ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

C A P. CVI.

An Act to enable the Commiſſioners of Firſt Fruits in *Ireland* to lend certain Sums of Money (Intereſt free) to Incumbents of Benefices there, for the Purpoſe of enabling them to erect or purchaſe Glebe Houſes and Offices convenient for their Reſidence; and to purchaſe Glebe Lands fit and convenient for the Erection of ſuch Houſes and Offices; and to make Proviſion for the Repayment of all Loans ſo to be made by the ſaid Commiſſioners.

[27th *July* 1803.]

WHEREAS, in many Parts of *Ireland*, there are no Manſion or Glebe Houſes fit and convenient for the Reſidence of the reſpective Incumbents, in or on their ſeveral Pariſhes or Benefices; and it would greatly tend to encourage the Erection of proper Buildings for the Reſidence of ſuch Incumbents, if the Truſtees and Commiſſioners of the Firſt Fruits in *Ireland* were enabled to advance

Sums of Money out of the Monies entrusted to their Disposal, from Time to Time, by way of Loan, to such Incumbents for such Purpose, and if full Provision were made for Repayment of such Loan by Instalments, without Interest, by Means whereof in course of Time all the Parishes and Benefices in *Ireland* might be provided with Glebe Houses for the Residence of the respective Incumbents; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Trustees and Commissioners of the First Fruits in *Ireland*, from Time to Time, and in such Proportion as they shall think proper, to lend and advance, out of the Funds entrusted to their Care, to the Incumbent of any Benefice, Parish, or Union of Parishes, who shall apply for the Aid and Assistance intended to be given by this Act, any Sum of Money not exceeding Two Years Net Income of such Benefice, Parish, or Union, to be applied to the Purposes of building a Mansion or Glebe House and Offices, and making other Improvements, or in the Purchase of Houses already built, for the fit and suitable Habitation and Residence of such Incumbent and his Successors, or in the Purchase of Glebe or Demesne Lands fit and convenient for the Erection of such Glebe Houses and Offices.

The Board of First Fruits may lend out of their Funds certain Sums to Incumbents for building Glebe Houses and Offices.

II. And be it further enacted, That the Incumbent of every such Benefice, Parish, or Union of Parishes, to whom any such Money shall be so advanced, or in case of his Death or Removal before the Repayment of the whole Sum so advanced, his Successor or Successors for the Time being shall and he and they is and are hereby severally required and bound to repay to the said Trustees and Commissioners of the First Fruits, or their Treasurer, so much of the said Sum as shall become due by Instalment during their respective Incumbencies in Manner following; that is to say, Six Pounds *per Centum* of the Sum so advanced on the First Day of *July* next after the Expiration of One Year from the Day on which the last Sum advanced to such Incumbent, for the Purpose aforesaid, shall have been so advanced and lent, (or within Twenty-one Days after); Six Pounds *per Centum* more of the Sum advanced on the First Day of *July* in every succeeding Year, (or within Twenty-one Days after), until Ninety-six Pounds *per Centum* of the Sum so advanced shall be repaid; and Four Pounds *per Centum* more of the Sum so advanced on the First Day of *July*, (or within Twenty-one Days after), in the Year succeeding that in which the last Instalment of Six Pounds *per Centum*, making in the Whole Ninety-six Pounds *per Centum*, shall have been paid as before mentioned.

On Avoidance of Benefice, Successor to be liable to repay Money lent.

III. Provided always, and be it further enacted, That no Person shall be deemed a Successor, so as to be charged by or under this Act, who shall die or be removed within the Space of One Year from the Death or Removal of the Incumbent immediately preceding him: Provided also, that no Successor shall in any Case be liable to pay any such Instalments before the First Day of *July* next after he shall have so become a Successor, chargeable under this Act, nor to pay any more than One such Instalment on such First Day of *July*, notwithstanding that more than One Year may have intervened between the Death or Removal of the last Incumbent who had been chargeable with the Payment of any Instalments

On Avoidance of Benefice, who shall be deemed a Successor.

ſtalments under this Act and ſuch Firſt Day of *July*: Provided alſo, that no Intereſt ſhall be paid for or upon any Sum ſo advanced by the ſaid Truſtees or Commiſſioners of the Firſt Fruits, or for or upon any Part thereof, unleſs the Payment of the ſaid Inſtalments ſhall be deferred beyond the Day on which they ſhall have ſeverally become due and payable.

To enforce Punctuality, the Truſtees are required to take a Bond to His Majeſty, payable with Intereſt.

IV. And be it further enacted, That, in order to enforce the punctual and regular Diſcharge and Payment of ſuch Sums as ſhall be ſo lent and advanced in purſuance and by virtue of the Proviſions of this Act, it ſhall and may be lawful for the ſaid Truſtees and Commiſſioners of the Firſt Fruits for the Time being, and they are hereby required to take and receive, previous to the advancing of any Sum of Money to any Incumbent as aforeſaid, a Bond from ſuch Incumbent, binding himſelf, his Heirs, Executors, and Adminiſtrators to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, in a Penalty amounting to Double the Sum advanced, conditioned for the Payment to the ſaid Truſtees and Commiſſioners of the Firſt Fruits of all ſuch Inſtalments of the ſaid Sums at the ſeveral Times herein-before mentioned, as may ſeverally become due during his Incumbency, with legal Intereſt on ſuch Inſtalments reſpectively, from the reſpective Times when each Inſtalment ought to be paid, until the actual Payment thereof; which Bond ſhall have the ſame Force and Effect as Bonds to the King's moſt Excellent Majeſty, and for His Uſe, have by virtue of an Act, paſſed in *Ireland* in the Twenty-firſt and Twenty-ſecond Years of His Majeſty's Reign, intituled, *An Act for the more ſpeedy and effectual Recovery of the King's Debts*; and Suits ſhall and may be proſecuted and carried on upon ſuch Bonds, by the Orders and under the Directions of the ſaid Commiſſioners, for Recovery of the Money which ſhall be due thereon, in ſuch and the ſame Manner as Suits on Bonds to the King's Majeſty may be proſecuted by virtue of the ſaid Act.

All Sums to be advanced ſhall be a Charge on all the Eccleſiaſtical Emoluments of the Benefice.

In Default of Repayment, the Ordinary may ſequeſter, and put a Sequeſtrator to be named by the Truſtees into Poſſeſſion of the Profits, until Repayment, with Coſts and Charges.

V. And be it further enacted, That all and every Sum and Sums of Money ſo to be advanced by the ſaid Truſtees and Commiſſioners of the Firſt Fruits, to any ſuch Incumbent as aforeſaid, ſhall be, from the Time of advancing any Part thereof, a Charge on all the Glebe Lands, Tythes, Rents, Moduſes, Compoſition for Tythes, Salaries, Stipends, Fees, Gratuities, and all other Eccleſiaſtical Emoluments and Profits whatſoever, ariſing or to ariſe from the Benefice, Pariſh, or Union of which ſuch Perſon or Perſons ſhall be Incumbent as aforeſaid; and in caſe Default ſhall be made in the regular Diſcharge of any of the ſaid Payments, or any Part thereof, on the Days appointed for Payment thereof by ſuch Incumbent or by his Succeſſor or Succeſſors, it ſhall be lawful for the Ordinary of the Dioceſe wherein ſuch Living, Benefice, Pariſh, or Union ſhall be, to ſequeſter the ſaid Glebe Lands, Tythes, Rents, Moduſes, Compoſition for Tythes, Salaries, Stipends, Fees, Gratuities, and all other Eccleſiaſtical Emoluments and Profits whatſoever, or ſuch Part or Parts thereof as he ſhall deem to be fully ſufficient for the Purpoſe; and to put a Sequeſtrator, to be named by and on Behalf of the ſaid Truſtees, into the full Poſſeſſion thereof, and Perception of all the Profits thereof, to hold until the ſaid Truſtees ſhall have fully paid to the Fund wherewith they ſhall be entruſted all ſuch Sums of Money as ſhall be then due for

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any such Instalment as aforesaid, together with lawful Interest for the same, from the Time when every such Instalment ought to have been paid, the Costs of insuring the Premises against Fire, Sequestrator's Fees, and all other Costs, Charges, and Expences whatsoever attending such Sequestration as aforesaid, and the entering into such Possession by Receipt, Enjoyment, and Perception of the said Rents and Profits of such Benefice, Parish, or Union; and in case any Difficulty shall arise in obtaining or in retaining quiet Possession by such Sequestrator as aforesaid, it shall be lawful for the said Trustees to apply, by Petition in a summary Way, to the Lord High Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, who shall thereupon cause a Writ of Assistance to be issued under the Great Seal, directed to the Sheriff of the County, City, or Place where such Glebe Lands, Tythes, or other Ecclesiastical Profits shall be or arise, commanding him to assist, keep, and maintain such Sequestrator in the peaceable and quiet Possession thereof; and it shall be lawful for the said Lord High Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being, to proceed against all Persons opposing such Process, or in any Manner hindering the due Execution thereof, in the same Manner as in other Cases of Writs of Assistance directed to the Sheriff in pursuance of Orders of the Court of Chancery for that Purpose.

In case of Difficulty, Petition to Lord Chancellor, who shall issue a Writ of Assistance to Sheriff to keep Sequestrator in Possession.

VI. And be it further enacted, That when the Sum to be paid by such Incumbent as aforesaid shall be fully and entirely repaid, together with such Interest, Fees, Costs, Charges, and Expences as aforesaid, it shall be lawful for the Incumbent for the Time being to apply to the Ordinary of the Diocese for Redelivery of all the said Glebe Lands, Tythes, Rents, and other Ecclesiastical Emoluments whatsoever so sequestered; and in case the said Trustees shall not admit full Payment of all such Sums of Money, Fees, Costs, Charges, and Expences as aforesaid, it shall be lawful for the Ordinary to direct an Account to be taken thereof by such Person or Persons as he shall appoint for that Purpose, and thereupon to make such Order, touching such Sequestration, as Justice shall require.

Upon Repayment, Redelivery of the Glebe, *etc.* shall be made to Incumbent.

The Ordinary to direct an Account, if necessary.

VII. Provided always, and be it further enacted, That such Sum or Sums of Money as shall be lent and advanced to any Incumbent, by virtue of this Act, shall be distinguished and mentioned apart in the usual Certificate to be given by any Archbishop or Bishop, by virtue of the Acts now in force, to enable an Incumbent who builds to recover against his Successor, from any and every Sum or Sums by any Incumbent laid out or expended out of his own proper Income, in the building of such Glebe Houses and Offices, which would otherwise be allowed by the said Certificate; and a separate and distinct Portion of the said Certificate shall be allotted by such Archbishop or Bishop, for ascertaining the Expenditure of the Sum so lent and advanced by the said Trustees.

Sum lent to be distinguished in the Certificate.

VIII. And be it further enacted, That in case any such Benefice, Parish, or Union shall become void, by Death or otherwise, before all the Sums agreed to be advanced by the said Trustees for building thereon shall have been actually advanced by the said Trustees, then and in such Case, the Successor shall be entitled to receive the Remainder of the Money so agreed

In case Benefice becomes void before the whole Sum shall be advanced, Successor to re-

agreed to be advanced, upon giving, in Proportion to the Money remaining to be advanced, the like Security that had been given by his Predeceſſor, by Bond to the King's moſt Excellent Majeſty; the Penalty of which Bond ſhall be recovered in Manner herein-before declared and enacted with reſpect to the Recovery of the Penalty of the Bond ſo given by his Predeceſſor; and the Money ſo advanced ſhall alſo be charged on the Benefice, Pariſh, or Union, in the ſame Manner as the Money advanced to the firſt Incumbent, and ſhall alſo be recoverable in like Manner. Incumbent to receive the Remainder upon like Security.

IX. Provided always, That no Money ſhall be advanced by the ſaid Truſtees, for the Purpoſes aforeſaid, until a Plan for the propoſed Buildings and Improvements ſhall have been approved of by the Ordinary of the Dioceſe, and an Eſtimate made of the Expence thereof, and until Security ſhall have been given, by Bond of One or more Surety or Sureties, in ſufficient Penalties for the due Application of the Money ſo to be advanced, in making and completing ſuch Buildings, or for refunding to the Truſtees ſo much as ſhall not have been actually ſo expended thereon during the Incumbency of ſuch Incumbent, or within Two Years after ſuch Money ſhall have been advanced, unleſs the ſaid Truſtees ſhall think fit not to require ſuch Security; and then and in ſuch Caſe, no Money ſhall be advanced by the ſaid Truſtees to ſuch Incumbent but upon Certificate of the Incumbent or Incumbents of One or more Benefices, Pariſhes, or Unions of Pariſhes adjoining or near to ſuch Benefice, Pariſh, or Union, that a Sum has been actually expended in making the Buildings agreed to be made, equal to the Sum from Time to Time required to be advanced; and then it ſhall be at the Option of the ſaid Truſtees either to pay ſuch Money to the Incumbent, or to apply the ſame in Diſcharge of the Expences actually incurred in ſuch Buildings. Plan and Eſtimate to be previouſly approved by the Ordinary. Security may be diſpenſed with, upon Certificate of the Incumbents of adjoining Pariſhes of the Expenditure.

X. Provided alſo, That the Incumbent for the Time being ſhall annually, at his own Expence, until the laſt Inſtalment ſhall be paid, keep the Buildings on which ſuch Money ſo lent and advanced ſhall have been expended, regularly inſured againſt Fire at ſome publick Inſurance Office in *Great Britain* or *Ireland*, to the full Amount at leaſt of the Sum ſo lent and advanced; and in Default thereof, the Ordinary ſhall have Power in each Year to ſequeſter the Profits of the Benefice, Pariſh, or Union, until ſuch Inſurance ſhall be made. Incumbent to keep Buildings inſured.

XI. And be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to limit or reſtrain the Power now veſted by Law in the ſaid Truſtees and Commiſſioners to grant or give any Sum or Sums of Money gratuitouſly to any Incumbent, for the Purpoſe of enabling or aſſiſting him to build, repair, or improve any Glebe Houſe in or upon the Benefice, Pariſh, or Union of which he ſhall be Incumbent, whether ſuch Incumbents ſhall or ſhall not have received a Loan to be in Part applied to the ſaid Purpoſes from the ſaid Truſtees and Commiſſioners under and by virtue of the Authority of this Act, nor to obſtruct, annul, make void, or alter the Laws now in force for building, repairing, and improving Glebe Houſes, or any of them, ſave as herein-before mentioned; but that Incumbents, in caſe they ſhall think proper to proceed under and according to the ſaid Laws, may do ſo, in the ſame Manner as if this Act had not been made. Not to extend to obſtruct, or alter the Laws now in force for building Glebe Houſes.

Truſtees may require Intereſt if they ſhall think fit.

XII. And be it further enacted, That in caſe the ſaid Truſtees ſhall think fit to advance any Sum of Money for the Purpoſes aforeſaid, and in Manner aforeſaid, and to require Intereſt at the lawful Rate, or any leſs Rate, to be paid for the ſame, from the Time of advancing the ſaid Sum, or any other Time, until Repayment thereof, it ſhall be lawful for them ſo to do, any Thing in this Act to the contrary notwithſtanding; and in ſuch Caſe, the Repayment to be made by the Succeſſor ſhall be made at ſuch Times as the ſame would have been to be made if the Money ſo advanced and lent had been advanced by the Incumbent thereof, under the Laws now in force, or which ſhall be then in force for that Purpoſe.

No Act to be done unleſs Five Truſtees ſhall be preſent.

XIII. And be it further enacted, That no Act ſhall be done by the ſaid Commiſſioners and Truſtees of Firſt Fruits, under or by virtue or in Performance of this Act, or any of the Proviſions therein contained, unleſs Four of the ſaid Truſtees (of whom the Lord Chancellor of *Ireland*, or if there ſhall not be a Lord Chancellor, the Lord Keeper of the Great Seal of *Ireland*, or the Firſt Commiſſioner of the Great Seal of *Ireland*, for the Time being, or One of the Lords Archbiſhops of *Ireland*, ſhall be always One), ſhall be preſent at the doing of ſuch Act.

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