

ANNO QUARTO

GEORGII IV. REGIS.

***

the Validity of such Rate or Cess, or the Liability of the Person from whom it is demanded to pay the same be disputed, and the Party disputing give Notice thereof to the Justices, the Justices shall forbear giving Judgment thereupon: And whereas the said Proviso has been found in a great Measure to defeat the Intent and Purpose of the said recited Act, so far as relates to such Church Rates or Cesses; 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of the same, That the said herein-before recited Proviso in the said recited Act shall be and the same is hereby repealed.

Proviso requiring Justices to stay Judgments when Validity of Rate is disputed, repealed.

II. And be it further enacted, That if the Validity of any such Church Rate or Cess as aforesaid be disputed in any Ecclesiastical Court, before any such Complaint as aforesaid, for the Recovery of such Rate or Cess, shall have been made to any Justice or Justices, and such Justice or Justices shall have received Notice in Writing of the Proceedings in such Ecclesiastical Court, together with a true Copy of such Proceedings, or of any Sentence in such Ecclesiastical Court, before such Justice or Justices shall have made and published any Order for Payment of what shall appear to be due and payable in respect of such Rate or Cess, and which Order it shall not be lawful for any such Justice or Justices to make and publish until after the End and Expiration of Eight Days next after Notice of such Complaint given to the Person or Persons complained against, unless with the Consent of such Person or Persons, or if at any Time before such Order shall be made, it shall be insisted on and signified in Writing, signed by or on behalf of the Person or Persons complained against, that such Person or Persons, at the Time or Times of applotting such Rate or Cess, was not or were not Owner or Owners or Occupier or Occupiers of the House or Houses, or Lands or Tenements, in respect whereof such Person or Persons is or are or shall be sought to be charged with such Rate or Cess, or that such House or Houses, Lands or Tenements, is not or are not situate within the Parish or Union, or alledged Parish or Union, to which such Complaint shall relate, and the Truth of any such written Plea or Defence shall be verified by Affidavit made and sworn before any Justice of the Peace, and delivered to the Justice or Justices before whom such Complaint shall have been or shall be made, together with such Matter, Plea, or Defence, then and in every such Case such Justice or Justices shall forbear to give Judgment on any such Complaint: Provided always, that nothing herein, or in the said recited Act contained, shall extend or be construed to extend to alter or interfere with the Jurisdiction of Ecclesiastical Courts, touching any Church Rate or Parish Cess, or any Proceedings to enforce the same.

Where Validity of Rate is disputed in any Ecclesiastical Court, on Notice thereof to Justices, or on Plea in Writing, verified on Oath, that the Party is not liable (at any Time before Order of Justices, which Order shall not be made until after Eight Days Notice of Complaint), Justices shall forbear to give Judgment on Complaint for Nonpayment of the Rate.

III. And whereas by an Act made in the Parliament of *Ireland* in the Third Year of the Reign of King *George* the Second, intituled *An Act for the better keeping Churches in Repair*, it is amongst other things enacted, that all and every Parish Cess or Tax that shall be made,

Recital of Irish Act 3 G. 2. c. 11. § 3. requiring the Minister

made, raised, or agreed upon at any Vestry held for any Parish for the Repair of the Parish Church or Chapel, or other necessary Charges belonging to such Church or Chapel, shall be applotted upon the respective Inhabitants of such Parish, in manner in the said Act mentioned, which Applotment when made shall be returned to the Minister of the Parish, who the First *Sunday* after he hath received the same shall, after Divine Service in the Morning, give public Notice thereof, as also of a Vestry to be held in Ten Days after such Notice, in order to have the said Applotment examined into: And whereas by an Act made in the Parliament of *Ireland* in the Fortieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the building and rebuilding of Churches and Chapels*, it is enacted, that all Parishes and Unions may be cessed for the building and rebuilding of Churches and Chapels, in like Manner in all respects as they may for repairing Churches and Chapels: And whereas in Cases where such Parochial Assessments have been made for rebuilding and building of Churches and Chapels, it has been often found impracticable to give such public Notice after Divine Service of the Applotment, and of a Vestry, as is required by the Provisions of the said recited Acts; be it therefore enacted, That in all Cases where Notice is by Law required to be given at or after Divine Service, of a Vestry to be held for the laying on or raising, or applotting or confirming the Applotment of any Rate, Assessment, or Cess, for or towards the repairing, building, or rebuilding of any Church or Chapel in any Parish or Union, and it shall happen that there is not any Church or Chapel within such Parish or Union, or any Church or Chapel fit for the Celebration of Divine Service, the posting up of a Notice of such Vestry, by Direction of the Minister or Curate of such Parish or Union, on some conspicuous public Place in the Market Town nearest to the Site of or for the Church or Chapel in respect of the repairing, building, or rebuilding whereof any such Assessment, Rate, or Applotment shall be made or proposed to be made, and delivering Three true Copies thereof to Three Householders of the said Parish or Union respectively, shall be deemed sufficient Notice of every such Vestry, any thing in the said recited Acts or either of them contained to the contrary in anywise notwithstanding.

to give Notice of Applotments of Rates for Repair of Churches, after Divine Service.

Extended to Cases of building Churches, by 40 G. 3. c. 83.

Where there is not any Church in which Notice can be given after Divine Service, such Notice may be posted at the nearest Market Town, and given to Three Inhabitants of the Parish.

IV. And whereas by the said recited Act, made in the Parliament of *Ireland* in the Third Year of King *George* the Second, intituled *An Act for the better keeping Churches in Repair*, it is amongst other things enacted, that wherever any Archiepiscopal or Episcopal Union of contiguous Parishes, under one Incumbent or Curate, as in the said Act is mentioned, shall be made by any Archbishop or Bishop within his respective Diocese, the Inhabitants or Occupiers of Land within each and every of such united Parishes respectively shall be obliged to contribute towards the Repair of the Church or Chapel appointed or to be appointed for Public Worship within the said United Parishes, and to the providing all necessary Charges belonging to such Church or Chapel, as if such United Parishes were One entire Parish, and the Church so appointed were the Parish Church of the same; and by the said Act, after reciting that several Parishes are united by Charters granted by the Crown, in some of which there are but very few Protestants

Recital of 3 G. 2. c. 11. s. 1. requiring Parishes episcopally united to contribute to Repair of Church appointed for the Union.

s. 6. Like Provision as to Unions under Royal Charters.

testants inhabiting, and in others none at all, and the Parish Churches thereof quite ruined or in very great Decay, it is enacted, that until such ruined or decayed Churches are rebuilt or repaired, the Parishioners thereof shall be obliged to contribute to the keeping in Repair the Church to which such Parishes are united, and to the providing all necessary Charges belonging thereto, in like Manner and subject to such Regulations as are by the said Act appointed for the repairing of the Churches united by Archiepiscopal or Episcopal Union:

Loans granted under 48 G. 3. c. 65. 49 G. 3. c. 103. for building Churches in some of the Parishes so united.

And whereas by certain Acts of Parliament made in the Parliament of the United Kingdom of *Great Britain* and *Ireland* in the Forty-eighth and Forty-ninth Years respectively of the Reign of His late Majesty King *George* the Third, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in *Ireland*, the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, are authorized and empowered to grant by way of Loan, Sums of Money, Interest free, to be applied for the building and rebuilding of Churches and Chapels, to be repaid to them by certain Instalments, after the Rate of Six Pounds for and on every Hundred Pounds so lent and advanced, until the respective Loans shall be repaid and discharged, such Instalments to be annually assessed and applotted as therein mentioned: And whereas various Loans have been accordingly made by the said Trustees and Commissioners for the building and rebuilding of Churches and Chapels, and further Loans are likely to be granted for the same Purposes, and also for the repairing of Churches and Chapels, in pursuance of the further Powers hereby granted; and it has happened and may hereafter happen, that Parishes having no Churches, or no Churches fit for the Celebration of Divine Service, have been and may be so united to Parishes having Churches or Chapels fit for the Celebration of Divine Service, for or in respect of the building or rebuilding or repairing whereof certain annual Instalments are and may by Law be payable to the said Trustees and Commissioners of the First Fruits, and it is just and proper that such of the Parishes of the said Unions as have not any Church or Chapel, or any Church or Chapel fit for the Celebration of Divine Service, should contribute to the Payment of the annual Instalments of the Loans granted and to be granted for the building and rebuilding and repairing of the Churches or Chapels of the Parishes to which they are or may be so united, whilst they continue so united; be it therefore enacted, That the Parishioners of any Parish or Parishes, in any such Union in which there shall not be any Church or Chapel, or any Church or Chapel fit for the Celebration of Divine Service, shall from Time to Time, so long as there shall not be any Church or Chapel fit for the Celebration of Divine Service in such Parish, but no longer, contribute to the Payment of all annual Instalments payable to the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, which are or shall become due and payable on and in respect of any Loans for or towards building or rebuilding or repairing any Church appointed or to be appointed, to be as aforesaid the Church of such Union, as if the said united Parishes were One entire Parish, and the Church so built or rebuilt or repaired were the Parish Church of the same.

Further Loans may be required for building or repairing Churches.

Any Parish in any such Union, which has not a Church of its own, shall contribute to Payment of such Loans for any other Church in the Union.

V. And

Where any Parish not having a Church shall not be united to any other Parish, the Archbishop or Bishop may make an Order for the Parishioners to use the Church of any adjoining Parish, and such Parishioners shall contribute to the Maintenance of such Church.

V. And whereas several Parishes in *Ireland* having no Churches or Chapels, or none fit for the Celebration of Divine Service, are not or cannot, as the Law now stands, be episcopally or by Charter united with other Parishes, though contiguous and having Churches fit for the Celebration of Divine Service; and it is expedient and proper that the Inhabitants of such Parishes, not provided with Churches or Chapels fit for Divine Service, should have and enjoy the Use and Benefit of the Churches convenient to the Districts wherein they reside, and that in Consideration of such Use and Enjoyment they should contribute to the Support and Maintenance of such Churches; be it therefore enacted, That it shall and may be lawful to and for the respective Archbishops and Bishops in *Ireland*, within their respective Dioceses, to order and direct, by any Instrument under their Archiepiscopal or Episcopal Seals, that the Inhabitants of any Parish or Parishes within their respective Dioceses, not having a Church or Chapel fit for the Celebration of Divine Service, or that the Inhabitants of any District or Portion of any such Parish, shall and may use and resort to the Church of any adjoining Parish fit for Divine Service, in such Instrument mentioned; and that thereupon and from thenceforth, until the Inhabitants of the said Parish or Parishes, or Districts, or Portions of Parishes, so unprovided with Churches or Chapels fit for Divine Service as aforesaid, shall build up or sufficiently repair their Parish Church or Chapel, or until the Archbishop or Bishop shall revoke such Order, which it shall be lawful for him or them to do at any Time by Writing under his or their Archiepiscopal or Episcopal Seal, such Inhabitants may lawfully use and resort to such Church of such adjoining Parish as shall be mentioned in such Instrument; and all the Inhabitants of all or any such Parishes or Parish, or District or Portion of a Parish as aforesaid, shall contribute and shall be assessed and rated towards the Repairs of the Church of such adjoining Parish, and for the providing all necessary Charges belonging to the same, and towards the Payment of all annual Instalments thereafter to be due and payable to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, on or of any Loan or Loans for or in respect of rebuilding or building or repairing any such Church of such adjoining Parish, and shall be bound and compellable so to do, as if the said Parish so having a Church fit for Divine Service, and the Parish or District, or Portion of the Parish, the Inhabitants whereof shall have been by such Instrument as aforesaid empowered to use and resort to the said last-mentioned Churches, were One entire Parish.

Publication of Banns, &c. may be made in such Church of adjoining Parish.

VI. And be it further enacted, That every such Church of such adjoining Parish, so long as the Inhabitants of any other Parish or District, or Portion of a Parish, shall be permitted to use and resort to the same, shall, so far as respects the Publication of Banns of Marriage, and the Celebration of Marriages, and the Performance and Administration of Divine Service and Sacraments, be and be deemed and taken to be the Church of such Parish or District, or Portion of a Parish: Provided always, that nothing herein contained shall be construed or taken to exempt or discharge the Incumbent of

Ministers Cure of Souls to continue.

Parishioners building, &c. a Church in their own Parish, not to be liable to Charge of any other Church.

of any such Parish, or Portion of a Parish, of or from the Cure of the Souls of the Inhabitants thereof; and that if the Parishioners of such Parish or District, or Portion of a Parish, so by this Act or any of the said recited Acts made liable to such Contributions as hereinbefore mentioned, shall at any Time build up or sufficiently repair the Parish Church or Chapel of such Parish, then and from thenceforth such Parishioners, or any of them, shall not be bound or compelled to contribute towards the repairing, building, rebuilding, or providing necessary Charges belonging to or towards the Payment of any Instalment of any Loan for or in respect of any other Church or Chapel, excepting in respect of that of the particular Parish to which they immediately and properly belong.

Parishioners while bound to contribute to Church of adjoining Parish, may vote at Vestries thereof, &c.

VII. And be it further enacted, That so long and during such Time as all or any of the Inhabitants of the said Parishes respectively, not having Churches or Chapels fit for the Celebration of Divine Service, shall be liable and bound to contribute as aforesaid, and no longer, it shall and may be lawful for such Persons so bound to contribute, to vote at all Vestries to be held for or in respect of the Assessment or Applotment of the Sum or Sums respectively, to and in respect whereof such Contribution is to be made as aforesaid; and that so long as they shall be so bound to contribute, the Churchwarden and Churchwardens of that Parish to or in respect of the Church whereof such Contribution is to be made, shall be and be deemed and taken as the Churchwarden and Churchwardens of the Parish or District, or Portion of the Parish, the Inhabitants whereof shall be so bound to Contribution as aforesaid, so far only as may respect the Assessments and Applotments of any Sum or Sums for all or any of the Purposes aforesaid, and the Collection thereof, and Proceedings for Recovery and Receipt thereof, and no farther.

On Dissolution of Unions of Parishes, Instalments may be decreased.

VIII. And be it further enacted, That wherever, by reason of the Dissolution of any Union or Unions, real or temporary, or from or by reason of any of the Causes aforesaid, or any other lawful Cause, the Inhabitants of any Parish or District, or Portion of any Parish, shall cease to be liable and bound to contribute towards the Payment of any such Instalment or Instalments as aforesaid, payable on or of any Loan or Loans for the building or rebuilding or repairing, or necessary Charges of the Church of any adjoining Parish, to which they may be before bound to contribute as aforesaid, then and in such Case it shall from Time to Time be thereupon lawful to and for the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, and they are hereby required, upon the Petition or Memorial of the Minister or Curate and Churchwardens of the Parish or Parishes remaining liable to the Payment of any such annual Instalment or Instalments, to order and direct, that in lieu and stead of the annual Instalment or Instalments which would otherwise thereupon by Law become due and payable, a smaller and reduced annual Instalment, or Sum or Sums, shall be thereafter paid and payable to the said Trustees and Commissioners, as the only annual Instalment or Instalments of such Loan or Loans, the same

to be paid and payable, and to continue to be paid and payable, until such Loan or Loans shall be fully and entirely paid off and discharged, and no longer; and from and after the making of any such Orders respectively, the reduced annual Instalment or Instalments therein ordered to be paid, shall be and shall continue to be paid and payable yearly and every Year, until such Loan or Loans shall be fully and entirely paid off and discharged, although Sixteen Years or more may have elapsed since the granting or issuing of such Loan or Loans respectively.

IX. And whereas great Neglect and Remissness have taken place in respect of the Collection and Payment, to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, of the several Sums or Instalments of Loans made by the said Trustees and Commissioners for the building and rebuilding of Churches or Chapels in *Ireland*, on the Faith of Parochial Assessments, and the Applotments for the Repayment of such Loans, as well as the Assessments, have been rendered invalid from Want of Form therein, and alledged Irregularities in respect of the changing the Sites of Churches and Chapels; be it therefore declared and enacted, That all Churches and Chapels already erected and consecrated, or in which Divine Service is and has been celebrated with the Consent of the Incumbents or Curates of such Churches and Chapels, and of the Archbishops and Bishops of the Dioceses respectively, are and have been and shall be and be deemed and taken to be the Churches and Chapels of the respective Parishes and Districts in which they are respectively situate, notwithstanding that the Consent of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, may not have been obtained to the changing the Sites of such Churches and Chapels, and although the same may have been erected and built before the Districts which should form the Cures or Parishes of such Churches and Chapels were described and ascertained.

Churches built before the Site or District were duly ascertained, declared to be Churches of their respective Parishes.

X. And be it further enacted, That all Lands and Grounds which have been or shall be granted and conveyed as and for the Scites of such Churches and Chapels, or the Churchyards belonging to the same, under the Provisions of any Act or Acts for that Purpose, or which shall have been or shall be granted or conveyed for the building of any School House, or for the Endowment or in Trust or for the Use of any Schoolmaster in *Ireland*, under the Provisions of an Act made in the Fiftieth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling Tenants in Tail and for Life, and also Ecclesiastical Persons, to grant Land for the Purpose of endowing Schools in* Ireland; shall become and be and remain absolutely vested in the Person or Persons, Bodies Corporate or Politic, to whom such Lands or Grounds was or were or shall be conveyed for any of the Purposes aforesaid, free from all Demands or Claims of any Body Politic or Corporate, or Person or Persons whatever, and without being at any Time subject to any Question as to any Right, Title, or Claim thereto, or in any Manner affecting the same.

Lands granted for Sites of Churches, &c. or for building Schools under 50 G. 3. c. 33. shall remain vested in the Persons, &c. to whom the same were conveyed.

XI. And

Assessments shall not be invalidated by Informality.

XI. And be it further enacted, That no Assessment or Applotment of any Sum or Instalment made or to be made by any Vestry, or by the Authority of the same, in order to the obtaining of any Loan, for or in respect of the building, rebuilding, or repairing of any Church or Chapel, or for or towards the Repayment thereof, shall be liable to be affected or impeached, by reason of any Informality in any such Assessment or Applotment, or in any Act of Vestry.

So much of Acts 43 G. 3. c. 106. s. 2. 48 G. 3. c. 65. s. 4. 49 G. 3. c. 103. s. 2. 6. as requires Repayment of Money advanced by Instalments of 6 per Cent. repealed.

XII. And be it further enacted, That so much and such Parts of an Act made in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *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*, and of the said herein-before in part recited Acts, made in the Forty-eighth and Forty-ninth Years respectively of the Reign of His said late Majesty King *George* the Third, as require and direct the Sum and Sums lent and advanced, or to be lent and advanced as therein mentioned, for and towards the building and rebuilding of Churches and Glebe and Manse Houses, to be repaid in Sixteen Years, or by Instalments after the Rate of Six Pounds for every One hundred Pounds lent and advanced for the building and rebuilding of Churches and Chapels, and Glebe or Manse Houses, shall be and are hereby repealed, as to the Amount of such Instalments, and the Times during which they should be paid only, but no further or otherwise.

Sums remaining due, or hereafter to be advanced, shall be repaid by Instalments, after the Rate of 4 per Cent. per Ann. under Regulations of recited Acts and this Act.

XIII. And be it further enacted, That from and after the passing of this Act, the respective Sums which shall at the Time of the passing of this Act be and remain due to the said Trustees and Commissioners of the First Fruits, on account of any Money lent or advanced by the said Trustees and Commissioners of the First Fruits for or towards the building or rebuilding of Churches and Chapels, or Glebe or Manse Houses, shall to all Intents and Purposes be deemed and taken to be, and shall be considered as the Sum and Sums originally lent and advanced for such Purposes, and to be the only Sum and Sums lent, and which ought to be repaid by Instalments to the said Trustees and Commissioners on or before every First Day of *July* in every Year, in Manner herein-after mentioned; and that every such Sum and Sums, and every Sum and Sums hereafter to be so lent and advanced, for and towards the building and rebuilding of Glebe or Manse Houses, or building, rebuilding, or repairing of Churches or Chapels, shall be repaid to the said Trustees and Commissioners by annual Instalments, at and after the Rate of Four Pounds for every Hundred Pounds so lent and advanced, and remaining due and payable as aforesaid, and to be lent and advanced, and at and after no greater Rate, until the said Sum and Sums so lent and advanced, or to be lent and advanced, and now remaining

remaining due or hereafter to grow due to the said Trustees and Commissioners, shall be wholly repaid and discharged; and such annual Instalments at the Rate of Four *per Cent.* on all Sums so lent and to be lent for and towards building, rebuilding, or repairing of Churches and Chapels, shall be annually assessed and applotted, paid and levied, and such annual Instalments at the Rate of Four *per Cent.* on all Loans for the building of Glebe and Manse Houses, shall be paid and levied in such Manner and under such Regulations as in and by the said in part recited Acts, passed in the Forty-third, Forty-eighth, and Forty-ninth Years respectively of His said late Majesty King *George* the Third, directed and provided with respect to the Instalments of Six *per Cent.* in the said Acts mentioned, or as is directed or provided by this Act; and from and after the passing of this Act, no Suit or Proceeding shall be taken, had, commenced, or carried on or continued by or on behalf of His Majesty, His Heirs or Successors, or by or in the Name of any Archbishop, Bishop, or Ordinary, or of any Churchwarden or other Person, for the Recovery or Receipt of any such Instalment after the Rate of Six *per Cent.*, heretofore applotted in respect of any Sum or Sums heretofore lent and advanced for any of the Purposes aforesaid, or of any Part thereof; any thing in the said recited Acts or any of them contained to the contrary thereof in anywise notwithstanding.

Distinct Applotments shall be made for the Repayment of Instalments of such Loans.

XIV. And be it further enacted, That every Instalment of any Loan made or to be made by the Trustees and Commissioners of the First Fruits, for or towards the erecting, building, rebuilding, or repairing of any Church or Chapel, shall be applotted on the Inhabitants of every Parish or Place liable to the Payment of such Instalments separately, and by a distinct Applotment from the Applotment of any other Rates, Assessments, or Cesses whatever.

For the better Collection of Instalments payable to Commissioners of First Fruits on Loans made by them for building Churches, Archbishop or Bishop of Diocese shall, within 21 Days after 1st July yearly, certify all Arrears of such Instalments into the Exchequer.

XV. And be it further enacted, That if any such Instalment shall be in the whole or in part in arrear and unpaid, and shall not have been duly raised, paid, and satisfied within the Space of Twenty-one Days next after the First Day of *July* in any Year whereon the same shall be due and ought to be paid to the Trustees and Commissioners of the First Fruits, according to the true Intent and Meaning of the said herein-before recited Act of the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe-houses in *Ireland*, as amended by this Act, it shall and may be lawful to and for the Archbishop or Bishop of the Diocese, wherein the Parish or Place is or shall be situate in which it has been or shall be proposed and intended that any such Church or Chapel shall be erected, repaired, or rebuilt, or in which such Church or Chapel shall have been or shall be erected, rebuilt, or repaired, within Twenty-one Days after the First Day of *July*, and so from Time to Time immediately after the Expiration of Twenty-one Days next after the First Day of *July* in any Year, whenever any such Instalment or Instalments, which ought to be paid pursuant to the Provisions of the said

said last recited Act or of this Act within Twenty-one Days after the said First Day of *July*, shall not have been paid and satisfied, pursuant to the said recited Act and of this Act, before the Expiration of Twenty-one Days next after the First Day of *July* in any Year, and such Archbishop or Bishop is hereby authorized and required to certify, from Time to Time, under his Hand and Archiepiscopal or Episcopal Seal, the Amount of the Sum or Instalment, Sums or Instalments, so then in arrear and unpaid, and to cause such Certificate to be forthwith lodged with the proper Officer in the Office of the Treasurer's Remembrancer of the Court of Exchequer in *Ireland*, there to remain of Record; and such Officer, within the First Three Days of the *Michaelmas* Term next after the Receipt of such Certificate, shall and he is hereby required to deliver or cause to be delivered a true Copy of such Certificate, attested by such Officer, together with an Order of the said Court of Exchequer (which Order the said Court is hereby authorized and required to make, on Production to the said Court of such Certificate as aforesaid by the said Officer), to be directed to the Sheriff or Sheriffs of the County, County of a City, or County of a Town, or Town Corporate, in which the Church or Chapel erected, or rebuilt, or repaired, or proposed to be erected, or rebuilt, or repaired, is or shall be situate, or is or shall be proposed to be situated, for the Collection of the Sum and Sums so to be certified (and for which Entry, Order, and Copy, there shall be paid to the said Officer the Fee of Twenty Shillings and no more,) together with the Stamp Duty by Law payable thereon; and every such Sheriff and Sheriffs shall, and he and they is and are hereby required forthwith on Receipt of such Order to issue his or their Warrant, under his or their Hand and Seal of Office, to some known Constable or Constables, or at the Discretion of such Sheriff or Sheriffs, to any Person or Persons who shall then be empowered to collect any Monies under any Presentment made by the Grand Jury of the County, or County of a City, or County or a Town, or Town Corporate, in which such Church or Chapel is or shall be situate, or is or shall be proposed to be situate, authorizing by such Warrant such Constable or Constables, or Collector or Collectors, or other Person or Persons, to collect, applot, and levy, on and from the Inhabitants or Landholders of the Parish or Place wherein such Church or Chapel is or shall be situate, or wherein it has been or shall be proposed and intended that such Church or Chapel should or shall be situate, the Sum and Sums appearing by such Certificate or Certificates respectively, of such Archbishop or Bishop, to be due or in arrear as aforesaid, together with Interest for the same at the Rate of Six Pounds by the Hundred by the Year, to be computed from the Date of every such Certificate, together with the abovementioned Fee, and also the Sheriffs and Receivers Fees, at the Rate of One Shilling for every Pound Sterling of the Sum or Sums so certified; one Moiety of such Sheriffs or Receivers Fees to be to and for the Use of the Sheriff or Sheriffs, and the other Moiety thereof to be retained by such Constable or Constables, Collector or Collectors, or other Person or Persons respectively, as and for a Recompence for his and their Pains and Trouble in levying, collecting, and receiving such Sums and Instalments respectively; and such Poundage

Officer of Exchequer shall send Order of the Court to the Sheriff to levy such Arrears.

Sheriff shall grant his Warrant for such Levy;

with Interest and Poundage.

age and Allowance shall be in lieu of all Sheriffs and Collectors Fees or Poundage.

Place where Levy is directed to be made declared to be within the Sheriff's Bailiwick.

XVI. And be it further enacted, That the whole Parish, District, or Place, for the collecting, applotting, and levying any Assessment wherein, or from the Inhabitants whereof, any Warrant shall be granted by any Sheriff or Sheriffs under this Act, shall be and the same is hereby declared to be and shall be taken to be within the Bailiwick of such Sheriff or Sheriffs respectively, and to be Part and Parcel of the County, County of the City, or County of the Town, or Town Corporate respectively, wherein such Church or Chapel is or shall be locally situate, or is or shall be proposed to be situate, for the Purposes of this present Act only; and every such Sheriff or Sheriffs, Constable or Constables, Collector or Collectors, Person or Persons as aforesaid, shall have full Power and Jurisdiction in that Behalf accordingly.

Notice of Warrants to be given to Inhabitants.

XVII. And be it further enacted, That on every such Warrant there shall be endorsed by every such Sheriff the true Time of delivering thereof to such Constable or Constables, Collector or Collectors, or other Person or Persons; and such Constables, Collectors, or other Persons to whom such Warrant shall be directed, shall with all convenient Speed cause Notice thereof in Writing to be given to the Inhabitants and Landholders of such Parish or Place, by posting the same or a Copy thereof on the Door of the Parish Church or Chapel, or on some other public and conspicuous Place within the said Parish or Place, and by serving or causing to be served a Counterpart or true Copy of such Notice on One of the Churchwardens, or on any Two Householders of such Parish or Place; and in case, within Ten Days next after the posting of such Notice or Notices, an Applotment or Paper Writing, purporting to be an Applotment of the Sum and Sums so certified as aforesaid, signed by the Minister or Curate and Churchwarden or Churchwardens of such Parish or Place, shall be delivered to such Constable or Constables, Collector or Collectors, or other Person or Persons to whom the said Warrant or Warrants shall have been directed, such Constable or Constables, Collector or Collectors, or other Person or Persons, shall forthwith proceed to levy the Sums so appearing to be applotted, with such Interest, Poundage, and Allowance as aforesaid, from the respective Inhabitants and Landholders of such Parish or Place, according to the said Paper Writing being an Applotment or purporting to be an Applotment (Demand being first made of the Amount thereof from such Inhabitants or Landholders respectively), by Distress and Sale of the Goods and Chattels of the respective Persons mentioned in the said Applotment or Paper Writing purporting to be an Applotment as aforesaid; but in case no such Applotment or Paper Writing purporting to be an Applotment shall be so delivered within the Space of Ten Days as aforesaid, it shall and may be lawful to and for such Constable or Constables, Collector or Collectors, or other Person or Persons, and he and they is and are hereby required, forthwith to applot the Sum and Sums so certified as aforesaid on the Inhabitants or Landholders of such Parish or Place respectively; and forthwith after such Applotment shall be

If Applotment of Sum so certified shall be delivered by Ministers, &c. to the Constable, he shall proceed to levy the Sums so applotted.

If no such Applotment made, Constable, &c. shall make an Applotment on Oath, and levy accordingly.

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so made, Oath being first made by such Constable or Constables, Collector or Collectors, or other Person or Persons, before One of His Majesty's Justices of the Peace of the County, County of a City, or County of a Town, or Town Corporate, wherein such Church or Chapel is or are or shall be situate, or is or are or shall be proposed to be situate (which Oath every such Justice is hereby empowered to administer), that such last-mentioned Applotment has been fairly, impartially, and equally made, to the best of the Deponent's Judgment and Belief, it shall and may be lawful to and for every such Constable and Constables, Collector and Collectors, or other Person or Persons, and he and they is and are hereby required to levy and collect the Sum and Sums which shall have been so applotted as last mentioned, with such Interest, Poundage, and Allowance as aforesaid, from the respective Inhabitants or Landholders of every such Parish or Place, according to such last-mentioned Applotment (Demand being first made thereof), by Distress and Sale of the Goods and Chattels of the respective Persons named in the said last-mentioned Applotment, rendering the Overplus in either or any of the said Cases to the Person or Persons whose Goods and Chattels shall be so distrained; and every such Distress to be made under or by virtue of this Act shall be in the Nature of an Execution irrepleviable, any Law or Laws to the contrary notwithstanding.

Amount levied shall be paid over to the Sheriff, and by him to the Treasurer of the Trustees of First Fruits.

XVIII. And be it further enacted, That the Sum and Sums so in any Manner as aforesaid to be applotted or collected, and the Interest thereof as aforesaid, shall, by every such Constable or Constables, Collector or Collectors, or other Person or Persons as aforesaid, be paid forthwith, when and as the same shall be levied or received by him or them, to the Sheriff or Sheriffs under whose Warrant the same shall have been so levied and received; and every such Sheriff shall pay the same, when and as the same shall be received by him, (retaining thereout the aforesaid Fees thereupon) to the Treasurer for the Time being of the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, to be by such Treasurer lodged in the Bank of *Ireland*.

Persons aggrieved may petition the Court of Exchequer for Relief.

XIX. Provided always, and be it enacted, That in case any Person shall think himself or herself aggrieved, by reason of any Act or Thing to be done in consequence of any Certificate as aforesaid, or in pursuance of any Warrant of any Sheriffs or Sheriff under this Act; or in case the major Part of the Inhabitants of any Parish in Vestry assembled shall be of Opinion that the Money advanced by the Trustees and Commissioners of First Fruits, on the Faith of any Assessments on the said Parish, has not been *bonâ fide* expended, it shall be lawful for any Person so aggrieved, or for the major Part of the said Inhabitants in Vestry assembled, to petition the said Court of Exchequer on the Revenue Side thereof for Relief, and it shall be lawful for such Court to make such Order on every such Petition as shall be fit; and in case the proper Officers of the said Court of Exchequer, or any such Sheriff, Constable, or Collector, or other Person as aforesaid, shall refuse or neglect duly to perform any Act, Matter, or Thing, which he or they is or are by this Act required to do and perform as aforesaid;

The Court may punish their Officers and the Sheriff, Constables, &c. for

aforesaid; or if any such Constable or Collector, or other Person as aforesaid, shall refuse or neglect, by the Space of Ten Days next after the Receipt of any Sum or Sums of Money so to be applotted or collected, amounting to Ten Pounds Sterling or upwards, to pay the same to the Sheriff or Sheriffs under whose Warrant the same shall be levied or received; or if any such Sheriff or Sheriffs, having received any such Sum or Sums of Money, shall omit or neglect to pay the same (after retaining such Fees as before mentioned thereupon) at or before the Expiration of his or their Office, or within Ten Days afterwards, to the Treasurer of the Trustees and Commissioners of the First Fruits, it shall be lawful for the said Court of Exchequer, on any Complaint to such Court, to make such summary Order for and in respect of every such Neglect, and to compel the Performance of any and every such Act, Payment, or Duty, and to enforce the same by Attachment and Fine or otherwise, as may be thought fit, against the Party or Parties disobeying such Order, and to award the Costs attendant on or occasioned by such Nonpayment or Neglect or Breach of Duty, and of obtaining and enforcing such Order as shall be fit; and such Order and Orders as aforesaid shall be final and conclusive to all Intents and Purposes; and if the said Court of Exchequer shall not be sitting when any such Complaint shall be made, it shall be lawful for the Lord Chief Baron, or in his Illness or Absence, for any One of the Barons of the said Court, to hear and determine the Matter of every such Complaint, and to make such Order as aforesaid; and such Order of the Lord Chief Baron or Baron, as the Case may be, in the Premises, shall be of the same Force and Validity, and shall be enforced in like Manner to all Intents and Purposes, as any Order made by the said Court of Exchequer, and shall be deemed and taken to be the Order of the said Court.

Neglect of Duty in Execution of this Act.

XX. Provided also, and be it enacted, That whenever any such Instalment or Instalments as aforesaid shall have been duly applotted on the Inhabitants or Landholders of any Parish or Place at any Vestry as aforesaid, and any One or more of such Inhabitants or Landholders, before any Demand shall be made from him, her, or them, by any such Constable or Collector or other Person as aforesaid, of the Sum or Sums so applotted on him or them, shall have *bonâ fide* paid to the Churchwardens or Churchwarden of any such Parish or Place the Sum or Sums so applotted on him or them, the lawful Receipt or Receipts of such Churchwarden or Churchwardens shall be received and accepted by any such Constable or Collector, Person or Persons as aforesaid, in or towards the Payment and Discharge of the Sum and Sums payable under and by virtue of any such Applotment as aforesaid, and mentioned in any such Receipt or Receipts respectively; and the Churchwardens or Churchwarden to whom any such Payment shall have been made, shall pay the Sum so received by him or them to every such Constable or Collector, with Interest for the same from the Time of the Notice of such Warrant as aforesaid; and the Payment thereof, with Poundage thereon as aforesaid, by such Churchwarden or Churchwardens neglecting or omitting to pay the same, to such Constables or Constable, Collector or Collectors, Person or Persons, shall and may be enforced by such summary Order

Receipt for Sums paid under Applotment to Churchwarden shall be taken by Collector in Discharge of any Inhabitant, and the Money shall be paid by the Churchwarden to the Collector.

as aforesaid, of the said Court of Exchequer, or of the Chief Baron or One of the Barons thereof as aforesaid.

Limitation of Actions.

XXI. And be it further enacted, That if any Action or Suit be sued or prosecuted against any Sheriff, Justice, Minister, Curate, Churchwarden, Constable, Collector, or other Person or Persons, for or by reason of any Act, Matter, or Thing done in pursuance or execution of this present Act, or of the said recited Acts, or any of them, or of any Act or Acts of Parliament for the Recovery of Church Rates or Parochial Cesses, the same shall be commenced within Three Calendar Months next after the alledged Cause or Causes of Action or Suit shall have arisen; and that every such Justice, Minister, Curate, Sheriff, Churchwarden, Constable, Collector, or other Person or Persons, may, in his, her, or their Justification and Defence plead the General Issue, and give this Act or the said recited Acts respectively, and the special Matter in Evidence, without specially pleading the same; and if any Replevin shall be brought for any Cattle, Goods or Chattels seized or taken by virtue or in pursuance of this present Act, or of the said Acts or any of them (in Cases where Replevin is permitted), it shall and may be lawful and sufficient to and for any such Justice or Minister, Curate, Sheriff, Churchwarden, Constable, Collector, or other Person, who shall be Defendant or Defendants, or Avowant or Avowants, in any such Replevin, to avow, plead, or make Cognizance generally, that he or they took the same Cattle, Goods, or Chattels, as lawful Distress, by reason of the Nonpayment of Church Rates, Parishes Cesses, or Instalments payable to the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, as the Case may be, by Force of the Statute in that case made and provided, and by virtue of a Warrant in that Behalf duly made, in Cases where a Warrant shall have been granted, without setting forth more particularly the Cause of making or detaining the said Distress or Distresses, or more particularly describing the Act or Acts of Parliament, or Warrant in that Behalf made, or making any other more special Plea, Avowry, or Cognizance; any thing herein-before contained to the contrary notwithstanding.

General Issue;

and Avowry in Replevin.

Not to deprive Justices, &c. of Protection under Irish Act, 10 Geo. 3. c. 16.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent or hinder any Justice or Justices of the Peace, Sheriff, Minister, Curate, Churchwarden, or other Officer or Person, from having such Protection against contentious Suits prosecuted, and to be prosecuted against them, for or in respect of the lawful Performance of the Duties of his or their Offices, or in Assistance of the said Officers respectively, in the Execution of this Act, or any of the said recited Acts, as they can or may have by and under an Act made in *Ireland* in the Tenth Year of the Reign of King *Charles* the First, intituled *An Act for Ease in pleading against troublesome and contentious Suits, prosecuted against Sheriffs, Justices of the Peace, Mayors, Constables, and certain other Officers, for the lawful Execution of their Office*, or by or under any other Act or Acts now in force in that Part of the United Kingdom called *Ireland*.

XXIII. Provided also, and be it enacted, That nothing in the present Act contained shall extend or be construed to extend to enable any Person or Persons to vote at any Vestry or Vestries, or on any Matter or Subject there to be treated of, who is, or are, or shall be, by any Law or Statute now in force in *Ireland*, disqualified from voting at Vestries generally, or on any particular Subject or Matter at such Vestry or Vestries. This Act shall not empower disqualified Persons to vote at Vestries.

XXIV. And be it further enacted, That it shall and may be lawful to and for the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, from Time to Time to lend and advance Money, Interest free, to be repaid by Instalments at the Rate of Four Pounds for every One hundred Pounds of the Sums to be lent respectively, to be applied for and towards the repairing of any Churches and Chapels, as fully to all Intents and Purposes as by any former Act or Acts, or by this Act, they are empowered to lend and advance any Sum or Sums for the building or rebuilding of Churches or Chapels; and that it shall be lawful for all Parishes and Vestries to assess and applot the Sum and Sums to be so lent and advanced, in order to the obtaining such Loans and the Instalments thereof, in like Manner and Form, and to have all such and the like Remedies and Powers for the Recovery and the Repayment thereof, as in and by the said in part recited Acts, or any of them, or by any other Act now in force in *Ireland*, or by this present Act, is provided and declared of and respecting the Sum and Sums of Money to be lent and advanced, assessed and applotted, for the rebuilding or building of Churches and Chapels, and the Repayment thereof; and that all Enactments, Conditions, Regulations, and Restrictions by Law and by this present Act made, provided, and applied to and respecting, and in order to the obtaining and making any Assessment or Applotment, and the Collection and Repayment of Money lent or to be lent for the building or rebuilding of Churches or Chapels, or any Instalments or Instalment thereof, shall be deemed and taken as made, provided, enacted, and applied to and respecting, and in order to the obtaining, making, assessing, applotting, Collection and Repayment of the Sums to be lent and advanced for the Repairs of Churches and Chapels. Powers of former Acts and this Act applied to Advancement of Sums for repairing of Churches.

XXV. And be it further enacted, That so much and such Parts of any Act or Acts of Parliament in force in *Ireland* at the Time of the passing of this Act, as restrain and limit the Application of any Grant or Appropriation by Parliament of any Sum or Sums of Money granted to the said Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, by way of Gift, for the building of new Churches or Chapels, or rebuilding of old Churches or Chapels, in such Parishes wherein no Public Service has been performed for Twenty Years last, shall be and the same are hereby repealed; and that from and after the passing of this Act it shall and may be lawful to and for the said Trustees and Commissioners to appropriate, by way of Gift, so much and such Parts of all Monies in their Hands, as they may think So much of any Acts as restrain the Application of any Parliamentary Gift to Churches, where Service has not been performed for 20 Years, repealed, &c.

think reasonable, to the building and rebuilding of Churches and Chapels, as well in Parishes where Public Service shall have been performed in the Course of Twenty Years next preceding the Time of the several Grants and Appropriations aforesaid, as in any other Parish whatsoever; any thing in the said Acts or any of them to the contrary notwithstanding.

So much of 49G.3.c.103. s. 5. as requires Trustees to pay into the Treasury Sums repaid to them, repealed.

XXVI. And whereas by the Act passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in *Ireland*, it is amongst other Things enacted, that in case any Money advanced by such Trustees and Commissioners shall have been advanced by them out of any Money advanced to them by the Lord High Treasurer or Commissioners of the Treasury of *Ireland*, such Sum and Sums of Money shall by the said Trustees and Commissioners be paid into the Receipt of the Exchequer of *Ireland* within One Month after the Receipt thereof by the said Trustees and Commissioners: And whereas the said Enactment has been found to be very inconvenient and productive of no Benefit; be it therefore enacted, That so much of the said Act as is above recited shall be and the same is hereby repealed; and that from and after the passing of this Act it shall and may be lawful for the said Trustees and Commissioners of the First Fruits in *Ireland*, from Time to Time to apply all such Repayments so to be received by them, in furthering the Purposes of their Trust, in building and rebuilding and repairing Churches and Glebe Houses, and the Purchase of Glebes, without repaying such Money into the Receipt of the Exchequer, any thing in the said recited Act or any other Act or Acts to the contrary notwithstanding, in like Manner as is usual and lawful with respect to the Application of every other Grant made by Parliament to the said Trustees and Commissioners of First Fruits in *Ireland*.

Trustees may apply such Sums towards building of Churches, &c.

For regulating Payment of Instalments by Successors of Incumbents removed before Receipt of the whole Sum granted.

XXVII. And whereas Doubts have been entertained as to the Time at which the Successor of any Incumbent, to whom any Money has been or shall be granted by way of Loan by the said Trustees and Commissioners of the First Fruits, first becomes bound to repay any Instalment of such Loan, in Cases where such Incumbent shall die or be removed before he has received the whole Amount of such Sum so granted by way of Loan; for Explanation thereof, be it enacted, That every Person who shall be a Successor of any such Incumbent shall be bound and obliged to repay to the said Trustees and Commissioners an Instalment, at the Rate of Four Pounds *per Cent.* for the Sum which shall have been actually so advanced to such Incumbent on account of such Loan (although the whole Amount of such Loan may not have been received by such Incumbent), on the First Day of *July* next after such Person shall have become a Successor chargeable by virtue of the hereinbefore recited Act of the Forty-third Year of the Reign of His late Majesty King *George* the Third; and that no Instalment not actually paid of any such Loan shall be discharged, or be deemed

or taken as discharged, by reason of the Default or Neglect of any Incumbent in respect of the Non-payment of any Instalment which may have become due and payable during his Incumbency; it being the true Intent and Meaning of this present Act, that Instalments of every such Loan shall continue to be paid, until the whole Amount of such Loan shall be actually paid to the said Trustees and Commissioners.

Commissioners to ascertain Dilapidations under 12 G. 1. (I.) c. 10. may condemn Buildings that are decayed and placed in an unhealthy Situation to be taken down, and Lord Lieutenant or Archbishops may cause others to be erected.

XXVIII. And whereas by an Act made in the Parliament of *Ireland*, in the Twelfth Year of the Reign of King *George* the First, intituled *An Act to explain and amend an Act, intituled 'An Act to encourage building of Houses, and making other Improvements on Church Lands, and to prevent Dilapidations,'* it is among other Things enacted, that upon Complaint of Dilapidations of Buildings on Church Lands, a Commission shall be granted, in Manner directed by the said recited Act, to view and examine the said Buildings, and the Commissioners shall return a just Report of the same to the Chief Governor or Governors of *Ireland* for the Time being, or to the Archbishops or Bishops respectively, by whom the said Commission shall be granted, who, upon hearing the Allegations of either Party, shall ascertain such Sum or Sums as he or they shall judge reasonable to be allowed for Dilapidations; be it enacted, That in all Cases where any such Commission shall issue, whenever it shall appear to the Commissioners that any such Houses or Buildings are too ancient or decayed to be repaired, or are placed in any unhealthy or inconvenient Situation, it shall be lawful for such Commissioners to condemn such Houses or Buildings to be pulled down and destroyed; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or Archbishop or Archbishops respectively, by whom such Commission shall be granted, to direct that other Houses or Buildings shall be erected in some more healthy and convenient Situation within the Limits of the Benefice.

The Powers of 55 G. 3. c. 147. declared to extend to Ireland.

XXIX. And be it further enacted and declared, That the several Powers, Provisions, and Regulations contained in an Act made in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for enabling Spiritual Persons to exchange the Parsonage or Glebe Houses or Glebe Lands belonging to their Benefices, for others of greater Value, or more conveniently situated for their Residence and Occupation, and for annexing such Houses and Lands so taken in Exchange to such Benefices as Parsonage or Glebe Houses and Glebe Lands to become Glebe in certain Cases, and for other Purposes*, or such of the Powers, Regulations, and Provisions contained in the said Act as are applicable or shall be necessary to be applied to Benefices in *Ireland*, and shall and may be applied and put in Execution for the carrying into Effect the Purposes of the said recited Act with respect to Benefices in *Ireland*, as fully and effectually to all Intents and Purposes as if all the Clauses, Powers, Provisions, and Regulations in the said recited Act contained were repeated and inserted in the Body of this Act,

and as if the said Clauses, Powers, Provisions, and Regulations of the said recited Act had by the said Act been expressly extended and referred to Benefices in *Ireland*.

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