

ANNO QUINTO

GEORGII IV. REGIS.

CAP. LXIII.

An Act to amend an Act of the last Session of Parliament, for providing for the establishing of Compositions for Tithes in *Ireland*.

[17th *June* 1824.]

WHEREAS an Act was made in the last Session of Parliament, intituled *An Act to provide for the establishing of Compositions for Tithes in* Ireland, *for a limited Time*: And whereas, in order to render the Operation of the said Act more extensively beneficial, certain Amendments are required to be made in the same: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, so much of the said recited Act shall be repealed as requires or directs that any List of the Names and Residences of Persons charged with and having paid County Cess Charges or Grand Jury Rates, for or in respect of any Lands within any Parish, which shall be made by any High Constable or Collector for the Purposes of the said Act, shall be verified on the Oath of such High Constable or Collector in manner in the said Act specified; and so much of the said recited Act is hereby repealed accordingly; and in the Subscription to any such List by any such High Constable or Collector, the Words "do certify" shall be inserted instead of the Words "do make

4 G. 4. c. 99.

So much of recited Act as requires Lists to be verified on Oath, repealed.

make Oath," required by the Form of such List set forth in the Schedule (A.) annexed to the said recited Act.

Where Parishes are situate in more than one County or Barony, &c. the several County or Barony Collectors shall deliver Lists of Persons charged to County Cess, and such Lists shall be combined by the Churchwardens into one such List, as is required by 4 G. 4. c. 99.

II. And be it further enacted, That in Cases where it shall happen that any Parish, in respect of which any Application shall be made for carrying into Execution the said recited Act and this Act, shall be situate in more than one County or Barony, or partly in a County and partly in a County of a City, County of a Town or Town Corporate, every High Constable or other Collector of the County Cess Charges and Grand Jury Rates for the several Parts of such Parish shall, whenever thereto required, in such Manner as by the said recited Act is directed with respect to any High Constable or Collector mentioned in the said recited Act, and every such High Constable or other Collector for the several Parts of any such Parish is hereby authorized and required to 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 who shall have been charged with and shall have paid such County Cess Charges or Grand Jury Rates, for and in respect of any Lands (not being Tithe-free), to an Amount exceeding Twenty Shillings in the whole within the Year next preceding, within any Part of such Parish, the County Cess Charges or Grand Jury Rates whereof such High Constable or Collector respectively is required to collect, together with the Amount of the several and respective Sums charged on and paid by every Person whose Name shall be contained in any such List; and the Churchwardens or Churchwarden of such Parish shall, by combining together such several Lists, make out a List in such Form and Manner as by the said Act is required to be made out and delivered by the High Constable or Collector of any Parish under the said recited Act, and as if the Names contained in all such several Lists had been contained in any one List made out and delivered by such High Constable or Collector under the said Act.

Where there are not Twenty-five Persons paying County Cess, exceeding 20*s.* per Annum each, in any Parish, Lists shall be made of the Twenty-five paying the highest Amount.

III. And be it further enacted, That if and whenever it shall happen that in the whole of any Parish there shall not be Twenty-five Persons who shall have been charged with and shall have paid any County Cess Charges or Grand Jury Rates, to an Amount exceeding Twenty Shillings, for and in respect of any Lands (not being Tithe-free) within such Parish, within the Year next preceding the Time when any Application shall be made for carrying the said recited Act into Execution in such Parish, then and in every such Case it shall be lawful for the High Constable or other Collector of any County Cess Charges or Grand Jury Rates within any such Parish, in Cases where the whole of such Parish shall be situate within the same County or Barony, and such High Constable or Collector is hereby required to prepare and deliver to the Churchwardens or Churchwarden of such Parish a List, containing the Names and Residences of such Twenty-five Persons as shall have been charged with and shall have paid the highest Amount of such Rates within such Parish; and if any such Parish shall be situate in Two or more Counties or Baronies, or partly in a County and partly in a County of a City, County of a Town or Town Corporate, then and in such Case each of the several High Constables or Collectors within the

several Parts of such Parish respectively shall prepare and deliver a List of such Twenty-five Persons as shall have been charged with and paid the highest Amount of such Rates in such Parts of such Parish respectively, or if there shall not be Twenty-five Persons charged with and paying such Rates in any such Part of any Parish, then a List of the Names of all Persons paying such Rates in such Parts of any Parish; and the Churchwarden or Churchwardens of such Parish shall from such several Lists extract the Names of the Twenty-five Persons who shall have been charged with and shall have paid the highest Amount of Rates within the whole of such Parish, and shall make out a List of such Twenty-five Persons, in such Form and Manner as by the said Act any List is required to be made out and delivered by the High Constable or Collector of any Parish under the said recited Act or this Act.

Such Lists shall be equivalent to Lists required by 4 G. 4. c. 99. and the Persons named shall be entitled to vote at Vestries.

IV. And be it further enacted, That such Lists as are required or permitted by this Act shall be made out, and the Names therein shall be arranged in such Manner as by the said recited Act is directed with respect to the Names contained in any List required by the said recited Act, and the Titles of such Lists shall be varied as the Case may require; and Copies of such Lists, or of the first Twenty-five Names in any such Lists, as the Case may require, shall be affixed in manner directed by the said Act with respect to Lists made and delivered under the said Act; and all such Lists and Copies, and the Persons required to make the same, shall, in all respects, and to all Intents and Purposes whatsoever, be subject and liable to all such Rules, Regulations, Directions, Penalties, and Forfeitures, as are contained in the said recited Act with respect to the Lists required by the said recited Act, except only so far as the same are expressly altered by this Act; and any Person who shall think himself or herself aggrieved by the Omission or Insertion of any Name, or by the Sum annexed to any Name, or by any other Error in any such List, shall have and be entitled to such Appeal or Remedy as is granted by the said recited Act with respect to the Lists required by the said recited Act; and the Persons whose Names shall appear in such Lists when amended or confirmed on such Appeal, or when there shall not be any Appeal, shall be admitted and entitled to attend and to vote at any Special Vestry to be holden for carrying into Execution the Purposes of the said Act or this Act, in like Manner, to all Intents and Purposes, as Persons admitted or entitled to attend or vote under the Regulations of the said recited Act and this Act.

Churchwardens shall note the Receipt of such Lists.

Lists made by Churchwardens from several Lists, shall be affixed on the Sunday next after Three

V. And be it further enacted, That every Churchwarden to whom any List or Lists is or are by the said recited Act, or by this present Act required to be delivered, shall, on Receipt of any and every such List, make and sign a Memorandum at the Foot of any and every such List respectively of the Time of the Receipt thereof by such Churchwarden; and where more than one such List shall be delivered to any Churchwarden, the Copy of the List which shall be made up by such Churchwarden from such several Lists, according to the Directions of this Act, shall be affixed on the Church Door, or elsewhere, according to the Directions of the said recited Act, upon the *Sunday* next after the Expiration of Three Days from the Receipt by

Days from the Receipt of the last List.

by such Churchwarden of the last of such several Lists delivered under the Directions of this Act.

Penalty on High Constable or Collector making false Lists, 20*l.*

VI. And be it further enacted, That if any High Constable or Collector who by the said recited Act or this Act is required to make out and deliver any such List as is required by the said recited Act or this Act, shall wilfully insert in any such List the Name of any Person which ought not to be inserted in such List, or shall wilfully omit from any such List the Name of any Person which ought to be inserted in such List, or shall mis-state the Amount of County Cess Charges or Grand Jury Rates payable by any Person whose Name shall be inserted in any such List, or if such Constable or Collector, or any other Person or Persons, shall in any way wilfully make any false Return, Entry, or Statement in any such List, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds, to be recovered in a summary Way before Two or more Justices of the Peace, and to be applied in the same Manner as any Penalty of the like Amount may be applied under the said recited Act.

Lists shall not be vitiated, nor High Constables, &c. liable to Penalty for Omission of Number of Acres held or charged.

VII. Provided always, and be it enacted, That no List returned by any High Constable or Collector, or prepared or affixed by any Churchwarden, under the Directions of the said recited Act or this Act, shall be vitiated or invalidated; nor shall any High Constable, or Collector or Churchwarden, be liable to any Penalty under the said recited Act or this Act, by reason that any such List shall not contain an Account of the Quantity of Land or the Number of Acres held by each or any Person specified in any such List, or for which any such Person shall be charged; any thing in the said recited Act or in this Act to the contrary thereof notwithstanding.

Persons ejected for Non-payment of Rent may be struck out of Lists of those rated to Grand Jury Cess.

VIII. And be it further enacted, That in case it shall happen that any Person whose Name shall be inserted in any List or Copy of any List of Persons charged with and having paid County Cess Charges or Grand Jury Rates, under the Provisions and for the Purposes of the said recited Act or this Act, shall, at the Time of the affixing such List or Copy, be ejected from the Premises on account of which such Person shall be so charged for Non-payment of the Rent of such Premises, it shall be lawful for any Two Justices of the Peace in and for the County or Place in which the Parish shall be situate to which such List shall relate, upon the Production of satisfactory Evidence on Oath of the Judgment in Ejectment against such Person, to direct, by an Order under their Hands to the Churchwardens of such Parish, that the Name of such Person so ejected shall be removed from such List or Copy, and that the Name of such other Person as shall be entitled to be inserted in such List next after the Name of the last Person entered on any such List shall be inserted in the Room of the Name of the Person so ejected, and the Name of the Person so ejected shall be removed from such List or Copy, and the Name of such other Person shall be added to such List or Copy accordingly.

Persons not rated when Vestry is

IX. And be it further enacted, That in case it shall happen that any Person whose Name shall be inserted in any such List or Copy as aforesaid, shall not, at the Time of holding any Vestry in any Parish

Parish for the Purposes of the said recited Act or of this Act, be rated to County Cess Charges or Grand Jury Rates in such Parish, it shall not be lawful for such Person to be present or vote at any such Vestry.

held, shall not attend or vote.

X. Provided always, and be it enacted, That it shall and may be lawful for any and every Person who is or shall be a Justice of the Peace, and who is or shall be qualified to act as such out of or in respect of Lands situate in any such Parish, under an Act made in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, for amending the Laws for making, repairing, and improving the Roads and other public Works in *Ireland*, by Grand Jury Presentments, and that it shall and may be lawful for any and every Person who shall be seised of a Freehold Estate situate within such Parish, of the Value of Fifty Pounds and upwards, not arising from a Rent Charge, and duly registered as such under any Act or Acts in force relating to the Election of Members of Parliament in *Ireland*, and of which Registry such Person shall produce a Certificate, signed by the Clerk of the Peace, and each and every such Justice of Peace and Freeholder is and are hereby authorized and empowered to attend and vote at any Vestry to be holden for carrying into Execution the Purposes of the said recited Act and this Act in such Parish; and all such Persons shall have one Vote, and no more, at such Vestry; and if any Person shall attend and vote, or shall claim or offer to attend and vote at such Vestry as such Justice of Peace or Freeholder, not being qualified so to do, every such Person shall for every such Offence forfeit the Sum of One hundred Pounds, to be recovered and applied in such Manner as any Penalty of the like Amount may be recovered and applied under the said recited Act.

Justices of Peace qualified in the Parish as required by Grand Jury Act 59 G. 3. c. 84. and Freeholders of 50*l.* per Annum in the Parish, allowed to attend and vote at Vestry.

Penalty on Persons voting not being qualified, 100*l.*

XI. And be it further enacted, That if any Person, not being authorized or qualified under the Provisions of the said recited Act or this Act to attend at any Special Vestry to be holden in any Parish for carrying into Execution any of the Purposes of the said Act or this Act, shall intrude into or shall disturb or interrupt the Proceedings of any such Vestry, or shall attempt so to do, or shall insist on or proceed in so doing, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds, to be recovered in a summary Way before Two or more Justices of the Peace, and to be applied in such and the like Manner as any Penalty of the like Amount may be applied under the Directions of the said recited Act.

Penalty on Persons interrupting Proceedings of Vestry, 20*l.*

XII. And be it further enacted, That whenever at any Meeting of any Special Vestry, duly assembled in any Parish, at any Time after the passing of this Act, for the Purposes of the said recited Act, it shall have been agreed between the Parishioners and the Incumbent, or other Person entitled to Tithes, that the said Act shall be carried into Execution, and a Memorandum of such Agreement shall have been reduced into Writing, and signed in manner required by the said recited Act, and such Vestry shall not within Three Weeks from the Date of such Agreement have effectually elected, nominated, and appointed a Commissioner for carrying into Execution the Purposes of the said Act, on behalf of the Owners and Occupiers of Land in such Parish; or whenever it shall happen that the Incumbent,

When it is agreed at Vestry to proceed in Manner required by 4 G. 4. c. 99.

In case Vestry shall not appoint a Commissioner within Three Weeks,

or if Incumbent does not appoint within Seven Days after;

or if Appointment of Commissioners, in case of Death or Refusal to act, &c. shall not be made within Three Weeks;

Lord Lieutenant may, in either of such Cases, appoint a Commissioner.

His Qualification.

Oath.

With like Powers as other Commissioners.

bent, or any other Person entitled to Tithes in such Parish, shall have neglected to appoint a Commissioner on his or their Part, in manner required by the said recited Act, within Seven Days next after the Appointment of a Commissioner on behalf of the Owners or Occupiers of Land in such Parish; or whenever it shall happen that any Commissioner, appointed in pursuance of the said recited Act, either on the Behalf of any Owners or Occupiers of Land, or on behalf of any Incumbent or other Person entitled to Tithes, shall have died or refused to act, or shall not have acted in the Execution of the said Act, within Twenty-one Days after his Appointment, and no other Commissioner shall have been appointed within Three Weeks next after the Decease, or next after the Refusal or Neglect of any such Commissioner; then and in every or any such Case it shall and may be lawful for the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, at any Time or Times, and from Time to Time, as to him and them may seem fitting and expedient, to appoint some Person to be a Commissioner for the Purposes of this Act, on behalf of the Owners or Occupiers of Land, or on behalf of the Incumbent or other Person or Persons entitled to Tithes, as the Case may require: Provided always, that such Person so to be appointed shall be qualified in respect of Property to such Amount and in such Manner as by the said Act is directed with respect to any Commissioner to be appointed under the said Act; and that such Person shall not be Owner or Proprietor of any Tithes, nor Owner or Occupier of any Lands subject to the Payment of any Tithes or Composition for Tithes, in the Parish with relation to which such Person shall be so appointed to be a Commissioner; and every Person so appointed to be such Commissioner shall take and subscribe such Oath for the Performance of his Duty as such Commissioner, and also such Oath of Qualification in respect of Property, as are required to be taken and subscribed by any Commissioner appointed under or by virtue of the said recited Act; and every Person so appointed to be Commissioner by the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, under this Act, shall have all such Powers and Authorities, and shall proceed in carrying into Execution the Purposes of the said recited Act and this Act, in like Manner to all Intents and Purposes as any Commissioner appointed under the Authority of the said recited Act.

Recital of 4 G. 4. c. 99. requiring Commissioners to make Certificates in pursuance of Agreements for fixed Sums in lieu of Compositions for Tithes.

XIII. And whereas it is by the said recited Act among other Things enacted, that if the Incumbent and the Impropriator, or other Person or Persons, or Body Corporate, entitled to any Tithes, or Portion of Tithes in any Parish, shall agree to receive any fixed annual Sum or Sums as the Amount of any Composition for Tithes, and shall have obtained the Consent 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 such Agreement shall be signified, made, assented to, and accepted at a Vestry of such Parish, in manner required by the said recited Act, such Agreement shall be binding and conclusive upon any Commissioners or Umpire appointed under the said recited Act, subject to a Proviso in the said recited Act contained; and it is expedient that such Agreement should be binding and conclusive upon such Commissioners or Umpire, without

without reference to such Proviso; be it therefore enacted, That so much of the said recited Act shall be repealed, whereby it is provided, 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 in the said Act mentioned, 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; and the said Proviso in the said recited Act is hereby repealed accordingly, so far as relates to any such Agreement which shall be made as aforesaid, and which shall be assented to by the Bishop or Patron at any Time after the passing of this Act.

Proviso in 4 G. 4. c. 99. respecting the Amount of such Composition repealed.

XIV. And be it further enacted, That whenever at any Special Vestry duly assembled in any Parish for the Purposes of the said recited Act, it shall be agreed between the Vestry and the Incumbent of such Parish (being entitled to the Receipt of Tithes, or any Portion of Tithes in such Parish) to proceed in carrying into Execution the Purposes of the said Act, and Commissioners shall be duly appointed on behalf of such Incumbent, and on behalf of the Owners and Occupiers of Land in such Parish, pursuant to the Directions of the said Act, it shall and may be lawful for such Incumbent entitled to any Tithes, or Portion of Tithes, in any such Parish, or to the whole of the Tithes arising, growing, or payable in any separate and distinct Portion, Division, or District of such Parish, with the Assent of the Bishop of the Diocese and of the Patron of the Benefice, to be signified in Writing and signed by such Bishop and Patron respectively, to make a separate and distinct Agreement to receive any fixed annual Sum or Sums as the Amount of the Composition to be paid for such separate and respective Portion or Portions of Tithes as shall be payable to him in such Parish, or for the whole of the Tithes payable in any separate and distinct Portion, District, or Division of such Parish, to such Incumbent, although no like Agreement shall be made by all or any other Persons or Person entitled to any other such Portion or Portions of Tithes in such Parish; and every such Agreement in relation to any Portion of Tithes, or to the Tithes of any Portion of such Parish, shall be made and carried into effect in like Manner to all Intents and Purposes, and shall be subject to all such and the like Regulations, as any Agreement for the Payment of any fixed annual Sum for the Amount of the Composition for all Tithes in any Parish is by the said recited Act directed to be made and carried into effect; and the Sum or Sums so agreed upon as a Composition or Compositions to be paid to such Incumbent for any such Portion of Tithes, or for the Tithes of any Portion of any Parish, shall be inserted by the Commissioners or Umpire under the said Act in a separate and distinct Certificate, applying only to such Portion

When Incumbent and Vestry shall agree to proceed under the Act 4 G. 4. c. 99. such Incumbent may, with Consent of Bishop and Patron, take a fixed Sum for a Composition for his Portion, although no such Agreement be made by other Owner of Tithe.

Portion of Tithes, or to the Tithes of any Portion of any Parish, the Composition for which shall so be agreed for, and such Sum or Sums shall be assessed and applotted accordingly, as in case of any Composition made under the said recited Act; and the Composition for any remaining Portion or Portions of Tithes in such Parish, or for the Tithes of any remaining Portion or Portions of such Parish, shall be ascertained, settled, and certified by such Commissioners or Umpire, either in pursuance of any Agreement or otherwise, in such Manner as is directed by the said recited Act or this Act; and such Commissioners or Umpire shall, in each and every such Case, frame their Certificate or Certificates according to the Nature of the several and respective Cases, in conformity with the Schedule annexed to the said recited Act, and to the Directions and Provisions contained in this Act.

Compositions for remaining Portions.

Where Persons are entitled to the whole Tithes arising in any Portion of any Parish, the Applotment of the Composition under 4 G. 4. c. 99. shall be made on the Lands within such Portion of such Parish.

XV. And be it further enacted, That if and when it shall happen that any Person or Persons, or Body or Bodies Politic or Corporate or Collegiate, shall be entitled to the whole of the Tithes arising, growing, or payable in any Portion, Division, or District, or in separate and distinct Portions, Divisions, or Districts of any Parish, then and in every such Case the Commissioners or Umpire by whom any Certificate shall be made or given under the said recited Act or this Act, shall in such Certificate set out and specify out of what Portion, Division, or District of the Parish any such Tithes are payable, and to whom any such Composition shall be due and payable; and such Commissioners or Umpire shall assess and applot the full Amount of such Composition payable for any such Portion, Division, or District of any Parish, separately and distinctly, upon all Lands not being Tithe-free, within the separate and distinct Portion or Portions, Division or Divisions, or District or Districts of such Parish in respect of which such Composition shall be payable, in like Manner in all respects, and to all Intents and Purposes, as by the said recited Act is directed or required with respect to the Assessment and Applotment of the whole of any Composition upon all the Lands within any Parish.

Two or more Persons entitled to several Portions of Tithes may unite in appointing one Collector of the Composition for such several Portions.

XVI. And be it further enacted, That whenever any Two or more Persons shall be severally entitled to several Portions of Tithes in any Parish, and to any Share or Proportion of any Composition for such Tithes, ascertained and certified by any Commissioners or Umpire, and leviable under the said recited Act, then and in any such Case it shall and may be lawful for all such Persons, or any Two or more of them, to unite in the Appointment of one Collector of all or any of such Portions; and it shall be lawful for any Collector so appointed, and he is hereby authorized and empowered to collect and levy all or any of such several Portions, in such Manner, and with such Powers and Authorities in all respects as are given by the said recited Act to any Collector of any Composition for Tithes, or any Part thereof, and as if any one Person only had been entitled to the whole of such several Portions of such Tithes, or of the Composition in lieu thereof, which such Collector shall be so appointed to collect.

XVII. And

Composition shall take effect from 1st May or 1st November, after signing the Certificate by Commissioners.

XVII. And be it further enacted, That in all Cases where any Certificate shall have been or shall be made and signed by any Commissioners or Umpire, according to the Directions of the said recited Act or this Act, such Certificate shall bear Date and take effect from the Day on which it shall have been or shall be so made and signed; and that in all Cases where such Certificate shall have been or shall be made and signed on any Day between the First Day of *November* in any Year, and the First Day of *May* in the subsequent Year, the Composition specified in such Certificate shall take effect from the First Day of *May* next after the making and signing of such Certificate, and the First Half-yearly Payment of such Composition shall become due to the Person or Persons entitled to such Composition upon the First Day of *November* next ensuing the Date of such Certificate; and that in all Cases where any such Certificate shall have been or shall be made and signed on any Day between the First Day of *May* and the First Day of *November* in any Year, the Composition specified in such Certificate shall take effect from the First Day of *November* next ensuing the Date of such Certificate, and the First Half-yearly Payment of such Composition shall become due to the Person or Persons entitled to such Composition upon the First Day of *May* next ensuing the Date of such Certificate; any thing in the said recited Act to the contrary in anywise notwithstanding.

Where Certificate is signed between 1st November and 1st May, Applotment of Composition shall take place before End of Four Months after 1st May, &c.

XVIII. And be it further enacted, That in all Cases in which it shall have happened or shall happen that any such Certificate shall have been or shall be made and signed at any Time between the First Day of *November* in any Year and the First Day of *May* in the succeeding Year, the Applotment and Assessment of the Composition specified in such Certificate shall be made before the Expiration of Four Calendar Months next after such First Day of *May*, in like Manner in all respects as in and by the said recited Act is required, with respect to any Assessment or Applotment by the said Act directed to be made before the Expiration of Four Calendar Months after the First Day of *November* next after the making and signing of any Certificate; and in such Case all other Matters and Things relating to any such Certificate, and to the Assessment and Applotment of any Composition, shall be done and shall take place with reference to such First Day of *May*, in like Manner as in and by the said recited Act all such Matters and Things are required to be done and to take place with reference to the First Day of *November* next after the making and signing of any such Certificate: Provided always, that any such Applotment and Assessment as is required by the said recited Act and this Act may be made at any Time after the making and signing such Certificate, and before the Expiration of the Four Months next after any such First Day of *November* or First Day of *May* respectively.

Where no Applotment is made of Composition for Tithes within Four Months, and no Parish

XIX. And whereas it is by the said recited Act among other Things provided, that in case the Assessment and Applotment of any Composition for Tithes made under the said recited Act shall not be made in any Parish within such Four Calendar Months as in the said Act is mentioned, such Composition may be collected and levied according to the last Applotment or Assessment made in such Parish for the

Cess has been levied within the preceding Year, such Composition may be levied according to the Grand Jury Rates in such Parish.

levying of any Parish Cess raised in such Parish, be it enacted, That whenever an Assessment and Applotment of any such Composition for Tithes shall not be made in such Parish within the Space of Four Calendar Months required by the said recited Act or this Act, and it shall happen that no Parish Cess shall have been raised and levied in such Parish in the Year next preceding the Time when such Assessment or Applotment ought to have been made, then and in such Case, and until such Assessment and Applotment of such Composition for Tithes shall be made in such Parish, it shall and may be lawful for any Person or Persons appointed to collect such Composition for Tithes, 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 County Cess Charges or Grand Jury Rates, or Rates or Assessments made under or by virtue of the Presentments of Grand Juries, and levied within such Parish during such Year; and every Collector of such Grand Jury Rates 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 such Rates 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 for Tithes, 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 Rates; and it shall be lawful for every Collector of such Composition for Tithes, 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 Grand Jury Rates, with the like Powers and Authorities, and in like Manner, to all Intents and Purposes, as if an Assessment of such Composition for Tithes had been duly made by such Commissioners or Umpire as aforesaid.

Penalty on Collector refusing Copy of Assessment of Parish Rate or County Cess, within Seven Days after Demand, 10*l.*

XX. And be it further enacted, That in case any Collector of any Parish Cess or of any Grand Jury Rates shall, by the Space of Seven Days next after he shall be thereto required, wilfully neglect or omit or refuse to deliver to or for the Use of such Incumbent or other Person or Persons as aforesaid, a true Copy, signed by such Collector, of the last Applotment or Assessment in the Possession or Power of such Collector, made and in force in such Parish, or any Part of such Parish, in respect of the Parish Cess or Grand Jury Cess payable therein, according to the true Intent and Meaning of the said recited Act and this Act, every such Collector so offending shall for every such Offence forfeit the Sum of Ten Pounds, to be recovered and applied in like manner as any Penalty of the like Amount may be recovered and applied under the said recited Act.

Duplicates of Applotments of Compositions shall,

XXI. And for the Security and Benefit of Persons interested in the Assessments and Applotments of any Composition for Tithes; be it enacted, That a Duplicate of every such Assessment and Applot-

ment of such Composition shall be made and signed by the Commissioners or Umpire by whom such Assessment and Applotment shall be made under the Provisions of the said recited Act; and every such Duplicate shall, by such Commissioners or Umpire, be lodged in the Registry of the Diocese in which the Parish or Place to which such Assessment and Applotment shall relate shall be situate, within Three Days next after the making and signing of every such Assessment or Applotment, there to remain as of Record; and true and certified Copies of such Assessment or Applotment, or of so much and such Parts thereof as shall be material and necessary to be given or read in Evidence, shall be legal and sufficient Evidence in all Courts and Places of the Contents of such Assessment and Applotment, as fully as the original Writing or Writings, whereof the same purport to be a Copy or Copies respectively, could be Evidence thereof.

within Three Days, be lodged in the Registry of the Diocese.

XXII. And be it further enacted, That in the Assessment and Applotment of any Composition for Tithes under the Powers of the said recited Act or this Act, no public Road or Highway, nor any Canal or Inland Navigation, nor any waste or uncultivated Land on the Sides of any such Road, Highway, Canal, or Inland Navigation, shall be or ought to be assessed or charged to the raising of any Part of the Sum or Sums to be raised by such Assessment or Applotment; and that if any Assessment or Applotment hath been made at any Time before the passing of this Act, whereby any such Road, Highway, Canal, or Navigation, or any such waste or uncultivated Land, hath been assessed or charged to any such Composition, such Assessment and Applotment shall, as to such Road, Highway, Canal, or Navigation, and waste or uncultivated Land, cease and determine, and be no longer paid or payable; any such Assessment or Applotment to the contrary in anywise notwithstanding.

Roads, Canals, or Waste Lands on the Sides of them, declared not liable to Assessment for Composition for Tithes.

XXIII. And whereas Provision is made in the said recited Act for increasing or diminishing the Amount of Compositions for Tithes in the Third Year, and in every succeeding Third Year after the Commencement of any such Composition, according to the average Price of Corn during the Three Years next immediately preceding; and it is expedient that the said Provision should be amended; be it therefore enacted, That in all Cases in which at any Time after the passing of this Act it shall be agreed between the Parishioners and the Ecclesiastical Incumbent of such Parish, or other Person or Persons entitled to Tithes, to carry into Execution the Purposes of the said recited Act, and a Memorandum of such Agreement, or some Minute or Entry of the same, shall be reduced into Writing, and signed in Manner required by the said recited Act, any Composition for Tithes which shall be made in consequence of such Agreement shall not be subject to be increased or diminished, except in the Seventh Year and in the Fourteenth Year next after the Day from which such Composition shall commence; and that in such Case such Increase or Diminution shall be made only with reference to the average Price of Corn as advertised in the *Dublin Gazette* during the Seven Years immediately preceding; and that such Increase or Diminution shall be applied for and effected in all respects in the same

Instead of Variation every Three Years under 4 G. 4. c. 99. future Compositions shall be liable to Variation only in the Seventh and Fourteenth Years, and according to Price of Corn in Dublin Gazette during the preceding Seven Years.

same Manner as is prescribed in the said recited Act, save and except so far as relates to the Year in which such Increase or Diminution may take place, and to the average Price of Corn upon which such Increase or Diminution shall be calculated, according to the Directions of this Act.

Price of Corn shall in all Cases be ascertained by Dublin Gazette.

XXIV. And be it further enacted, That whenever any Composition for Tithes in any Parish shall be increased or diminished at the End of any Third Year, under the Provisions of the said recited Act, or at the End of any Seventh Year or any Fourteenth Year, under the Provisions of this Act, Reference shall not be had to the Price of Corn within the County in which such Parish shall be situate, but Reference shall be had only to the Price of Corn as advertised in the *Dublin Gazette*; any thing in the said recited Act to the contrary notwithstanding.

On Certificate of any Composition made after passing this Act being laid before the Vestry under 4 G. 4. c. 99. Vestry may agree to accept it, and may also agree that it shall continue for Twenty-one Years without Variation according to Price of Corn.

XXV. Provided always, and be it enacted, That whenever any Certificate shall be made and signed at any Time after the passing of this Act by any Commissioners or Umpire under the Provisions of the said recited Act and this Act, or either of them, for fixing or ascertaining the Amount of any Composition for any Tithes in any Parish, and a Special Vestry shall be holden according to the Directions of the said recited Act, for the Purpose of taking such Certificate into Consideration, it shall and may be lawful for such Vestry to signify their Assent to the Payment of such Composition on behalf of the Owners and Occupiers of Land in such Parish, and also to signify their Consent on behalf of such Owners and Occupiers of Land, that such Composition shall be invariable for the Term of Twenty-one Years from the First Day of *November* or the First Day of *May* next ensuing the Date of such Certificate; and that such Composition shall continue to be levied for such Term of Twenty-one Years, and shall not be subject to any Variation in the Amount thereof during such Period of Twenty-one Years, under the Provisions of the said recited Act or this Act, whatever the Price of Corn may be; and such Assent shall be signified by the Signature of the Chairman of such Vestry, and of Three other Persons at least entitled to vote, and being present at such Special Vestry, at the Foot of the Copy of such Certificate, which shall have been transmitted to the Churchwardens of such Parish according to the Directions of the said recited Act, by the Commissioners or Umpire by whom such Certificate shall have been made and signed; and it shall be lawful for the Chairman of such Vestry, or for any Churchwarden of such Parish, to deliver or transmit such Certificate so signed to the Incumbent of such Parish, and to the Impropriator, or other Person or Persons (if any) entitled to any Tithes or Portion of Tithes in such Parish; and it shall be lawful for the Incumbent of such Parish (being entitled to any Tithes or Portion of Tithes in such Parish), and for the Impropriator of any Tithes or Portion of Tithes in such Parish, and for every other Person or Persons, or Body Corporate or Collegiate, or Corporation Aggregate or Sole, entitled to any Tithes or Portion of Tithes in such Parish, to assent to and agree with the Resolution of such Vestry, and to signify such Assent upon the Copy of such Certificate so signed by the Chairman and Vestrymen of the said Parish,

If such Agreement is assented to by the Incumbent, Impropriator, &c. and recorded in the Registry, the Composition shall continue unvaried for the whole of the Twenty-one Years.

Parish, when such Certificate shall be produced to them or any of them for that Purpose, by any of the Parties interested in the same; and such Copy, when so assented and agreed to by the said Parties, shall and may be delivered by some or one or any of the Parties interested therein, to the Commissioner or Umpire by whom such Certificate was originally made and signed, and shall by such Commissioner or Umpire be transmitted to the Registrar of the Bishop, to be entered and recorded in the Registry of the Diocese, and shall be so entered and recorded accordingly; and in every such Case, such Composition shall be and remain in full Force and Effect for the whole Space of Twenty-one Years, and shall not be subject to any Variation in the Amount thereof, under the Provisions of the said recited Act or this Act, during such Period of Twenty-one Years, whatever the Price of Corn may be; any thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

Compositions made before the passing of this Act may be varied at the End of Seven Years or Fourteen Years, or continued for Twenty-one Years.

XXVI. Provided also, and be it enacted, That in all Cases in which a Composition for the Tithes of any Parish shall have been ascertained and fixed, and a Certificate thereof made and signed at any Time previous to the passing of this Act, it shall be lawful for any Incumbent, or other Person, or Body Corporate entitled to Tithes in such Parish, or any Three of the Members of the Special Vestry who shall have signified the Approbation of such Composition by such Vestry, in Manner required by the said recited Act, at any Time within One Year after the Date of such Certificate, to require the Churchwardens of such Parish to cause a Special Vestry of Persons duly qualified pursuant to the said recited Act and this Act, to be called by Public Notice in the Manner required by the said recited Act or this Act, and to be holden on some Day named in such Notice, not being less than Fourteen Days nor more than Three Weeks distant from the Date of such Notice, for the Purpose of determining whether such Composition shall not be increased or diminished, until after the First Day of *May* in the Seventh Year and in the Fourteenth Year from the Commencement of such Composition, or whether the Amount of such Composition shall be invariable for the Term of Twenty-one Years from the Commencement thereof; and it shall and may be lawful for such Vestry to signify their Assent on behalf of the Owners and Occupiers of Land in such Parish, that such Composition shall not be increased or diminished until after the First Day of *May* in the Seventh Year and in the Fourteenth Year from the Commencement of such Composition, or that the Amount of such Composition shall be invariable for the Term of Twenty-one Years from the Commencement thereof; and that such Composition shall continue to be levied for such Term of Twenty-one Years, and shall not be subject to any Variation in the Amount thereof during such Period of Twenty-one Years, under the Provisions of the said recited Act or this Act, whatever the Price of Corn may be; and such Assent shall be signified by a Copy of the Resolution of such Vestry, signed by the Chairman of such Vestry, and by Three other Persons at least, entitled to vote, and being present at such Special Vestry; and it shall be lawful for the Chairman of such Vestry, or for any Churchwarden of such Parish, to deliver or transmit such Copy of such Resolution, so signed as aforesaid, to the Incumbent of such Parish,

and to the Impropriator or other Person or Persons (if any) entitled to any Tithes or Portion of Tithes in such Parish; and it shall be lawful for the Incumbent of such Parish, (being entitled to any Tithes or Portion of Tithes in such Parish), and for the Impropriator of any Tithes or Portion of Tithes in such Parish, and for every other Person or Persons, or Body Corporate or Collegiate, or Corporation Aggregate or Sole, entitled to any Tithes or Portion of Tithes in such Parish, to assent to and agree with the Resolution of such Vestry, and to signify such Assent upon the Copy of such Resolution so signed by the Chairman and Vestrymen of the said Parish, when such Resolution shall be produced to them or any of them for that Purpose, by any of the Parties interested in the same; and such Copy, when so assented and agreed to by the said Parties, shall and may, by some one or any of the Parties interested therein, be delivered or transmitted to the Registrar of the Bishop, to be entered and recorded in the Registry of the Diocese, and shall be so entered and recorded accordingly; and in every such Case such Composition shall be variable only at the End of such Term of Seven Years or Fourteen Years, or shall remain in full Force and Effect for the whole Space of Twenty-one Years, as may be agreed on at such Vestry; and in such last-mentioned Case such Composition shall not be subject to any Variation in the Amount thereof, under the Provisions of the said recited Act or this Act, during such Period of Twenty-one Years, whatever the Price of Corn may be; any thing in the said recited Act or this Act to the contrary thereof in anywise notwithstanding.

Notice of Vestries where there is not any Church may be given by posting Notices on other Places of Public Worship, and delivering Copies to a Magistrate, or to Three Householders.

XXVII. And be it further enacted, That in all Cases where Notice of any Vestry or Adjournment of any Vestry is required to be given in pursuance of the said recited Act or of this present Act, and it shall happen that there shall not be any Church in the Parish wherein such Vestry is to be held, or that there shall not be any Church in such Parish fit for the Celebration of Divine Service, the Notice of holding or adjourning every such Vestry shall and may be given by posting up such Notice on some other Place of public Worship, and by delivering Three true Copies of such Notice to One resident Magistrate within the said Parish, or to any Three principal Householders of the said Parish paying Grand Jury Cess within such Parish; and that every Notice so given shall be good and sufficient Notice of the holding every such Vestry, to all Intents and Purposes in Law, as if such Notice had been given in the Parish Church.

Six Days allowed for Notice of Vestry to consider Certificate, instead of Three Days, under 4 G. 4. c. 99.

XXVIII. And be it further enacted, That Notices required by the said Act of the last Session of Parliament for the establishing of Compositions for Tithes, to be given by Churchwardens for holding Special Vestries in Parishes, pursuant to the said recited Act, after the Copy of any Certificate of Composition for Tithes shall be received by such Churchwardens, may be given at any Time within Six Days next after the Copy of any such Certificate shall have been received by such Churchwardens; and such Notice, so given within such Six Days, shall be sufficient and valid to all Intents and Purposes as if such Notice had been given within Three Days next after the Receipt of any such Copy, in manner required and directed by the said recited Act.

XXXIX. And

XXIX. And be it further enacted, That in all Cases where any Notice is required to be given, or any Objection to be submitted to any Bishop or Archbishop, or any Act or Instrument is required or authorized to be done or executed by any Bishop or Archbishop, under the Provisions of the said recited Act or this Act, it shall and may be lawful for the Archbishop of the Province, in case of the Vacancy of any Bishoprick, and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in case of the Vacancy of any Archbishoprick, to receive such Notices and Objections, and to do and execute all such Acts and Instruments as should or could have been done or executed by any such Bishop or Archbishop, in case such Bishoprick or Archbishoprick were not then vacant, as fully, to all Intents and Purposes, as if all such Matters and Things were done or executed by such Bishop or Archbishop authorized or required to do or execute the same.

Proviso for Acts required to be done by Bishops, &c. while the See is vacant.

XXX. And be it further enacted, That the said recited Act of the last Session of Parliament, for the establishing of Compositions for Tithes in *Ireland*, shall continue in force and effect, except only so far as the same or any Part thereof is expressly repealed or altered by this present Act; and that the said recited Act and this Act shall be construed together as one Act, to all Intents and Purposes whatsoever.

4 G. 4. c. 99. shall remain in force as amended by this Act, &c.

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