

8 May 1837.—7 WILL. IV.



(Ireland.)

A

B I L L



For the better Regulation of Ecclesiastical Revenues, and the
Promotion of Religious and Moral Instruction in Ireland.

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

W **H** **E** **R** **E** **A** **S** it is expedient to abolish Compositions for Preamble:
Tithes in Ireland, and in lieu thereof to substitute Rent-

charges, payable by persons having a perpetual estate or interest in
the lands subject thereto, a reasonable allowance being made for the
greater facility and security of collection arising out of such transfer
of liability from the Occupiers to the Owners of lands: **A** **N** **D** whereas
it is also expedient to make provision for the better distribution of
Ecclesiastical Duties and Revenues, and for the promotion of Moral
and Religious Instruction in Ireland; **B** **E** **I** **T** **H** **E** **R** **E** **F** **O** **R** **E** **N** **A** **C** **T** **E** **D**, 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 the right of all persons in and to all Tithes or Compositions
for Tithes at any time hereafter to accrue due in Ireland shall wholly
cease and determine.

1.
Compositions
for Tithes
abolished.

Provided always, and be it Enacted, That the several persons who
would have been entitled to the receipt of the said Compositions for Tithes,
if this Act had not been passed, shall be and remain liable to The King's
Majesty for the repayment by instalments of the advances made under
authority of an Act passed in the third and fourth years of the reign of
His present Majesty, intituled, "An Act for the Relief of the Owners of
Tithes in Ireland, and for the Amendment of an Act passed in the last
Session of Parliament, intituled, 'An Act to amend three Acts passed
283. respectively

2.
But without
prejudice to
the Provisions
of 3 & 4 Will.
4. c. 100.

respectively in the fourth, fifth, and in the seventh and eighth years of the reign of his late Majesty King GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent," and that the several sums directed by the said Act to be added to and made payable, together with and in addition to the said Compositions, shall be payable to and recoverable by the persons who would have been entitled to the said Compositions by and from the persons who would have been liable to the payment of such Compositions, if this Act had not been passed, as if such sums had been by the said Act made separately payable and recoverable as Compositions for Tithes, and that, save as aforesaid, all and every the provisions in the said Act contained in any way relating to the recovery of such instalments and sums, or enabling any person liable to the payment of such Compositions to recover against any person any sum whatsoever on account of such liability, shall, until Parliament shall otherwise provide, remain in full force and effect as if the right to the said Compositions were still subsisting.

3.
All Lands subject to the payment of Tithe Compositions charged with an annual sum by way of Rent-charge, equal to Seven-tenths of such Compositions, to be payable by the Party having the first Estate of Inheritance, &c. in such Lands.

And be it Enacted, That every parcel of land charged with or in respect whereof the said Tithe Compositions or any applotment or assessment thereof would have been payable if this Act had not been passed, shall be and become severally liable to and charged with the payment of an annual sum or Rent-charge equal to *Seven-tenths* of the annual amount of such Tithe Compositions, and that such Rent-charges shall be payable by the party having in such lands respectively the first estate of inheritance, or other estate or interest equivalent to a perpetual estate or interest as hereinafter defined, under which or derived wherefrom there shall be no such perpetual estate or interest, according to the quantity of such lands comprised in each such estate or interest; and that the first payment of such Rent-charges shall become due on the *First* day of *November* in this present year, and the subsequent payments thereof on the *First* day of *November* in each succeeding year: Provided, That although such Tithe Compositions may have been separately applotted or assessed upon different portions of such lands, the lands comprised in each such estate or interest shall be charged with the annual payment as aforesaid of one entire sum or Rent-charge equal to *Seven-tenths* of the gross annual amount of such several applotments or assessments: Provided further, That the amount of such Rent-charges shall be computed on the gross amount of such Tithe Compositions as stated in the certificates thereof respectively, without regard to the deduction of Fifteen Pounds per centum claimable by persons undertaking the payment of such Tithe Compositions under the provisions of an Act passed in the second and third years of His present Majesty's reign, intituled, "An Act to amend three Acts passed respectively in the fourth and fifth and in the seventh and eighth years of the reign of his late Majesty King GEORGE

GEORGE the Fourth, providing for the establishing of Compositions for Tithes in Ireland, and to make such Compositions permanent."

And be it Enacted, That any estate or interest held under any deed or instrument containing any provision, contract or covenant for the perpetual renewal thereof, and any estate or interest held for any term of years, whereof at least *One hundred* shall be to come and unexpired on the *Thirtieth* day of *October* in this present year, and any estate held by lease or demise immediately from and under any Archbishop, Bishop, or other ecclesiastical person, in any lands belonging to the see or other spiritual promotion or dignity of such Archbishop, Bishop, or other ecclesiastical person, or under the Ecclesiastical Commissioners for Ireland, being parcel of the lands vested or which may become vested in them under the provisions of an Act made 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," shall be deemed and taken to be, for all purposes relating to the said Rent-charges, equivalent to a perpetual estate or interest; and that each Tenant in dower or Tenant by courtesy, and each person having, under the limitations of any settlement by deed, will, Act of Parliament or otherwise, any estate for life or other particular estate thereby created or limited, out of or in any estate of inheritance, or out of or in any such equivalent estate as hereby defined, shall be, during such his interest, liable to the payment of such Rent-charge as fully to all intents and purposes as if he were seised of or entitled to the whole estate in such inheritance or perpetual interest.

4.
What shall be deemed equivalent to an Estate of Inheritance or Perpetual Estate.

3 & 4 Will. 4, c. 37.

And be it Enacted, That where, by the laws now in force in Ireland, any person shall be entitled to hold and occupy under any lease or demise the lands thereby demised free from the payment of Tithes or Composition of Tithes, he shall not be liable to the payment of the said Rent-charge, but the party having in such lands the first estate of inheritance or other equivalent estate or interest as before described, expectant or in reversion, and who would not be entitled to a like exemption under the laws aforesaid, shall be liable to such payment: And provided further, That in case of the forfeiture, surrender or other determination of any estate or interest, the owner whereof may be liable to the payment of such Rent-charge as aforesaid, the party having the first estate of inheritance or other equivalent estate or interest as before described, in remainder or reversion, shall become liable to the said payment of such Rent-charge: And provided further, That in case of any such devolution of interest, no more than the amount of *One Year's* arrear of Rent-charge shall be a charge on the lands, subject to the payment of such annual Rent-charge.

5.
If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

On determination of any Estate chargeable with Rent-charge, the next Estate shall become chargeable.

6.

If any Person who would have been liable to Tithe Composition hold immediately or immediately under the Person liable to such Rent-charge, the amount of such Rent-charge may be recovered as Rent from the next Tenant, and so downwards to the Person primarily liable.

And be it Enacted, That whenever any person who would have been liable to the payment of any Composition for Tithes, if this Act had not been made, shall hold the lands in respect whereof such Composition for Tithes would have been so payable as lessee or sub-lessee under a person liable to the payment of such Rent-charge as aforesaid in respect of the same lands, then and in such case an annual sum equal to the amount of such Rent-charge shall be from time to time payable to the person so liable to the payment of such Rent-charge by the next immediate lessee holding under him, such sum to become first due on the *First* day of *November* in this present year, and to be then payable by one entire payment, and the like annual sum thereafter in every succeeding year, to be payable at such times and by such quarterly or half-yearly or yearly payments, as the rent due and payable by such lessee may be reserved and made payable, and together therewith, and subject to all the like incidents, in like manner, to all intents and purposes as if such sum had been mentioned in the same lease, instrument or demise, and expressly reserved and made payable thereby; and the person liable to such Rent-charge as aforesaid shall have such and the like remedies to enforce payment of such sum by distress, ejectment or re-entry, or by action of debt, covenant or otherwise, as he may have to enforce payment of the rent reserved by such lease, instrument or demise; and the said next immediate lessee, in case he himself would not have been liable to the payment of such Tithe Compositions as aforesaid, shall be in like manner, and by all such and the like remedies, entitled to receive and recover of and from his immediate sub-lessee such annual sum from time to time accruing due and payable, and so on, each lessee recovering from his sub-lessee downwards to the person who would have been primarily liable to the payment of such Tithe Compositions if this Act had not been made: Provided always, That in the case of the land being divided among several lessees or sub-lessees, each of them shall be liable to the payment of no greater portion of such annual sum than may from time to time become due and payable in respect of the land which such lessee or sub-lessee, or any other person with him jointly, may hold: Provided further, That where any person would have been liable, under the provisions of any law now in force in Ireland, to make payment of any Composition to any landlord or person entitled to the receipt of the same by virtue of any certificate of agreement as is mentioned in the hereinbefore-mentioned Act of the second and third year of His present Majesty's reign, such person liable to make payment of such Composition to the person entitled thereto by virtue of such certificate shall be deemed to be within the meaning of this Act the person primarily liable thereto; and where the lessee or occupier of any lands may be entitled to deduct out of the rent payable by him to his landlord the amount of any Composition, such landlord

landlord shall be deemed to be within the meaning of this Act the person primarily liable thereto.

And be it Enacted, That in any case where the effect of any Composition may be by any law now in force suspended in consequence of any
 5 lease of Tithes, or agreement in writing respecting the same, every such lease or agreement having such effect as aforesaid, but none other, shall from and after the *passing of this Act* wholly cease and determine, but without prejudice to the recovery of any sum heretofore accrued due by virtue thereof; and the lands which would, if this Act had not
 10 been made, have upon the termination of such lease or agreement become subject to the payment of any Composition for Tithes shall be and become severally charged with an annual sum or Rent-charge equal to *Seven-tenths* of the amount of such Composition, and an annual sum equal in amount to such Rent-charge shall become payable to the
 15 persons from time to time liable to the payment of such Rent-charge, and to their lessees and sub-lessees, in like manner as hereinbefore provided in cases where the effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, That if any payment on account of this present year shall previous to the *passing*
 20 *of this Act* have accrued due by virtue of or under such lease or agreement, the amount thereof shall be deducted from the Rent-charge accruing due on the *First* day of *December* in this present year, and the residue only shall be then payable.

7.
Such Leases, &c. of Tithes as have now the effect of suspending Compositions shall determine, and none other.

AND whereas by an Act passed in the fourth year of the reign of
 25 his late Majesty King GEORGE the Fourth, intituled, "An Act to provide for the Establishment of Compositions for Tithes in Ireland for a limited time," it was enacted, that whenever under the provisions of that Act, any Composition should be made for Tithes payable in any parish, every person who should afterwards set, let or demise any land
 30 lying within such parish at a rack-rent should make such lease or demise free from the payment of Tithes during the continuance of such Composition; and that in such case it should be lawful for the lessee or occupier of such land, and every such lessee or occupier was thereby required to pay the amount of such Composition to the person entitled
 35 thereto; and that it should be lawful for such lessee or occupier of such land to deduct the amount of all such payments from time to time out of the amount of rent payable by such lessee or occupier of such land to his immediate landlord; and it was further enacted by the said recited Act, that in case such Composition should cease and
 40 determine at any time during the continuance of such lease, the rent reserved in such lease should be reduced in amount by a sum equal to the amount of such Composition: AND whereas in such cases of land set, let or demised at a rack-rent in any parish at any time after the establishment of a Composition for Tithes therein, the amount of such

8.
Where Leases at Rack-rent have been made, after the establishment of any Composition in pursuance of 4 Geo. 4. c. 99. the Rents shall be reduced in proportion to the difference between such Composition and the Rent-charge payable under this Act.

Composition has by reason of the said recited enactments been added to and made payable together with and as part of the rent ; and it is just and reasonable that such rent should be reduced to the extent of the reduction made under this Act in converting the said Composition into a Rent-charge ; BE it therefore Enacted, That in the case of any lease made at a rack-rent, at any time after the establishment of a Composition for Tithes in any parish, of lands subject to the payment of such Composition, the rent reserved upon and made payable in and by any such lease shall be reduced by a sum equal to the difference between the amount of the Composition heretofore payable in respect of such lands and the amount of the Rent-charge which will under the provisions of this Act become payable in lieu thereof, and that the party from time to time liable to the payment of such rent shall be entitled to deduct the amount of such difference accordingly : Provided always, That, subject to such reduction, such rent shall remain payable as if the said Tithe Compositions were not by this Act determined.

9.
Compositions
for Tithes may
be revised on
application to
the Lord
Lieutenant in
Council.

AND whereas it is just and expedient, with a view to a final and satisfactory settlement of the amount of the said Compositions for Tithes and the Rent-charges payable in lieu thereof, that the calculations on which such Compositions have been established should be subjected to revision where a proper *prima facie* case for revision may be made out ; BE it therefore Enacted, That it shall and may be lawful for any person or persons in any parish, who would have been, in case this Act had not been made, individually or collectively liable to the payment of more than One-half of the amount of the whole Composition established in and for such parish, whether the several sums payable by him or them respectively shall be or may have been payable to any party entitled to the receipt of any Composition, or to any landlord who may have taken upon him the payment of such Composition, to apply to the Lord Lieutenant of Ireland in Council, praying, on behalf of such parish, a revision of the Composition established therein ; and in like manner it shall be lawful for any person who would have been, in case this Act had not been made, entitled to any Composition for Tithes, to apply within the said period of *Six* Weeks to the said Lord Lieutenant in Council, praying the revision of such Composition, and every such application shall be made by memorial, lodged within *Six* Weeks next after the *passing of this Act* with the Clerk of the Privy Council of Ireland, and notice of every such application shall be posted on the church door, and on the usual places of posting notices of applications for Grand Jury presentments, in the barony or half barony in which the parish to which such application may refer is situate, and once inserted, by or on behalf of the applicant party, in some newspaper circulating within such parish within *Ten* Days next after such memorial shall be so lodged with the Clerk of the Council : Provided, That where the effect of any Composition may have been suspended previous to

to the *passing of this Act* by virtue of any lease or agreement in writing, the Owners and Occupiers of any lands upon which collectively a sum exceeding *One-half* of the amount of such Composition may have been applotted, shall be deemed and taken to be qualified within the meaning
 5 of this Act to make such application.

And be it Enacted, That every such memorial shall state the particulars, grounds and reasons for making such application, and the material allegations of every such memorial shall be verified by some *One* or more credible person or persons, according to the best of
 10 their knowledge and belief, on oath, before *One* or more of the Justices of the peace for the county or one of the counties wherein such parish may be situate (which oath any such Justice or Justices is and are hereby authorized to administer); and if by any such memorial so verified it shall appear to the said Lord Lieutenant in Council that the
 15 amount of the Composition to which such memorial may relate exceeds by more than *One-fifth* the actual amount of the average of the sums really and truly paid, or really and truly agreed to be paid, or really and truly due and adjudged to be paid, during the *Seven* Years on the average of which such Composition was calculated, or
 20 that any sum was added to the actual amount of the average of such true and real sums without just and sufficient grounds and reasons for such addition, or that any fraud, concealment, misrepresentation or circumvention was practised upon the entering into such Composition, whereby the amount of such Composition was unduly affected, or that
 25 such Composition was made upon *ex parte* evidence, whereby the amount of such Composition was unduly affected, then and in every such case the said Lord Lieutenant shall cause the same to be revised in manner hereinafter mentioned : Provided always, That when an appeal from any Certificate of Composition has before the *passing of*
 30 *this Act* been decided upon the merits by the Lord Lieutenant and Privy Council, or by any Judge of Assize, it shall be at the discretion of the said Lord Lieutenant and Council to cause such Composition to be revised or not, as he and they shall deem proper.

10.
 Grounds on which applications for revision may be founded, shall be submitted for their consideration, and if found sufficient, such revision shall be allowed.

And be it Enacted, That the said Lord Lieutenant shall by warrant
 35 under his hand appoint, for the duty of revising all such Compositions as shall be so found to need revision, so many Barristers as he or they may think necessary, of not less than *Six* Years' standing at the Irish bar, and shall refer each such Composition for revision to any *Three* or more of such Barristers, and shall appoint the time and place
 40 or times and places at which they shall proceed with such revision ; and such Lord Lieutenant shall, at his discretion, direct any such Compositions to be revised consecutively by such *Three* or more Barristers, or that any such Compositions shall be revised simultaneously by any other such Barristers, so that, however, not less than *Three* such

11.
 Barristers to be appointed for the purpose of such revision.

Barristers shall be authorized to proceed with the revision of any such Composition.

12.
Rules to be
observed in
the revision of
Compositions
under this
Act.

And be it Enacted, That the Barristers so authorized to proceed with the revision of such Compositions shall give public notice of the several times and places at which, pursuant to such order and direction, they will hold Courts for such purpose, as well by advertisement to be inserted at least *Ten Days* previous to each such time in some newspaper circulating within the respective parish or parishes in which each such Composition may have been established, as by notices to be posted on the usual places for posting notices of applications for Grand Jury presentments at special sessions for the barony or half barony in which each such parish or any part of such parish may be situate; and at the time and places so notified, such Barristers shall in open court proceed to revise each such Composition, and shall in the first place inquire into and ascertain the manner in which each such Composition may have been calculated, and require the party who may have applied for such revision to sustain his or their objections thereto, and to produce evidence in support thereof; and such Barristers, having heard all such objections and evidence relating to such objections as shall be offered or made by or in behalf of any party entitled, or who may have been entitled to such Composition, or by or in behalf of any Owner or Occupier of land subject to such Composition, shall correct any error or injustice which shall appear to them to have occurred in the calculation of such Composition, or in respect of any of the matters set forth in the memorial before-mentioned, and shall make such order for confirming, increasing or decreasing the amount of each such Composition as they shall think just and equitable: Provided always, That if it shall appear to such Barristers that the annual amount of the sums paid or recovered on account of Tithes in any such parish shall not have varied above *One-fifth* part of the average annual amount of the whole during the series of *Seven Years* with reference whereto such Composition may have been calculated, then and in such case the amount of such Composition shall be fixed according to the average annual amount of the sums so paid and recovered during such *Seven Years*, unless it shall be shown that such payments were made with an admission that the Tithes were of greater value or that more was due: Provided always, That where any sum shall have been included in computing the amount of any such Composition on the evidence of any promissory note or other instrument or agreement, or of any adjudication made by any Ecclesiastical or other Court or Justices, in default of the appearance of the party against whom such adjudication may have been made, the said Barrister shall receive evidence, if offered, that the real value of the Tithes in respect whereof such promissory note, instrument, or agreement or adjudication may have been made, was less than the amount thereof, and in all cases where such lesser value shall be

be proved, shall, after hearing evidence in support of such Composition, correct accordingly the amount of such Composition: Provided also, That when any sums shall have been added to the average amount of the Tithe paid, or agreed or adjudged to be paid during any such series of years as aforesaid, the said Barristers shall examine into the sufficiency of the grounds and reasons upon which such addition has been made as set forth in the statement subjoined to the certificate of such Composition, and shall allow or disallow the same, and deduct or reduce or increase the sum so added, as to them shall seem just: Provided also, That where the Tithes of any land, not having been actually paid or adjudged to be paid during the series of years with reference whereto any Composition may have been calculated, such Tithes have been estimated or calculated according to the payments made for Tithes of the like kind in the same or any adjoining parish, or according to such information as may have been obtained, the said Barristers shall inquire into the facts and the accuracy of such information, and the fairness of any such estimate, and amend or confirm the calculation of such Composition accordingly: And provided further, That where the amount of any Composition shall have been fixed by agreement, such amount not having been ascertained by any Commissioner or Commissioners, or Umpire, under the provisions of the said recited Acts, and that it shall appear that either of the parties thereto entered into such agreement in ignorance of any facts, the knowledge whereof was material to making an equitable arrangement between them, or under any concealment or misrepresentation of such facts, and that such agreement was unjust, the said Barristers shall inquire into and ascertain and fix the just amount of Composition which ought to be established in lieu of the sum so fixed by agreement: provided further, That where in the calculation of any such Composition it shall appear to the said Barristers that any sum has been included on account of the Tithes of any land which they shall deem to have been Tithe-free, the said Barristers shall exclude such sums in calculating the amount of such Composition.

And be it Enacted, That the said Barristers shall adjudge the expenses of the revision of each Composition to be paid either by the party or parties entitled to the receipt of the Rent-charges by this Act created, or by the Owners or Occupiers of the lands, subject to the said Rent-charges or by both, in such proportions as to such Barristers shall seem just: Provided always, That if upon such revision such Composition shall not be reduced *One-seventh* part of the whole, and if such revision shall have taken place upon the application of the said Owners or Occupiers, the whole of such expenses shall be paid by them; and that if such Composition shall not be increased *One-seventh* part of the whole, and if the revision thereof shall have taken place upon the application of any party entitled to the said Rent-charges, the whole of such expenses shall be paid by such party: And provided

283. B further,

13.
Barristers
revising
Compositions
shall make
order for
payment of
the Expenses
by such party
as they shall
think fit, sub-
ject to certain
Rules.

further, That it shall be lawful for the said Barristers to direct the payment of such costs as shall seem to them fitting by either of the parties to such revision to the other of such parties in cases where, in the discretion of such Barristers, such payment may be proper and just; and payment thereof may be enforced by action of debt or on the case, or by civil bill in the Court of the Assistant Barrister; and the production of an order attested under the hands of any *Two* such Barristers shall be sufficient evidence of the liability of the defendant to pay the sum therein expressed to the plaintiff suing for the same.

14.
Barristers shall transmit their Award to the Lord Lieutenant, who shall amend Rentals of Rent-charge and Applotments accordingly.

And be it Enacted, That such Barristers, having made such order and adjudication as aforesaid, shall transmit the same, attested under their hands or the hands of any *Two* of them, to the said Lord Lieutenant, who shall cause the certificate and applotment of such Composition, and the entry of such certificate in the registry of the diocese, to be amended, if necessary, according to such order; and such amendment shall take effect from and after the *First* day of *November* now last past, but shall be without prejudice to any arrears of Composition then or theretofore due.

15.
Treasury may order advances from the Consolidated Fund to defray the Expenses incurred in revision of Composition.

And be it Enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of Great Britain and Ireland to order and direct that any such sum or sums of money as may be necessary, shall from time to time be advanced out of the produce of the Consolidated Fund arising in Ireland, for defraying the expenses to be incurred in the revision of such Compositions as aforesaid, or for the amendment of applotments under the provisions of this Act as hereinafter mentioned, not exceeding the sum of Two hundred Pounds with respect to any one parish; and that all such advances shall be made to such persons at such times, in such manner and under such rules and regulations as shall from time to time be ordered and directed by the said Commissioners, or any Three or more of them.

16.
Barristers may compel attendance of Witnesses.

And be it Enacted, That the said Barristers holding any such court shall have power to adjourn the same, and the revision of each such Composition, from time to time and from place to place as they may think proper, subject to the orders and directions of the said Lord Lieutenant; and, for the purpose of revising such Compositions as aforesaid, such Barristers shall have and they are hereby invested with all and every the powers and authorities which it is, by the said Acts in force in Ireland for establishing Compositions for Tithes, provided that any Commissioner or Commissioners acting thereunder may use and exercise, for ascertaining and fixing the amount of any Composition to be established under the provisions of the said Acts; and the said Barristers shall have power and authority to call before them, by a summons in writing under the hands of any *Two* of them, and to examine the respective Commissioner or Commissioners, or Umpire, by whom each Composition

Composition may have been established, or any other person, whether interested or not interested in the matter of such revision, whom they judge fit and necessary to examine touching the matter of such revision ; and they shall also have authority to require such Commissioners or

5 Umpire, or any other person having in his or their possession or power any books, papers, writings, accounts, or other documents material to the calculation of such Composition, or to the revision thereof, to produce the same ; and the said Barristers shall have power and authority to administer an oath or affirmation to any person who may

10 be so summoned, or to any witness who may be tendered, and all such persons so summoned before such Commissioners are hereby required to give evidence and information accordingly ; and if any person so summoned, whether personally or by notice left at his usual residence, shall not attend pursuant to such summons, or shall

15 decline or refuse to give evidence, or shall refuse to produce any books, papers, writings, accounts, or other documents of which the said Barristers may lawfully require the production, it shall be lawful for such Barristers either to make application to any of His Majesty's superior courts at Dublin for an attachment against such person,

20 which attachment shall issue out of such court accordingly, on due proof by affidavit of the service of such summons and the default of the person so summoned, and be proceeded with in like manner as any other attachment issuing out of such superior court ; or it shall be lawful for such Barristers, upon complaint upon oath made to them, to

25 convict such person so offending as aforesaid summarily in such penalty, not exceeding *Fifty* Pounds, as they shall think fit, and in default of payment to commit such person to the gaol of the county or place in which such Barrister shall be sitting, for any period not exceeding *Three* calendar Months.

30 And be it Enacted, That where any person who may have acted as a Commissioner or Umpire in the establishment of any such Composition, or any other person not being a party interested in the matter of such revision, either as the Owner or Occupier of land subject to such Composition, or as a party who would have been entitled to the receipt thereof if this Act had not been made, shall appear before the said

35 Barristers, and be by them required to give evidence, it shall be lawful for such Barristers, at their discretion, to order such reasonable allowance to be paid to such person, for his actual expenses and loss of time, as they may think proper ; and such order shall be made under

40 the hands of such Barristers, and directed to such person as the said Commissioners of the Treasury shall appoint to make payments conformably to such orders ; and such money shall be paid accordingly, and included in the expenses of the revision of such Compositions, and repaid in like manner and as part thereof.

17.
Barristers may
allow Expenses to
Witnesses not
interested in
the matter.

18.
Witnesses and
Barristers how
to be paid, and
Expenses of
Revision how
to be repaid.

And be it Enacted, That every Barrister appointed for the duty of revising such Compositions as aforesaid shall be paid at the rate of Five Guineas for every day that he shall be so employed; and all such Barristers who shall be so employed together shall, after the termination of their sitting at each place, lay or cause to be laid before the said Commissioners of the Treasury, a statement of the number of days during which they and each of them shall have been so employed, specifying in such account where more than one Composition may have been revised at one place, the time employed, and the expenses incurred in and about the revision of each such Composition respectively; and such Commissioners, or any Three or more of them, shall make an order for the amount ascertained to be due to each such Barrister as aforesaid, to be paid to him out of the said Consolidated Fund; and the said Commissioners shall cause an account to be kept of the amount of the money so advanced on account of the expenses of the revision of such Compositions respectively; and where any expenses shall have been incurred on account of the revision of several Compositions conjointly, the amount of such joint expenses shall be apportioned amongst them in such manner and proportions as the said Commissioners, or any Three or more of them, shall direct; and in case it shall have been adjudged that the Owners or Occupiers of land liable to Rent-charge within the parish in which any such Composition may have been established should pay such expenses, or any proportion thereof, a certificate of the amount of the money so payable by such Owners or Occupiers shall be transmitted, under the hand of one of the Joint or Assistant Secretaries of the said Commissioners of the Treasury, to the Treasurer of the county in which such parish may be situate, and such Treasurer shall insert the sum specified in such certificate in his warrant for the collection of the money to be raised and levied off such parish, by presentment of the Grand Jury at the assizes next succeeding; and such sum shall be apportioned, raised and levied off such parish in like manner and by the like ways and means as if such sum had been presented by such Grand Jury, and shall be paid over by the said Treasurer, when and as by him received, to such bank or person and in such manner as the said Commissioners of the Treasury shall direct; and in case such expenses or any proportion thereof shall have been adjudged to be paid by any party entitled to the receipt of the said Rent-charges, the said Commissioners shall cause the sum so payable by such party to be notified to him, and he shall pay the same to such bank or person as the said Commissioners of the Treasury shall appoint, and in default thereof the said sum shall be recovered as a debt due to The King, whereof a like certificate, under the hand of any such Joint or Assistant Secretary, shall be sufficient evidence, and the money so paid or recovered shall be applied to replace the sums so advanced out of the said Consolidated Fund.

19.
Appeals now
before Privy
Council may
be referred to

And be it Enacted, That it shall and may be lawful for the said Lord Lieutenant to cause such Compositions concerning which any appeal

appeal is now pending before the Lord Lieutenant and Privy Council, or before any Judge of Assize, and remaining undecided, to be revised by Barristers to be appointed as herein directed, in the same manner and subject to the same provisoes and enactments, in respect of costs and all other matters, as are provided and enacted with respect to Compositions to be revised under the provisions hereinbefore contained: Provided always, That the parties concerned in such appeals shall not be liable to any other or greater costs than they would have been if this Act had not been made.

Barristers
under this
Act.

10 And be it Enacted, That it shall be lawful for any such persons as are hereinbefore authorized to apply for the revision of any Composition, to apply to the said Lord Lieutenant in Council, praying the amendment of the applotment of any Composition, and such application shall be made by memorial, to be lodged with the said Clerk of the Council
15 and notified by public advertisement, and otherwise in like manner as applications for the revision of Compositions; and if by any such memorial it shall be made to appear to the satisfaction of the said Lord Lieutenant in Council, that any such applotment of such Composition is defective or unjust, or does not with sufficient precision ascertain the
20 lands and holdings in respect whereof the said Rent-charges will be payable, it shall and may be lawful for the said Lord Lieutenant and Council to direct such applotment to be amended, and for that purpose to appoint some one or more skilful person or persons, who shall therein have and exercise the like powers, privileges and authorities, and
25 observe the several regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such instructions and directions as the said Lord Lieutenant and Council shall prescribe for the avoiding any defect or uncertainty to which the original applotment may have been liable; and such amended
30 applotment shall be returned to the Clerk of the said Council, attested under the hand of the person or persons making the same, and the original book of applotment shall be amended under the direction of the said Lord Lieutenant accordingly; and such amended book of applotment shall be in the place and stead of the said original book of
35 applotment, and be valid and effectual to all intents and purposes for which the said original book of applotment would have been valid and effectual, but in the meantime such original book shall be in full force and effect; and the said Lord Lieutenant shall cause to be paid to the person or persons employed for the purposes aforesaid such remunera-
40 tion as he shall think reasonable, and the expenses thereof shall be repaid by Grand Jury presentment, in like manner as hereinbefore provided in respect of the costs of the revision of any Composition.

20.
Lord Lieu-
tenant may
cause Applot-
ments to be
amended.

AND forasmuch as the Rent-charges made payable by this Act are charged upon the lands heretofore subject to the payment of Compositions

21.
Proceedings
where the
liability of
Lands to

Rent-charge
shall be dis-
puted.

sitions for Tithes, it is expedient to make provisions for the more cheap and convenient determination of the liability to such Compositions; BE it therefore Enacted, That where any person having any interest in any lands whereon any such Composition shall have been applotted shall dispute the liability of such lands thereto, by reason of such land having been Tithe-free, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the petition of any such person, in a summary way to make such order, allowing or disallowing such claim of exemption, or to direct such feigned issue or reference to any Master of the Court, or the Chief or Second Remembrancer, or other proceeding as such Court shall think proper, for the purpose of ascertaining whether such lands would have been rightfully charged with Tithe Composition if this Act had not been made, or if such Composition had not been suspended; and if it shall appear to the Court that such land would not have been rightfully charged with such Composition, it shall be lawful for the said Court so to declare and to make such order for the amendment of the certificate and applotment of such Composition, and of the entry of such certificate in the registry of the diocese, as to such Court may seem fit; and such lands shall be exonerated from Rent-charge accordingly.

22.
When Tithe-
free Lands
have been
subjected to
Composition,
such Compo-
sition shall be
reduced.

And be it Enacted, That where any lands made subject to the payment of any part of a Composition (the amount of such Composition not having been fixed by agreement) shall by virtue of any decision in law or equity have been, or at any time shall be declared to be, exempt from the payment of Tithes, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon the petition of any person liable to the payment of Rent-charge, in the parish in which such lands may be situate, to direct any Master of such Court, or the Chief or Second Remembrancer, to inquire into and ascertain, by examination of the Commissioner or Commissioners, or Umpire, as the case may be, by whom such Composition may have been established, or otherwise upon the best evidence which can be procured, the sum included in the amount of such Composition on account of the Tithes of such land, and the certificate and applotment of such Composition, and the entry of such certificate in the registry of the diocese, shall be amended accordingly under the direction of such Court, and the Rent-charges payable instead of such Composition for Tithes shall be reduced proportionably.

23.
What Pre-
scriptions to
be valid in
law in case of
Claims of
Exemption
from Tithes.

And be it Enacted, That all claims of exemption from or discharge of Tithes, or Compositions for Tithes, shall in all cases whatever be sustained, and be deemed good and valid in law upon evidence showing the enjoyment of the land without payment or render of Tithes, money or other matters in lieu thereof, for the full period of *Thirty Years* next before the *passing of this Act*, unless the render or payment of Tithes, or

of money or other matter in lieu thereof, shall be shown to have taken place at some time prior to such *Thirty Years*, or it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and if such proof
 5 in support of the claim of exemption shall be extended to the full period of *Sixty Years* next before the *passing of this Act*, such claim shall be deemed absolute and indefeasible, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given for that purpose by deed or writing; and where the
 10 render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, or other corporation sole, whether spiritual or temporal, or by the said Ecclesiastical Commissioners, then every such prescription or claim shall be valid and inaefeasible,
 15 upon evidence showing such enjoyment had, as is hereinbefore mentioned, for and during the whole time that two persons in succession shall have held the office or benefice in respect whereof such render of Tithes in kind might have been claimed, and for not less than *Three Years* after the appointment and institution or induction of a third
 20 person thereto: Provided always, That if the whole time of the holding of such two persons shall be less than *Sixty Years*, then it shall be necessary to show such enjoyment had, not only during the whole of such time, but also during such further number of years either before or after such time, or partly before and partly after, as
 25 shall with such time be sufficient to make up the full period of *Sixty Years*, and also for and during the further period of *Three Years* after the appointment and institution or induction of a third person to the same office or benefice, unless it shall be proved that such enjoyment was had by some consent or agreement expressly made or given
 30 for that purpose by deed or writing.

Provided always, and be it Enacted, That the provisions hereinbefore contained, with respect to the establishment of claims of exemption from or discharge of Tithes, shall not extend to any case where the Tithes of any land shall have been demised by deed for any
 35 term of life or number of years, or where any Composition for Tithes shall have been made by deed or writing by the person or body corporate entitled to such Tithes with the owner or occupier of the land for any such term or number of years, and such demise or Composition shall be subsisting at the time of the *passing of this Act*, nor to
 40 any suit for establishing a claim to Tithes which was pending on the *First day of June* in the year *One thousand eight hundred and Thirty-six*.

24.
To what cases the hereinbefore contained provisions shall not extend.

Provided also, and be it Enacted, That where any lands or tenements shall have been held or occupied by any Rector, Vicar, or
 283. other

25.
Time during which Lands shall be held by Persons

entitled to the Tithes thereof, to be excluded in the Computation; as also the time during which any Person capable of resisting any Claim shall be an Infant, &c.

other person entitled to the Tithes thereof, or by any person compounding for Tithes with any such Rector, Vicar, or other person, whereby the right to the Tithes of such lands may have been or may be during any time in the occupier thereof, or in the person entitled to the rent thereof, the whole of every such time and times shall be excluded in the computation of the several periods of time hereinbefore mentioned: Provided also, That the time during which any person otherwise capable of resisting any claim to any such exemption or discharge as aforesaid shall have been an infant, idiot, non compos mentis, feme covert, or lay tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

26.

What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

And be it Enacted, That in all proceedings to be taken after the *passing of this Act*, for the purpose of determining the exemption or discharge of any lands from Tithes, it shall be sufficient to allege that the exemption or discharge claimed was actually exercised and enjoyed for such of the periods mentioned in this Act as may be applicable to the case; and any provision, exception, incapacity, disability, contract, agreement, deed or writing herein mentioned, or any other matter of fact or law not inconsistent with the simple fact of the exercise and enjoyment of the matter claimed, shall be specially alleged and set forth, and shall not be received in evidence on any general traverse or denial of the matter claimed.

27.

No Presumption allowed in support of any Claim for any less period than herein mentioned.

And be it Enacted, That in the several cases mentioned in and provided for by this Act, no presumption shall be allowed or made in favour or support of any claim of exemption, upon proof of the exercise or enjoyment of the right claimed for any less period of time or number of years than for such period or number mentioned in this Act, as may be applicable to the case and to the nature of the claim.

28.

Rent-charges, to whom payable.

And be it Enacted, That the said Rent-charges shall be payable to and amongst the several persons who would have been, if this Act had not been made, entitled to Compositions for Tithes arising out of the several lands charged with such Rent-charges respectively, and in the same proportions, and vested in such persons for the like estates or interests, and subject to the like trusts, uses, charges, payments, rents, liens and incumbrances, of what kind or nature soever.

29.

Effect of Certificates of Compositions as to right of Parties entitled thereto.

AND whereas doubts have arisen with respect to the effect of certificates for the Composition of Tithes in Ireland, made under the authority of the said Acts for establishing such Compositions, as respects the rights or titles of persons having or claiming to have estates

estates or interests in the Tithes or Compositions to which such certificates respectively relate: AND whereas the said Rent-charges will be payable to or divided among the several persons entitled thereto according to the proportions of such Compositions payable to them respectively as in such certificates stated; BE it therefore Enacted, That no certificate made under the said Acts or any of them, or which may be amended under the provisions of this Act, shall, as against any person claiming any estate or interest in Tithes or Composition for Tithes in Ireland, and asserting such claim by any proceeding at law or in equity, be deemed to be evidence of the right or title of any person in such certificate described; and that if it shall be decided by any Court of competent jurisdiction that any person other than the person in such certificate described, or those deriving under such person, would have been entitled to such Composition, or to the Tithes to which the same shall relate, the person so declared entitled shall be thereupon authorized and entitled to receive the Rent-charge or proportion thereof accruing due under authority of this Act, in lieu of the Composition in such certificate mentioned, as if originally named therein; and until such decision, such certificate, and all payments made under the same, shall be good, valid and effectual against all persons whatsoever.

And be it Enacted, That the said Rent-charges shall have priority over all other charges, liens, mortgages and incumbrances whatsoever, affecting the lands chargeable therewith; and shall and may be recovered by the ways and means hereinafter mentioned; (that is to say) by bill in equity, action of debt or on the case, or if not exceeding *Twenty Pounds*, by civil bill in the Court of the Assistant Barrister or Chairman of the Sessions of the county wherein the lands charged therewith may be situate, or by distress, subject to the provisions hereinafter contained.

And be it Enacted, That where the person liable to the payment of any Rent-charge shall occupy the land in respect whereof the same may be payable, it shall and may be lawful to make any distress or distresses for any arrears of such Rent-charge or proportion thereof; and such distress shall be subject in all respects to the like regulations and attended with the like privileges and advantages as are by law established in respect of any distress by any landlord for the recovery of rent.

Provided always, and be it Enacted, That in all cases where any lands charged with the said Rent-charge shall be held or occupied by any person other than the person liable under the provisions of this Act to the payment thereof, it shall not be lawful to make any distress upon such lands, or upon any other lands, goods or chattels of such

30.
Rent-charges,
how to be re-
covered.

31.
Where Person
liable to pay-
ment of Rent-
charge shall
occupy the
Land, Rent-
charge in
arrear may be
distrained for.

32.
Where Rent-
charge in
arrear, and the
Person liable
thereto shall
not be in
occupation of
the Lands
charged
therewith, or

where such Person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c.

person for such Rent-charge, but in all such cases, and also in all cases where the person liable to the payment of such Rent-charge may not be known to the party entitled to such Rent-charge, and such Rent-charge shall be in arrear and unpaid for the space of *Thirty-one* Days after the same shall have become due, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon application as herein-
after mentioned, and in default of its being shown to such Court that the person in occupation of such land is liable to the payment of such Rent-charge, to appoint a receiver to receive the rents or such part of the rents of the lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all arrears thereof, until the whole of such arrears shall be discharged, together with such fees as shall be appointed by such Court for such receiver, and also the costs out of pocket of such application, and that out of the sums so received, such fees and costs shall be ordered to be paid; and such order shall be made upon petition and affidavit, after reasonable time given to show cause; and notice of the intention to make such application shall, *Ten* Days previous to making the same, be served upon the person, or the known attorney, agent or steward of the person in receipt of or entitled to such rents, either by delivering such notice to the party personally, or by leaving the same at his usual place of residence; and that the said receiver shall be empowered by the said Court to recover the said rents, or so much thereof as may be necessary, by distress and all such other remedies as receivers in any manner appointed by Courts of Equity in Ireland are empowered to recover rents, according to the rules and practice of such Courts respectively.

33.
Rent-charges
may be ap-
portioned.

And be it Enacted, That if any party liable in respect of any such estate or interest as aforesaid to the payment of any such Rent-charge shall at any time be desirous that such Rent-charge shall be charged upon any particular part or parts only of the lands subject thereto, or upon any other lands settled or limited to or for the same uses, trusts, intents or purposes, and in the same order and course of limitation, and subject to the same charges, liens and incumbrances, and shall give notice in writing of such desire to the party entitled to such Rent-charge, and of the intention to make such application as hereinafter mentioned, it shall be lawful for the Court of Chancery or Exchequer in Ireland, upon petition, after reasonable time given to show cause, and after or without any reference to any Master or Officer of such Court as it may think fit, to order and direct that the whole of such Rent-charge shall in future be exclusively charged upon such part or parts of the said lands as shall be specified in such notice, or upon such other lands as shall be specified therein, and thereupon in the former case such part or parts of the lands originally liable to such Rent-charge shall be exclusively subject thereto, and the rest of such lands shall

shall be freed and discharged therefrom, and in the latter case the lands originally liable shall be discharged from the liability to such Rent-charge, and the lands substituted in lieu thereof shall become exclusively subject to such Rent-charge: Provided always, That the annual value of the part or parts of any such land which shall be so made exclusively subject to such annual payment, or the annual value of the other lands which shall be so substituted, shall not be less in amount than *Three* times the amount of such Rent-charge at the least, and shall be separately described and distinguished in some deed or instrument to be prepared under the direction of the said Court, and deposited in the same place and custody where the original applotment of the Composition in lieu whereof such Rent-charge may be payable shall have been deposited, to be preserved and kept therewith, and such deed or instrument shall be in like manner open to inspection, and copies of or extracts taken therefrom in like manner and have the like validity and effect as copies and extracts of or from such applotment.

AND whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from time to time, with reference to the average price of corn as advertised in the Dublin Gazette during the preceding *Seven* Years; and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions, and the amount whereof is regulated thereby, should be subject to a similar variation; BE it therefore Enacted, That it shall and may be lawful for any *Three* or more persons in any parish or place, each charged with the annual payment of *Three* Pounds or upwards in respect of any such Rent-charges, and for any party entitled to the receipt of such Rent-charges or any proportion thereof respectively, to make application for the increase or diminution of the Composition in lieu whereof such Rent-charges may be payable at such periods from time to time, and in such manner as, if he or they were liable to the payment or entitled to the receipt of such Composition, he or they might respectively make such application; and the like notice of any such application shall be given, and all such and the like proceedings had thereupon, as by the provisions of the said several Acts for establishing Compositions for Tithes in Ireland authorized and directed in the case of application thereunder; and such Composition shall be increased or diminished and the applotment thereof amended accordingly, and the Rent-charges payable in lieu thereof increased or diminished in like proportion: Provided, That when the price of any particular species of corn shall be stated in the certificate of such Composition, the Justices to whom such application may be made shall ascertain the average price of that species of corn from the said Gazette, and such comparison shall be made between the price thereof as stated in such certificate, and the price thereof as so ascertained

34.
Rent-charges
to be variable
in like manner
as Tithe
Compositions.

from the said Gazette during each period of *Seven Years* : And provided further, That where the price of corn shall not be stated in any such certificate of Composition, the said Justices shall ascertain from the said Gazette the average price of corn for the period of years with reference whereto such Composition may have been calculated, and deal therewith as if the same had been originally stated in such certificate. 5

35.
Holders of
Leases of
Tithes, &c.,
may surrender
the same, or
compel the
Lessors to
reduce the
Rents.

And be it Enacted, That if any lease or demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the *passing of this Act*, it shall and may be lawful for the lessee in 10 such lease, or his representatives, within *Two* calendar Months after the *passing of this Act*, to surrender such lease to his immediate lessor or his representative ; or it shall be lawful for such lessee or his representatives, instead of surrendering such lease, to serve on such lessor or his representatives, within such period of *Two* Months, a notice in 15 writing requiring him or them to reduce the rent reserved by such lease in proportion to the reduction of the profits arising thereunder, by reason of the conversion of the Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the provisions of this Act ; and in case such lessor or his representatives shall omit 20 or refuse during the period of *One* calendar Month from the service of such notice to agree to make the abatement specified in such notice, or such other abatement as shall be satisfactory to the person serving such notice, the matter of such notice shall be referred to *Three* arbitrators, one to be appointed by such lessee or his representative, another by 25 such lessor or his representatives, and the third by the *Two* arbitrators appointed as aforesaid, within *Ten* Days after notice in writing to be given by such lessee or his representative for that purpose ; and in case such lessor or his representatives shall omit or refuse within *Ten* Days after the service of such notice as last aforesaid, to appoint an 30 arbitrator on his or their behalf, it shall and may be lawful for such lessee or person serving such notice to apply to the Court of Chancery or Exchequer in Ireland by petition, stating the facts, whereupon such Court shall have power and authority to nominate and appoint an arbitrator to act on the part of such lessor so omitting or refusing to 35 act as aforesaid, and the appointment of such arbitrator shall be equally valid to all intents and purposes as if made by such lessor ; and in case of the death or incapacity, neglect or refusal to act of any of the said arbitrators, another shall be appointed in his stead by the party by whom or in whose behalf he was so appointed, or by the said arbi- 40 trators appointed by the parties, as the case may be, within *Ten* Days next after notice thereof ; and the said arbitrators, or any *Two* of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such ways and means as they shall think proper, whether any and what abatement of the rent reserved in any such lease

lease should be made to the lessee therein named, for or on account of the deduction in the amount of Tithe recoverable under such lease, arising from the operation of this Act; and the said arbitrators, or any *Two* of them, shall specify in their award the amount of the abatement to be made in the rent reserved in said lease, and the amount so specified shall be no longer payable or recoverable under such lease, and such award shall be of like force and effect as a release of so much of said rent as is thereby directed to be abated; and the said arbitrators shall execute two copies of their said award, one to be delivered to the lessor in such lease or his representatives, and the other to be deposited in the public office for registering memorials of deeds, conveyances and wills in Ireland; and such arbitrators, or any *Two* of them, shall have power and are hereby authorized to award that such lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

AND for the better distribution of Ecclesiastical Duties and Revenues, BE it Enacted, That the Ecclesiastical Commissioners for Ireland shall forthwith inquire into the circumstances of every Benefice in Ireland, which comprises within its limits a city or town or any part thereof, and also into the circumstances of every Benefice in Ireland, the net annual income of which, from whatever source derived, shall not exceed *Three hundred Pounds*, and with respect to every such Benefice, shall ascertain the nature and extent thereof, and of the spiritual duties to be performed by the Incumbent thereof, and the number of Assistant Curates, either employed or required for the due discharge of such duties, and the amount of net annual income arising within such Benefice, and from what sources derived, and whether there be an adequate Glebe-house within the Benefice, and whether there be adequate church or chapel accommodation within the same, and whether there be any place, other than a church or chapel, wherein Divine Service, according to the rites of the United Church of England and Ireland, is occasionally celebrated, and shall consider whether, by any alteration of the limits of such Benefice, greater facility might be afforded to the discharge of the spiritual duties, or a more adequate income be afforded to the Incumbent, and whether it is expedient that in such Benefice a Glebe-house should be built, or a Church or Chapel should be built or enlarged; and the said Ecclesiastical Commissioners shall and they are hereby required, with all convenient speed, to make a report to the Lord Lieutenant in Council, and insert in such report a list of every such Benefice as aforesaid comprising any city or town, or any part of a city or town, and another list of every such Benefice as aforesaid not comprising any city or town or part thereof, and in the extent and limits of which it does not appear to them to be expedient to propose any alteration; and such report shall also specify every such Benefice as aforesaid not comprising any city or town, or

36.
Inquiries as to certain Benefices in Ireland to be made by Ecclesiastical Commissioners, and Report to be made to the Lord Lieutenant.

any part of a city or town in which it shall appear to the said Commissioners that the spiritual duties might be better discharged, or a more adequate income secured to the Incumbent by annexing thereto the whole or part of any adjoining Benefice, and shall state what adjoining Benefice, or what part or parts thereof they recommend to be annexed to such Benefice respectively, and when they shall recommend any part or parts of a Benefice to be annexed to another Benefice, shall describe the limits of the Benefice so proposed to be enlarged, and the income which may appear to them to be proper to be assigned to the Incumbent of such enlarged Benefice in future, and shall distinguish and specify every Benefice to be mentioned in such report in which the income of the Incumbent, reference being had to the extent and circumstances of the Benefice, and to the nature and extent of the spiritual duties to be performed by the Incumbent, is so inadequate that there shall appear to the said Commissioners to be an urgent claim for the augmentation thereof, and shall also state every Benefice in which it shall appear to the said Commissioners to be expedient that a Glebe-house should be built, or a Church or Chapel should be built or enlarged, and the sum of money which would be required for such purpose, and shall make such further recommendations relating to the matters into which they are hereinbefore directed to inquire with respect to every or any of the Benefices mentioned in such report, as may appear to them requisite for ensuring for all time to come the due and effectual discharge of spiritual duties within the same.

37.
Like inquiries
and report as
to Benefices
above the
value of 500 l.
and with a
Protestant
Population not
exceeding 100.

And be it Enacted, That on the next vacancy after the *passing of this Act* of any Benefice in Ireland, of which the net annual income shall exceed *Five hundred Pounds*, or in which the number of the members of the Established Church shall not exceed *One hundred*, the said Ecclesiastical Commissioners shall inquire into all the circumstances of such Benefice respectively, and shall ascertain, consider and report to the Lord Lieutenant in Council respecting the same, in like manner as they are hereinbefore required to inquire, ascertain, consider and report with respect to Benefices comprising within them any city or town or part thereof, and other Benefices hereinbefore mentioned: Provided always, That in conducting such inquiry and making such report in pursuance of this present provision, the Bishop of the diocese in which such Benefice shall be locally situated shall be associated with the said Ecclesiastical Commissioners, and shall (but for those purposes only) be an Ecclesiastical Commissioner, and have to all intents and purposes the same powers and authorities as if he had been appointed an Ecclesiastical Commissioner by the hereinbefore recited Act of 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:" Provided also, That the said Ecclesiastical Commissioners shall and they are

are hereby required to consider and state in every such last-mentioned report, whether any alteration of the limits or extent of such Benefice respectively be proper to be made, and if they shall recommend any alteration to be made, whether the Benefice should be
 5 divided into two or more Benefices, or the whole or any part thereof united to any and what adjoining Benefice or Benefices, and by what name any new Benefice should be called ; and if it appear to the said Ecclesiastical Commissioners proper that such Benefice respectively shall remain unaltered according to its existing limits and extent, they
 10 shall further recommend whether any and what reduction of the net annual income thereof may be proper to be made ; and if they shall recommend any division or alteration of the limits and extent of such Benefice respectively, they shall recommend the proportion of the net annual income of such Benefice proper severally for the Incumbents of each
 15 of the Benefices to be created by such division, or of each of the Benefices to be altered.

And be it Enacted, That it shall be lawful for the Lord Lieutenant in Council to refer back to the said Ecclesiastical Commissioners any report to be made by them in pursuance of this Act, for the further
 20 consideration of the said Commissioners, and to require from them a statement of their reasons for the recommendations therein contained, or any of them ; and it shall be lawful for the said Commissioners, if they shall think proper, to amend and alter any part or parts of any such report ; and in case and so soon as any original or amended
 25 report of the said Ecclesiastical Commissioners shall be approved of by the Lord Lieutenant in Council, the said Lord Lieutenant in Council shall make an order for confirming the same ; and the order of the said Lord Lieutenant in Council, upon all such matters and all other matters contained in the recommendation and report of the said
 30 Ecclesiastical Commissioners, shall be conclusive and binding in law, as well in respect of His Majesty as all other persons affected thereby ; and a copy or copies of such order, certified under the hand of the Clerk of the said Council, with such maps or charts annexed thereto as may be necessary, shall be transmitted to the
 35 Bishop of the Diocese, or Bishops of the Dioceses, within which the Benefice or Benefices to which order may relate shall be situate, and shall be entered in the registry of each such diocese, for which entry the sum of *Thirteen Shillings and Four-pence* and no more shall be paid to the Registrar, and shall also be enrolled in the Rolls Office
 40 of the Court of Chancery in Ireland, for which enrollment the sum of *Thirteen Shillings and Four-pence* and no more shall be paid, over and above the expenses usually paid to the engrossing clerk for the same ; and another copy of such order, with such maps and plans as aforesaid annexed thereto, shall be transmitted to the said Ecclesiastical Commissioners, to be by them kept and preserved in their office.

38.
 Lord Lieutenant in Council may refer back Reports to the Commissioners for re-consideration, and make Orders thereon when fully approved.

39.
The Incum-
bents of re-
duced Bene-
fices shall pay
over Excess to
the Ecclesias-
tical Commis-
sioners.

And be it Enacted, That when by any such order as aforesaid the income of any Benefice shall be reduced, the Incumbent thereof and his successors for ever shall pay over to the said Ecclesiastical Commissioners the annual sum whereby such income may be reduced, together with and in addition to the yearly tax payable by him or them to the said Commissioners under the provisions of the said recited Act of the third and fourth years of His present Majesty's reign, or this Act, and that such annual sum may be recovered by all such and the like ways and means as such tax, and that all and every the provisions in the said recited Act contained, regulating the proportion of such tax payable with reference to the period during which any Benefice may have been enjoyed by any person, or providing for the apportionment of such tax between Incumbents and their successors, in case of death, removal or promotion, shall apply and extend to the said annual sum payable by virtue of any order made under this Act for the reduction of the income of any Benefice as fully and effectually as if such provisions were herein repeated and re-enacted, and made specially applicable thereto.

40.
Lord Lieu-
tenant em-
powered to
make a sup-
plemental
Order for
removing
Doubts or
settling Dis-
putes.

And be it Enacted, That it shall be lawful for the said Lord Lieutenant in Council, on the recommendation of the said Ecclesiastical Commissioners, from time to time, as occasion may require, to make any supplemental order or orders for removing such doubts and settling such disputes as may arise in consequence of the changes effected by virtue of the provisions hereinbefore contained, for uniting or dis severing Benefices, and for altering the limits and extents thereof; and every such supplemental order shall have the same force and effect as if it had formed part of any original order made under the provisions of this Act.

41.
The Benefice
not to be in-
creased to the
extent of more
than Thirty
square Miles,
nor any Bene-
fice, unless
comprising a
City or Town,
increased
beyond 300 £.
per annum.

Provided always, and be it Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the Lord Lieutenant in Council to order, the union of any Benefices, or the annexation to any Benefice of any part or parts of any adjoining Benefice, if the whole of the Benefice so united or augmented shall exceed Thirty square Miles of statute measure; and it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the said Lord Lieutenant in Council to order, any augmentation of the income of any Benefice not comprising within it a city or town, or part thereof, the net annual value whereof shall, including the value of the glebe, exceed *Three hundred Pounds*, nor to reduce the income of any Benefice not subject to reduction under the provisions of this Act or of the said Act passed in the third and fourth year of the reign of His present Majesty.

42.
Benefices of
which the
Advowsons
belong to

Provided always, and be it Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to recommend, nor for the Lord Lieutenant

Lieutenant in Council to order, the reduction of the net annual income of any Benefice, nor the union thereof to any other Benefice, nor any alteration of the limits and extent of any Benefice, the right of appointment to which shall belong to the College of the Holy and Undivided Trinity, or to any person other than The King or some Ecclesiastical Corporation, sole or aggregate, without the consent of the patron or patrons thereof signified in writing under their or his seal: Provided always, That nothing herein contained shall prevent the division of any such Benefice into *Two* or more Benefices, without the consent of the said patron or patrons, in cases where the whole amount of income assigned to the several Incumbents of the Benefices so formed by division of such Benefice is not less in amount than the net annual value of the Benefice previous to such division.

Trinity College or private Patrons not to be altered (otherwise than by division) without consent.

And be it Enacted, That whenever any patron of any Benefice shall happen to be a minor, idiot, lunatic or feme covert, it shall be lawful for the guardian, committee or husband of such patron to consent to such reduction, union or alteration as aforesaid for such patron, and to certify his, her or their consent under his, her or their hand and seal or hands and seals for such patron, who shall be bound thereby in such manner, and the same shall be as valid and effectual as if such patron had been of full age or sound mind, or feme sole, and signified such consent aforesaid.

43.
Guardians, Committees, &c. of Patrons may consent.

And be it Enacted, That when any report of the said Ecclesiastical Commissioners, recommending the division or augmentation of any Benefice, shall have been confirmed by the Lord Lieutenant in Council in pursuance of this Act, the said Commissioners, with the consent of the said Lord Lieutenant in Council, shall divide, separate and annex and unite the lands which shall form part thereof, and the glebe belonging thereto, and the rents and sums payable by the Incumbents thereof, and shall ascertain, set out and describe the lands thereof in like manner as by the said Act of the third and fourth years of the reign of His said present Majesty is directed with respect to the parishes thereby directed to be divided and augmented, with the consents therein mentioned; and the enactments and provisions contained in the said Act relating thereto shall extend and be applied to the divisions and augmentations hereby authorized to be made, as if the same were here repeated and adapted to the purposes of this Act.

44.
Alterations of Benefices to be made as directed by the 3 & 4 W. 4. c. 37. with respect to the alteration of Parishes thereby authorized.

Provided always, and be it Enacted, That if it shall seem convenient to the said Ecclesiastical Commissioners that such alterations as they may deem proper with respect to any Benefice on which they may report as aforesaid to the Lord Lieutenant should not take effect until the avoidance of some other Benefice, they shall make a recommendation to that effect to the said Lord Lieutenant in Council, and Order shall be made accordingly, and an Incumbent appointed to

45.
Alterations with respect to any Benefice may be delayed until avoidance of any neighbouring Benefices.

either Benefice, who shall hold the same, subject to such arrangements in respect of income, extent and limits, duties, and all other matters as shall be expressed in such Order or such supplemental Order as shall be made in respect thereof.

46.
Order of
Lord Lieuten-
ant shall
take effect at
the periods
expressed
therein.

Proviso as to
payment to
continuing
Incumbent.

And be it Enacted, That every Order made by the said Lord Lieu- 5
tenant in Council under the provisions of this Act shall take effect in
its several parts from such period or periods respectively as may be
expressed in such Order, and the Incumbent of any Benefice to which
any vacant Benefice or part thereof shall be by such Order united
shall, by force of such Order and according to the terms thereof, 10
without further appointment, be and become ipso facto from the
period named in such Order in that behalf the Incumbent of such
newly-erected Benefice, and seised and possessed thereof as of one
complete and entire Benefice by the name or designation which may
be assigned to the same by such Order, and shall enter upon and be 15
charged with the cure of souls : Provided nevertheless, That where
upon occasion of the avoidance of any Church as aforesaid any parish
or parishes shall be by any such Order as aforesaid united in whole or
in part to any other parish or union, such Order shall not take effect
in so far as respects the income assigned to the Incumbent of any 20
new Benefice so formed until the next avoidance thereof, unless with
the consent in writing of the person so becoming, by virtue of such
Order, Incumbent of such new Benefice.

47.
When the
Fund is suffi-
cient, Sums
may be
applied in
augmentation
of Livings.

And be it Enacted, That the Ecclesiastical Commissioners shall 25
from time to time, as the state of the separate fund hereinafter placed
at their disposal shall admit, report to the Lord Lieutenant in Council
the particular Benefice or Benefices specified in any of the reports
hereinbefore required to be made to the Lord Lieutenant in Council
to which they recommend that an augmentation should be made, and
shall specify the total amount of augmentation which they consider 30
desirable, and the proportion thereof which they recommend to be at the
time assigned to any or every such Benefice, and it shall be lawful for
the said Lord Lieutenant in Council thereupon to issue an Order for
such augmentation, and for the assignment to the Benefice of the
proportion thereof recommended by the said Commissioners : Pro- 35
vided always, That if the whole of the augmentation be not at the
time assigned to such Benefice, it shall be lawful for the Lord Lieuten-
ant in Council to make from time to time such further Orders on the
recommendations of the said Ecclesiastical Commissioners as may be
requisite for assigning to the said Benefice the remaining portions of 40
the proposed augmentation ; and from and after the date of each such
Order, the augmentation therein ordered to be made to the annual
income of the Benefice shall be deemed part of the annual income
thereof, and shall be thenceforth paid to the Incumbent thereof.

And

And be it Enacted, That in every case in which a report of the said Ecclesiastical Commissioners, recommending a Glebe-house to be built, or a Church or Chapel to be built or enlarged in any Benefice, shall have been confirmed by an Order of the Lord Lieutenant in Council in pursuance of this Act, and it shall appear to the said Commissioners to be expedient that the sum of money necessary for that purpose should be applied out of the said separate fund, in preference to the augmentation of the income of any Benefice, they shall, by a report to the said Lord Lieutenant in Council, recommend that such sum shall be applied accordingly; and it shall be lawful for the said Lord Lieutenant in Council thereupon to issue an Order for such payment, and the Ecclesiastical Commissioners shall thereupon apply so much of the separate fund as may be specified in such Order to the building of such Glebe-house, or to the building or enlarging such Church or Chapel, as the case may be.

48.
Money may be applied out of Fund in building Glebe-house or Church or Chapel.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners, with the consent of the Lord Lieutenant in Council, and without any other consent, to divide any Benefice the extent whereof exceeds *Forty* square Miles, or in which (not being a Benefice comprising a city or town or any part thereof) the number of the members of the Established Church shall exceed *One thousand*, into *Two* or more Benefices, in like manner as by the said Act of the third and fourth years of the reign of His said present Majesty they are authorized, with the consent of the said Lord Lieutenant in Council and of the Archbishop or Bishop of the diocese, and of the patron or patrons, to divide any parish and annex part thereof to any adjoining parish or parishes; and the enactments and provisions contained in the said Act relating thereto shall extend and be applied to the divisions hereby authorized to be made, as if the same were repeated and adapted to the purposes of this Act.

49.
Ecclesiastical Commissioners, with consent of Lord Lieutenant in Council, may divide Benefices exceeding *Forty* square Miles, or where, not being in a town, there are 1,000 Protestants.

And be it Enacted, That when any Benefice or Benefices, or part or parts thereof, shall be united under the provisions of this Act to any other Benefice, or any new Benefice or Benefices shall be erected by the division of a Benefice, the Incumbent of such augmented or newly-erected Benefice, and the parishioners and inhabitants thereof, shall proceed to the election of Churchwardens and other Parochial Officers, in such time and manner as the said Lord Lieutenant in Council shall direct: Provided always, That no union nor alteration of the boundaries of any Benefice shall in any way affect the secular rates, taxes, charges, duties or privileges of any parishes, or any part of them, otherwise than may be expressed in the Order effecting the union or alteration of such Benefice.

50.
Election of Parochial Officers upon the union or division of Benefices.

Unions and alterations of Boundaries not to affect secular Rates, &c.

And be it Enacted, That every new Benefice formed under the provisions of this Act, when such Benefice shall become complete, and

51.
Incumbents of Benefices formed under this Act to

be Rectors,
Vicars, &c.

until it shall become complete, then so far as the recommendation of the said Ecclesiastical Commissioners and the Order made thereupon shall have taken effect, shall be deemed a rectory or vicarage, or perpetual curacy, as may be expressed in such Order, and the spiritual person collated thereto and serving the same shall be the Rector or Vicar or Curate thereof, and shall have such tenure and estate in his Benefice, and shall be subject to such jurisdiction of the diocesan or other jurisdiction, and to such laws as to holding Benefices as are applicable to Rectors or Vicars or Curates in Ireland, and shall have such rights and privileges, and be subject to the obligation of such duties within his Benefice as Rectors or Vicars or Curates shall from time to time have or be subject to within their respective parishes. 5 10

52.
Lord Lieutenant in Council shall determine to what diocese new Benefices, &c. shall belong.

Churches, &c. annexed to Benefices deemed to be within the same wherever situate.

And be it Enacted, That if any newly-erected Benefice shall comprise parishes or parts of parishes locally situate in different dioceses, it shall be lawful for the said Lord Lieutenant in Council, by such Order as aforesaid, to determine and direct to which of such dioceses such newly-erected Benefice shall belong; and in case by any such Order as aforesaid, any Church or Glebe-house or Offices shall be appropriated to any Benefice, the same shall for all purposes expressed in such Order be deemed to be within such Benefice, although such Church or Glebe-house and Offices may be locally situate within any other parish or Benefice. 15 20

53.
Impropriators liable to provide Curates, shall after union contribute rateably.

AND whereas in some impropriate parishes the impropriators or possessors of the Tithes of such parishes are obliged by law to find a Curate to serve the cure of the said parishes; BE it therefore Enacted, That in case such parishes so appropriate or impropriate shall be divided or united, in whole or part, by virtue of the hereinbefore contained provisions, to any other parish or parishes, such impropriator or possessor shall be liable to make such provision or pay such contribution towards or for the maintenance and support of the Curate or Minister of such divided or united parishes as shall be settled and adjusted by the said Lord Lieutenant in Council, and specified in such Order or Orders as hereinbefore mentioned, for settling and adjusting all matters and things proper or necessary to be settled and adjusted in consequence of the changes directed to be made by such Order or Orders, provided that no greater charge in the whole shall be imposed upon any such impropriator or possessor than he may have been by law previously liable to. 25 30 35

54.
Commissioners to pay off charges of Benefices.

And be it Enacted, That in case of the reduction of the net annual income of any Benefice, or of the division of any Benefice under the provisions of this Act, and in case the said Lord Lieutenant in Council, on the recommendation of the Ecclesiastical Commissioners, shall by any such Order as aforesaid so direct, the said Ecclesiastical Commissioners shall pay to and satisfy the Incumbent, or his executors or administrators, 40

administrators, as the case may be, by whose promotion, removal, resignation or death such vacancy of the Benefice in respect whereof such direction shall be given shall have been occasioned, such proportion of all and every such sums of money as by force of any law or statute would have been payable to or recoverable by such Incumbent, or his executors or administrators, from or against his successors, if this Act had not been made, as the net annual income of the Benefice when reduced or divided shall bear to the net annual income thereof at the time of such vacancy, by such instalments, to be paid at such periods and in such manner as any Incumbent succeeding to such Benefices would have been bound or liable to pay the whole thereof if this Act had not been made; and every such successor is in every such case hereby exonerated and discharged from all liability to pay such proportion of such sum of money.

15 And be it Enacted, That whenever any Benefice of which the net annual income shall exceed *Five hundred Pounds*, or in which the Members of the Established Church shall not exceed *One hundred*, shall at any time after the *passing of this Act* become vacant in any manner whatsoever, it shall not be lawful to fill up any such vacancy, or appoint any successor in such Benefice, until the expiration of *Two* calendar Months after notice in writing of such vacancy shall have been given to the said Ecclesiastical Commissioners by the corporation or person having the patronage thereof or right of appointment thereto, and any appointment which shall be made without such notice previously given shall be null and void to all intents and purposes; and the said Ecclesiastical Commissioners and Lord Lieutenant in Council may and are hereby required to exercise all the powers hereby vested in them in relation thereto, in such manner as if such Benefice were vacant.

55.
Benefices
becoming
vacant after
the passing of
this Act not
to be filled
without
notice.

30 And be it Enacted, That every person who shall be appointed to any Benefice in Ireland at any time after the *passing of this Act*, shall take and hold the same, and all property, rights and privileges thereunto belonging, subject to and under such alterations or provisions as shall or may at any time be made under the provisions of this Act, with respect to the extent or boundaries of such Benefice, or with respect to the amount, disposition and application of the property or income thereof: Provided always, That in the meantime and until any such provisions and regulations shall have been so made as aforesaid, and subject and without prejudice to any provisions and regulations which for the time being shall have been so made, such Incumbent shall and may have and exercise all the same powers and privileges as if this Act had not been passed.

56.
Persons
hereafter ap-
pointed to
Benefices to
hold the same,
subject to the
provisions of
this Act.

57.
The Ecclesi-
astical Com-
missioners to
lay before the
King Schemes
for the more
perfect
distribution of
Ecclesiastical
Revenues and
Duties.

And be it Enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, from time to time, to prepare and submit to His Majesty in Council, such schemes as shall appear to the said Commissioners to be proper or necessary for the more perfect distribu- 5
tion of Ecclesiastical Duties and Revenues by the severance or union of parishes, or the re-modelling of Benefices, or forming new Benefices, or augmenting or reducing the income of existing Benefices, or the purchase, sale or exchange of Glebes, or the erection of Glebe-houses, Churches and Chapels, or such other means as they may think fit in cases not within the provisions of this Act, or for which this Act may 10
not be found by the said Commissioners to have made adequate or suitable provision; and it shall be competent to the said Commissioners, in any such scheme, to propose any modification or variation which they may think proper of the provisions of this Act, or of any previous recommendation which the said Commissioners may have made pursuant 15
to such provisions, whether such recommendation shall have been carried into effect or not, and a copy of every such scheme, so submitted to His Majesty, shall be forthwith laid before each House of Parliament, if Parliament be then sitting, or if Parliament be not then sitting, within 20
One Month after the next meeting thereof.

58.
The Ecclesi-
astical Commis-
sioners shall
compensate
the Owners of
Advowsons
coming under
the operation
of this Act,
unless such
advowsons
belong to the
King or
Ecclesiastical
Corporations.

And be it Enacted, That in order to enable the said Ecclesiastical Commissioners to obtain the consent of the patron of any Benefice other than The King, or any Ecclesiastical Corporation to a reduction of the income thereof, or to the union thereof to any other Benefice, or to an alteration of the limits and extent thereof, it shall be lawful for the 25
Lord Lieutenant in Council, where the right of appointment to any Benefice, or any turn therein, shall belong to the College of the Holy and Undivided Trinity near Dublin, or to any person other than The King, or any Ecclesiastical Corporation, sole or aggregate, and such Benefice shall be reduced in value, under the powers hereinbefore 30
contained, to direct that some Benefice in the gift of His Majesty, or turn therein, shall be assigned to the said College or person by way of compensation or in lieu of or as an equivalent; and the advowson and the right of presentation to such Benefice so assigned, or turn therein, shall by force of such order vest in the said College or person in like 35
manner to all intents and purposes, and subject to the like uses, trusts and limitations, if any, as the advowson and right of presentation to the said Benefice so reduced or united in whole or part to another Benefice may have been held for or under; or in case of the union of the whole or any part of such Benefice to another Benefice, and if the 40
income assigned to the Incumbent of such newly-erected Benefice shall exceed the value of the Benefice to which such addition shall be made, it shall be lawful for the said Lord Lieutenant and Council, in whole or part of such compensation, to award to the person having the right of
appointment,

appointment, or turn in such right of appointment, to the Benefice so united in whole or part to such other Benefice, such turn or turns in the right of appointment to such newly-erected Benefice as may appear just, regard being had to the relative value of the several Benefices or parts thereof constituting such newly-erected Benefice, and shall have power and authority for such purpose to regulate the right of appointment to each such newly-erected Benefice, and the course and succession in which the patrons thereof shall present thereto.

And be it Enacted, That the advowson or right of presentation to such Benefices in lieu whereof any Benefice in the gift of His Majesty shall have been so assigned as aforesaid, shall vest in and be exercised by His Majesty.

59.
Advowsons
exchanged
shall vest in
His Majesty.

And be it Enacted, That where the value of any Benefice shall be augmented under the provisions of this Act, and the right of appointment thereto or any turn therein shall belong to any person (other than The King or any Ecclesiastical Corporation, sole or aggregate), it shall be lawful for the said Lord Lieutenant in Council to direct and require the patron or patrons of such augmented Benefice to pay to the said Commissioners of Land Revenues such sum of money as he and they may think just in consideration of such augmentation; and in default of payment of such sum of money within *Six* calendar Months after demand thereof, by notice in writing, shall have been made and served upon such patron or patrons, the right of a turn in the presentation to such Benefice shall vest in and be exercised by His Majesty, and it shall be lawful for the said Lord Lieutenant in Council to fix by any order the number of turns which shall thereafter belong to His Majesty and to the said patron or patrons respectively, having due regard to the proportion which the augmentation may bear to the net annual value of the Benefice previous to such augmentation.

60.
Lord Lieuten-
ant, &c.
may require
Compensation
from Patrons
of augmented
Benefices.

And be it Enacted, That the funds accruing to the said Commissioners from the reduction of Benefices or otherwise under the provisions of this Act, shall be applied in the first place in the payment of all such sums as may be necessary to pay off the charges upon Benefices; and the residue of such monies from time to time accruing in each year to the said Ecclesiastical Commissioners shall form a separate fund, which shall be applicable, under their direction, to the building of Glebe-houses and to the building and enlarging of Churches or Chapels, and to the augmentation of Benefices, as authorized by the provisions of this Act.

61.
Application of
Monies arising
under this Act.

AND whereas by an Act passed in the Parliament of Ireland in the twenty-eighth year of the reign of King HENRY the Eighth, intituled, "An Act for the English Order, Habit and Language," it was among other

62.
Acts of
28 Hen. 8,
c. , and of
7 Will. 3, c. 7,
recited.

other things enacted, " that every Incumbent of each parish in Ireland should keep or cause to be kept within the place, territory or parish where he should have pre-eminence, rule, benefice or promotion, a school for to learn English, if any children of his parish come to him to learne the same, taking for the keeping of the same school such convenient stipend or salary as in the said land is accustomedly used to be taken;" and it was also further enacted, that "every Archbishop, Bishop, Suffragan, Archdeacon, Commissary, and others having power and authority to admit, instal, collate, institute or induct any person to any dignity, benefice, office or promotion spiritual, should at the time of the admission, institution, installation, collation and induction of such person and persons to any dignity, benefice, office or promotion spiritual, give unto the said person and persons so admitted, instituted, installed, collated or inducted a corporal oath, that he and they so being admitted, instituted, installed, collated or inducted, shall to his wit and cunning, endeavour himself to learne, instruct and teach the English tongue to all and everie being under his rule, cure, order or governance:" AND whereas by another Act passed in the same Parliament, in the seventh year of the reign of King WILLIAM the Third, intituled, "An Act to restrain Foreign Education," the said provisions were re-enacted and directed to be "strictly observed and enforced:" AND whereas it has been customary for the Incumbents of parishes, in discharge of the obligation thus imposed upon them, to pay a yearly sum of Forty Shillings to a schoolmaster therein: AND whereas it is just and necessary, for the promotion of religious and moral instruction, and the establishment of peace and good order in Ireland, to revise the said recited Act of the reign of King HENRY the Eighth, and to make provision for ascertaining a new scheme and rate of contribution towards the more effectual support and improvement of parish schools: AND whereas, under and by virtue of the said recited Act of the third and fourth years of His present Majesty's reign, a yearly tax, rate or assessment was made payable to the Ecclesiastical Commissioners for Ireland for the purposes of the said Act, from and out of the revenues, profits and emoluments appertaining or belonging to every Dignity, Benefice or Office, or promotion spiritual, of what name, nature, quality or description soever, in Ireland, according to a certain rate or scale specified and contained in a Schedule to the said Act annexed: AND whereas, under the provisions hereinbefore contained, additional funds will be applicable to certain purposes of the said Act of the third and fourth years of His present Majesty's reign, and it is expedient that the Incumbents of Benefices should be relieved from the obligation imposed upon them by the said Act of the reign of King HENRY the Eighth, and that in lieu thereof the said tax so payable under the said Act of the third and fourth years of His present Majesty's reign should be assessed according to a more adequate rate, and the proceeds thereof made applicable to the good purposes for which such obligation was imposed;

BE

BE it therefore Enacted, That so much of the said Act of the reign of King HENRY the Eighth as provides that the Incumbent of each parish shall keep or cause to be kept any school therein, or as imposes any oath containing an obligation to that effect to be taken by any such Incumbent; and also so much of the said Act of the reign of King WILLIAM the Third as re-enacts and directs the said enactments of the said Act of the reign of King HENRY the Eighth to be enforced and observed, shall be and the same is and are hereby repealed, without prejudice nevertheless to any thing heretofore done under authority of the said Act or Acts.

So much of the said Acts as obliges the Incumbents of Benefices to keep Schools, and to take an Oath to that effect, repealed.

And be it Enacted, That the yearly tax, rate or assessment which the said Ecclesiastical Commissioners are by the said recited Act of the third and fourth years of His present Majesty's reign authorized to levy and receive, shall be computed and assessed in respect of each Dignity, Benefice, Office or promotion in the said Act mentioned, of what value soever, becoming void at any time after the passing of this Act, at the rate of Ten Pounds per centum per annum (instead of the several rates and scales contained in the Schedule to the said Act annexed), upon the valuation of the revenues, profits and emoluments thereof by such Act directed to be made.

63.
The Tax imposed by 3 & 4 Will. 4. c. 37. shall be assessed at the rate of 10 l. per cent. on Benefices, &c. becoming vacant after the passing of this Act;

And be it Enacted, That all and every the sums of money accruing due and payable to the said Ecclesiastical Commissioners from or on account of the said yearly tax, rate or assessment so to be computed and assessed upon the valuation of the profits, revenues and emoluments of every Dignity, Benefice, Office or promotion becoming void after the passing of this Act, shall, when and as such sums shall be received or recovered by the said Ecclesiastical Commissioners, be by them paid over to such bank or person as the Commissioners of His Majesty's Treasury, or any Three or more of them, shall appoint to receive the same, to be applied under such regulations as the said Commissioners of His Majesty's Treasury, or any Three or more of them, shall from time to time appoint and direct, to the moral and religious instruction of all classes of the people in Ireland, without distinction of religious persuasion.

64.
And applied to purposes of Education.

Provided always, and be it Enacted, That in respect of any and every such Dignity, Benefice, Office or promotion which may have become void since the passing of the said Act, and before the passing of this Act, the said tax, rate or assessment shall continue to be computed and assessed according to the several rates or scales contained in the Schedule to such Act annexed, and the proceeds thereof to be applied to the purposes of the said Act until the next avoidance of such Dignities, Benefices, Offices or promotions respectively, but that thereupon and for ever thereafter the said tax, rate or assessment shall be computed and assessed at the aforesaid rate of Ten Pounds per centum per annum, and the proceeds thereof

65.
Benefices, &c. which have become liable to Taxation under the said Act shall continue to be taxed at the same rate as heretofore during the term of the present Incumbents, and the Proceeds of the Tax thereon to be applied in like manner.

paid over pursuant to the directions of the said Commissioners of the Treasury, in like manner as the proceeds of such tax upon the revenues, profits and emoluments of Dignities, Benefices, Offices and promotions which may not have become void since the passing of the said Act, but which shall become void after the passing of this Act.

66.

Save as aforesaid, the provisions of the said Act shall remain in full force.

Provided always, and be it Enacted, That all and every the provisions of the said recited Act in anywise relating to the said tax, or directing the mode of imposing, apportioning, levying and recovering the same, or describing the persons or property liable thereto, shall be and remain in full force and effect, save only as hereinbefore provided in respect of the rates or scales according to which the said tax was directed to be assessed, and the exemptions arising thereunder, and the application of the proceeds of the said tax.

67.

Arrears of Instalments of certain Monies advanced by Commissioners of First Fruits, and due 1st July 1835, 1836 and 1837, not to be sued for;

AND whereas certain sums of money are now due and accruing due to the said Ecclesiastical Commissioners by reason of instalments accrued due in the year One thousand eight hundred and Thirty-five and One thousand eight hundred and Thirty-six, and accruing due in this present year, on account of monies lent and advanced by the Trustees and Commissioners of First Fruits in Ireland for the purposes of building Mansions or Glebe-houses, and making other improvements, or for the purchase of houses for the habitation and residence of Incumbents of Benefices and their successors, or for the purchase of Glebes or demesne lands for the erection of such Glebe-houses or offices, and which sums were vested in the said Ecclesiastical Commissioners by the hereinbefore recited Act passed in the fourth and fifth year of His Majesty's reign: AND whereas it is expedient to relieve the Incumbents who have been unable to pay such instalments for the said year One thousand eight hundred and Thirty-five and One thousand eight hundred and Thirty-six, and who may be unable to pay the same in this present year from immediate liability thereto, but so nevertheless that such sums shall remain charged upon their respective Benefices and promotions, and upon the Incumbents having or succeeding to the profits and emoluments thereof; BE it therefore Enacted, That it shall not be lawful for the said Ecclesiastical Commissioners to sue for, recover or receive any instalment which may have accrued due on the First day of July One thousand eight hundred and Thirty-five, or on the First day of July One thousand eight hundred and Thirty-six, or which may accrue due on the First day of July in this present year, or within Twenty-one Days after such respective days, on account of any monies lent or advanced by the said Trustees and Commissioners of First Fruits for the purposes aforesaid.

68.

But Incumbents to pay same by yearly Instal-

Provided always, and be it Enacted, That nothing herein contained shall be construed to exonerate the Incumbent of any Benefice or his successors from

from the repayment of the sum so lent and advanced, but that such sum, or the residue now remaining unpaid, shall be repaid by annual instalments of the like amount as now required by law, the next whereof shall become due on the *First day of July One thousand eight hundred and Thirty-eight*, or within *Twenty-one Days* after, and the remaining instalments on the *First day of July*, or within *Twenty-one Days* after, in each succeeding year, until the whole sum lent and advanced as aforesaid shall have been repaid; and that such instalments shall be payable by the present Incumbent of each Benefice or his successors, and recoverable by the like means as now provided by law for the recovery of instalments payable in discharge and on account of monies lent and advanced by the said Trustees and Commissioners of First Fruits for the purposes aforesaid, and in all respects according to the like provisions, subject nevertheless to such apportionment or allocation of such charges or payments as may at any time be made by any order of the Lord Lieutenant in Council, made under the provisions hereinbefore contained.

And be it Enacted, That it shall be lawful for the said Ecclesiastical Commissioners to examine upon oath or affirmation (which oath or affirmation they, or any *One* or more of them, are and is hereby authorized to administer,) any person willing to be examined touching any matters or things relating to any proceeding under this Act, and also to receive any affidavit or deposition in writing, upon oath or affirmation, which shall be made in any part of the United Kingdom of Great Britain and Ireland, before any person having authority to administer an oath, or before any Justice of the Peace, or which shall be made in any parts beyond the seas before any magistrate of the county, territory or place, having competent power and authority to administer an oath, and certified and transmitted to the said Commissioners, or either of them, under the hand and seal of such magistrate.

And be it Enacted, That if any person who shall make or take any oath, affirmation or affidavit under or in pursuance of the provisions of this Act, shall therein wilfully or knowingly swear, affirm or answer falsely to any matter or thing, every such person being duly convicted thereof shall incur and suffer such penalties, pains and disabilities as persons convicted of wilful and corrupt Perjury are by law liable to.

And be it Enacted, That the said Ecclesiastical Commissioners shall and may employ such and so many Clerks or other officers as they may find necessary for the discharge of the duties by this Act imposed upon them, and allow to such Clerks and officers such salaries as they shall fix and appoint.

AND whereas doubts have arisen how far the several Acts for establishing Compositions for Tithes in Ireland extend to Tithes forming

ments, commencing 1st July 1838.

69.
Ecclesiastical Commissioners may examine on Oath or receive Depositions.

70.
Perjury.

71.
Ecclesiastical Commissioners may employ additional Clerks.

72.
Tithe Composition Acts shall be taken to extend to His Majesty.

73.
The Provi-
sions of this
Act shall
extend to
His Majesty.

in lieu of Tithes belonging to any other person.

And be it Enacted, That all and every the provisions shall apply and extend to the said Compositions for to The King's Majesty, and that Rent-charges shall in lieu thereof, and that such Rent-charges shall be recovered, and in all other respects managed and directed to the provisions of the Acts in force relative to the sessions and land revenues of the Crown in and nothing herein contained shall extend in any respect to the provisions of any Act or Acts now in force in the application of the annual income arising from such compositions, or the sale thereof, or the application of the monies from any such sales, but that such last-mentioned provisions shall extend and apply to the annual income arising from such compositions which will become payable in lieu of such Tithes under the provisions of this Act, and to authorize and direct the application of the monies arising from such Rent-charges, according to the nature thereof in the same manner as to the annual income arising from such sales of monies arising from sales thereof: Provided further that nothing in this Act contained shall in any manner prejudice the rights of His said Majesty in or to any quit-rent or other service served upon or arising out of any grant, or payable by Advowsons, Rectories, Vicarages, or other Benefices, or Office Spiritual or Tithes.

74.
Notices, how
to be served.

And be it Enacted, That whenever any Notice required by this Act cannot be delivered to the person to whom it is directed, it shall be sufficient to leave the same at the usual place of abode of such persons, if such persons shall be in the Kingdom, or if such person or persons shall be in any other part of His Majesty's Kingdom, or beyond the seas, then to publish the same in the Gazette.

75.
No Stamp
Duty to be
payable on
Instruments
required by
this Act;

And be it Enacted, That no memorandum, copy, or other writing to be made or entered into under the provisions of this Act, or deed, receipt or other instrument or counterpart thereof, or any receipt, order, copy, document, or other matter

ment which may be directed or sanctioned by any court or otherwise,
10 for the purposes of this Act, shall be subject to any charge for any
law or equity fund, nor to any Usher's poundage, nor fee imposed
by any Act now in force or by any future Act, unless the same be
specially mentioned and subjected thereto by this or some future
Act.

15 And be it Enacted, That the words and expressions hereinafter men-
tioned, which in their ordinary signification have a more confined or a
different meaning, shall in this Act, except where the nature of the pro-
vision or context of the Act shall exclude such construction, be inter-
preted as follows; (that is to say) the words " Lord Lieutenant of
20 Ireland " shall extend to any Lords Justices or other Chief Governor
or Governors of Ireland: and the words " Commissioners of Land
Revenues " shall be construed to mean the Commissioners of His
Majesty's Woods, Forests, Land Revenues, Works and Buildings; and
the word " Land " shall extend to manors, messuages and other
25 hereditaments, whether corporeal or incorporeal, and whether freehold
or copyhold, or of any other tenure; and the word " Appointment "
shall be construed to mean institution, collation, presentation,
election, donation, nomination, license or induction; and the word
" appointed " shall be construed to mean instituted, collated, presented,
30 elected, nominated, licensed or inducted; and the words " Persons
entitled to Compositions for Tithes," or to any " Composition," shall
be construed to extend to and include all ecclesiastical persons and
bodies corporate, sole or aggregate, lay or ecclesiastical or colle-
giate, and all Incumbents of parishes, whether Rectors, Vicars or
35 Curates, and all impropriators and appropriators, and all persons
whomsoever being the owners of or entitled or interested in any manner
whatsoever, at law or in equity, whether in their own right or by
virtue of any order or process of any court, as trustees, devisees,
personal representatives, lessees, sequestrators, receivers, or otherwise,
40 to any Tithes, or portion or portions of Tithes, or Composition esta-
blished in lieu of Tithes, or portion or portions of such Composition,
or who would have been so entitled to any such Composition if the
same had not been suspended by virtue of any lease or agreement; and
the word " Person " shall extend to and comprise all and every
bodies

bodies politic and corporate, sole and aggregate, lay and ecclesiastical and collegiate ; and the words " Compositions for Tithes " shall extend and be applied to any portion or portions of a Composition, and to any Tithes or portion of Tithes, and to any part of a yearly payment thereof, as well as to a Composition ; and the word " County " shall extend and be applied to any riding, county of a city or county of a town, or city and county, as well as a county at large ; and the word " Parish " shall extend and be applied to any part of a parish forming a distinct Benefice, and to extra-parochial place or places separately chargeable with any Composition for Tithes, as well as to a parish ; and the word " Benefice " shall extend and be applied to every rectory, vicarage, perpetual curacy or donation, whether consisting of one or more parishes, or of any part or parts of one or more parishes ; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing ; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

78.
Act may be
altered this
Session.

And be it Enacted, That this Act may be altered, amended or repealed by any Act to be passed in this present Session of Parliament.

Tithes (Ireland).

A

B I L L

For the better Regulation of Ecclesiastical
Revenues, and the Promotion of Religious
and Moral Instruction in Ireland.

*(Prepared and brought in by
Lord Viscount Morpeth, Lord John Russell and
Mr. Chancellor of the Exchequer.)*

*Ordered, by The House of Commons, to be Printed,
8 May 1837.*
