicarage, Tithes or portions of Tithes or Lands might have been appropriated and united.

general fund under their administration.

And be it Enacted, That the said Ecclesiastical Commissioners shall have all such and the like powers of making or renewing leases, or of conveying a perpetual estate or interest of and in any lands, tenements or hereditaments which may become vested in them by virtue of any such disappropriation order as aforesaid, as hereinbefore conferred upon them in respect of any lands, tenements or hereditaments which may become vested in them by virtue of any such suspension order as hereinbefore mentioned; and all and every the provisions hereinbefore contained in respect of such lands, tenements or hereditaments as may be vested in the said Commissioners by any such suspension order, and the making leases and renewals and conveyances thereof, shall apply and extend to lands, tenements and hereditaments vested in them by any such disappropriation order, and the making leases, renewals and conveyances thereof.

27. Ecclesiastical Commissioners shall have like power of making Leases and granting perpetuities in disappropriated Lands, &c. as in Lands, &c. belonging to suspended Dignities.

AND whereas by and under the provisions of the said recited Act of the third and fourth years of His present Majesty's reign, the Bishoprick of Cork and Ross has become united to the Bishoprick of Cloyne, and Doctor Samuel Kyle being at the time of the passing of the said Act, and at the time when the said Bishopricks became united as aforesaid, Bishop of Cork and Ross, has become and now is Bishop of the said united Bishopricks of Cork and Ross and Cloyne: AND whereas upon such union as aforesaid, all and singular the lands, tenements and hereditaments, with all and singular the tithes, rents and emoluments appertaining or belonging to the said Bishoprick of Cork and Ross were, by virtue of the said Act, transferred to and vested in the said Ecclesiastical Commissioners, saving and excepting the See house and offices and mensal or demesne lands to the said Bishoprick of Cork and Ross belonging, which became thereafter by the said Act the See house and offices and mensal or demesne lands of

28. An annual sum of £.1,500 to be paid to Dr. Kyle, Bishop of Cork and Ross and Cloyne, in order to make his present revenue equal to that he had before the union of the Sees.

the said united Bishopricks of Cork and Ross and Cloyne, and the said
 Doctor Samuel Kyle became possessed of and entitled to the revenues
 of the said Bishoprick of Cloyne, saving and excepting to the See house
 and mensal or demesne lands thereunto belonging, which the said
 Ecclesiastical Commissioners were authorized to let or demise for such
 rent or fine as they should think fit: AND whereas the said Ecclesiastical
 Commissioners are authorized and required by the said Act, out
 of the revenues of the said Bishoprick of Cork and Ross so vested in
 them as aforesaid, to make good to the said Doctor Samuel Kyle the sum
 or sums of money, if any, whereby the revenues of the said Bishoprick
 of Cloyne shall fall short of the revenues of the said Bishoprick of Cork
 and Ross: AND whereas the revenues of the said respective Bishopricks,
 being in great measure dependent on fines paid on the renewal of
 leases, are liable to uncertainty and variation, and an annual valuation
 of the said several Bishopricks would be troublesome and inconvenient:
 AND whereas it has been found, upon a comparison of the relative average
 value of the said several Bishopricks, that the revenues of the said Bishop-
 rick of Cloyne fall short of the revenues of the said Bishoprick of Cork
 and Ross by the annual sum of One thousand five hundred Pounds, or
 thereabouts, and the said Doctor Samuel Kyle consents to receive such
 annual sum of One thousand five hundred Pounds in full acquittance and
 discharge of the payment which the said Ecclesiastical Commissioners
 ought to make to him under the provisions of the said Act; BE it
 therefore Enacted, That the said annual sum of *One thousand five
 hundred Pounds* shall be deemed and taken to be the sum whereby
 the revenues of the said Bishoprick of Cloyne fall short of the revenues
 of the said Bishoprick of Cork and Ross; and that the said Ecclesiastical
 Commissioners shall pay to the said Doctor Samuel Kyle, in each
 and every year during his incumbency of the said united Bishopricks of
 Cork and Ross and Cloyne, the said annual sum of *One thousand five
 hundred Pounds*, commencing from the *Fourteenth* day of *September*
One thousand eight hundred and Thirty-five, and that the first payment
 thereof shall be made on the *Fourteenth* day of *September* in this
 current year *One thousand eight hundred and Thirty-six*, by one entire
 payment; and that the future payments thereof shall be made by
 equal moieties, one moiety on the *Fourteenth* day of *March*, and the
 other moiety on the *Fourteenth* day of *September* in each and every
 succeeding year, during the incumbency of the said Doctor Samuel
 Kyle in the said united Bishopricks: Provided always, That the
 said annual payment shall be apportioned so and in such manner
 that on the demise or translation of the said Doctor Samuel Kyle,
 or other determination of his said incumbency, the said Eccle-
 siastical Commissioners shall pay to him, or his executors, adminis-
 trators or assigns, a proportion of such annual sum, according to
 the time which shall have elapsed from the commencement or last
 period of payment thereof respectively (as the case may be), including
 the

the day of the demise or translation of the said Doctor Samuel Kyle, or other determination of his said incumbency in the said united Bishopricks.

5 AND whereas it is provided by the said Act of the fourth and fifth years of the reign of His Majesty, that no sum shall be paid by the said Commissioners to any Attorney or Solicitor as and for costs, charges or expenses, unless the amount of such payment shall first have been approved of by the Lords of the Treasury, and that no sum exceeding One thousand Pounds shall be allowed in any one year by the Lords of the Treasury, as and for the costs, charges or expenses of any such Attorney or Solicitor, and that before any such sum shall be allowed by the said Lords Commissioners of the Treasury on such account as aforesaid, the particulars of all such costs and expenses shall be laid before them: AND whereas it is necessary to explain the said hereinbefore recited provision; BE it therefore hereby Enacted and Declared to be the intent and meaning of the said Act, That no sum exceeding *One thousand* Pounds shall be allowed in any one year for the personal services of any such Attorney or Solicitor, but that no disbursements nor expenses actually and properly made or incurred by such Attorney or Solicitor in and about the affairs and business of the said Ecclesiastical Commissioners, and by their authority and direction, shall be deemed or taken to be included in the said sum of *One thousand* Pounds, or form part thereof.

29.
 Provision of
 4th & 5th
 Will. 4, c. 90,
 relating to
 costs of Soli-
 citor amended.

25 And be it further Enacted, That the said several recited Acts of Parliament shall continue in full force and effect, save and except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as one Act to all intents and purposes; and that this Act may be altered, amended or repealed by any Act or Acts to be passed in the present Session of Parliament.

30.
 Former Acts
 in force save
 as hereby
 repealed or
 altered, and
 to be con-
 strued to-
 gether with this
 Act.
 Act may be
 altered this
 Session.

Church Temporalities.

(Ireland.)

A

B I L L

To amend two Acts, passed respectively in the third and fourth, and in the fourth and fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of Ireland.

*(Prepared and brought in by
Lord Viscount Morpeth and Lord John Russell.)*

*Ordered, by The House of Commons, to be Printed,
21 July 1836.*
