ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

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C A P. LX.

An Act to amend the Acts for the establishing of Compositions for Tithes in *Ireland*.

[2d *July* 1827.]

4 G. 4. c. 99. amended by 5 G. 4. c. 63.

WHEREAS an Act was passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act to provide for the establishing of Compositions for Tithes in* Ireland *for a limited Time*, and which was amended by an Act passed in the Fifth Year of the Reign of His present Majesty; and the said Acts required to be further amended in certain Particulars: And whereas by the said first-recited Act it is among other things enacted, that it shall be lawful for any Person aggrieved by or dissatisfied with the Rate or Sum at which any Land shall be assessed in any Assessment or Applotment in any Parish under the said Act, as compared with the Rate or Amount payable in respect of any other Land in the same Parish under such Assessment or Applotment, to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace in Manner in the said Act mentioned: 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 every such Appeal shall be made to the Justices of the Peace at their General or Quarter Sessions of the Peace for the County or Place in which such Parish shall be situate, or any Adjournment thereof, to be holden next after the Completion of such Applotment, if there be sufficient

Appeals against Assessments or Applotments shall be made to the next Quarter Ses-

sions after the Applotment, if Time for Notice; or otherwise to the Second Quarter Sessions.

sufficient Time to give such Notice as is required by the said Act in Cases of such Appeal; and for want of sufficient Time for giving such Notice previous to the Quarter Sessions next after the Completion of such Applotment, then such Appeal (after such Notice and under such Recognizance as in and by the said Act are required) may be made at the Second General or Quarter Sessions of the Peace to be holden for such County or Place next after the Completion of such Applotment; and such Appeal against such Assessment or Applotment shall not be made at any other subsequent Sessions; any thing in the said recited Acts to the contrary notwithstanding.

On Appeal to Privy Council, they may decide on Right of Property, so far as relates to the Tithe Composition for 21 Years, or direct an Issue for ascertaining the Title.

II. And whereas by the said recited Act of the Fourth Year of His present Majesty's Reign it is among other things provided and enacted, that an Appeal may be made to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, against the Certificate of any Commissioners or Umpire under the said recited Act; and that it shall be lawful for such 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 hear and determine such Appeal in the Cases and in Manner in the said Act mentioned: And whereas such Appeals do often involve the Rights or Title of Parties to the Possession or Occupation of Lands and Tenements, and Doubts have arisen whether the Decision of the Lord Lieutenant in Council on such Appeal is not to all Intents and Purposes conclusive as to such Rights or Title; be it therefore enacted, That in every Case of Appeal in which the Rights or Title of any Party to the Possession or Occupation of any Lands or Tenements shall be involved, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of His Majesty's Privy Council in *Ireland*, to decide and determine upon such Appeal, and to ascertain and determine the Rights or Title of any such Party, so far only as may relate to the Payment of any Composition for Tithes for the Term of Twenty-one Years under the said recited Acts, or until such Right of Property shall be determined by any competent Tribunal or Court of Justice, but not any further, nor to any other Purpose; or it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, by and with the Advice of His Majesty's Privy Council, to direct an Issue to be tried in any One of His Majesty's Courts of Record in *Dublin*, for the Ascertainment of the Right or Title of any such Party to any Lands or Tenements as aforesaid.

On Decision of any Appeal the Privy Council may direct the Payment of Costs.

III. And be it further enacted, That on the Hearing and Decision of any Appeal against the Certificate of any Commissioners or Umpire under the said recited Act of the Fourth Year of His present Majesty's Reign, it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Advice of His Majesty's Privy Council, to adjudicate and direct the Payment of any Costs to or by any of the Parties appealing or appealed against, in such Manner and to such Amount as shall seem fitting

and expedient to such Lord Lieutenant or other Chief Governor or Governors and Privy Council.

Roads, &c. assessed before the passing of Act shall continue so until a new Assessment shall be made under this Act.

IV. And whereas in and by the said recited Act of the Fifth Year of His Majesty's Reign it is among other things enacted, that in the Assessment and Applotment of any Composition for Tithes 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 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 had been made at any Time before the said Act, whereby any such Road, Highway, Canal, or Navigation, or any such waste or uncultivated Land, had been assessed or charged to any such Composition, such Assessment and Applotment should, as to such Road, Highway, Canal, or Navigation, and waste or uncultivated Land, cease and determine, and be no longer paid or payable; and it is expedient that further Provision should be made relating to such Assessments and Applotments; be it enacted, That every such Assessment or Applotment, which shall have been made at any Time before the passing of the said recited Act of the Fifth Year aforesaid, shall remain good, valid, and effectual; and that every Road, Highway, or Canal, or Inland Navigation, and all waste or uncultivated Land on the Sides of any such Road, Highway, Canal, or Inland Navigation, which shall have been subjected to such Assessment or Applotment before the passing of the said recited Act of the Fifth Year aforesaid, shall remain and continue liable to such Assessment and Applotment until a new or additional Assessment and Applotment shall be made within such Parish, pursuant to the Directions herein-after contained; any thing in the said recited Act of the said Fifth Year to the contrary in anywise notwithstanding.

Where Roads &c. have been assessed, Parties interested may apply to Assistant Barrister at Sessions, who may alter the Assessment.

V. And be it further enacted, That in all Cases where any Assessment and Applotment of any Composition for Tithes shall have been made at any Time before the passing of the said recited Act of the Fifth Year aforesaid, whereby any such Road, Highway, Canal, or Navigation, or any such waste or uncultivated Land as aforesaid, shall have been assessed or charged to any Composition for Tithes, it shall and may be lawful for any Person or Persons interested in any such Road, Highway, Canal, or Navigation, or in any other waste or uncultivated Land, or for any Incumbent or other Person entitled to such Composition, to apply to the Assistant Barrister at any Sessions to be holden for the County in which the Parish shall be situate in which such Assessment and Applotment shall be made, to revise such Assessment and Applotment, and to make a Re-assessment and Applotment of such Composition, in Manner herein-after mentioned; and thereupon it shall be lawful for such Assistant Barrister to call for the Book in which such Assessment and Applotment shall be entered, and such Book shall be produced to such Assistant Barrister by the Person or Persons in whose Custody the same shall be; and it shall be lawful for such Assistant Barrister to

to alter and amend the Assessment and Applotment contained in such Book, by striking out any Assessment and Applotment made in respect of any such Road, Highway, Canal, or Navigation, or any such waste or uncultivated Land as aforesaid, and by adding to the Amount of the several Assessments and Applotments made in respect of the other Lands within the said Parish, according to their several Proportions, so much as shall be sufficient to make such Assessment and Applotment equal to the full Amount of the whole Composition for Tithe payable within the said Parish according to the original Certificate of such Amount; and such Book so altered and amended shall be signed by such Assistant Barrister with his Name and the Date when such Alteration shall be made; and such Book so altered and amended shall thenceforth be Evidence of the just and true Amount of Composition to be paid for Tithe within the said Parish by the Holders of any Portion of Land within the same.

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