

II.

19 March 1823.



(TITHES:

Ireland.

Commutation.)

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B I L L

To make provision for the facilitating the Commutation of
Tithes in *Ireland*, by Ecclesiastical Persons and others
entitled thereto.

WHEREAS it will greatly tend to the mutual benefit of all
parties interested, if provision were made for the Commuta-
tion of Tithes in *Ireland*, by an Equivalent in Land, or otherwise, in
cases where the parties interested may be desirous thereof;

Preamble :

Benefit of
commutation
of Tithes in
Ireland.

- 5 **B**E it therefore Enacted by The KING's Most Excellent MAJESTY,
by and with the advice and consent of the Lords Spiritual and Temporal,
and Commons, in this present Parliament assembled, and by the autho-
rity of the same, THAT from and after the passing of this Act, the
10 Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, the
Lord Archbishop of *Dublin*, the Lord Archbishop of *Cashel*, the Lord
Archbishop of *Tuam*, all now or hereafter for the time being, and the
respective co-adjutors of the said Archbishops, now or hereafter for the
time being, the Lord Chief Justice of the Court of King's Bench in
15 *Ireland*, the Lord Chief Justice of the Court of Common Pleas in
Ireland, the Lord Chief Baron of the Court of Exchequer in *Ireland*,
and the Chief Secretary of the Lord Lieutenant, or other chief governor
or governors of *Ireland*, all now or hereafter for the time being, together
with other proper and discreet persons whom the Lord Lieutenant,
or other chief governor or governors of *Ireland* for the time being, shall
20 think fit to appoint, by warrant under hand and seal, to be commissioners
under this Act (such persons so to be appointed, to be removable
at the will and pleasure of the Lord Lieutenant or other chief governor
or governors of *Ireland* for the time being) shall be a corporation, and
shall have perpetual succession and a common seal, and shall be called
25 "The Commissioners for the Commutation of Tithes in *Ireland*."

Lord Pri-
mate, Lord
Chancellor,
Archbishops,
Chief Justices,
and Chief
Secretary,
with
three
persons to be
appointed by
Lord Lieute-
nant, incor-
porated as
commis-
sioners for
commutation
of Tithes in
Ireland.

170.

A

And

Appointment
of
three
non-official
commis-
sioners, on
vacancies.

And be it further Enacted, That whenever such commissioners appointed by the Lord Lieutenant or other chief governor or governors of *Ireland* for the time being, or either or any of them, or any other person or persons to be appointed in the place of, or in succession to them, or any of them, shall by death, resignation, removal or otherwise, cease to be a commissioner or commissioners under this Act, then and in every such case, it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland* for the time being, by warrant under hand and seal, to appoint one other person in the place and stead of any such person so ceasing to be such commissioner respectively; and any such person so to be appointed shall accordingly be and become, to all intents and purposes, one of the commissioners for the purposes of this Act.

Lord Lieute-
nant may
appoint a
secretary,
and Officers.

And be it further Enacted, That it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland* from time to time, to appoint a secretary to the said commissioners, with a salary not exceeding the sum of and also such other subordinate officer or officers as such Lord Lieutenant or other chief governor or governors shall think proper, for the carrying into execution the purposes of this Act; and that it shall be lawful for the said commissioners from time to time to certify to the Lord Lieutenant or other chief governor or governors of *Ireland* for the time being, what sum or sums of money they shall deem adequate to defray the expence of such officers, and the incidental expences of the board; whereupon it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to direct such sum or sums of money to be issued out of the produce of the consolidated fund arising in *Ireland*, to defray the expences of such officers and the incidental expences of the board, as to the said Lord Lieutenant or other chief governor or governors of *Ireland* for the time being, shall seem fitting and convenient.

Commis-
sioners may
sue and be
sued in the
name of the
secretary, and
hold lands
under this
Act.

And be it further Enacted, That the commissioners for executing this Act, shall and may sue and be sued in the name of their secretary; and it shall and may be lawful for the said commissioners, and their successors, to receive, take, hold and enjoy any lands tenements or hereditaments whatsoever for the purposes of this Act; the statutes of Mortmain, or any other statute, act or provision whatsoever, in anywise to the contrary notwithstanding.

Quorum of
commis-
sioners
three,
including
always
one official
commis-
sioner.

And be it further Enacted, That it shall and may be lawful for of the said commissioners assembled in pursuance of a general notice for a meeting (of whom some one of the commissioners hereinbefore appointed in right of the offices respectively held by them shall be one), to do and perform any thing required to be done by the said commissioners under this Act, as fully and effectually as all the said commissioners might do if personally present.

Secretary to
keep minute
book of
proceedings.

And be it further Enacted, That the secretary of the said commissioners shall keep a book or journal of the proceedings of the said commissioners

commissioners at their several meetings, and shall enter therein the names of such of the said commissioners as shall be present at every such meeting, and all the proceedings of every such meeting; and the said commissioners shall once in every year, within fourteen days after the day of
5 proceedings under this Act for the year preceding, ending on such day of
10 chief governor or governors of *Ireland*, under the hands and seals of the said commissioners, to be laid before both Houses of Parliament; and the said secretary shall, at any time or times when he shall be thereto required or directed, by or on behalf of the Lord Lieutenant or other chief governor or governors of *Ireland* for the time being, or by the said commissioners, deliver to the Lord Lieutenant, or other chief governor or governors, a true copy of the whole, or of so much and such parts of
15 the said proceedings of the said commissioners, as shall be from time to time required.

Yearly reports to Lord Lieutenant to be laid before Parliament.

And be it further Enacted, That whenever under and by virtue of any Act passed in this present Session of Parliament, to provide for the establishing of compositions for Tithes in *Ireland*, any such composition
20 shall have been made or agreed upon, or ascertained and carried into effect in any parish, it shall and may be lawful for the ecclesiastical incumbent of any and every such parish, with the consent of the patron or patrons of the benefice, to signify to the Lord Lieutenant or other chief governor or governors of *Ireland*, or his or their chief secretary, by notice
25 in writing, under the hands and subscribed with the names of such incumbent, and such patron or patrons, that such incumbent is willing and desirous, and that such patron or patrons consents or consent that land should be assigned as glebe to such incumbent and his successors, in lieu of the composition for Tithes payable to such incumbent and his successors, and in lieu of all Tithes to be at any time yielded or payable to
30 such incumbent and his successors: Provided always, that when more than persons shall be patrons of any such benefice, the consent of the majority of such persons signified as aforesaid shall be sufficient; and that in all cases, where His Majesty, His Heirs or Successors, is or
35 shall be patron, the consent of the Lord Lieutenant or other chief governor or governors of *Ireland* on behalf of His Majesty, His Heirs and Successors, shall be sufficient for the purposes of this Act.

When composition for Tithes is made in any parish, under any Act of this Session, the incumbent, with consent of the patron, may signify to Lord Lieutenant his desire to have land instead of such composition.

Consent of majority of patrons (where more than two) sufficient.
Consent of Lord Lieutenant for the King.

And be it further Enacted, That it shall be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, in cases where he
40 shall think fit so to do, to direct that any such notice or communication shall be transmitted to the commissioners for the commutation of Tithes in *Ireland*, to be appointed under this Act, or to their secretary or other proper officer; and the said commissioners shall appoint proper days and times for the taking into their consideration any and every such application as shall be so transmitted to them, and shall meet together for that
45 purpose, and shall proceed with all convenient dispatch, to receive proposals from any person or persons desirous of selling any lands within such parish,

On proposal of incumbent being transmitted from Lord Lieutenant, to the commissioners for commutation, they are empowered to contract for lands in the parish, (or parish adjoining.)

parish, or partly within such parish, and partly within some adjoining parish; and it shall be lawful for such commissioners to contract and agree with any person or persons willing to sell such lands, for the purchase of the same; and it shall be lawful for the said commissioners to satisfy themselves of the amount of such composition, and the value of such lands, in such manner as they shall think fit; and for that purpose, to call before them any person whomsoever whom they shall think necessary to examine, and to examine any and every such person upon oath, (which oath the said commissioners are hereby authorized and empowered to administer) as to the truth of any fact of which such commissioners may require to be satisfied, for the purpose of obtaining the information requisite for the making of any such contract or agreement.

Commissioners shall certify the amount of purchase money to the Lord Lieutenant who may direct the same to be issued and paid into the Bank; to the account of the Commissioners of commutation, not exceeding one hundred thousand pounds in any one year.

And be it further Enacted, That when and as soon as the said commissioners for the commutation of Tithes in *Ireland* shall have actually contracted and agreed for the purchase of any lands for the purposes of this Act, the said commissioners shall forthwith certify the amount of the consideration money to the Lord Lieutenant or other chief governor or governors of *Ireland*, and thereupon it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to direct that the sum or sums specified in such certificate shall be issued out of the produce of the consolidated fund arising in *Ireland*, and that the same shall be paid into the Bank of Ireland, to the account of the commissioners for the commutation of Tithes in *Ireland*; and a receipt for every and any such sum of money so paid into the said bank to the account of the said commissioners, shall be given by the cashier or cashiers of the said governor and company of the Bank of Ireland: Provided always, That the amount of any sum or sums to be issued for the purposes of this Act shall not exceed the the sum of pounds in the whole, in any one year.

Commissioners for commutation may order payment of such sums to sellers of land, and the land shall be conveyed to commissioners, and be annexed to the benefice as glebe land.

And be it further Enacted, That after payment into the Bank of Ireland, in manner aforesaid, of the sum or sums specified in any certificate or certificates of the commissioners for the commutation of Tithes, it shall and may be lawful for the said commissioners, by any order under their common seal, directed to the cashier or cashiers of the said bank, to order the payment of any such sum or sums respectively, to the parties who shall have contracted and agreed for the sale of any lands, for the purposes of this Act; and such order shall be a sufficient authority to such cashier to pay the said sum to the person or persons mentioned in such order; and such lands shall be given granted and conveyed by deed, indented, under the hands and seals of the parties conveying such lands, to the said commissioners for the commutation of Tithes, for the purposes of this Act; and such lands shall for ever from and after such grant and conveyance thereof, become and be glebe lands of the benefice of such incumbent, on whose application the same shall be purchased, to all intents and purposes whatsoever, and shall be and become annexed to such benefice as glebe lands of such benefice, to all intents and purposes whatsoever, and shall be holden and enjoyed by such incumbent, and his successors,

successors, from time to time, for the time being, accordingly, without any license or writ of *Ad quod damnum*, any statute of Mortmain, or any other statute or law to the contrary notwithstanding: Provided always, That the annual value of such lands so to be assigned, clear of all out-goings whatever, shall not, at the time of the purchase thereof, be less in amount, in the whole, than the annual composition which shall be payable for the Tithes to the ecclesiastical incumbent of such parish; and that the annual value of such lands shall not, at the time of such purchase, exceed the amount of such composition in any greater sum than after the rate of

Value of such land shall not be less than the composition, and shall not exceed it by five pounds per cent.

And be it further Enacted, That in every grant and conveyance of such lands, there shall be contained a full and sufficient description by metes and bounds of the lands so granted and conveyed, and a statement of the parish or parishes and barony or half barony in which such lands shall lie and be situate; and to every such grant and conveyance there shall be annexed a map or terre chart or ground plan of such lands, and a copy of every such grant and conveyance with such map or terre chart or ground plan shall be lodged in the registry of the diocese, within which the benefice to which such lands shall be annexed as glebe lands shall be situate, within calendar months next after the date and execution of such grant and conveyance; and that such copy shall be written upon vellum or parchment, and directed to the registrar of such diocese, and shall be under the hand and seal or hands and seals of some one or more of the parties to such grant or conveyance, and shall be attested by one of the witnesses to such grant or conveyance; and such witness shall, by affidavit at the foot of such copy, made before the said registrar, (who is hereby empowered and required to administer the same,) prove the signing and sealing of such copy, and the execution of such grant and conveyance, by one at least of the parties thereto respectively, and such grant or conveyance shall be produced, together with such copy, to such registrar, who shall thereupon certify on the back of such grant and conveyance the registration thereof, and the day whereon the same shall be so registered, and shall make and enter a full abstract of such copy in a book to be kept for that purpose, with a sufficient index for the purpose of reference, and shall deposit the said copy amongst the archives of such diocese; and every such registrar shall be entitled to receive a fee of and no more, for or in respect of such registration; and every person shall be entitled to inspect such registry and such copy, and to have a copy of any such entry on paying for the same respectively, a sum of and no more; and such endorsement of registry upon such grant or conveyance as aforesaid, shall to all intents and purposes be good and sufficient evidence of the registration thereof, according to the terms of such endorsement.

Conveyance shall contain a description and map of the lands conveyed, and a copy thereof shall be deposited and registered in the registry of the diocese, within six months.

Fee for registry, two shillings and sixpence.

Fee for inspection or copy of entry, two shillings and sixpence.

And be it further Enacted, That the incumbent for the time being of any benefice to which such lands shall be annexed as glebe under the provisions of this Act, shall be entitled to receive the rents and profits of

Incumbent shall have profits of such lands from

first May,
or
first November
next after
contract, and
be put into
possession
ten
days before,
and his right
to composi-
tion for
Tithes shall
then cease.

such glebe lands, from the day of or the day of
whichever of the said days shall be next after the date of the grant and
conveyance of such land as aforesaid, and such incumbent shall be put
into possession of such lands days at least next before such
day of or day of respectively; and that such 5
incumbent shall be entitled to receive the half yearly instalment of the
composition for Tithes, payable to such incumbent, up to such day
of or day of and that from and after such
day of or day of respectively, the
right and title of such incumbent to such composition, or any part thereof, 10
and to all Tithes or portion of Tithes, in respect of which such composi-
tion shall have been made, shall cease and determine to all intents and
purposes whatsoever, except only so far as may relate to any arrear of
any such composition due to such incumbent, on such day of
or day of respectively. 15

Any person,
not being the
incumbent, or
any corpora-
tion, lay or
ecclesiastical,
or impropr-
iator entitled to
Tithes in any
parish where a
composition
shall be made,
may take
lands in com-
mutation for
such Tithes.

And be it further Enacted, That it shall and may be lawful to and
for any and every ecclesiastical person, and any and every body corporate
or collegiate, or corporation aggregate or sole, and any and every impro-
priator and appropriator, and any and every person whomsoever eccle-
siastical or lay, being the owner or owners of or entitled to any Tithes or 20
portion of Tithes in any parish in *Ireland*, in which any composition for
Tithes shall have been made under or by virtue of such Act, for the
establishment of a composition for Tithes, and not being the incumbent
of such parish, who shall be willing and desirous to accept land in com-
mutation for such Tithes, to signify such their desire to the Lord Lieu- 25
tenant, or other chief governor or governors of *Ireland*, by notice in writing
under their hands and seals respectively; and it shall be lawful for such Lord
Lieutenant, or other chief governor or governors of *Ireland*, if he or they
shall think fit so to do, to direct that such notice shall be transmitted to the
commissioners for the commutation of Tithes, and for such commissioners to 30
contract and agree for the purchase of any lands situate either in the county
in which such parish shall be situate, or in any other part of *Ireland*, as the
parties applying for such commutation shall request or consent to; and such
lands shall be granted and conveyed and settled to such persons or bodies
corporate or collegiate, or corporations aggregate or sole, subject to the 35
same uses in all cases, and liable to all such charges incumbrances and
limitations, to all intents and purposes, as the Tithes or portions of Tithes
in commutation for which such lands shall be conveyed were subject or
liable to; and the purchase of such lands shall be made, and the grant
and conveyance of such lands shall be registered, and all matters and 40
things relating to the same shall be done and effected in like manner as is
required and directed by this Act, in case of purchases of lands on the
application of any incumbent, so far as the same are applicable or can be
applied; and from and after the day of or day of
whichever of the said days shall be next after the comple- 45
tion of such purchase, all right and title of every person, or body
corporate or collegiate, or corporation aggregate or sole, making such
commutation to any Tithes or portion of Tithes, or to any composition
for

Such Lands
shall be set-
tled to like
uses as the
Tithes were,
and subject to
like charges.

And right of
impropriator,
&c. to Tithes
or Composi-
tion shall
cease, from
first May,
or
first November
ensuing.

for the same for which such commutation shall be made, shall for ever cease and determine.

And be it further Enacted, That it shall and may be lawful for any lay impropriator, or other person or persons who shall be absolutely and immediately, in his or their own right, entitled to any Tithes or portion of Tithes, in any parish in *Ireland* in which any composition shall be made for such Tithes, and who shall be desirous to sell and dispose of his or their right and title in and to such Tithes or portion of Tithes, for any sum of money, to signify such his or their desire to the Lord Lieutenant or other chief governor or governors of *Ireland*, by notice in writing under his or their hand or hands; and it shall be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to transmit such notice to the commissioners for commutation of Tithes under this Act, and such commissioners shall and may thereupon contract and agree with such lay impropriator, or other person or persons, for the absolute purchase of such Tithes or portion of Tithes, and certify the amount of the sum agreed upon for such purchase, to the Lord Lieutenant or other chief governor or governors of *Ireland*, and it shall be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to direct the sum specified in any such certificate to be issued and to be paid into the Bank of Ireland, for the purpose of being paid to and received by such lay impropriator, or other person or persons so entitled to such Tithes or portion of Tithes, according to the regulations of this Act in other cases, so far as the same are applicable or can be applied; and the composition for such Tithes shall thereupon become permanent, and shall be levied and paid to the use of His Majesty, His Heirs and Successors, in like manner as is provided, in case of the commutation of any such Tithes, or portion of Tithes for land, under the provisions in this Act contained.

Lay Impro-
priators, and
others abso-
lutely entitled
to Tithes in
their own
right, may
sell the same
for a sum of
money.

Provided always, and be it Enacted, That in any parish in which a composition for Tithes shall not have been agreed upon, or ascertained under any Act of this Session, for the establishing of composition for Tithes in *Ireland*, if it shall happen that the ecclesiastical incumbent of such parish shall be willing and desirous, and the patron or patrons of the benefice shall consent that land should be assigned as glebe to such incumbent and his successors, in lieu of the Tithes payable to such incumbent and his successors, or if any lay impropriator or other person or persons, or body corporate or collegiate, or corporation aggregate or sole, lay or ecclesiastical, entitled to any Tithes or portion of Tithes in any parish in *Ireland*, shall be willing and desirous to accept land in commutation for such Tithes, it shall and may be lawful for such incumbent, with the consent of such patron or patrons, and for such lay impropriator or other person, or body corporate or collegiate, or corporation, to signify to the Lord Lieutenant or other chief governor or governors of *Ireland*, or his or their chief secretary, by notice in writing under the hands and subscribed with the names of such incumbent and such patron or patrons, or under the hands and seals of such lay impropriator or other person or persons, or corporation respectively, that such incumbent or lay impropriator

In parishes
where no
composition
has been
made, Lord
Lieutenant on
application of
incumbent
and patron,
or Impro-
priator, &c. may
appoint a
commissioner
for making
such compo-
sition, and
thereupon
land may be
assigned
under this
Act in lieu of
such Tithes
and Compo-
sition.

priator or other person, or corporation is willing and desirous, and that such patron or patrons, in case of application by any incumbent, consents or consent that land should be assigned as glebe to such incumbent and his successors, or to such lay impropiator or other person, or corporation, and requesting that a commissioner may be appointed by the Lord Lieutenant to ascertain and fix the amount of the composition for such Tithes payable in such parish; and thereupon it shall and may be lawful for the Lord Lieutenant or other chief governor or governors of *Ireland*, to appoint some disinterested person to be a commissioner, for the ascertaining and settling the value of such Tithes payable in such parish, and the amount of the annual sum to be paid as a composition and satisfaction for such Tithes; and such commissioner when so appointed, shall have and exercise all such powers and authorities in all respects, for the ascertaining the value of such Tithes, and for ascertaining and fixing the amount of such composition, and for the assessing and applotting of such composition upon and over the several lands within such parish, as any commissioner appointed by the Lord Lieutenant or other chief governor or governors under the provisions of any such Act, for establishing of compositions for Tithes, can or may have under such Act, and as if such commissioner had been appointed under the authority of such Act; and from and after the time when such composition shall be fixed and ascertained and assessed and applotted by such commissioner, such proceedings shall and may be had under this Act, for the purchasing assigning and settling land in lieu of such Tithes and composition, under the authority of the commissioners for the commutation of Tithes, as are by this Act authorized and required in cases where any composition for Tithes shall have been made under the said Act of this Session for the establishing of compositions for Tithes in *Ireland*; and as if the composition to be made under the authority of this Act, had been originally made under the authority of the said Act for establishing such compositions.

After the first May, or first November succeeding the completion of any commutation under this Act, the composition for Tithes under former Act, shall become a permanent charge on the parish, and shall be collected for the use of his Majesty.

And be it further Enacted, That from and after the day of or the day of whichever of such days shall be next after any such grant or conveyance shall have been completed under this Act, whereby any incumbent or impropiator or any other person, or body corporate or collegiate, or corporation aggregate or sole, shall have made a commutation for Tithes, and shall have ceased to be entitled to any composition for Tithes, and to any Tithes or portion of Tithes in any parish under the provisions of this Act, the composition which shall have been made in such parish for such Tithes or portion of Tithes so commuted, shall be charged upon such parish and shall become a permanent charge on the lands in such parish, and shall not cease and determine at the end of twenty-one years; any thing in the said recited Act for the establishing compositions for Tithes, to the contrary in anywise notwithstanding; and such composition shall be annually assessed and applotted in manner required by the said recited Act, and shall be collected and levied for the use of His Majesty, His Heirs and Successors, in manner and under the regulations hereinafter mentioned and contained.

And

And be it further Enacted, That from and after the time when such composition shall become permanent, the persons by whom the assessment or applotment of such composition shall be made under the said Act of this Session for establishing such compositions, shall from time to time transmit copies of such assessment and applotment to the Commissioners for the commutation of Tithes, in lieu of any other copies thereof required to be made and delivered by the said Act; and shall then also return to the said Commissioners the names of or more able and sufficient persons living within such parish to be collectors of such composition in such parish for the use of His Majesty, His Heirs and Successors, for whose paying to the collector of excise in manner hereinafter mentioned, such monies as they shall be chargeable withal, the parish where they are so to be employed, shall be answerable; and the said Commissioners shall affix their seal to one copy of such assessment or applotment, and shall deliver or transmit or cause to be delivered or transmitted such copy so sealed to one or more honest and respectable person or persons to be collector or collectors, which the said Commissioners are hereby authorized and empowered to nominate and appoint for such parish, with warrant to such collector or collectors to collect such composition according to the assessment and applotment thereof in any such parish; and the said commissioners are hereby required to deliver or cause to be delivered a Schedule in parchment fairly written, and under their seal, containing the whole amount of the composition for Tithes payable in such parish, and applotted and assessed on the owners and occupiers of land in such parish, and also the christian names and surnames of the respective collectors, unto the collector of excise in the district in which such parish shall be situate; and the said Commissioners shall also transmit or cause to be transmitted a like Schedule into the office of the King's remembrancer of the Exchequer in *Ireland*, within months next after the day of or the day of whichever of the said days shall be next after the time when any grant or conveyance of Tithes, or composition of Tithes, shall have been made under this Act, for which duplicate the remembrancer or his deputy shall give to the person bringing the same a receipt in writing without fee or reward.

Two Copies of assessments, with names of two persons for whom the parish will be answerable as collectors, shall be transmitted to commissioners, who shall appoint the collector with warrant to levy; and shall also send a Schedule of the amount of the composition to collector of excise, and remembrancer of the Exchequer, within three months after first November or first May.

And be it further Enacted, That the persons so appointed to be collectors as aforesaid, shall levy and collect the several sums payable on account of such composition for the use of His Majesty, His Heirs and Successors, according to the assessment and applotment thereof, and with like powers and authorities, and in like manner, to all intents and purposes, as the collectors of grand jury cess; and with all the like remedies in case of non-payment thereof, or of any part thereof, as are prescribed by law with respect to any money to be levied under any presentment of a grand jury in *Ireland*; and the said collectors are hereby required and enjoined to pay unto the collector of excise for the district in which such parish shall be situate, all and every the sum and sums of money by them respectively collected and received on account of such compositions, at such time or times as the said Commissioners for the commutation of Tithes shall direct and appoint, so as that the whole sum

Collectors of composition shall pay the amount half yearly to collectors of excise in the district;

within
three
months after
first May
and
first November.

Allowance
to collectors
three-pence
in the pound.

How deficien-
cies of com-
position shall
be re-assessed
and made
good.

Commis-
sioners shall
call on collec-
tors to satisfy
them, that
composition
has been
duly collected
and paid over
within
three
months after
first May
and
first November,
respectively.

due for each half yearly payment of such composition shall be paid or answered by the said collectors of such composition to the collectors of excise in their respective districts within calendar months next after the day of and the day of respectively in each and every year; and the receipt or acquittance of such collector of excise (which receipt or acquittance shall be given gratis to the collectors of the said composition for all money by them paid) shall be a sufficient discharge to the collectors of such composition; and all monies so received by such collectors of excise shall be applied and accounted for by them in like manner as any other public money received by such collectors of excise is by law to be applied and accounted for; and the collectors of such composition shall, upon collection of the whole sum appointed to be collected by them, and payment thereof as is hereby appointed, have and receive for their pains in collecting the money, the sum of in the pound, which the said collectors of the said composition are hereby empowered to retain out of the last payment of the monies of their several and respective half yearly payments.

And be it further Enacted, That in case the amount of the composition for Tithes in any parish shall not be fully levied and paid, according to the true intent and meaning of this Act, or if any part of the assessment or applotment of such composition shall be rated or imposed upon any person not being of ability to pay the same, or upon any land where the same cannot be collected or levied, or that through any wilfulness, neglect, mistake or accident, the amount of the composition payable in such parish, or any part thereof, shall not be paid to the collector of excise, in the district in which such parish shall be situate, as in and by this Act is directed, that then and in all and every such case or cases the commissioners for the commutation of Tithes shall, by an order under their seal, direct that all and every such sum and sums of money as shall be so deficient, shall be assessed or re-assessed and applotted upon the parish in which such deficiency shall happen, in such manner as to the said commissioners shall seem most agreeable to equity and justice; and such new assessment and applotment shall be levied collected and paid in such manner, and by all such means as the original assessment or applotment of such composition is by this Act directed to be levied collected and paid.

And be it further Enacted, That after the expiration of calendar months next after the day of and the day of respectively, in every year, it shall be lawful for the commissioners for the commutation of Tithes, and they are hereby authorized and required to call before them the collector or collectors of the composition for Tithes, in any parish in which such composition shall have become permanent, and shall be payable to the use of His Majesty, His Heirs and Successors, under the authority of this Act, and to examine such collector or collectors upon oath, and assure themselves of the full and whole payment of the composition for Tithes charged on such parish for the half year then next preceding, and of the due payment of

of the same to the collector of excise of the district in which such parish shall be situate, to the end that there may be no failure in the payment of any part of such composition, in any such parish, nor any arrears remaining chargeable upon any such parish, according to the true intent and meaning of this Act; and in case of any failure in the premises, the
 5 said commissioners are hereby authorized and required to cause the same to be forthwith levied and paid according to the true intent and meaning of this Act.

And be it further Enacted, That such persons as shall be nominated
 10 and appointed by the said commissioners for the commutation of Tithes under this Act, to be collectors of any composition for Tithes, in any parish, shall, if required so to do by the said commissioners, give good and sufficient security to the said commissioners, equal to the amount of the whole annual composition to be collected in such parish, for their duly
 15 paying to the collector of excise in the district in which such parish shall be situate, all such monies as shall come to their hands on account of such composition, which security the said commissioners are hereby authorized and empowered to take; and on failure of the persons so named to be collectors as before directed giving such security, if required, the said
 20 commissioners shall be at liberty, and are hereby authorized, by and with the consent of the Lord Lieutenant, or other chief governor or governors of *Ireland*, to appoint any other or more sufficient persons residing within such parish, who can give such security as aforesaid, to be collectors of such composition: Provided always, that if no persons can be
 25 found in such parish who are willing or able to give such security, then and in such case the persons who were first named and appointed by the said commissioners as before directed, shall be collectors of the said composition.

Collectors shall give security for payment of money collected, if required, with two sureties.

And be it further Enacted, That it shall be lawful for any owner or
 30 proprietor of any lands or Tithes or portion of Tithes, and for all bodies politic corporate or collegiate, or corporations aggregate or sole, and for all tenants for life or in fee tail, general or special, or for years determinable on any life or lives, feoffees in trust, executors, administrators, guardians and other trustees whomsoever; or any other person or persons,
 35 not only for and on behalf of themselves, but also for and on behalf of any infants, femmes covert, *cestuique* trust, and for all and every other person or persons whomsoever, who are or shall be seised or possessed of, or interested in any lands or Tithes or portion of Tithes, either for their own use or benefit, or for the use of or in trust for such other person
 40 or persons as aforesaid, to contract and agree for the sale and conveyance of any lands or Tithes or portion of Tithes, and for the commutation of any such Tithes or portion of Tithes under the provisions of this Act; and all contracts sales and conveyances which shall be so made, shall be valid and effectual in the law to all intents and purposes, any law statute
 45 or usage, or any other matter or thing whatsoever to the contrary notwithstanding; and all such bodies politic corporate or collegiate, corporations aggregate or sole, tenants for life or in fee tail, general or special,

Bodies politic, &c. and others empowered to sell lands or commute Tithes, &c. for the purposes of this Act.

or for years determinable on any life or lives, feoffees in trust, executors, administrators, guardians and trustees, and all other persons, shall be and are hereby indemnified for what they shall do by virtue or in pursuance of this Act.

On payment of the purchase money, lands or Tithes to be taken for the purposes of this Act.

And be it further Enacted, That every sum of money to be agreed for as aforesaid, shall be paid to the parties or persons respectively entitled thereto, or to his her or their agent or agents; and upon payment thereof, or upon depositing the same in the Bank of Ireland, under the directions of the court of Chancery, in manner by this Act provided, and after days notice given to such parties or persons, or to his her or their agent or agents, or left at his her or their place or places of abode, or with the tenant in possession of the lands so to be contracted and agreed for and purchased as aforesaid, such lands or Tithes shall be used and taken for the purposes of this Act; and thenceforth all parties and persons whomsoever, shall be divested of all right and title to such lands or Tithes.

Application of purchase money for lands sold by corporations, trustees, &c. amounting to 200 l. or upwards.

And be it further Enacted, That the principal money to be paid for the purchase of any lands or Tithes for the purposes of this Act, from any body politic corporate or collegiate, ecclesiastical or civil, corporation aggregate or sole, feoffees in trust, guardians, committees or other trustees, or from any feme or femes covert, or other incapacitated person or persons seised for life or lives, or of any other estate in strict or other settlement, shall, in case the same shall amount to or exceed the sum of two hundred pounds, with all convenient speed be paid into the Bank of Ireland, in the name and with the privity of the Accountant General of the high court of Chancery in Ireland, to be placed to his account, *ex-parte* the commissioners for commutation of Tithes in *Ireland*, to the intent that such money shall be applied under the direction and with the approbation of the said court, to be signified by an order made upon a petition to be preferred in a summary way, by the person or persons who would have been entitled to the rents and profits of the said lands or Tithes, towards the discharge of any debt or debts, or such other incumbrances or part thereof, as the said court shall authorize to be paid, affecting the same lands or Tithes, or affecting any other lands standing settled therewith, to the same or the like uses, trusts, intents or purposes; or where such money shall not be so applied, then the same shall be laid out and invested, under and with the like direction and approbation of the said court, in the purchase of other lands, which shall be conveyed and settled, to for and upon such and the like uses, trusts, intents and purposes, and in the same manner as the lands or Tithes which shall be so purchased taken or used as aforesaid, stood settled or limited, or such of them as at the time of making the conveyance and settlement shall be existing, undetermined, and capable of taking effect; and in the mean time, and until such purchase shall be made, the said money shall, by order of the said high court of Chancery, upon application thereto, be invested by the said Accountant General, in his name, in the purchase of three pounds and ten shillings per centum or four pounds per centum annuities transferrable at the Bank of order

Ireland; and in the mean time, and until the said annuities shall be ordered by the said court to be sold for the purposes aforesaid, the dividends and annual produce of the said annuities shall from time to time be paid by order of the said court, to the person or persons who would for the time being have been entitled to the rents and profits of the lands or Tithes so to be purchased under the authority of this Act, in case such purchase or settlement were made.

Provided always, and be it further Enacted, That if any money so agreed to be paid for any lands or Tithes purchased taken or used for the purposes of this Act, and belonging to any corporation, or to any person or persons under any disability or incapacity as aforesaid, shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the rents and profits of the lands or Tithes so purchased taken or used, or of his her or their guardian or guardians, committee or committees, in case of infancy or lunacy, to be signified in writing under their respective hands, be paid into the Bank of Ireland, with the privity and in the name of the said Accountant General of the high court of Chancery, and be placed to his account as aforesaid, in order to be applied in manner hereinbefore directed; or otherwise the same shall be paid at the like option, to trustees to be nominated by the person or persons making such option, and approved of by one or more of such commissioners for the commutation of Tithes in *Ireland* (such nomination and approbation to be signified in writing under the hands of the nominating and approving parties,) in order that such principal money, and the dividends arising thereon, may be applied in any manner hereinbefore directed, so far as the case may be applicable, without obtaining, or being required to obtain, the direction or approbation of the said high court of Chancery.

Application of such purchase money if less than 200 *l.* and exceeding 20 *l.*

Provided also, and be it further Enacted, That when such money so agreed to be paid as last before mentioned, shall not exceed twenty pounds, then and in all such cases the same shall be applied to the use of the person or persons who would for the time being have been entitled to the rents and profits of the lands or Tithes purchased for the purposes of this Act, in such manner as the said commissioners for commutation of Tithes, or any one or more of them, shall think fit, or in case of infancy or lunacy, then to the guardian or guardians, committee or committees of the person or persons so entitled respectively, to and for the use and benefit of such person or persons so entitled respectively.

Application of such Money where it does not exceed 20 *l.*

And be it further Enacted, That in case any person or persons who shall have contracted and agreed to sell any lands, or to make any commutation for Tithes under this Act for the purposes of this Act, shall not be able to make a good title to such lands or Tithes, to the satisfaction of the commissioners for the commutation of Tithes, or if the person or persons entitled to such lands or Tithes be not known or discovered,

When title cannot be made good, money to be paid into the Bank under the direction of the court of Chancery.

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then and in every such case it shall be lawful for such commissioners for the commutation of Tithes in *Ireland*, to order the amount of any money payable in respect of such lands or Tithes, to be transferred in the books of the Bank of Ireland, from the account of the said commissioners, into the name and with the privity of the Accountant General of the high court of Chancery in Ireland, to be placed to his account to the credit of the parties interested in such lands or Tithes [*describing them*], subject to the order controul and disposition of the said high court of Chancery; which said court, on the application of any person or persons making claim to such sum or sums of money, or any part thereof, by motion or petition, shall be and is hereby empowered in a summary way of proceeding, or otherwise, as to the said court shall seem meet, to order the same to be laid out and invested in the public funds in *Ireland*, and to order the distribution thereof, or payment of the dividends thereof, according to the respective estate or estates, title or interest of the person or persons making claim thereto, and to make such other order in the premises as to the said court shall seem just and reasonable.

In cases of dispute of title, persons in possession to be deemed lawfully entitled to premisses.

Provided also, and be it further Enacted, That where any question shall arise touching the title of any person or persons to any money to be paid into the Bank of Ireland, in the name and with the privity of the Accountant General of the said high court of Chancery, in pursuance of this Act, for the purchase of any lands or Tithes, or of any estate right or interest in any lands or Tithes to be purchased in pursuance of this Act, or to any bank annuities to be purchased with any such money, or to the dividends or interest of any such bank annuities, the person or persons who shall have been in possession of such lands or Tithes at the time of such purchase, and all persons claiming under such person or persons, or under the possession of such person or persons, shall be deemed and taken to have been lawfully entitled to such lands or Tithes, according to such possession, until the contrary shall be shewn to the satisfaction of the said court of Chancery; and the dividends or interest of the bank annuities, to be purchased with such money, and also the capital of such bank annuities, shall be paid applied and disposed of accordingly, unless it shall be made appear to the said court, that such possession was a wrongful possession, and that some other person or persons was or were lawfully entitled to such lands or Tithes, or to some estate or interest therein.

When purchases of other premisses are made, expense of purchases to be paid out of the money received by this Act.

Provided also, and be it further Enacted, That where, by reason of any disability or incapacity of the person or persons, or corporation, entitled to any lands or Tithes to be purchased under the authority of this Act, the purchase-money for the same shall be required to be paid into the high court of Chancery, and to be applied in the purchase of other lands, to be settled to the like uses, in pursuance of this Act, it shall be lawful for the said high court of Chancery to order the expences of all purchases, from time to time to be made in pursuance of this Act, or so much of such expences as the said court shall deem reasonable to be paid by any trustees out of the monies to be received by virtue of this Act, and such trustee

trustee shall from time to time pay such sums of money for such purposes as the said court shall direct.

Provided always, and be it Enacted, That in case it shall happen that any lands shall be purchased by the commissioners for the commutation of Tithes, under the provisions of this Act, which shall be more than sufficient for the purposes of this Act, it shall and may be lawful for the said commissioners to sell and dispose of the residue of such lands to any person or persons, and the purchase money for such lands shall be paid into the receipt of the Exchequer in *Ireland*.

Commissioners may sell surplus lands purchased under this Act; the produce to be paid into the Exchequer.

And be it further Enacted, That whenever such commutation for any Tithes or portion of Tithes shall have taken place in any parish in *Ireland*, and the compositions for any such Tithes or portion of Tithes in such parish, shall have become a permanent charge on such parish and the lands in such parish, and payable to the use of His Majesty, His Heirs and Successors, under the provisions of this Act, it shall and may be lawful for the several owners and proprietors of any land in any such parish which shall be liable to the payment of any part of such composition, or any one or more of such owners or proprietors, to redeem or purchase the same, and to exonerate any lands from the payment of such composition for ever, by such payments of money or transfers of stock to the commissioners for the reduction of the national debt, and upon such terms and conditions, and under such rules regulations and directions, as shall or may be from time to time made by the commissioners of His Majesty's treasury for the time being, until provision shall be more effectually made by any Act or Acts of Parliament for that purpose.

Owners of land subject to composition for Tithes, may redeem such composition under orders of the Treasury, until further provision is effectually made by Parliament.

And be it further Enacted, That no action suit or proceeding shall be commenced or prosecuted against any commissioner, or other person or persons, for any thing done in pursuance of this Act, until thirty days notice thereof shall be given to such commissioner, or other person or persons, nor after a sufficient satisfaction or tender thereof hath been made to the party or parties aggrieved, nor after calendar months next after the fact committed; and every such action or suit or prosecution shall be laid or brought in the county, county of a city or county of a town, where the cause of action shall have arisen, and not elsewhere; and the defendant or defendants in every such action suit or prosecution, shall and may, at his or their election, plead specially, or the general issue not guilty, and give this Act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if the same shall appear to have been so done, or that such action or suit shall have been brought before thirty days notice thereof was given as aforesaid, or after a sufficient satisfaction made or tendered as aforesaid, or after the time limited for bringing the same as aforesaid, or shall be brought in any other county, county of a city or county of a town, than as aforesaid, then the jury shall

Notice of actions, &c. thirty days; Limitation three months.

Venue.

General issue.

shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall be nonsuited, or shall discontinue his her or their action suit or prosecution after the defendant shall have appeared, or if, upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall recover costs, and have such remedy for the same as any defendant or defendants bath or have in any case of law.

Double
Costs.

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II.

(TITHES:
Ireland.
Commutation.)

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B I L L

To make provision for the facilitating the
Commutation of Tithes in *Ireland*, by
Ecclesiastical Persons and others entitled
thereto.

Ordered, by The House Commons, to be Printed,
19 March 1893.
