

ANNO QUARTO

GEORGII IV. REGIS.

***

Special Vestries be assembled in Parishes for carrying this Act into Execution.

Lord Lieutenant or other Chief Governor or Governors shall think proper, to the Churchwardens of any such Parish, such Orders and Directions to be signified to such Churchwardens by the Chief Secretary to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or in his Absence by the Under Secretary, that a Special Vestry shall be assembled in such Parish, to proceed in carrying into Execution the Purposes of this Act, and that such Vestry shall be composed of such Persons occupying Lands, not being Tithe-free, within such Parish, who shall, during the last preceding Year, have paid or yielded the highest or greatest Amount of County-cess Charges or Grand Jury Rates in respect of such Lands, to be ascertained in Manner herein-after mentioned; and a Copy of such Orders and Directions, with the Names and Residences of the Parties signing the Application for the same, shall be inserted under the Direction of such Chief Secretary in the *Dublin Gazette*; and Notice or Information of such Orders and Directions shall also be given at the same Time, by the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, (or in his Absence by the Under Secretary), to the Bishop of the Diocese in which any and every such Parish shall be situate, and to the Ecclesiastical Incumbent of the Parish, if such Incumbent shall be within the United Kingdom.

Notice of such Orders shall be given to the Bishop of the Diocese and the Incumbent.

In case of Absence of Incumbent, his Agent or some other fit Person may be appointed by the Bishop to act for such Incumbent.

II. Provided always, and be it enacted, That if it shall happen that at the Time when any such Orders and Directions shall be given by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, the Ecclesiastical Incumbent who shall be entitled to or in the Receipt of any Rectorial or Vicarial Tithes within any such Parish shall not be resident within *Ireland*, then and in such Case it shall and may be lawful for the Bishop of the Diocese in which such Parish shall be situate to nominate and appoint some Agent of such Incumbent, or some other fit and proper Person, to act for and on Behalf of such Incumbent, and in such Case all Matters required to be done and performed by such Ecclesiastical Incumbent, for carrying into Effect the several Provisions of this Act, shall and may be done and performed by such Agent or other Person so appointed by the said Bishop for and on Behalf of such Incumbent.

High Constable, &c. shall, within 21 Days after being required, deliver to the Churchwardens a List of the Names and Residences of Persons paying County Rates in respect of Lands not being Tithe-free, to an Amount exceeding 20s., &c.

III. And be it further enacted, That the High Constable or other Collector of the County-cess Charges and Grand Jury Rates, or Rates and Assessments levied under and by virtue of the Presentments of Grand Juries, within any Parish in which such Application shall have been made for carrying this Act into Execution, shall within Twenty-one Days after such High Constable or Collector shall be thereunto required by the Incumbent of such Parish, or by the Impropriator, or by any other Person or Persons, or any Two of them by whom such Application shall have been made, prepare and deliver to the Churchwardens or Churchwarden of such Parish a List containing the Names and Residences of all and every Persons and Person within such Parish, who shall have been charged with and shall have paid any such County-cess Charges or Grand Jury Rates, for and in respect of any Lands within such Parish, not being Tithe-free, to an Amount exceeding Twenty Shillings in the Whole within the Year next preceding, together

together with the Amount of the several and respective Sums charged on and paid by every Person whose Name shall be contained in such List; and every such List shall be made out according to the Form in the Schedule marked A. to this Act annexed, and the Names contained in such List shall be arranged according to the Amount of the Sums actually paid in such Year by the Persons whose Names shall be contained in such List, so that the Names of the Persons having paid the highest Amounts of such Rates shall appear at the Head of such List, and the Names of all other Persons shall be placed in such List according to the Amount of the Sums paid by them respectively; and when several Persons shall have paid the same Amount, the Names of such Persons shall be placed alphabetically according to the Letters of their respective Surnames; and such List shall be signed by the High Constable or other Collector by whom the same shall be made, and shall be verified on the Oath of such High Constable or other Collector before any one Justice of the Peace of the County, County of a City, or County of a Town or Place in which such Parish shall be situate; and which Oath any such Justice is hereby authorized and empowered and required to administer.

Lists to be made out according to Form A., and the Names shall be arranged according to the Amount of the Sums actually paid by such Persons.

Lists to be verified on Oath.

IV. And be it further enacted, That after the Receipt by the Churchwardens of any Parish, of any such List as aforesaid, containing the Names of such Persons charged with and having paid such County-cess Charges and Grand Jury Rates as aforesaid, such Churchwardens shall, upon the *Sunday* next after the Receipt of such List, affix or cause to be affixed on the principal outer Door of the Church, and of any Roman Catholic Chapel and Presbyterian Meeting House within such Parish, a Copy of the Whole of every such List, in case such List shall not contain more than Twenty-five Names, and in case any such List shall contain more than Twenty-five Names, then a Copy of all such Part of the said List as shall relate to the First Twenty-five Names inserted in such List, there to remain so affixed for Two successive *Sundays* next after the Receipt of every such List, by such Churchwardens; and in case it shall happen that in any Parish there shall not be any Church or any Roman Catholic Chapel or Presbyterian Meeting House, then and in such Case a Copy of such List, or of such Part thereof as aforesaid, shall be affixed on or at the Place appointed for posting Notices of Applications to Special Sessions, with respect to Grand Jury Presentments, under an Act made in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to amend the Laws for making, repairing, and improving the Roads and other public Works in* Ireland, *by Grand Jury Presentments, and for a more effectual Investigation of such Presentments; and for further securing a true, full, and faithful Account of all Monies levied under the same*; and if any such Copy of any such List, or of such Part thereof as aforesaid, shall be removed from the Door of such Church, Chapel, or Meeting House, or other Place, or shall be destroyed or defaced at any Time before the Expiration of the last of the said Two successive *Sundays*, such Churchwardens shall from Time to Time affix, or cause to be affixed, a new Copy of such List, or such Part thereof, on the Door of such Church, Chapel, or Meeting House, or on or at such other Place as aforesaid.

Churchwardens shall affix Copy of such List of Rate-payers (or of the first 25 Names therein) on the Door of the Church, &c. for Two successive Sundays.

59 G. 3. c. 84.

V. And

On Appeal by Persons charged with Rates, and whose Names are omitted, &c. in such Lists or Returns, Two Magistrates may, on Application, within 10 Days after the Second Sunday, add their Names, &c. to such Lists.

V. And be it further enacted, That if any Person who shall during any preceding Year have paid any County-cess Charges or Grand Jury Rates within any such Parish shall think himself or herself aggrieved by the Omission of his or her Name from any such List, or Copy of such List, or of such Part thereof as aforesaid, or by any Error or Mistake in the Amount of the Sums stated in any such List or Copy to have been charged on or paid by such Person, it shall and may be lawful for any such Person, within the Space of Ten Days next after the Second *Sunday* on which any such Copy of such List, or of any such Part thereof as aforesaid, shall have been affixed on the Door of such Church or other Place of Worship, or at such other Place as aforesaid, to apply to any Two Justices of the Peace in and for the County or Place in which such Parish shall be situate, to have his or her Name added to such List or Copy, or to have his or her Name substituted in any such List or Copy for the Name of any Person who shall have paid a lesser Sum, or to have the Error or Mistake in the Amount payable by such Person rectified; and on producing to such Justices a Receipt or Receipts from the High Constable or other Collector, given to such Person so complaining, for any Amount of County-cess Charges or Grand Jury Rates exceeding the Amount paid by any Person or Persons whose Name or Names shall be contained in such List (or equal to such Amount in Cases where the Amount stated to be paid by all the Persons whose Names shall be contained in such List shall be equal), it shall be lawful for such Justices to direct, by Order under their Hands to the Churchwardens of the said Parish, that the Name of some one of the Persons having paid such lesser or equal Sum be removed from such List or Copy, and that the Name of such Complainant, and the Sum payable by such Complainant shall be added to any such List or Copy, or that the Amount payable by such Person so complaining shall be correctly and truly stated in any such List or Copy, as the Case may require; and the Name of some Person shall be removed from such List, and the Name of such Complainant, or the Amount paid by such Complainant, as the Case may require, shall be added to or inserted in such List or Copy accordingly.

No Persons to attend or vote at Vestry, but those whose Names are included in such Lists, and who have paid or tendered their Rates.

VI. And be it further enacted, That whenever any such List shall be made under this Act, and any Copy thereof, or of any Part thereof, shall be made and affixed as required by this Act, no Person shall be admitted or entitled to attend or to vote at any Special Vestry to be held for carrying into Execution the Purposes of this Act, other than such Persons whose Names shall appear in or be added to such Copy so affixed under the Provisions of this Act, and who shall have actually paid and satisfied, or *bonâ fide* tendered, the several Sums specified in such Copy of such List so affixed or amended as aforesaid.

Penalty on High Constable, &c. neglecting to deliver such Lists, and on Churchwardens neglecting to affix

VII. And be it further enacted, That if any High Constable or Collector by this Act required to make out and deliver any such List as aforesaid, shall refuse or neglect or omit to make or deliver such List, or if the Churchwardens of any Parish shall neglect or refuse to affix or cause to be affixed Copies of any such List on the Door of any Church or other Place of Public Worship, or at any other Place, according to the Provisions of this Act, or shall neglect or refuse to add

add to or insert in any such List the Name of any Person, or the Amount of County-cess Charges or Grand Jury Rates payable by any Person, in compliance with the Order of any Two Justices, made pursuant to this Act, every Person so offending shall forfeit the Sum of Ten Pounds, to be recovered and applied in manner hereinafter mentioned.

Copies on Church Door, or omitting Names of Persons, &c. 10*l.*

VIII. And be it further enacted, That after such Lists or Returns respectively shall have been transmitted as aforesaid, to the Churchwardens of any such Parish, public Notice shall be given by such Churchwardens, in the usual Manner of Notices given for holding Vestries in such Parish, that a Special Vestry, to consist only of Persons whose Names shall appear in or be added to such Lists, under the Provisions of this Act, will be holden in and for such Parish, pursuant to this Act, on some Day to be named in such Notice, not being less than Three Weeks nor more than Six Weeks distant from the *Sunday* on which any such List shall have been first affixed to the Door of the Church, or other Place or Places of Public Worship in such Parish, or at such other Place as aforesaid, pursuant to this Act; and such Special Vestry, consisting of such Persons only as aforesaid, shall be holden, and shall meet accordingly on the Day mentioned in such Notice.

On some Day not sooner than Three Weeks, nor later than Six Weeks after affixing List of Persons chargeable to Rates, a Special Vestry shall be held for carrying this Act into Execution.

IX. And be it further enacted, That it shall be lawful for any Seven Persons or more, qualified as by this Act is directed, and duly assembled at any Special Vestry duly called in pursuance of this Act (and at which Special Vestry it shall be lawful for the Incumbent or other Person or Persons entitled to Tithes, and Churchwardens, if any, of such Parish to be present) to proceed from Time to Time in the Execution of the Purposes of this Act; and in the first Place, to elect a Chairman to preside at such Vestry; and all Questions to be proposed at such Vestry shall be decided by the Majority of the Votes of the Persons present at such Vestry in manner following; that is to say, all Persons attending at such Vestry, who shall in any such List as aforesaid be charged with and shall have actually paid or *bonâ fide* tendered such County-cess Charge or Grand Jury Rate, to an Amount not exceeding Ten Pounds in the Whole, shall be entitled to One Vote; and all Persons so charged or having paid or tendered to an Amount exceeding Ten Pounds, and not exceeding Twenty Pounds in the Whole, shall be entitled to Two Votes; and so in Progression of One Vote for every complete Sum of Ten Pounds with which any Voter shall be so charged, and shall have paid or tendered, not exceeding Six Votes in the Whole by any One Person, to whatever Amount, above Sixty Pounds, any such Person may be so charged; and in case the Number of Votes given according to the Proportions aforesaid, including the Vote or Votes of the Chairman, shall be equal upon any Question, such Chairman shall have One casting Vote for the Decision of such Question; and it shall be lawful for such Vestry to adjourn from Day to Day, or from Time to Time, as may be necessary for carrying into Execution the Purposes of this Act.

Seven Vestrymen may proceed in Execution of this Act.

Chairman.

Votes; by Persons charged to Rates, not exceeding 10*l.* One, 10*l.* to 20*l.* Two Votes; and One for every succeeding 10*l.* Rate, not exceeding Six in the whole.

One Casting Vote.

If Parishioners and Incumbent at a Vestry agree in not proceeding, or disagree as to proceeding under this Act, Vestry shall be adjourned sine Die, &c. subject to being resummoned at any Time, &c.

X. Provided always, and be it enacted, That if at any Meeting of any such Special Vestry, in which Seven Persons or more, duly qualified according to this Act to vote at such Vestry, together with the Ecclesiastical Incumbent of such Parish, or other Person or Persons entitled to Tithes as aforesaid, or their Agents respectively, shall be present, it shall be agreed between such Parishioners, and such Incumbent or other Person or Persons as aforesaid, that no Proceedings shall be had under this Act, such Vestry shall forthwith adjourn *sine Die*, and no further Proceedings shall be had under this Act, without further Orders and Directions from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for that Purpose, pursuant to this Act; and if at any Meeting of such Special Vestry as aforesaid, such Parishioners and such Incumbent or other Person or Persons as aforesaid, shall disagree as to whether Proceedings shall or shall not be had under this Act, the Vestry shall be adjourned from Time to Time, or *sine Die*, as may be agreed upon at such Vestry, subject to being re-assembled at any Time, on Application of the Incumbent, or of any Person entitled to Tithes, or any Five or more Occupiers of Land, or Owners of Land occupying the same, within such Parish, pursuant to the Provisions of this Act; and the Ecclesiastical Incumbent or other Person or Persons as aforesaid, or the Churchwardens of such Parish, if any, shall certify such Result of the Meeting of such Special Vestry, in Writing under their Hands, and signed with their Names, to the Office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Information of such Lord Lieutenant, or other Chief Governor or Governors; and if any Person or Persons, hereby required to certify such Result, shall omit or neglect so to do, every Person so offending shall forfeit the Sum of Five Pounds, to be recovered and applied in Manner herein-after mentioned.

Penalty on not certifying Adjournment, 5*l.*

If Seven Vestrymen do not attend, Vestry shall adjourn sine Die, &c.

XI. Provided also, and be it enacted, That if at the First Meeting of any Special Vestry to be held in any Parish, in pursuance of this Act, there shall not be present Seven Persons at least entitled to attend and vote at such Vestry, for the Purposes of this Act, all Proceedings under this Act shall and may be adjourned by the Incumbent or Lay Impropriator, or other Person entitled to Tithes as aforesaid, or by the Churchwardens, or by One of the Persons by whom the Notice for calling such Special Vestry shall have been signed, for any Number of Days not more than Seven; and such Incumbent or Impropriator, or Churchwardens or other Person, shall cause a written Notice of every such Adjournment to be given in such Manner as is herein-before required with respect to the holding of such Special Vestry; and if after Two such Adjournments an Attendance of Seven Persons so entitled to attend and vote at such Vestry shall not be procured, such Special Vestry shall be adjourned *sine Die*, and the Incumbent or Impropriator, or the Churchwardens of such Parish, or such other Person as aforesaid, shall certify such Adjournment to the Office of the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and such Vestry shall not be assembled until further Directions shall have been issued from the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for that Purpose, pursuant

pursuant to this Act; and if any such Person shall omit or neglect to certify such Adjournment accordingly, every Person so offending shall forfeit the Sum of Five Pounds, to be recovered and applied in Manner herein-after mentioned.

Penalty on not certifying Adjournment, 5*l.*

XII. And be it further enacted, That whenever any Special Vestry consisting of Seven or more in Number shall be duly assembled for the Purposes of this Act, and it shall be agreed between the Parishioners and the Ecclesiastical Incumbent of such Parish, or other Person or Persons entitled to Tithes as aforesaid, to carry into Execution the Purposes of this Act, a Memorandum of such Agreement, or some Minute or Entry of the same, shall be reduced into Writing, and shall be signed by the said Incumbent, or other Person or Persons entitled to Tithes as aforesaid, or their Agents respectively, and by Four or more of the Persons present at such Special Vestry; and at the same or some subsequent Meeting such Vestry shall proceed to elect, nominate, and appoint a fit and proper Person, qualified as herein-after mentioned, to be a Commissioner for carrying into Execution the Purposes of this Act, on Behalf of all the Owners and Occupiers of Land within such Parish, and to treat with a Commissioner to be named and appointed in manner hereafter mentioned by the Ecclesiastical Incumbent of such Parish, or other Person or Persons entitled to Tithes as aforesaid, for the making and ascertaining a Composition for all the Tithes, rectorial or vicarial, prædial, personal, or mixed, or of any Nature or Kind soever, growing, renewing, arising, payable, or yielded within such Parish, whether such Tithes shall be payable wholly to the Rector, Vicar, or other Ecclesiastical Incumbent, or to any Body Politic or Corporate or Collegiate, or to any Corporation, Aggregate or Sole, or to any other Person or Persons whomsoever, Lay or Ecclesiastical; and Notice of the Election, Nomination, and Appointment of such Commissioner, on Behalf of the Owners and Occupiers of Land in the said Parish, and the Name and Place of Abode of such Commissioner, shall be transmitted by the Churchwardens of such Parish, or by the Chairman of such Vestry (as shall be directed by such Vestry), to the Bishop of the Diocese in which such Parish shall be situate, and to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in Writing under the Hand, and subscribed with the Names or Name of such Churchwardens, or of such Chairman of such Vestry, within Seven Days next after such Election, Nomination, and Appointment shall have taken place, in pursuance of this Act.

Vestry duly assembled, and agreeing with Incumbent to proceed under this Act, shall elect a Commissioner on Behalf of the Owners and Occupiers of Land, to treat with a Commissioner to be named by the Incumbent, &c.

Notification of such Election to the Bishop of the Diocese, and the Chief Secretary, within 7 Days.

XIII. And be it further enacted, That whenever such Agreement as aforesaid shall be made in Writing, and entered into and signed as aforesaid, for carrying into Execution the Purposes of this Act in any Parish, and a Special Vestry shall have appointed a Commissioner on Behalf of the Owners and Occupiers of Land within such Parish, according to the Provisions of this Act, then and in such Case, within Seven Days next after the Appointment of such Commissioner by such Vestry, the Rector, Vicar, or other Ecclesiastical Incumbent of such Parish entitled to the Receipt of Tithes, or any Portion of Tithes, in such Parish; or in case there shall not be any Ecclesiastical Incumbent

Incumbent, &c. shall also within Seven Days appoint a Commissioner, and give Notice, within Seven Days after, to the Bishop and Churchwardens; the Bishop may

approve or disapprove of such Commissioner; if not disapproved within Six Weeks to be held approved; if one disapproved of, a Second may be appointed by the Incumbent within Seven Days, and if he be disapproved of, a Commissioner shall be appointed by the Archbishop.

Incumbent so entitled, then any other Person, or the Majority in Value of any other Persons entitled to the Tithes in such Parish, shall, by Writing under the Hand and Seal of such Ecclesiastical Incumbent, or other Person or Persons as aforesaid, appoint a fit and proper Person, qualified in manner directed by this Act, to be a Commissioner on the Part as well of such Incumbent, or other Person or Persons as aforesaid, as of any and every Person or Body Politic or Corporate or Collegiate, or Corporation, being the Owner of any Tithes arising, growing, yielded, or payable within such Parish, to treat with the Commissioner appointed by such Vestry, for the making a Composition for all Tithes arising, growing, yielded, or payable within such Parish; and such Incumbent, or other Person or Persons as aforesaid, shall give and transmit Notice in Writing to the Churchwardens of such Parish, and to the Bishop of the Diocese, and to the Chief Secretary of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, of the Name and Place of Abode of such Commissioner so appointed, within Seven Days next after such Appointment shall be made; and in all Cases where any Person, or Body Politic or Corporate or Collegiate, or Corporation, other than the Ecclesiastical Incumbent of such Parish, or other Person or Persons appointing such Commissioner, shall be entitled to the Receipt of any rectorial, vicarial, or other Tithes, arising, growing, yielded or payable within such Parish, such Incumbent, or other Person or Persons as aforesaid, shall also give Notice in Writing, within the like Space of Seven Days, of the Name and Place of Abode of such Commissioner, to any and every Person, or Body Politic or Corporate, or Collegiate, or Corporation, entitled to such rectorial or vicarial or other Tithes; and it shall be lawful for any and every such Person, or Body Politic or Corporate, or Collegiate, or Corporation, so entitled to such rectorial or vicarial or other Tithes, to submit to the Bishop of the Diocese any Objection to the Person so appointed by such Incumbent or Impropriator, or other Person as aforesaid, to be such Commissioner; and it shall be lawful for such Bishop at any Time, not less than Two Weeks and not more than Six Weeks after the Notice of such Appointment, to signify to such Incumbent, or other Person or Persons as aforesaid, the Approbation or Disapprobation of such Bishop, of the Person so appointed to be such Commissioner: Provided, that in case no Disapprobation of such Commissioner by such Bishop shall be made and signified by such Bishop, by Writing under his Hand, on some Day within Six Weeks after the Notice of the Appointment of such Commissioner, such Appointment shall be deemed and taken to be approved by such Bishop, and such Commissioner shall thereupon be authorized and empowered to proceed in the Execution of this Act: And provided, that in case no Person other than the Impropriator or Person or Persons appointing such Commissioner shall be entitled to or interested in any Portion of such Tithes, it shall not be lawful for such Bishop to signify any Disapprobation of such Commissioner; and if such Bishop, within Six Weeks after the Notice of the Appointment of such Commissioner, shall by any Writing under his Hand signify his Disapprobation of such Commissioner (except in the Case aforesaid), the Incumbent, or other Person or Persons as aforesaid, by whom such Commissioner shall have been named

Where Impropriator, &c. is solely entitled to Tithes, Bishop shall not dissent.

and appointed, shall, within Seven Days next after the Receipt of such Disapprobation, nominate and appoint another Person to be Commissioner, in like Manner as is herebefore directed, and shall give like Notices of such Appointment to such Bishop and Chief Secretary, and to any and every Person or Body Politic or Corporate or Collegiate, or Corporation, who may be interested in any rectorial, or vicarial, or other Tithes, as are herein-before required in case of the First Appointment of such Commissioner; and it shall be lawful for such Bishop to signify his Approbation or Disapprobation of such secondly-named Commissioner, in like Manner and under the like Regulations as are here-before contained respecting such first-named Commissioner; and if it shall happen that such Bishop shall signify his Disapprobation of such Second Person, so named to be such Commissioner by such Incumbent, or other Person or Persons as aforesaid, then and in such Case, upon Notice given and Application made by such Incumbent, or other Person as aforesaid, to the Archbishop of the Province in which the Diocese of such Bishop shall be situate, of such Disapprobation of such Bishop, of the Two Persons so successively named by such Incumbent, or other Person or Persons as aforesaid, to be such Commissioner, it shall be lawful for such Archbishop to nominate and appoint a fit and proper Person to be a Commissioner to act in the Execution of the Purposes of this Act, on behalf of such Incumbent, or other Person or Persons as aforesaid, and of any and every other Person, or Body Politic or Corporate or Collegiate, or Corporation, entitled to any rectorial or vicarial or other Tithes arising and payable within such Parish; and it shall and may be lawful for such Incumbent, or other Person or Persons as aforesaid, or Body Politic or Corporate or Collegiate, or Corporation, or for the Owners and Occupiers of Land in any Parish, to make Application to such Archbishop for that Purpose; and in case of Refusal by such Archbishop, it shall be lawful for the Court of King's Bench in *Ireland* to direct a Writ of *Mandamus* to such Archbishop, to enforce the making such Nomination and Appointment of such Commissioner by such Archbishop, pursuant to this Act.

Application and Mandamus to Archbishop to appoint.

XIV. And be it further enacted, That no Person shall be capable of acting as a Commissioner for the Purposes of this Act, until he shall have taken and subscribed an Oath, in the Words or to the Effect following; that is to say,

Oath of Commissioners.

'I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Powers and Authorities vested and reposed in me as a Commissioner, in the Parish of , by virtue of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], according to the Directions of the said Act, and according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.'

Qualification of Commissioners, 100*l.* a Year, &c. or Personal Estate of 1,000*l.*

And no Person shall be capable of acting as a Commissioner for the Purposes of this Act, unless such Person shall be seised of a Freehold Estate, or Estates in Fee Simple or Fee Tail, or for Life, of the annual Value of One hundred Pounds at the least, situate in any Part

Part of the United Kingdom, or shall be Heir Apparent to some Person so seised, or shall be seised or possessed of a Leasehold Estate or Estates for Life, or for a Term of Years, whereof not less than Fourteen Years shall be unexpired, of the yearly Value of Two hundred Pounds at the least, situate in any Part of the United Kingdom, or being seised of a Freehold Estate, or possessed of a Leasehold Estate for Life, not being of such Value, shall be also possessed of a Leasehold Estate or Estates for a Term of Years as aforesaid, which, together with such Estate for Life, shall amount to the clear yearly Value of Two hundred Pounds at the least in any Part of the United Kingdom, or who shall be possessed of Personal Property to the Value of One thousand Pounds, over and above all his just Debts; and that no Person shall be capable of acting as such Commissioner, until he shall have also taken and subscribed an Oath in the Words or to the Effect following; that is to say,

Oath of Qualification.

'I *A. B.* of do swear, That I am seised of a Freehold Estate [*or* Estates] in Fee Simple [*or*, in Fee Tail, *or*, as Tenant for Life], in Possession, of the annual Value of Pounds [*or*, that I am Heir Apparent of *C. D.* who is seised of an Estate [*or* Estates] in Fee Simple, *or* Fee Tail, of the annual Value of Pounds] [*or*, that I am seised of a Leasehold Estate [*or* Estates] for Life, [*or*, for a Term of Years whereof not less than Years are unexpired], of the annual Value of Pounds,] [*or*, that I am seised of a Freehold Estate, or possessed of a Leasehold Estate [*or* Estates] for Life, and am also possessed of a Leasehold Estate or Estates for a Term of Years, whereof not less than Years are unexpired, which are together of the annual Value of Pounds]; and that such Estate [*or* Estates] is [*or* are] situate in [*stating in all Cases in what Part of the United Kingdom any or every such Estate is or are situate, and specifying the Name of the Estate or Estates, or other Descriptions of the Property*]; and that such Estate [*or* Estates] is [*or* are] *bond fide* my Property, [*or, in case of Freehold Estate*, the Property of to whom I am Heir Apparent;] [*or*, that I am possessed of a clear Personal Estate and Property of over and above all my just Debts and Incumbrances.] So help me GOD.'

Which several Oaths any Justice of the Peace of any County in which the Parish shall be situate in which such Commissioner shall be appointed to act, is hereby empowered to administer; and every such Oath when so taken and subscribed shall be lodged by such Commissioner in the Registry of the Bishop of the Diocese in which such Parish shall be situate; and if any Person shall presume to act as a Commissioner in the Execution of this Act, without having taken and subscribed the Oath or Oaths required by this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Dublin*.

Penalty for acting without taking Oaths 100*l*.

Appointment of Commissioner in case of Death, &c.

XV. And be it further enacted, That if any Commissioner appointed in pursuance of this Act shall die, or shall neglect or refuse to act, or shall become incapable of acting in the Execution of this Act, then

and in every such Case a new Commissioner shall be appointed for the Execution of this Act, by the Owners or Occupiers of Land, or by the Incumbent, or any other Person or Persons entitled to Tithes as aforesaid, or his or their Successors or Heirs respectively, by whom or on whose Behalf the Commissioner so dying, or neglecting or refusing to act, was originally appointed; and the Appointment of such new Commissioner on behalf of the Owners or Occupiers of Land, shall be made at a Special Vestry, to consist of Seven Persons at the least, qualified for electing a Commissioner, pursuant to the Regulations of this Act, to be holden in pursuance of a Notice to be given as herein-before directed in the Case of holding a Special Vestry, at least Fourteen Days before the Day appointed for the Nomination of such Commissioner; and the Appointment, as well of such new Commissioner on behalf of the Owners and Occupiers of Land as of such new Commissioner on behalf of the Incumbent or other Person or Persons as aforesaid, shall be subject to the like Rules and Regulations, and the Appointment of such new Commissioner on behalf of the Incumbent or other Person or Persons as aforesaid, shall be subject and liable to the same Approbation or Disapprobation of the Bishop of the Diocese, and finally to the Interference and Nomination of the Archbishop of the Province, as are herein-before required with respect to the Appointment of the Commissioner originally appointed; and every such new Commissioner shall be qualified and shall take the Oath and Oaths by this Act required to be taken respectively, and shall have the like Powers and Authorities in all respects as the Commissioner in whose Room he shall be appointed.

by the Parish, at Special Vestry of Seven Persons, on 14 Days Notice.

XVI. And be it further enacted, That it shall be lawful for the said Two Commissioners so respectively appointed on behalf of the said several Parties, and such Commissioners are hereby authorized, and empowered to agree upon and to ascertain and fix the Amount of the yearly Sum of Money to be paid to the Incumbent, or any other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to any Tithes, rectorial or vicarial, prædial, personal, or mixed, in the Parish where such Commissioners shall be so appointed, as a Composition for and in satisfaction of all such Tithes; and that such Amount shall be calculated upon an Average of all the Sums paid, or agreed for, or adjudged to be paid, in such Parish on account of Tithes during the Seven successive Years preceding the First Day of *November* One thousand eight hundred and twenty-one; and if it shall appear to the said Commissioners that the Sums which have been paid or agreed for during such Seven Years have not been an adequate Compensation for the Tithes of the several Articles on account of which such Sums have been paid or agreed for, it shall be lawful for the said Commissioners in such Case to add to the Amount of such Average any Sum, not in any Case exceeding in the whole One-fifth Part of the Amount of such Average: Provided always, that if it shall happen that any Land subject to Tithes in any such Parish shall during such Period of Years have been held and possessed by any Person entitled to the Tithes, or to the Receipt of the Tithes of such Land, or in any Manner so that the Tithes of such Land shall not have been actually paid, nor agreed for, nor adjudged to be paid during such Period, then and in every such Case the annual Value of the

Commissioners empowered to agree in fixing Amount of Sum to be paid as a Composition for all Tithes, after due Inquiry from the Incumbent of the Parish and the Occupiers of Land, on the Average annual Amount paid or agreed or adjudged to be paid during 7 Years preceding 1st Nov. 1821; such Composition not to be lower than such Average, nor to exceed it more than One-fifth.

the Tithes of such Land shall be estimated by the said Commissioners according to the best Information which they can obtain; and in any other Case where it shall happen that the Tithes of any Land shall not have been paid, nor agreed for, nor adjudged during such Period, it shall be lawful for the said Commissioners to fix and ascertain the Value of the Tithes of such Land in each Year of the said Period, according to the Payments made for Tithes of the like Kind in the same or any adjoining Parish: And for all the said Purposes, it shall be lawful for the said Commissioners to meet together from Time to Time, and to require from the Incumbent and Impropriator, and every other Person or Body Politic or Corporate or Collegiate, or Corporation, entitled or claiming to be entitled to or interested in the Receipt of any such Tithes, a full and particular Statement in Writing, under the Hand of such Incumbent, Impropriator, and other Person, or of any Steward or Agent of any Body Politic or Corporate or Collegiate, or Corporation Aggregate or Sole, or any Person or Persons whomsoever, of his or their Claim or Claims respectively, and to what Particulars such Claims apply, and out of or upon what Land within such Parish, and by what Persons such Tithes are claimed, or have been agreed for, or adjudged to be issuing, yielded, chargeable, payable or paid, and the Nature, Amount, and Value of all Tithes claimed, or payable or receivable, or yielded or paid and received or agreed for, or adjudged to be paid, in Kind or otherwise, for and during such Seven Years; and it shall be lawful for such Commissioners to summon and call before them, as well the Incumbent or Impropriator or any Steward or Agent of any Body Politic or Corporate or Collegiate, or Corporation Aggregate or Sole, or any Person or Persons entitled or claiming to be entitled to such Tithes or any of them, as also any Owner or Occupier of any Lands, or any other Person or Persons charged or chargeable with the Payment of such Tithes, and to examine any such Incumbent or Impropriator, or Steward or Agent, or Owner or Occupier of Land, and any other Person or Persons whomsoever upon Oath (which Oath the said Commissioners, or either of them, are and is 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 Agreement for such Composition; and all such Persons so summoned or called before such Commissioners are hereby required to give Evidence and Information accordingly.

Commissioners empowered to examine Persons on Oath.

If Commissioners cannot agree, they shall appoint an Umpire, and give Notice to the Chief Secretary, Bishop, Incumbent, TitheOwners, and Three of the Vestry.

XVII. And be it further enacted, That if the Commissioners so appointed as aforesaid, acting in the Execution of this Act, shall not agree in settling and ascertaining the Amount of the Composition for Tithes to be paid and made in any Parish, pursuant to the Provisions of this Act, it shall be lawful for such Commissioners to refer the settling and ascertaining of the Amount of such Composition in such Parish to the Decision of some Third Person, not interested in the Question, as an Umpire; and such Umpire shall be nominated and appointed by such Commissioners, by Writing under their Hands; and Notice of the Appointment of such Umpire by such Commissioners shall be given by such Commissioners in Writing under their Hands, and shall be transmitted by such Commissioners to the Office of the Chief Secretary, for the Information of the Lord Lieutenant or other

other Chief Governor or Governors of *Ireland*, and to the Bishop of the Diocese, and to the Incumbent or Impropriator, or other Person or Persons having appointed any Commissioner as aforesaid, and to the Churchwardens of the Parish, and to every Person, or Body Politic or Corporate or Collegiate, or Corporation, entitled to any Tithes in such Parish, and to Three or more of the Persons who shall have attended at the Special Vestry at which either of the said Commissioners was appointed; and the Decision of any Umpire so to be nominated or appointed as aforesaid shall be final and conclusive.

Powers of Umpire in ascertaining the Amount of the Composition.

XVIII. And be it further enacted, That it shall be lawful for any Umpire so to be appointed as aforesaid, and such Umpire is hereby authorized and required to ascertain and fix the Amount of the yearly Sum of Money to be paid as a Composition for and in satisfaction of all Tithes payable in such Parish, in like Manner and upon the same Principles as the Two Commissioners by whom such Umpire shall be appointed are by this Act authorized to ascertain and fix such Composition; and it shall be lawful for such Umpire to proceed in ascertaining and fixing such Composition, either upon such Information as shall have been obtained by such Two Commissioners, or it shall be lawful for such Umpire to make such further Inquiries, and to proceed in such Manner in all respects as such Commissioners might have proceeded under this Act in obtaining the Information requisite for the ascertaining and fixing of such Composition; and such Umpire shall for that Purpose have and exercise all such Powers and Authorities as are by this Act given to such Two Commissioners, and as such Two Commissioners, or either of them, might have used and exercised for the Purposes of this Act.

If Commissioners do not agree, or appoint an Umpire within Four Months, they shall certify to Lord Lieutenant; and Lord Lieutenant in Council may refer the Case to Re-consideration of Commissioners, and on Failure of their then agreeing or appointing an Umpire within One Month, Lord Lieutenant shall appoint Umpire.

XIX. And be it further enacted, That in any Case where it shall happen that any Commissioners acting in the Execution of this Act shall not agree in settling and ascertaining the Amount of such Composition, within Four Calendar Months next after their First Meeting, and on Failure of so agreeing, in case such Commissioners do not appoint such Umpire within such Space of Four Calendar Months, such Commissioners shall transmit to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, a Certificate under their Hands stating the Grounds and Causes of the Difference between them, and shall from Time to Time give any Information or Explanation of their Proceedings under this Act which shall be required by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, as signified by his or their Chief Secretary; and thereupon it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, to refer the Case for the Re-consideration of such Commissioners; and in case such Commissioners shall not, within One Calendar Month next after such Reference, agree either in settling and ascertaining the Amount of such Composition, or in naming an Umpire for that Purpose, it shall then be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate a Person to be such Umpire, and such Umpire shall have all such and the same

Powers and Authorities as if he had been originally appointed by such Commissioners in pursuance of this Act.

Oath of Umpire.

XX. And be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of this Act, whether appointed by Commissioners for the Execution of this Act, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, until he shall have taken and subscribed an Oath in the following Form; (that is to say),

'I *A. B.* do swear, That I will faithfully, honestly, and impartially, according to the best of my Skill and Ability, execute and perform the Powers and Authorities reposed in me as Umpire by virtue of an Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled [*here insert the Title of this Act*], in the Parish of according to the Directions of the said Act, and according to Equity and good Conscience, and without Partiality, Favour, or Affection, Prejudice or Malice, to any Person or Persons whomsoever; and that I am not Owner or Proprietor of any Tithes, nor Owner nor Occupier of any Lands subject to the Payment of any Tithes, or Composition for Tithes, in the said Parish of nor Agent or Steward of any Person so interested. So help me GOD.'

Which Oath it shall be lawful for either of the Commissioners by whom such Umpire shall be appointed, or for any Justice of the Peace for the County in which the Parish shall be situate, relating to which such Umpire shall be appointed, to administer, and they or any one of them are and is hereby authorized to administer the same; and such Oath, when so taken and subscribed by such Umpire, shall be annexed to the Certificate or Return of the Amount of such Composition to be made by such Umpire pursuant to this Act, in manner herein-after mentioned.

Commissioners may cause a Survey and Valuation to be made of Lands and Tithes in the Parish,

XXI. And be it further enacted, That it shall be lawful for any Commissioners or Umpire acting under this Act, in case they or he shall think fit so to do, to cause a Survey and Admeasurement to be made of all the Lands and Grounds in any such Parish, and an Estimate of the annual Value of all such Lands and Grounds as shall not be Tithe-free, and of the Amount of Composition for Tithes to be made payable in and for such Parish; and when and as such Survey, Admeasurement, and Estimate or Valuation shall be made and completed, such Survey and Admeasurement, and Estimate or Valuation, or a Duplicate thereof, shall be deposited by such Commissioners or Umpire with some Person at some convenient Place in such Parish, for the Inspection of all Persons interested in such Lands or Tithes; and such Commissioners or Umpire, within Seven Days next after such Survey and Admeasurement, and Estimate or Valuation shall be deposited, shall give and deliver a Notice in Writing to the Churchwardens of such Parish, and to the Incumbent or Impropriator, and other Person or Persons entitled to any Tithes in such Parish, or to the Composition or any Part of the Composition for such Tithes, or to the Agent of any such Person or Persons, that such Survey and Admeasurement and Estimate or Valuation have been deposited,

and within Seven Days give Notice of its being deposited, and may after 21 Days hear Objections thereto, and amend the same,

and the Name of the Person with whom the same shall have been deposited, and where the same may be inspected; and shall also in such Notice appoint some convenient Place within such Parish, and a Time (not earlier than Twenty-one Days from such Notice) when and where such Commissioners or Umpire will attend to hear Objections from the Incumbent or Impropriator, or other Person or Persons entitled to such Tithes, or to the Composition for the same, or any Part thereof, or from the Owners or Occupiers of Lands within such Parish, who may be dissatisfied with such Survey or Estimate or Valuation, or either of them, and such Commissioners or Umpire shall attend at the Place and Time to be appointed; and it shall be lawful for such Commissioners or Umpire to hear and determine any Objections which may be then and there made to such Survey or Estimate or Valuation, or to adjourn the further Hearing of such Objections, if such Commissioners or Umpire shall think proper, to a future Time; and it shall be lawful for such Commissioners or Umpire to examine any Person or Persons on Oath (or in the Case of a Quaker or Quakers on solemn Affirmation), touching any such Objections (which Oath or Affirmation any such Commissioner or Umpire is hereby authorized and empowered to administer); and when such Commissioners or Umpire shall have heard and determined all such Objections, if any, as may be so made, it shall be lawful for such Commissioners or Umpire to cause such Survey or Estimate or Valuation to be altered; and if any Alteration or Alterations shall be made therein, such altered Survey or Estimate and Valuation shall be left and deposited at the same Place as the first Survey or Estimate or Valuation was deposited at, for the Inspection of all Persons interested in the Lands or Tithes in such Parish; and Notice in Writing shall forthwith be given by such Commissioners or Umpire to the Churchwardens of such Parish, and to the Incumbent and other Person or Persons entitled to such Tithes or Composition for Tithes, or any Part thereof, of the depositing of such altered or amended Survey or Estimate or Valuation.

Old Surveys may be used if the Commissioners, &c. think proper.

XXII. Provided always, and be it enacted, That if any Plan, Survey, Estimate, or Valuation, made of all or any Part of the Lands or Tithes in any such Parish, shall be produced and laid before such Commissioners or Umpire, of the Authenticity and Accuracy of which they or he shall be satisfied, it shall and may be lawful to and for them or him to make use of such Plan, Survey, Estimate, or Valuation, to assist in the Survey and Estimate or Valuation directed by this Act to be made, without causing any new Survey or Estimate to be made of such Lands or Tithes.

Power to enter Lands.

XXIII. And be it further enacted, That it shall and may be lawful for any Commissioners or Umpire for carrying this Act into Execution, and for the Surveyor to be employed as aforesaid, and for any Person or Persons employed as Clerk, Assistant, or Servant to such Commissioners or Umpire, or Surveyor respectively, and he and they is and are hereby empowered and authorized, for the Purposes of this Act, to enter into and upon all and every or any of the Lands and Grounds in any such Parish, without being subject to any Action or Molestation for so doing.

XXIV. Pro-

When General Survey of Ireland made, no particular Survey shall be made of any Parish.

XXIV. Provided always, and be it enacted, That whenever and as soon as any General Survey of *Ireland* shall be made and completed under the Authority of any Act or Acts to be made for that Purpose, or whenever and as soon as any Survey of any Parish in *Ireland* shall be made and completed as Part of such General Survey, such General Survey or such Survey of such Parish shall be applied to the Purposes of this Act, in any Parish which shall be contained in or shall form Part of such General Survey.

Two Commissioners, or Umpire, shall make and sign Certificate of Amount of Composition, subjoining the then Price of Wheat or Oats (according to the prevalent Growth of the County) on Average of Seven Years, and transmit such Certificate to the Bishop, &c. to be recorded in the Registry of the Diocese, and also send Copies to the Incumbent and Tithe Owners.

XXV. And be it further enacted, That when any Two Commissioners appointed under this Act, or any Umpire named by such Commissioners, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in pursuance of this Act, shall have finally agreed upon, or shall have ascertained and fixed the Amount of Composition to be paid for Tithes in any Parish under the Provisions of this Act, such Commissioners, or Umpire, as the Case may be, shall make and sign a Certificate, according to the Form in Schedule (B.) to this Act annexed, or in such other Form as the Nature of the Case may require, stating the Amount of the true and just Composition which shall thenceforth be paid in satisfaction of all Tithes in such Parish, and in what Proportions such Composition shall be paid or divided to or amongst the Party or Parties entitled to such Tithes, or any particular Share or Proportion of such Tithes; and such Commissioners or Umpire shall subjoin to such Certificate a Statement of the Average Price of Wheat or Oats (whichever of the Two they shall consider as the Corn principally grown in such County) for the Period of Seven Years next preceding the First Day of *November* One thousand eight hundred and twenty-one, calculated upon the Returns advertised in the *Dublin Gazette* during such Seven Years; and such Commissioners or Umpire shall transmit such Certificate to the Bishop of the Diocese in which such Parish shall be situate, and shall also transmit a Duplicate of such Certificate, made and signed in like Manner, to the Registrar of such Bishop, to be entered and recorded in the Registry of such Diocese, and such Certificate shall be entered and recorded accordingly; and such Commissioners or Umpire shall also transmit or deliver One Copy of such Certificate to the Churchwardens of such Parish, and One other Copy to the Incumbent of such Parish, and One Copy thereof to any and every Person, or Body Politic, Corporate, or Collegiate, or Corporation, entitled to any Part or Proportion of such Composition for Tithes; and every such Copy shall be signed with the Names or Name, in the proper Handwriting of such Commissioners or Umpire by whom such Certificate shall be made.

Where Composition exceeds the Seven Years Average, Commissioners shall state their Reasons for such Increase on their Certificate of Composition.

XXVI. Provided always, and be it enacted, That in any Case where it shall happen that any Commissioners or Umpire acting in the Execution of this Act shall, in the ascertaining and fixing the Amount of any Composition to be paid for Tithes in any Parish, have increased the Amount of such Composition beyond the average Amount of such Tithes during Seven Years preceding the First Day of *November* One thousand eight hundred and twenty-one, by adding any Sum or Sums of Money to such average Amount, the said Commissioners or Umpire shall subjoin to the Certificate of the Amount of such Composition a Statement of the average Amount of such

 Tithes

Tithes for such Seven Years, and also the Amount of the Sum or Sums added to such average Amount, and by which such Composition shall be so increased beyond such average Amount, together with the Grounds and Reasons upon which Sum or Sums was or were so added to such average Amount as aforesaid.

Where Incumbent, Impropriator, &c. shall agree to receive a fixed Sum (not less than the Average of the Amount paid for Seven preceding Years), as a Composition for all Tithes, and such Agreement shall be assented to by the Vestry, such Agreement shall bind the Commissioners, and such Sum shall be inserted in Certificate of Composition.

XXVII. Provided always, and be it enacted, That if the Incumbent of any Parish entitled to any Tithes or Portion of Tithes in such Parish, and the Impropriator of any Tithes or Portion of Tithes in any Parish, or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation Aggregate or Sole, entitled to any Tithes or any Portion of Tithes in any Parish, shall agree to receive any fixed annual Sum or Sums as the Amount of the Composition to be paid for all Tithes in any Parish payable to him or them, and shall signify such Agreement in Writing, stating the Amount of the Sum or of the several Sums so agreed to, and shall have obtained the Assent of the Bishop of the Diocese and of the Patron of the Benefice to such Agreement, to be signified in Writing, and signed by such Bishop and Patron respectively; and if such Agreement shall be assented to, and accepted at some Vestry, or Adjourned Vestry, to be holden in pursuance of this Act, at which not less than Seven Persons entitled to vote therein shall be present, and such Assent and Acceptance shall be certified by the Chairman of such Vestry to the Commissioners or Umpire who may be appointed under this Act; then and in such Case upon the Production of such Certificate to such Commissioners or Umpire, by or on behalf of the Incumbent or other Person or Persons by whom such Agreement was made or entered into, such Agreement shall be binding and conclusive upon such Commissioners or Umpire; and the Sum or Sums so agreed upon shall be inserted by such Commissioners or Umpire in the Certificate of the Amount of such Composition to be made by such Commissioners or Umpire as aforesaid, as if the same had been ascertained by such Commissioners or Umpire in manner required by this Act: Provided nevertheless, that if it shall appear to such Commissioners or Umpire that the Amount of the Composition specified in such Agreement (if made payable to any Incumbent or other Person having an Estate less than Fee Simple in such Tithes, or any Portion thereof,) shall be below the average Amount of the Sums actually paid during such Seven Years as aforesaid, in respect of the Tithes for which such Composition shall be so agreed to be received, such Commissioners or Umpire shall state and certify their Opinion to that Effect; and in such Case such Commissioners or Umpire shall insert in their Certificate of the Amount of such Composition a Sum equal to such average Amount of the Sums paid during such Seven Years, and such Sum shall be stated as and for the Amount of the Composition ascertained and certified by such Commissioners or Umpire.

Vestry or Incumbent may appeal to Lord Lieutenant in Council against the Certificate.

XXVIII. And be it further enacted, That within Three Days after the Copy of such Certificate of any Commissioners of the Amount of any such Composition shall have been received by the Churchwardens of any Parish, such Churchwardens shall cause Public Notice to be given, in the usual Manner of giving Notices for holding Vestries in such Parish, that a Special Vestry of Persons qualified according to this

this Act will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days distant from the publishing of such Notice, for the Purpose of taking into Consideration such Certificate of such Commissioners; and such Vestry so assembled may proceed to take such Certificate into Consideration, and may adjourn from Time to Time to any Day not more than Ten Days distant from the First Day of Meeting; and if at such First Day of Meeting, or at any adjourned Meeting of such Vestry, which shall be held on any Day not more than Ten Days distant from such First Day of Meeting, it shall be determined that an Appeal shall be made against such Certificate on account of any thing therein contained or omitted therefrom, to the Prejudice of such Parish, it shall be lawful for such Vestry to direct that such Appeal shall be made to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in Council, in the Name of such Vestry, on behalf of the said Parish; and the Grounds of such Appeal shall be stated in Writing, and shall be signed by the Chairman of such Vestry, and shall be transmitted by him, within Two Days after such Meeting, to the Clerk of the Privy Council; and in like Manner it shall be lawful for any Incumbent or Impropriator, or Body Politic or Corporate or Collegiate, or any Person or Persons entitled to any Tithes or Portion of Tithes in any Parish, or the Patron of the Benefice (or where the King shall be Patron, the Attorney General in *Ireland*), who shall think themselves aggrieved by any thing contained in or omitted from such Certificate, to appeal to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in Council, at any Time within One Calendar Month next after the Time when the Duplicate of such Certificate shall have been deposited with the Registrar of the Diocese as aforesaid; and such Appeal, together with the Grounds and Reasons thereof in Writing, shall be lodged with the Clerk of the Privy Council within such Calendar Month; and in all Cases of Appeal, whether on behalf of the Parish or of the Incumbent, or other Party entitled to Tithes, Notice of such Appeal shall be inserted, by or on behalf of the Party Appellant, in the *Dublin Gazette*, Once in Two successive Weeks after such Appeal shall have been lodged with the Clerk of the Council as aforesaid.

Lord Lieutenant and Council may hear Appeal, and modify Composition.

XXIX. And be it further enacted, That it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors, by and with the Advice and Consent of His Majesty's Privy Council in *Ireland*, to hear and determine such Appeal, and to make such Order for the confirming, or for the decreasing or increasing or modifying the Amount of the Composition stated in such Certificate, as to such Lord Lieutenant, or other Chief Governor or Governors, and Council, shall seem consonant to the true Intent and Meaning of this Act; and such Certificate, and the Amount of the Composition as ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by the Lord Lieutenant, or other Chief Governor or Governors, and Privy Council.

Lord Lieutenant and Council may

XXX. Provided always, and be it enacted, That whenever any such Appeal shall be brought before the Lord Lieutenant, or other Chief Governor

Governor or Governors of *Ireland*, in Council, it shall be lawful for the Lord Lieutenant, or other Chief Governor or Governors, by and with the Advice of His Majesty's Privy Council, to refer the Matter of such Appeal to the next going Judge of Assize in the County in which the Parish shall be situate, to which such Appeal shall relate; and it shall be lawful for such Judge at the next ensuing Assizes to be holden for such County, to hear and determine the Merits of such Appeal, and to make such Order for the confirming or annulling, or abating or modifying the Amount of such Composition, as the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, in Council, might have done under this Act; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry thereof in the Registry of the Diocese, shall be altered and amended accordingly.

refer Appeal to the next going Judge of Assize.

XXXI. And be it further enacted, That the Certificate of such Commissioners or Umpire as aforesaid shall be conclusive Evidence of the Amount of such Composition, and that such Composition was duly fixed and ascertained pursuant to the Directions of this Act; and such Certificate, and the Amount of the Composition thereby fixed and ascertained, shall be valid and effectual to all Intents and Purposes whatsoever, from and after the Registry of such Certificate, unless in case of such Appeal against the same in manner hereinbefore mentioned; and in case of such Appeal, then from and after the Determination of such Appeal; and such Certificate shall not be otherwise disputed or called in question, or invalidated in any Manner whatever, on account of or under pretext of any Informality or Irregularity with respect to any Proceedings had under this Act at any Time previous to the making of such Certificate; and the Composition specified in such Certificate shall take effect from the First Day of *November* next ensuing the Date of such Certificate, and shall continue to be levied for the Term of Twenty-one Years from such First Day of *November*, subject only to such Variation as may be made in the Amount thereof, according to the Price of Wheat or Oats in any Period of Three Years, according to the Provisions herein-after contained; and from and after the Registry of such Certificate, or after the Determination of such Appeal, as the Case may be, the Composition mentioned in such Certificate, or to be ascertained upon such Appeal as aforesaid, shall be deemed and taken to be, and to amount in Law and in Fact to a Suspension of the Right of claiming or taking the Tithes for which such Composition shall be made, or of any Payment in respect of such Tithes, other than the Amount of such Composition, for and during such Term of Twenty-one Years; and all and every the Owners and Occupiers of any Land in such Parish shall, during the said Term of Twenty-one Years, hold such Land free and discharged of and from all Tithes, and of and from all Payments in respect of Tithes, other than the Amount of such Composition; and no such Tithes, nor any Payment in lieu or satisfaction of such Tithes, other than such Composition, shall at any Time during such Term of Twenty-one Years be claimed or taken by any Incumbent, or any other Person or Persons whomsoever, either as Owner or Lessee of such Tithes, or any Portion of Tithes, within such Parish, any Law,

Certificate shall be conclusive Evidence of Composition, and shall not be invalidated by Informality in any previous Proceedings.

Such Composition shall commence from 1st Nov. ensuing, and shall continue for 21 Years from such 1st Nov., and shall suspend the Right of taking Tithes, or any Payment for Tithes, other than such Composition, for such 21 Years, subject to Variation in Price of Wheat or Oats every Three Years.

Composition liable to same Charges as Tithes.

Law, Statute, Custom, or Usage, or any Lease, Covenant, or Agreement to the contrary in anywise notwithstanding; and such Composition shall be subject and liable to all such Charges as the Tithes in respect of which such Composition shall have been made were by Law subject and liable to: Provided always, that when any Owner or Occupier of any Land out of which any such Tithes shall have been issuing shall be liable, by or under any Covenant, to the Payment of any Sum or Sums of Money to the Party entitled to such Tithes, as and for the Rent of such Tithes, such Owner or Occupier shall, during the Continuance of such Covenant, pay such Rent or Sum to the Person or Persons entitled to the same, and such Rent shall be received by such Person or Persons in lieu of such Portion of such Composition as shall be assessed and applotted upon such Occupier in respect of such Land.

Rent of Tithes shall be paid in lieu of Composition.

Proviso for Tithes due before Composition made.

XXXII. Provided always, and it is hereby declared, That no Proceedings under this Act for effecting any Composition for Tithes shall take away or affect any Right or Claim to Tithes which shall have accrued due before the Time at which the Composition specified in any such Certificate is hereby directed to take effect, but all such Tithes, and any Compositions or Sum or Sums of Money payable in lieu thereof, shall and may be recovered and recoverable in like Manner, and by the same Forms of Proceeding, as if this Act had not passed.

Not to affect 3 G. 4. c. 125. for leasing Tithes.

XXXIII. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to or in anywise to affect or alter the Powers or Provisions of an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enable Ecclesiastical Persons and others, in* Ireland, *to grant Leases of Tithes so as to bind their Successors.*

Amount of Composition shall be assessed and applotted by Commissioners on all Land not Tithe-free, payable by the Occupiers.

XXXIV. And be it further enacted, That before the Expiration of Four Calendar Months after the First Day of *November* next after the making and signing of such Certificate, the Commissioners or Umpire by whom such Certificate shall be so made and signed shall, and they or he are and is hereby required to assess and applot the full Amount of such Composition upon all Land within such Parish, not being Tithe-free, equally in proportion, and according to the true annual Value of the several Lands; and the Sums so assessed and applotted shall be paid from Time to Time by the Occupiers of such Land for the Time being, or by the Owners of such Land occupying the same; and such Assessment and Applotment shall state the whole Number of Acres of Land in such Parish to be charged with the Payment of such Composition, the several Sorts and Qualities of such Land in such Parish, and the several Districts or Parts of the Parish in which such Land shall be situate respectively, and the Rate or Sum to be charged by the Acre, or less Quantity, on each of the several Sorts and Qualities of Land, so that the whole Amount of such Composition may be raised as equally as possible on all the Lands in the Parish not being Tithe-free; and such Assessment and Applotment shall also state and set forth the Proportion in which the Rates or Sums imposed on any Land in respect of such Composition shall be payable by

by the Occupier of such Land, or by the Owner occupying such Land from Time to Time for the Time being, to and among the several Persons entitled to such Composition, or any Part thereof, according to the Certificate herein-before mentioned; and every such Assessment or Applotment shall be signed by the Commissioners or Umpire by whom the same shall be made; and every such Assessment and Applotment so made shall be entered in a Book to be delivered by such Commissioners or Umpire to, and to be carefully kept in the Custody of the resident Ecclesiastical Incumbent or Minister of such Parish, or if there shall not be any such resident Ecclesiastical Incumbent or Minister, then in the Custody of the Churchwardens of such Parish, or in such other Place and in the Custody of such Person as shall be ordered and directed by such Commissioners or Umpire as aforesaid; and such Book shall be open for the Inspection of every Occupier of Land in the said Parish, at all reasonable Times, without Fee or Reward; and it shall be lawful for any such Owner or Occupier, at his own Expence, to take any Extract or Copy of such Assessment or Applotment, or any Part thereof.

Such Assessment to be entered in a Book, and signed by Commissioners.

XXXV. Provided always, and be it enacted, That no Land, nor the Occupier of any Land, nor any Owner of Land occupying the same, shall be exempted from any Assessment or Applotment to be made under this Act, nor from the Payment of any Part of any Sum assessed or applotted under this Act, solely upon the Ground that dry or barren Cattle have been fed or agisted on such Land, or any Part thereof; and that any Claim of Exemption, or the Pendency of any Action or Suit in Law or Equity, respecting any alleged Exemption of any Lands from the Payment of Tithe, shall not prevent or delay the Applotment or Assessment of any Part or Portion of such Composition upon such Lands, nor the Payment of such Part or Portion when ascertained and fixed according to the Regulations of this Act; and in case it shall happen that after any such Applotment and Assessment of any such Composition shall have been made in any Parish, any Land in such Parish made subject to the Payment of any Part of such Composition shall, by virtue of any Decision in Law or Equity, be declared to be exempted from the Payment of Tithes, it shall be lawful for any Two or more Justices of the Peace assembled in Petty Session, to assess and applot the Sum formerly assessed on such Lands so exempted, in proportion upon the Occupiers of all other Lands within such Parish, not being Tithe-free, according to the Nature and Quality of the several Lands holden by such Occupiers respectively; and also to assess and applot upon the Occupiers of such other Lands any such Sum and Sums of Money as shall be sufficient to repay to the Occupier of the Lands so exempted all such Sums as shall have been paid in respect of any former Composition made by virtue of this Act, at any Time after the Claim shall have been made on which such Exemption shall have been decided; and such last-mentioned Sum and Sums of Money shall be collected by the Person or Persons appointed to collect such Composition, and shall by such Person or Persons be paid over to the Occupier of such Land so exempted, in such Manner and under such Regulations as shall be made by such Justices for that Purpose.

No Land shall be exempted from Assessment solely in respect of barren Cattle agisted, nor in respect of any depending Claim of Exemption from Tithe.

Where Lands assessed to Composition shall be afterwards declared exempted, the Occupier charged therewith shall be repaid, &c.

Copies of Assessment shall be delivered by Commissioners to the Incumbent and other Persons entitled to the Composition, to be levied by Half-yearly Payments after 1st May and 1st Nov. in each Year.

XXXVI. And be it further enacted, That Copies of every Assessment and Applotment made by any Commissioners or Umpire under this Act shall be made and attested by the Commissioners or Umpire, by whom such Assessment or Applotment shall be made, and shall be by them or him delivered to the Ecclesiastical Incumbent of such Parish, and to all and every Person and Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to any Portion of such Composition, or to his or their Agent, or to any Person or Persons appointed to collect such Composition, or any Portion thereof respectively, by or on behalf of such Incumbent or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation; and it shall be lawful for any Person or Persons appointed for that Purpose by such Incumbent or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, and such Person or Persons so appointed are hereby authorized to collect and levy such Compositions, or such Part thereof, as such Incumbent or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, shall be entitled to, by Two equal Half-yearly Payments in each Year, the one whereof shall be and become due on the First Day of *May*, and the other on the First Day of *November*, in each and every Year, during the Continuance of such Composition.

Apportionment of Half-yearly Composition on Death of Incumbent between 1st Nov. and 1st May, or between 1st May and 1st Nov.

XXXVII. Provided always, and be it enacted, That upon the Death, Cession, Resignation, or Removal of the Incumbent of any Parish, or of any other Person or Persons entitled to any such Composition for Tithes, or any Part, Share, or Proportion thereof, at any Time in the Half Year between the First Day of *November* and the First Day of *May*, or in the Half Year between the First Day of *May* and the First Day of *November* respectively, every such Incumbent, or his Executors, Administrators, or Assigns, and every such other Person or Persons, shall be entitled to and shall receive so much and such Part of the Composition payable to such Incumbent or other Person or Persons, as shall be in proportion to the Number of Days elapsed between the First Day of *November* or the First Day of *May* next preceding the Death, Cession, Resignation, or Removal of such Incumbent or other Person or Persons, and the Day of the Death, Cession, Resignation, or Removal of such Incumbent, or other Person or Persons.

Original Assessment shall be Evidence of Sums payable.

XXXVIII. And be it further enacted, That the original Assessment and Applotment made, signed, and entered in such Book as aforesaid, shall be conclusive Evidence of the Amount of the Sums payable in respect of such Composition for Tithes in any such Parish, and of the Proportion in which such Sums shall be payable to the Incumbent, and other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to the Whole or any Part of such Composition; and that the Amount of such Composition, and of the several Portions thereof payable according to such Assessment and Applotment, and all Arrears thereof from Time to Time, not exceeding the Amount of One Whole Year of such Composition, shall be a Charge on the Lands specified in such Assessment and Applotment during the Continuance of such Composition, and shall be payable by the Occupier or Occupiers of such Lands, or by the Owner of such

Composition shall be a preferable Charge on the Land (not exceeding One Year's Amount), and leviable by

Lands occupying the same for the Time being, according to the Quantity of such Lands which each such Occupier shall from Time to Time hold and occupy; and that it shall be lawful for the Incumbent, and for every or any other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to such Composition, or any Part, Share, or Portion thereof, to receive the Amount of such Composition, or of such Part, Share, or Portion thereof, or to cause the same to be levied upon the several Lands specified in such Assessment and Applotment, and on the several Occupiers of such Lands for the Time being, in preference to any other Charge upon such Lands, whether for Rent, or for any Taxes or Assessments, Parliamentary or other, and in Preference to any other Charge whatever upon such Lands, by all the Ways and Means allowed by Law for the Recovery of Rent; and it shall and may be lawful for any Collector or Person appointed to collect and levy such Composition, or any Part thereof, by the Incumbent, or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to such Composition, or any Part thereof, to collect and levy the Amount of such Composition from Time to Time as the same shall become due; and every such Collector so appointed shall collect and levy, and is hereby authorized, empowered, and required to collect and levy all and every Sum and Sums of Money which shall become due from Time to Time, in respect of such Composition, to the Incumbent, or other Person, or Body Politic or Corporate or Collegiate, or Corporation, in whose Behalf such Collector shall be appointed to levy the same; and every such Incumbent, Impropriator, or other Person or Persons entitled to such Composition, shall, in case of any Execution levied, or any Distress made upon any Land, or upon any Cattle, Goods, or Chattels upon any Land, or in any House situate on any Land, liable to the Payment of such Composition, or any Part thereof, be entitled in the first Place to receive out of the Produce of such Distress all Arrears (not exceeding One whole Year's Amount) of any Composition for Tithes payable in respect of such Land, or in respect of any Land of which such Land shall form a Part, in preference to any Debt, Rent, Taxes, or Sum or Sums whatever, for which such Execution shall be levied, or such Distress made; any Law, Statute, Usage, or Custom to the contrary notwithstanding.

the Collectors of the Incumbent, and other Parties entitled, and recoverable as Rent.

On Execution or Distress on Land subject to Composition, One Year's Arrears thereof shall be paid in preference to all other Demands.

XXXIX. Provided always, and be it enacted, That if any Person shall feel himself or herself aggrieved by or dissatisfied with the Rate or Sum at which any Land shall be assessed in such Assessment or Applotment, as compared with the Rate or Amount payable in respect of any other Land in the same Parish under such Assessment or Applotment, it shall be lawful for such Person so feeling himself or herself so aggrieved, to appeal to the Justices of the Peace at their General Quarter Sessions of the Peace, or any Adjournment thereof, for the County or Place in which such Parish shall be situate, giving such Notice and entering into such Recognizance as is herein-after provided; and it shall be lawful for such Justices to order any such Alteration or Amendment to be made in such Assessment or Applotment as shall appear to them to be requisite and necessary according to the Justice of the Case, as well in the Amount of the Assessment

Parties aggrieved by Assessment or Applotment may appeal to Quarter Sessions, who may amend the same.

ment made on the Land of the Party appealing, as in the Amount of the Assessment on the Land of any other Party or Parties mentioned in such Appeal; and the Determination of such Justices in Session shall be binding, final, and conclusive on all Parties, to all Intents and Purposes, and the Assessment or Applotment shall be amended accordingly in the Book in which the same shall have been originally entered, pursuant to this Act, and a Re-assessment or Re-applotment, between such Parties and Persons only, shall be made pursuant to the Directions of such Justices, as the Case may require, and such Amendment shall be signed in such Book by the Chairman present at such Session; and such Book so amended, and such Re-assessment or Re-applotment, shall be thenceforth conclusive Evidence of the Sum due in respect of such Land: Provided always, that no Diminution or Alteration shall be made in the total Amount of such Composition, or of the whole Sum to be raised in such Parish, by any such Amendment of any such Assessment or Applotment, but that the Effect of such Amendment shall be the equal Assessment on the Lands of the Parties appealing and appealed against, of their several Shares and Proportions of the whole of such Composition and Assessment.

On Failure of Assessment by Commissioners, the Composition shall be levied according to the Parish Cess.

XL. Provided always, and be it enacted, That in case such Assessment and Applotment of such Composition shall not be made within Four Calendar Months next after such First Day of *November*, then and in such Case, and until such Assessment and Applotment shall be so made, it shall be lawful for any Person or Persons appointed to collect such Composition, or any Portion thereof, respectively to collect and levy the same according to the last Applotment or Assessment made in such Parish for the levying of any Parish-cess raised in such Parish; and every Collector of such Parish Cess shall, whenever thereto required by or on behalf of the Incumbent or other Person or Persons entitled to such Composition or any Portion thereof, deliver to or for the Use of such Incumbent or other Person or Persons a true Copy of the last Applotment or Assessment made and in force in such Parish in respect of the Parish Cess payable therein; and the several Persons liable to the Payment of any such Applotment or Assessment shall be liable to the Payment of the full Amount of the Half-yearly Payments of such Composition under this Act, and the full Amount of every such Half-yearly Payment shall be levied on all such Persons respectively, in proportion to the Amount of the several Assessments made on them in respect of such Parish-cess; and it shall be lawful for every Collector of such Composition, or any Portion thereof, and every such Collector is hereby respectively authorized and required to collect and levy such Composition, and the several Parts and Proportions thereof payable by any such Persons liable to the Payment of such Parish-cess, with the like Powers and Authorities, and in like Manner to all Intents and Purposes, as if such Assessment had been duly made by such Commissioners or Umpire as aforesaid.

Owners of Land in any Parish for the Tithes of which Com-

XLI. And be it further enacted, That whenever, under the Provisions of this Act, any Composition shall be made for the Tithes payable in any Parish, every Person who shall afterwards let, set, or demise any Land lying within such Parish, at a Rack-rent, shall make such Lease or Demise

Demise free from the Payment of Tithes during the Continuance of such Composition; and in such Case it shall and may be lawful for the Lessee or Occupier of such Land, and every such Lessee or Occupier is hereby authorized and required to pay the Amount of such Composition as shall be due from Time to Time, in respect of the Lands demised by such Lease, to the Incumbent and other Person, or Body Politic or Corporate or Collegiate, or Corporation, entitled to such Composition, or any Part thereof, or to the Person or Persons employed to collect such Composition; and it shall be lawful for such Lessee or Occupier of such Land to deduct the Amount of all such Payments from Time to Time out of the Amount of Rent payable by such Lessee or Occupier of such Land to his immediate Landlord; and the Receipt or Acquittance of the Incumbent or Impropriator, or other Person, or Body Politic or Corporate or Collegiate, or Corporation, entitled to such Composition, or any Part thereof, or of his or their Collector, or the Receipt of any such Collector, having levied any such Composition, or any Part thereof, under the Authority of this Act, and which Receipt such Collector is hereby required to give whenever the same shall be demanded, shall be a good and sufficient Discharge to the Lessee or Occupier of such Land, for so much of the Rent payable by such Lessee or Occupier to such Landlord, as the Sum specified in such Receipt to be the Proportion of such Composition paid by such Lessee or Occupier shall amount unto; and every such Landlord shall accept such Receipt in Payment of so much of the Rent payable by such Lessee or Occupier to him: Provided always, that in Cases where either the Landlord or the Occupier of any such Land shall be One of the Persuasion of the People called *Quakers*, the Receipt of any Collector having collected or levied any such Composition, or any Part thereof, and which Receipt such Collector is hereby required to give in such Case, whether the same shall be demanded or not, shall express the whole Sum paid or satisfied by such Lessee or Occupier, including, in the Case of Levy, the Expences of such Levy; and such Receipt being produced to such Landlord, such Landlord shall accept the same in Payment (or shall suffer the Amount thereof to be deducted as in Payment) of so much of the Rent payable to him by such Lessee or Occupier, as shall be equal to the whole of such Sum: Provided also, that the Receipt of such Landlord for the Sum which shall remain due for such Rent, after deducting the Amount of the Composition specified in the Receipt of such Collector, shall be taken and received by such Tenant (the said Tenant retaining the Receipt of such Collector) as a full Discharge for the whole Amount of Rent due: Provided also, that every such Lease shall contain a Proviso, that in case such Composition shall cease and determine at any Time during the Continuance of such Lease, the Rent reserved in such Lease shall be reduced in Amount by a Sum equal to the Amount of such Composition: Provided also, that no Deduction on account of Composition of Tithes under this Act shall be held to be a Discharge of any Portion of any Gale, or quarterly or other Payment of Rent, due by such Lessee or Occupier of such Land, so as to prejudice the Right of such Landlord to recover the Possession of such Land by Ejectment for Non-payment of the Rent thereof, in any Case where the remaining Portion of such Gale shall be

position is made under this Act, shall let such Land Tithe-free, and the Occupier paying the Composition may deduct it out of his Rent.

Quakers being Landlords or Tenants.

Deductions on account of Tithes shall not be a Discharge to prevent Ejectments for Non-payment, if any

Part remains unpaid, to the Landlord.

be unpaid; but that it shall and may be lawful for such Landlord to proceed for the Recovery of such Land by Ejectment, as effectually as if the entire Gale, or quarterly or other Payment of Rent, out of which such Deduction is hereby allowed, had remained wholly due and unpaid to such Landlord.

Provisions of Irish Act 1 G. 2. c. 12. and of 7 G. 3. c. 21. s. 11., for Recovery of Tithes, as extended by 54 G. 3. c. 68. s. 6., shall be applied for Recovery from Quakers of Composition for Tithes under this Act.

XLII. And be it further enacted, That so much and such Parts of an Act made in the Parliament of *Ireland* in the First Year of the Reign of King *George* the Second, intituled *An Act for the more easy Recovery of Tithes, and other Ecclesiastical Dues of small Value*; and of an Act made in the Parliament of *Ireland* in the Seventh Year of the Reign of His late Majesty King *George* the Third, for continuing and amending an Act of the Third Year of His said late Majesty's Reign, made for amending and explaining an Act of the Thirty-third Year of the Reign of King *Henry* the Eighth, *For Tithes*, as relates to Proceedings against the People called *Quakers*, refusing to set out or pay or compound for Tithes, for the Recovery of such Tithes, not exceeding the Sum of Ten Pounds, and also so much of an Act made in the Parliament of the United Kingdom in the Fifty-fourth Year of the Reign of His said late Majesty, intituled *An Act for the better Regulation of Ecclesiastical Courts in* Ireland, *and for the more easy Recovery of Church Rates and Tithes*, as extends the said Provisions of the said Act of the Seventh Year of His said late Majesty's Reign to any Value not exceeding Fifty Pounds, shall extend and be construed to extend, and shall be applied and put in Execution for the Recovery of any Composition for Tithes, or any Part thereof, which shall be payable under this Act in respect of any Land in the Occupation of any of the People called *Quakers*, or whereof any Quaker shall be Owner or Proprietor, in all Cases where the Occupier of such Land, or the Owner occupying such Land, shall refuse to pay such Composition, or any Part thereof, to all Intents and Purposes as if such Composition had been in force at the Time of the making of the said recited Acts.

Between 1st May and 1st Oct. in the Third Year after 1st Nov. from which Composition shall have commenced (and so in every subsequent Third Year), the Incumbent, or Tithe Owners, or Three Landholders charged with 3*l.* a Year to Composition Money (on Notice given on Two

XLIII. And be it further enacted, That at any Time between the First Day of *May* and the First Day of *October* in the Third Year next after the First Day of *November* on which any Composition for Tithes under this Act shall commence in any Parish under the Provisions of this Act, and in like Manner at any Time between the First Day of *May* and the First Day of *October* in every subsequent Third Year during the Continuance of such Composition, but in no other or intermediate Year, it shall and may be lawful for the Ecclesiastical Incumbent of such Parish, or for any other Person or Persons, or Body Corporate or Collegiate, or Corporation Sole or Aggregate, entitled to such Composition, or any Part thereof, or for any Three or more Owners or Occupiers of Land in such Parish charged with the Payment of the Sum of Three Pounds or upwards each, in respect of any such Composition, to cause a Notice in Writing, signed by such Incumbent or other Person or Persons, or by the Steward or Agent of any such Body Corporate or Collegiate, or Corporation, or by such Owners or Occupiers of Land, to be affixed on the principal outer Door of the Church of such Parish, or if there shall not be any Church in such Parish, then upon the principal outer Door of every

 known

known Place of Religious Worship in such Parish, on Two successive *Sundays*, the last of such *Sundays* not being less than Eight Days previous to the Day of holding the then ensuing Quarter Session for the Peace in the County in which such Parish shall be situate, signifying that it is the Intent of such Incumbent or other Person or Persons, or Body Corporate, or Corporation, or Owners or Occupiers of Land, to make Application to the Justices of the Peace at such Quarter Sessions to have the Average Price of Wheat or Oats for the Three Years preceding inquired of and ascertained, in order that such Composition may be varied and increased or diminished for the ensuing Three Years, in proportion to such Average Price; and it shall be lawful for the Persons or Parties by or on whose Behalf such Notice shall have been so given, to make such Application to such Justices at such Quarter Sessions, in Writing, for such Purpose accordingly; and thereupon it shall be lawful for such Justices, and they are hereby required, at such Sessions, or any Adjournment thereof, to ascertain the Average Price of good marketable Wheat or Oats within the said County, for the Term of Three Years next preceding such Application; and for that Purpose it shall be lawful for the said Justices at such Quarter Sessions (if they shall think fit so to do) to nominate and appoint a Person to be an Arbitrator for ascertaining the Average Price of the Barrel of good marketable Wheat or Oats within such County for the Term of Three Years then last past; and such Arbitrator is hereby authorized and required, from the *Dublin* Gazette, to ascertain the Price of a Barrel of good marketable Wheat or Oats, upon the Average of such Term of Three Years preceding, and to state and set forth such Average Price by his Report in Writing, under his Hand, to be delivered to the Justices at such Session, or some Adjournment thereof, or at such Time as such Justices shall direct; and if it shall appear that the Average Price of Wheat, where Wheat shall have been taken as the Measure of Composition for Tithes in such County, or that the Average Price of Oats, where Oats shall have been taken as the Measure of Composition for Tithes in such County, for such Three Years preceding, is more or less by One Tenth than the Average Price thereof set forth in the original Certificate of such Composition, then and in such Case the Amount of such Composition shall be increased or diminished, by Order of such Justices at such Session, in such Manner and to such Extent that the Amount of such Composition payable for and during the next ensuing Three Years shall bear the like Proportion to the Amount of the Composition set forth in such original Certificate, as the Average Price of Wheat or Oats so ascertained at the Time of such Application shall bear to the Price thereof set forth in such original Certificate; and such revised or new Composition shall be divided among the several Parties entitled to receive the same, in such Shares and Proportions as shall be stated in the Certificate made of the original Composition; and the Assessment and Applotment of such Composition shall be increased or diminished by the Order of such Justices, so as to bear the like Proportions to the Amount of the Composition payable for and during such Three Years, as the original Assessment and Applotment did bear to such original Composition; and such revised and new Composition shall be in full force for Three Years from the First Day of *November* then next ensuing,

Sundays, the last being Eight Days previous to Sessions), may apply to Quarter Sessions to alter Amount of Composition for ensuing Three Years, in proportion to Average Price of Wheat or Oats for Three Years preceding.

If Price of Wheat or Oats (according to prevalent Growth in the County) in preceding Three Years varies by One-tenth from Price stated in Certificate of Composition, Composition shall be increased or diminished by the Sessions for the next Three Years from 1st Nov.

ensuing, and until such Composition shall afterwards, upon a like Application, be again varied and ascertained, according to the Average Price of Wheat during the Term of Three Years then last past; and the several Parties are hereby respectively authorized to make such further Applications from Time to Time, after the Expiration of every Term of Three Years during the Continuance of such Composition, in such or the like Manner and Form as herein-before mentioned and directed with respect to the First Application; and the Costs, Charges, and Expences of every such Application to the Court of Quarter Sessions, and of varying and re-ascertaining the Amount of such Composition and the Applotment thereof as aforesaid, shall be defrayed by the Person or Persons who shall give such Notice and make such Application as aforesaid, or in such other Manner as such Justices at such Quarter Sessions shall order and direct.

and so from Three Years to Three Years.

XLIV. And be it declared and enacted, That from and immediately after the Expiration of the Term of Twenty-one Years for which any Composition for Tithes in any Parish shall be made under the Authority of this Act, all Right and Claim to such Tithes, and all Remedies for the Recovery of the same, shall revive and be renewed, and such Tithes shall be yielded and paid and payable, and recovered and recoverable in all Respects, and to all Intents and Purposes, as if this Act had not been made, and as if no such Composition had been made or paid under this Act; any thing in this Act contained to the contrary in anywise notwithstanding.

After Twenty-one Years, when the Composition shall cease, all Right to Tithes shall revive.

XLV. And be it further enacted, That this Act, and the several Provisions therein contained, shall extend, and be deemed and construed to extend, to all Ecclesiastical Persons, and Bodies Corporate or Collegiate, and to all Corporations Sole or Aggregate, and to all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and to all Impropriators and Appropriators, and to all and every Person and Persons whomsoever, Ecclesiastical or Lay, being the Owner or Owners of, or entitled to any Tithes or Portions of Tithes in *Ireland*, as fully and effectually as if all such Persons, or Bodies Corporate or Collegiate, or Corporations Sole or Aggregate, were named, specified, or referred to in the several Clauses of this Act, and to the known Agents or Stewards of all such Persons, or Bodies Corporate or Collegiate, or Corporations, duly authorized respectively; and that all Notices by this Act required to be given to, and all Matters by this Act required to be done by any such Person, or Body Corporate or Collegiate, shall and may, in the Absence of any such Persons, and on behalf of any such Body Politic or Corporate or Collegiate, or Corporation, be given to and done by any such known Agent or Steward duly authorized thereto respectively; and all such Matters and Things which shall be done in the due Execution of this Act by any such known Agent or Steward, duly authorized on behalf of any such Person, or Body Corporate or Collegiate, or Corporation, shall be as valid and effectual as if the same had been done by such Person or Body Corporate or Collegiate, or Corporation, to all Intents and Purposes whatsoever; and that all Matters by this Act required to be done by or with relation to the Churchwardens of any Parish, shall

This Act to extend to all Persons and Corporations entitled to Tithes, and their Agents and Stewards;

Churchwardens, or Persons appoint-

and may be done by or with relation to any One Churchwarden where there shall be only One Churchwarden in any Parish; and in Cases where it shall happen that there shall not be any Churchwarden in any Parish, then all Matters by this required to be done by or with relation to the Churchwardens of any such Parish, shall and may be lawfully done by or with relation to any One or more Person or Persons to be for that Purpose nominated and appointed as and in lieu and instead of Churchwardens or a Churchwarden of and for such Parish, by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in case such Lord Lieutenant or other Chief Governor or Governors shall think fit so to do, on the Application of the Ecclesiastical Incumbent of such Parish for such Purpose; and all Acts, Matters, and Things done and performed under this Act by or with relation to any such Person so to be nominated and appointed as and in lieu and instead of a Churchwarden, shall be as good and effectual, to all Intents and Purposes whatsoever, as if the same were done and performed by the Churchwardens or Churchwarden of any Parish duly appointed according to Law.

ed to act as such.

XLVI. Provided always, and be it enacted, That where any Two or more Parishes shall have been or shall be united into One Benefice under any Act or Acts in force in *Ireland*, such Union shall not be considered as One Parish for the Purposes of this Act, but the Provisions of this Act shall be carried into effect in the several Parishes of any such Union or united Benefices, or any of them; and the Ecclesiastical Incumbent and the Churchwardens entitled by Law to act in or for any such Parish as Part of such Union or united Benefice, shall act in and for any such Parish in the Execution of this Act, as if such Parish were and remained a distinct and separate Benefice; any such Union, or any thing contained in any Act or Acts in force in *Ireland* relating to such Unions, to the contrary in anywise notwithstanding.

Proceedings under this Act in united Benefices shall be carried on in the several Parishes of such Union.

XLVII. And be it further enacted, That in any One or more Place or Places being Extraparochial, or where the Parish in which any Place or Places is or are situate is not known, or where the Tithes payable are wholly appropriate or impropriate, and the Owners or Occupiers of the Land situate in such Place or Places are liable to any Tithes payable to the same Person or Persons, and the Number of such Owners or Occupiers shall be too small to furnish a sufficient Number of Vestrymen, but shall be sufficient in the Aggregate so to do, it shall and may be lawful for the Person or Persons entitled to such Tithes, or for any Five or more of the Owners or Occupiers of Land qualified as herein-before mentioned, or where there shall not be Five such Owners or Occupiers, then for the Persons or a Majority of the Persons entitled to the Lands subject to such Tithes as are wholly payable to the same Person or Persons, to apply to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to give Orders and Directions that a Vestry or Meeting shall be held for the carrying into effect the Purposes of this Act with respect to any such Place or aggregate Places; and in such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors,

How Proceedings may be had for executing this Act in Extraparochial Places.

if he or they shall think fit so to do, to direct that a Vestry shall be holden for the Purposes of this Act, in the Church of some Parish which shall be for that Purpose appointed by the Bishop of the Diocese in which such Extraparochial Place or Places shall be situate; and the Bishop of such Diocese shall, on Notice of any such Orders or Directions of the Lord Lieutenant or other Chief Governor or Governors, appoint and nominate some Church accordingly; and some Person or Persons shall in such Case be nominated by such Lord Lieutenant or other Chief Governor or Governors to act as Churchwarden or Churchwardens, for the carrying this Act into effect with respect to such Tithes; and it shall be lawful for the Persons liable to the Payment of County-cess Charges in such Extraparochial Place or aggregate Places, and for the Person or Persons entitled to such Tithes, to meet and appoint Commissioners for ascertaining the Composition to be paid for such Tithes, and to do all Acts, Matters, and Things respecting the making and carrying into effect of such Composition, as are required or authorized by this Act to be done by the Parishioners and Incumbent of any Parish in Vestry assembled, or otherwise for the Purposes of this Act; and all Questions relating to any Matter or Thing to be done by or at any such Vestry shall be determined by the Votes of the Persons liable to the Payment of such County-cess Charges, in like Manner as is directed in other Cases by this Act; and any Composition made and certified by any Commissioners or Umpire to be for that Purpose appointed, with respect to such Tithes, shall be as good, valid, and effectual, to all Intents and Purposes, as any other Composition directed or authorized to be made under the Provisions of this Act.

Where Benefice is sequestered, the Incumbent shall not act without Consent of the Sequestrator.

XLVIII. Provided also, and be it enacted, That whenever any Sequestration of the Profits of any Benefice in *Ireland* shall be made and in force, it shall not be lawful for the Incumbent of such Benefice to do any Matter or Thing whatever in the Execution of this Act, for, or towards, or relating to the making any Composition for any Tithes or Portion of Tithes payable to such Incumbent, or for the Collection or Receipt of such Composition, without the Consent in Writing under the Hand or Hands of the Person or Persons by whom or on whose behalf such Sequestration shall have been made, or shall have taken place, so long as such Sequestration shall remain in force; and that all Matters and Things which shall be done with relation to this Act by any such Incumbent, without the Consent of such Person or Persons in Writing as aforesaid, shall be null and void; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

During Vacancies of Benefices, Lord Lieutenant, with Consent of Patron and Bishop, may order Vestry to be assembled, and may

XLIX. And be it further enacted, That whenever any Benefice or Parish in *Ireland* shall be vacant of an Ecclesiastical Incumbent, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon the Application or with the Consent of the Patron of such Living (or with the Consent of the King's Attorney General in *Ireland*, in Cases where the King shall be the Patron), and also with the Consent of the Bishop of the Diocese in which such Parish shall be situate, to give Orders and Directions for the assembling of a Special Vestry in such Parish, at any Time during

such Vacancy, for the carrying into effect the Purposes of this Act, to be held according to the Directions of this Act, by Persons qualified in Manner herein-before directed; and in such Case it shall be lawful for such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, to nominate and appoint some Person, to be approved of by the Patron of such Benefice and the Bishop of the Diocese, to do and perform all Acts, Matters, and Things whatsoever, which, under the Regulations of this Act, are required or authorized to be done by any Incumbent entitled to any Tithes or Portion of Tithes in such Parish, for the making a Composition for Tithes, and for carrying into effect the Purposes of this Act; and in such Case all Acts, Matters, and Things whatever, which shall be done and performed by such Person so appointed, shall be as good, valid, and effectual to all Intents and Purposes, as if such Acts, Matters, and Things were done and performed by any Ecclesiastical Incumbent of such Parish, entitled to any Tithes or Portion of Tithes in such Parish.

appoint a Person to act for Incumbent in Execution of this Act.

LI. And be it further enacted, That the Possession and Enjoyment of the Lands or out of which any Composition shall be charged and payable under this Act, by the Occupier of such Lands, discharged from the Payment of such Tithes during the Continuance of such Composition, and the Receipt of such Composition by the Incumbent, or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, entitled to the same, or any Proportion thereof, shall be deemed and taken to be in Law and in Fact tantamount to, and to be, the actual Possession and Enjoyment of such Tithes by such Incumbent or other Person or Persons, or Body Politic or Corporate or Collegiate, or Corporation, and of his or their Successor or Successors; and that the Payment of any Composition, or any Part thereof, under this Act, shall be deemed and taken to be the Payment of the Tithes in satisfaction of which such Composition, or any Part thereof, shall be payable, and shall and may be so alleged and insisted upon, in all and every or any Proceedings in Law and Equity in all Cases whatsoever.

The Possession of the Land by Occupier discharged of Tithes, and the Payment and Receipt of the Composition by the Incumbent, &c. shall be deemed the Possession and Payment of the Tithes.

LII. And be it further enacted, That it shall and may be lawful to and for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland* for the Time being, to order and direct that any such Sum or Sums of Money as he or they shall think proper shall from Time to Time be advanced out of the Produce of the Consolidated Fund arising in *Ireland*, for the defraying of any Expences to be incurred in the carrying this Act into Execution in any Parish in *Ireland*, not exceeding the Sum of Three hundred Pounds with relation to any One Parish; and that all such Advances shall be made to such Persons, at such Times, in such Manner, and under such Rules and Regulations, as shall from Time to Time be ordered and directed by such Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, and as shall be signified in the usual Manner by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, or in his Absence by the Under Secretary; and that a Certificate of the Amount of any Money so advanced under the Hand of such Chief Secretary or Under Secretary, shall be sent to the Treasurer of the County,

Lord Lieutenant may order Advance of Money for carrying this Act into Execution in any Parish, not exceeding 300*l.*, to be repaid by Assessment in addition to Tithe Composition, by Instalments of One-fifth in Five successive Years.

County, who shall forthwith direct his Warrant to any Collector or Collectors of the Assessments made in such Parish under Presentments of the Grand Jury for the Year next after the Receipt of such Certificate, and it shall be lawful for such Collector or Collectors, and he and they is and are hereby authorized and required to collect and levy One-fifth Part of the Amount of the Money contained in such Certificate, on and among the Owners and Occupiers of Land in such Parish liable to the Payment of any Composition made under this Act, in exact Proportion to the Amount of the Assessment and Applotment of the Composition or Part of the Composition payable by such Owners or Occupiers; and in like Manner One other Fifth Part of such Amount in each of the Four Years next ensuing; and such Amount shall be collected and levied by such Person authorized to collect and levy the Assessments made in such Parish under Presentments of the Grand Jury, at such Time, and with such Powers, and in like Manner in all respects, as such Assessments may be collected and levied; and all Money so collected in respect of such Advance shall be paid over, by the Person receiving the same, to the Collector of Excise for the District in which such Parish shall be situate, to be accounted for by him as any other public Money in his Hands; and the Receipt of such Collector of Excise shall be a sufficient Acquittance to the Collector of such Assessment, and shall be allowed accordingly in his Account with the Treasurer of the County.

Remuneration to Commissioners and Umpire.

LII. Provided always, and be it enacted, That no Person employed as a Commissioner or Umpire in the Execution of this Act shall receive any higher or greater Sum, or Payment or Remuneration for the Performance of his Duty under this Act, than after the Rate of One Pound and Ten Shillings for every Day during which he shall of Necessity be employed in the Execution of the Duties required to be performed by him under this Act, over and above the necessary Expences of travelling, and other Expences necessarily and actually incurred in the Discharge of such Duties; and that an Account of the Attendance of every such Commissioner or Umpire, and of such his Expences of travelling, and other his necessary Expences, shall be stated under the Hands of the Commissioners or Umpire acting in Execution of this Act; and that the Charges and Accounts of any Surveyor to be employed under this Act shall be examined, certified, and approved by the Commissioners or Umpire under whom such Surveyor shall be employed; and that all and every such Accounts and Charges of such Commissioners, Umpire, and Surveyor, shall be submitted to and examined and approved by some competent Person or Persons, to be for that Purpose appointed by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, before Payment of the same shall be made under any Order of such Lord Lieutenant or other Chief Governor or Governors of *Ireland*: Provided also, that any Money which shall have been advanced under the Orders of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for the Payment of any Commissioner appointed by or on behalf of the Incumbent, Impropriator, or other Person or Persons entitled to the Composition for Tithes in such Parish, or any Portion of such Composition, shall be paid out of the Amount of such Composition

Payment of Advances to Commissioners for Incumbent.

position payable to such Incumbent, Impropriator, or other Person or Persons, at such Time and in such Manner as shall from Time to Time be directed by such Lord Lieutenant or other Chief Governor or Governors.

Recovery of Penalties before One Justice of Peace.

LII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Recovery and Application whereof are not before provided for), may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and shall afterwards be levied, as well as the Costs of such Proceedings, in case of Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders, or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice; and such Justice is hereby authorized and required to summon before him any Witness or Witnesses, and to examine such Witness or Witnesses upon Oath (or Affirmation) of and concerning such Offences, Matters, or Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Fine, Penalty, or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties or Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Seven Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take, by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice, or any other Justice of the Peace for such County or Place as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County or Place, there to remain without Bail or Mainprize for any Term not exceeding Two Calendar Months, unless such Penalties or Forfeitures respectively, and all reasonable Charges, shall be sooner paid and satisfied; and one Moiety of such Penalties or Forfeitures, when so levied, shall be paid to the Person who shall sue or prosecute for the same, and the other Moiety shall be paid and applied to the Use of the Poor of the Parish in which such Offence shall be committed, in such Manner as such Justice shall direct and appoint.

Application; Half to Informer and Half to the Poor.

Form of Conviction.

LIII. And for the more easy and speedy Conviction of the Offenders against this Act, be it further enacted, That every Justice of the Peace,

Peace, before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words (as the Case shall happen), or in any other Form of Words to the same Effect; (that is to say),

'} BE it remembered, That on the
to wit. } Day of in the Year of our Lord
A. B. is convicted before me, One
of His Majesty's Justices of the Peace of the said County [*or* City,
or Town, *as the Case may be,*] by virtue of an Act passed in the
Fourth Year of the Reign of King *George* the Fourth, intituled *An
Act* [*here set forth the Title of this Act, and specify the Offence,
and when and where committed.*] Given under my Hand and Seal,
the Day and Year above written.'

Persons aggrieved by Conviction or Assessment under this Act may appeal to Quarter Sessions; giving Ten Days Notice and Security with Two Sureties within Seven Days.

LV. Provided always, and be it further enacted, That it shall be lawful for any Person, who shall think himself or herself aggrieved by any such Conviction, to appeal to the Justices of the Peace at the next General or Quarter Sessions of the Peace to be holden for the County or Place; and every Person appealing against any such Conviction, or against any Assessment or Applotment of any Composition under this Act, as herein-before mentioned, shall (if there be sufficient Time after the Cause of Complaint shall have arisen) first give, or cause to be given, Ten Days Notice at least, in Writing, of his or her Intention of bringing such Appeal, and of the Matter thereof, to the Justice or other Person or Persons whose Conviction or Act or Determination shall be so appealed against, and within Seven Days next after the Date of such Notice, shall enter into a Recognizance before some Justice of the Peace for the County or Place, with Two sufficient Sureties, conditioned to try such Appeal, and to abide by or to submit to the Order thereon, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and for Want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Cause of any such Complaint shall have happened, then such Appeal, after such Notice, and under such Recognizance, may be made at the Second General or Quarter Sessions of the Peace to be holden for such County or Place; and the Justices, at such First or Second Sessions, or any Adjournment thereof, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Cause and Matter of such Appeal in a summary Way, and shall award such Costs to the Parties appealing or appealed against as they the said Justices shall think proper; and the Determination of such Justices at such Sessions shall be final, binding, and conclusive to all Intents and Purposes; and it shall be lawful for the said Justices at such Sessions, by their Order or Warrant, to levy such Costs so awarded, by Distress and Sale of the Goods and Chattels of the Person or Persons who shall refuse or neglect to pay the same, and for Want of sufficient Distress to commit such Person or Persons to the Common Gaol or House of Correction for the said County, there to remain for any Time not exceeding Two Calendar Months, or until Payment of such Costs.

Costs of Appeal recoverable by Distress.

Penalty, Two Months Imprisonment.

LVI. And

Commissioners and Umpire authorized to examine Witnesses on Oath or Affirmation.

LVI. And be it further enacted, That it shall be lawful for any Commissioner or Commissioners, acting in the Execution of this Act, in any Parish in *Ireland*, or for any Umpire appointed by any such Commissioners, or by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and every such Commissioner and Umpire is hereby authorized and empowered, to call before them, and to examine any Person or Persons upon Oath or solemn Affirmation, as well in any Case specially provided for by this Act, as in any other Case in which it shall be requisite and necessary for any such Commissioner or Umpire so to do in the Execution of this Act; and which Oath or Affirmation any such Commissioner or Umpire is hereby authorized and empowered to administer; and that in all Cases where any Oath is by this Act authorized and empowered to be taken or administered, the solemn Affirmation of any of the People called *Quakers* shall and may be admitted and taken and administered; and that if in any Oath or Affirmation authorized or required to be taken under this Act, or in any Examination upon Oath or Affirmation authorized or required by this Act, any Person shall wilfully swear or affirm falsely, every such Person, being duly convicted of such Offence, shall be subject and liable to all such Pains, Penalties, Forfeitures, and Disabilities, as Persons guilty of wilful and corrupt Perjury are subject and liable to by the Laws in force in *Ireland*.

Quakers Affirmation.

Penalty of Perjury on false Oath.

Proceedings not to be quashed for want of Form.

LVII. And be it further enacted, That no Order or Proceeding made or had touching or concerning any of the Matters in this Act contained, nor any Proceedings to be had touching the Conviction of any Offender or Offenders against this Act, shall be quashed for Want of Form, nor be removed or removeable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*; and where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons or Conviction, or in the Warrant of Distress or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in an Action on the Case; but no Plaintiff or Plaintiffs shall recover in any Action for such Irregularity as aforesaid, if Tender of sufficient Amends hath been made by or on behalf of the Party distraining, before such Action commenced.

Limitation of Actions, &c. Three Months; Thirty Days Notice.

LVIII. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Justice of the Peace, or any Commissioner or Umpire, or other Person or Persons, for any thing done in pursuance of this Act, until Thirty Days Notice thereof shall be given to such Justice, or Commissioner, or Umpire, or other Person or Persons, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after the Fact committed; and every

Venue.

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 any Replevin shall be brought for any Cattle, Goods, or Chattels seized or taken by virtue or in pursuance of this present Act, it shall and may be lawful and sufficient to and for any Person or Persons, 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 a Distress, by force of the Statute in that Case made and provided, without more particularly setting forth this Act, or the Cause of making or detaining the said Distress or Distresses, or making any other more special Plea, Avowry, or Cognizance; any thing herein contained to the contrary notwithstanding; and if it shall appear that the Matter on which the Cause of Action arose was done, or that the Distress replevied was made in pursuance and by Authority of this Act, 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 find for the Defendant or Defendants, or Avowant or Avowants; 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 or Avowant or Avowants shall recover Double Costs, and have such Remedy for the same as any Defendant or Defendants hath or have in other Cases of Costs given by Law.

General Issue.

General Avowry in Replevin.

Double Costs.

Act may be amended this Session.

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

SCHEDULES to which this Act refers.

SCHEDULE A.

LIST of Persons in the Parish of who have been charged with and have paid County-cess Charges or Grand Jury Rates, for any Land not being Tithe-free within the said Parish, in the Year ending on the Day of to the Amount of Twenty Shillings and upwards.

NAMES.	Quantity of Land charged.	Amount charged.	Amount actually paid.
		£ s. d.	£ s. d.
Murphy, Patrick - -	40 Acres.	20 — —	20 — —
Burke, James - - -	40	20 — —	15 — —
Connor, Luke - - -	30	15 — —	15 — —
Dempsey, Thomas -	30	15 — —	15 — —
Anderson, William - -	20	10 — —	10 — —
O'Connor, Dennis - -	15	7 10 —	7 10 —
Purcell, Peter - - -	15	7 10 —	7 10 —

I, *H. C.*, High Constable of [*or* Collector of the County-cess Charges or Grand Jury Rates in the Parish of], do make Oath, that the above List contains a true and just Account of the Names of all Persons required to be returned by me, under an Act made in the Fourth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act.*]

Signed, *H. C.*
High Constable of ,
[*or* Collector of Grand Jury-cess in the Parish of .]

Sworn before me, this
Day of
at
J. P.
[Justice of the Peace
for .]

SCHEDULE B.

WE, *A. B.* and *C. D.*, Commissioners duly appointed and sworn, [*or* I., *E. F.*, having been duly appointed and sworn an Umpire,] under and by virtue of an Act made in the Fourth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act,*] to ascertain and fix a true and just Composition for all Tithes arising, growing, yielded, or payable within the Parish of *C.* in the County of do hereby certify, that the true and just Amount of Composition for all Tithes whatever within the said Parish is Pounds by the Year. Of which Sum of Pounds, Three-fourth Parts [*or such other Proportion as shall be specified*] are due and payable to as a Composition for the Tithe claimable by him [*or* them] as Rector of the said Parish [*or*, as Owner of the Rectorial Tithe, *or*, as Lay Impropriator], One-eighth Part [*or such other Proportion as shall be specified*] is due and payable to the Vicar [*or*, to as Owner of the Vicarial Tithes] of the said Parish; and One-eighth Part [*or such other Proportion as shall be specified*] is due and payable to the Bishop of the Diocese of : [*or such other Proportions, and payable to such Persons as the Nature of the Case shall require.*]

And we [*or*, I] do further certify, That the Average Price of Wheat, being the Corn principally grown in such County, for the Period of Seven Years, ending on the Day of is Shillings *per* Barrel. [*or*, that the Average Price of Oats, being the Corn principally grown in such County, for the Period of Seven Years, ending on the Day of , is Shillings *per* Barrel.]

(Signed) { *A. B.* / *C. D.* } Commissioners.
[*or*, *E. F.* Umpire.]

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