

ANNO SEPTIMO

GEORGII IV. REGIS.

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12 G. 1. c. 9. s. 8. Reign of the said King *George* the First, intituled *An Act for the more effectual erecting and better regulating of Free Schools, and for rebuilding and repairing of Churches*, as relates to the more speedy and effectual levying such Money as shall be agreed upon, assessed, and ordered at Vestries for building and repairing of Churches; and also so much of an Act, made in the Parliament of *Ireland* in the 3 G. 2. c. 11. s. 3, 4, 5. Third Year of the Reign of King *George* the Second, intituled *An Act for better keeping Churches in repair*, as relates to the collecting, applotting, and accounting for Parish Cesses made and agreed upon in Vestry for the Repair of Parish Churches, Chapels, and other necessary Charges relating to such Churches and Chapels, or to any Appeal by any Churchwarden in respect of the accounting for such Cesses; and also so much of an Act made in the Parliament of *Ireland* in the Twenty-first Year of the Reign of King *George* the 21 G. 2. c. 8. s. 9. Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead; and also for the Removal of the Sites of ruined Cathedral Churches*, as relates to the putting and keeping in repair of any parochial Church made Cathedral and Parochial under the said recited Act, except only in Cases where any permanent Agreement shall have been made at any Time before the passing of this Act, by and between the Dean and Chapter of such Church, testified under their Common Seals, and by the Protestant Inhabitants of the Parish or Union in which such Church is situate, ascertaining the Proportions in which such Deans and Chapters and Inhabitants shall respectively contribute to the putting in repair such Cathedral and Parochial Churches; and also so much of an Act made in the Parliament of *Ireland*, in the Twenty-third 23 G. 2. c. 12. Year of the Reign of King *George* the Second, intituled *An Act for amending, continuing, and making more effectual the several Acts now in force in this Kingdom for the more easy Recovery of Tithes and other Ecclesiastical Dues of small Value, and also for the more easy providing a Maintenance for Parish Clerks*, as relates to the Maintenance of Parish Clerks; and also so much of an Act made in the Parliament of *Ireland* in the Thirty-third Year of King *George* 33 G. 2. c. 11. s. 1. 3. the Second (for reviving and amending Part of the said last-recited Act of the Twenty-third Year of the said King's Reign) as relates to Parish Clerks; and also so much of an Act made in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of King 11 & 12 G. 3. c. 16. s. 17. *George* the Third, intituled *An Act for erecting Parochial Chapels of Ease in Parishes of large Extent, and making such Chapels, and those that are already erected, perpetual Cures; and for making a proper Provision for the Maintenance of perpetual Curates to officiate in the same; and also in like Manner for making appropriate Parishes perpetual Cures*, whereby it is enacted, that Occupiers of Land within every Parish shall, as to every Cess or Tax for the repairing of any Church or Chapel, or for other necessary Charges belonging to such Church or Chapel, be and be construed to be Inhabitants within every such Parish, whether such Parish be a Parish of itself or be united to any other Parish by Episcopal Union or otherwise, or whether such Occupiers do or do not reside or dwell within such Parish; and also so much of an Act made in the Parliament of *Ireland* in the Twenty-first and Twenty-second Years of the Reign of King

George

George the Third, intituled *An Act to oblige Churchwardens to account pursuant to an Act for the better keeping Churches in repair; and to make the Cathedral Church of* Ferns *the Parish Church of the Parish of* Ferns, as relates to obliging of Churchwardens to account; and also so much of an Act made in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, intituled *An Act for making appropriate Parishes belonging to Archbishops and Bishops perpetual Cures, and the better to enable such Archbishops and Bishops to endow and augment the Endowments of Vicarages and Curacies to them respectively appropriate; and to render more effectual the several Acts now in force, to enable the Clergy, having Cure of Souls, to reside upon their respective Benefices, and to build on their respective Glebe Lands,* whereby it is enacted, that every Person who shall be duly elected or nominated a Churchwarden of any Parish, Union, or Chapelry, shall, after Expiration of the Term mentioned in the said Act, be deemed and taken to be the legal Churchwarden, although such Churchwarden shall have neglected or refused to take the usual Oath of Office in manner prescribed by Law, and that such Election or Nomination shall be entered in the Vestry Book of every Parish, Union, or Chapelry, signed by the Rector, Vicar, Curate, or any One of them, and Three of the Parishioners then present at least, and that the Act of Vestry so signed shall be considered and received as conclusive Evidence of such Election or Nomination, although the same shall not be signed by the said Churchwardens or either of them; and also the whole of an Act made in the Parliament of *Ireland* in the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act for the better carrying into Execution the several Laws for providing a Maintenance for Parish Clerks, and for other Purposes;* and also so much of an Act made in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the better providing for the Repairs of Churches and the Residence of the Clergy,* as relates to the Repairs of Churches; and also so much of an Act made in the Parliament of the United Kingdom in the Fifty-fourth Year of His late Majesty's Reign, intituled *An Act for the better Regulation of Ecclesiastical Courts in* Ireland, *and for the more easy Recovery of Church Rates and Tithes,* as relates to the more easily and speedily recovering of Church Rates or Parish Cesses of limited Amount unduly refused or withheld; and also so much of an Act made in the Parliament of the United Kingdom in the Fourth Year of the Reign of His present Majesty, intituled *An Act to amend the Laws for collecting Church Rates and Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands, in* Ireland, as relates to any Proceedings with respect to any Church Rates; and also the whole of an Act made in the last Session of Parliament, intituled *An Act to alter and amend the Law as to Church Rates in* Ireland, *and to regulate the same;* and the said several herein-before recited Acts, either in the whole or in part, as herein-before specified and set forth, from and after the Commencement of this Act, shall be and the same are hereby repealed accordingly.

21 & 22 G. 3. c. 52. s. 1. 8.

23 & 24 G. 3. c. 49. s. 10.

25 G. 3. c. 58.

29 G. 3. c. 27. s. 1, 2.

54 G. 3. c. 68. s. 7.

4 G. 4. c. 86. s. 1, 2, 3.

6 G. 4. c. 130.

II. And

At Vestries called for repairing, &c. of Church, providing Requisites for Divine Service, making Rates, &c. no other Matter shall be proceeded on, nor Roman Catholics be capable of voting.

II. And be it further enacted, That whenever any Vestry shall be called or holden in any Parish, Union, or Chapelry in *Ireland*, respecting or relating to all or any of the following Purposes, namely, the building, rebuilding, enlarging, or repairing of the Church or Chapel of any Parish, Union, or Chapelry, the providing Things necessary for the Celebration of Divine Service therein, as required and authorized by any Rubric or Canon in force in *England* or *Ireland*, the Election of the Churchwardens or Chapelwardens, the settling of the Salary for Maintenance of the Parish Clerk or Sexton, or the Clerk of any Chapelry or Chapel of Ease, or the making any Rate to defray the Expences of such building, rebuilding, enlarging, or repairing, or other necessary Charges, or any of them, or respecting or relating to the letting or demising of any Estate, or the Disposal of the Income of any Estate, or any Part thereof, belonging to or held in trust for the Church or Chapel or Parish, no other Matter shall be proceeded upon at such Vestry, save and except the Matters aforesaid, or some of them, for the Purpose of which such Vestry shall be held; and that no Inhabitant of such Parish, being a Roman Catholic, shall be capable of voting at such Vestry holden for such Purposes as aforesaid.

At Vestries held for any other Purposes, all Parishioners may vote.

III. Provided always, and be it enacted, That in all Cases whatever where any Vestry shall be called or holden in any Parish, Union, or Chapelry, for any Purposes other than and save and except the several Purposes and Matters herein-before specially mentioned, it shall and may be lawful for every Parishioner, of whatever religious Persuasion he may be, who shall be chargeable to the Church Rates or Cess in such Parish, Union, or Chapelry, and not disabled by Law, to vote at such Vestry respecting every Matter or Business therein brought forward.

No Vestry shall be held without public Notice.

IV. And be it further enacted, That no Vestry or Meeting of the Inhabitants in Vestry of or for any Parish, Chapelry, or Union of Parishes, shall be holden for any Purpose whatever, save and except for the Purpose of applotting such Assessments as may be ordered by any Grand Jury to be levied on such Parish, Chapelry, or Union, until public Notice shall have been given of such Vestry, and of the Place and Hour of holding the same, and of the special Purpose thereof, Seven Days at the least before the Day to be appointed for holding such Vestry, by the Publication of such Notice in the Parish Church or Chapel on some *Sunday* during or immediately after Divine Service, and by affixing a Copy of such Notice on the principal Door of such Church or Chapel, and on the Door of some One Meeting House for religious Worship of the Presbyterian Congregation, if any, within such Parish, Chapelry, or Union; and that no such Vestry or Meeting shall be holden for any Purpose respecting which Roman Catholics shall be capable of voting, until such Notice shall have been given in manner aforesaid, and also by affixing another Copy of such Notice on the Doors of some One Roman Catholic Chapel within such Parish, Chapelry, or Union.

Where there is no Parish Church, No-

V. Provided always, and be it further enacted, That if it shall happen that there shall not be any Parish Church or Chapel within any

any such Parish or Chapelry or Union, or that there shall not be any Church or Chapel fit for the Celebration of Divine Worship within such Parish, Chapelry, or Union, the posting up of a Notice of such Vestry on some conspicuous public Place in the Market Town wherein or nearest to the Place wherein such Vestry shall be intended to be held, and the delivering Three true Copies of such Notice to Three Householders of such Parish, Chapelry, or Union respectively, shall be deemed sufficient Notice of every such Vestry; and the Notices required and directed by this Act shall be good and sufficient Notices of Vestries required or authorized to be holden by Law for any Purpose whatsoever.

Notices shall be posted in nearest Market Town, and Copies delivered to Three Householders.

VI. And be it further enacted, That from and after the Commencement of this Act, no Person professing the Roman Catholic Religion shall be compelled or compellable to fill or serve the Office of Churchwarden or Chapelwarden of or in any Parish, Chapelry, or Union in *Ireland*, either in Person or by Deputy; any thing in any Act or Acts in force in *Ireland*, or any Law, Custom, or Usage, to the contrary in anywise notwithstanding.

Roman Catholics not compellable to serve the Office of Churchwarden.

VII. And for the more orderly Conduct of Vestries, be it further enacted, That in case the Incumbent or Curate, or Minister acting as Curate of any Parish, Union, or Chapelry, shall be present at any Vestry, it shall be lawful for such Incumbent, Curate, or Minister to sit and act as Chairman of such Vestry; and in case such Incumbent, Curate, or Minister shall not be present at such Vestry, then it shall be lawful for the Inhabitants present and entitled to vote at such Vestry, to elect and appoint any Person to be Chairman of such Vestry, who shall be of the full Age of Twenty-one Years, and entitled to vote at such Vestry, and who shall for One Year next immediately preceding the holding of such Vestry have been assessed and charged with and shall have paid Parish Rates, and such Person shall act as Chairman, and shall preside at such Vestry accordingly; and in Cases of Equality of Votes upon any Question arising at such Vestry, the Chairman shall, in addition to such Vote as he may be entitled to give as Incumbent, Curate, Minister, or Inhabitant of such Parish, Union, or Chapelry, have the casting Vote; and Minutes of the Proceedings, Resolutions, and Acts of every such Vestry shall be fairly and distinctly entered in the Vestry Book of the Parish, or in a Book to be provided for the Purpose, at the Expence of the Parish, Union, or Chapelry, by the Churchwarden or Chapelwarden, and shall be signed by the Incumbent, Curate, Minister, or other Chairman, or by the Churchwardens or Chapelwardens or Warden, and by such other Inhabitants, present and qualified to vote at such Vestry, as shall think fit to sign the same.

Incumbent shall be Chairman of Vestry, unless absent, in which Case another Chairman may be chosen.

Chairman to have casting Vote.

Minutes of Vestry.

VIII. And be it further enacted, That as well the Vestry Book required to be kept by this Act, as also all former Vestry Books and other Parish Books, and all Rates, Assessments, and Applotments, Accounts, and Vouchers of Churchwardens and Chapelwardens, and other Parish Officers, and all other Deeds, Writings, public Papers or Documents whatever, of or belonging or relating to any Parish, Union, or Chapelry in *Ireland*, save and except such as relate to the Com-

Vestry Books and other Documents to be preserved by the Incumbent.

position for Tithes, shall be from Time to Time deposited with and kept and preserved by the Incumbent of such Parish, Union, or Chapelry, or in such Place and Manner, or by such Person or Persons, as such Incumbent shall direct and appoint; and if any Person in whose Hands or Custody any such Books, Rates, Assessments, Applotments, Accounts, and Vouchers, Deeds, Writings, Papers, or Documents, shall be, shall wilfully or negligently destroy, obliterate, or injure the same or any of them, or shall permit or suffer the same or any of them to be destroyed, obliterated, or injured, or after reasonable Notice and Demand shall refuse or neglect to deliver over the same to such Person or Persons as may be appointed to have the Care or Custody of the same, or to receive the same, or shall refuse or neglect to deposit the same in such Place as shall by the Order of any such Incumbent be directed, every Person so offending, and being lawfully convicted thereof, by Confession or on the Oath of One or more credible Witness or Witnesses, by and before Two of His Majesty's Justices of the Peace, upon Complaint thereof to them made, shall for every such Offence forfeit and pay such Sum, not exceeding Twenty Pounds nor less than Forty Shillings, as shall by such Justices be adjudged and determined, and the same shall be recovered and levied by Warrant of such Justices, in such Manner and by such Ways and Means as Costs in the Cases hereafter mentioned are to be and may be recovered and levied by Warrant, and applied to the Use of the Parish, Union, or Chapelry: Provided always, that if any Person shall unlawfully retain any such Books, Rates, Assessments, Applotments, Accounts, Vouchers, Deeds, Writings, Papers, or Documents, or shall refuse or neglect to deliver the same or any of them, to any Person or Persons authorized to receive the same as aforesaid, or shall obliterate, destroy, or injure the same or any of them, or shall permit or suffer the same to be obliterated, destroyed, or injured, every such Offender may in every such Case be proceeded against in any of His Majesty's Courts, civilly or criminally, in like Manner as if this Act had not been made.

Penalty on destroying or detaining the same.

Civil or Criminal Proceedings may be instituted against Parties so offending.

IX. And be it further enacted, That in all Cases where, under and by virtue of any of the Provisions contained in the said Act of the Fourth Year of His present Majesty's Reign, for amending the Laws for collecting Church Rates and Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands in *Ireland*, any Parish, Union, or Chapelry, or any District or Portion thereof, can and may be lawfully assessed and rated to contribute for or towards the building, enlarging, or repairing of any Church or Chapel, or the providing necessary Charges belonging to the same, it shall be lawful for the Inhabitants of every such Parish, Union, or Chapelry, or any District or Portion thereof, (if otherwise duly qualified,) during such Time and so long as they shall respectively be bound to contribute to such Cesses and Rates according to the Provisions of the said recited Act, and no longer, to vote at all Vestries to be held for or in respect of the Assessment and Applotment of the Sum or Sums respectively to or in respect whereof such Contribution is to be made, and also (if duly qualified) to vote in the Election of the Churchwardens and Chapelwardens, and in the Settlement of the Accounts of such Church-

Inhabitants of Parishes who contribute to the Repairs of Churches, under 4 G. 4. c. 86. s. 7. may vote in the Election of Churchwardens, &c.

wardens and Chapelwardens, and also in the Election of the other Parish Officers of the Parishes respectively to the Cesses and Rates whereof they are or shall be so bound and liable to contribute respectively as aforesaid, as if they were respectively Inhabitants of the same Parishes respectively; and such Inhabitants shall also be eligible to the Office of Churchwarden or Chapelwarden in such Parish, Chapelry, or Union, any thing in the said recited Act to the contrary notwithstanding: Provided always, that nothing hereinbefore contained shall entitle any such Inhabitant to vote at any Vestry at which any such Inhabitant is or may be by this present Act or any other Act expressly disqualified from voting.

Assessments may be made for Coffins provided for poor People, on Certificate of Six Inhabitants.

X. And whereas Doubts have been entertained whether any Assessments can be lawfully made of any Sums for providing Coffins for the Interment of poor Persons dying in any Parish, Union, or Chapelry in *Ireland;* be it therefore enacted, That from and after the Commencement of this Act Assessments may be lawfully made for such Purposes: Provided always, that no Sum or Sums shall be expended by any Churchwarden or Chapelwarden of any Parish, Union, or Chapelry, for any such Purposes, unless a Certificate be first given to such Churchwarden or Chapelwarden, signed by Six or more Householders who are rated to and shall have paid the Parish Cess in such Parish, Union, or Chapelry, of whom a Justice of the Peace (if any such be resident within the Parish) shall be one, that in their Opinion it is proper and necessary that such Coffins shall be respectively so provided at the Expence of such Parish, Union, or Chapelry, and that the Relatives of the Deceased have not the Means to defray the Expence thereof.

Assessments shall be made in Easter Week; if not then, at a Time to be appointed by the Bishop.

XI. And be it further enacted, That every Assessment of any Sum or Sums for or in respect of all or any of the Matters in this present Act mentioned, including Salaries for Parish Officers, shall be made in *Easter* Week: Provided always, that if in any Case such Assessment shall not have been made in *Easter* Week, it shall be lawful for the Bishop of the Diocese in which such Parish, Chapelry, or Union shall be situate, to appoint any other Day and Time for the making of any such Assessment, to be signified and directed in Writing by such Bishop to the Churchwardens or Churchwarden of any Parish, Chapelry, or Union; and that any Assessment of any Sum or Sums for or towards the Repairs of Churches or Chapels, or providing all Things necessary for the Celebration of Divine Service therein, may be also made at all other Times of the Year when and as it shall be necessary; and that no Assessment shall be allowed at any Vestry hereafter to be held, as for incidental Expences, or for Contingencies generally, or for any Purpose, Matter, or Thing not specified in such Assessment; and that all and every the Sums assessed and applotted shall be applied to the Uses and Purposes respectively in the respective Assessments mentioned, or by this Act authorized or directed, and none other.

Assessments for Repair of Churches to be made when necessary.

No Assessment for Incidents, &c. not specified.

No Appeal against Rates to Ecclesiastical Jurisdictions.

XII. And be it further enacted, That from and after the Commencement of this Act, no Appeal shall be made to or received by any Ecclesiastical Judge against any Rate or Assessment or Applotment

ment made in any Parish, Union, or Chapelry, or any thing therein contained; nor shall the same be drawn in question by or before any Ecclesiastical Jurisdiction; nor shall any Suit be commenced before any Ecclesiastical Judge, for the Recovery of any Sum so assessed or applotted at any Vestry.

Vestry shall appoint Churchwardens or others, to applot Assessments.

XIII. And be it further enacted, That whenever any Assessment or Tax shall have been made, agreed upon, and imposed at any Vestry, for or in respect of any Matters or Things which may by this Act, or any other Act or Acts of Parliament now in force or hereafter to be made, be assessed upon any Parish, Chapelry, or Union, the major Part of the Inhabitants present and qualified to vote at such Vestry, shall at such Vestry appoint the Churchwardens or Chapelwardens, or One of such Churchwardens or Chapelwardens, together with some other Person or Persons, or any Two or more Persons, not being Churchwardens or Chapelwardens, duly to applot the Sums so assessed upon the Inhabitants of any such Parish, Union, or Chapelry, according to the respective Values of their Lands and Tenements within such Parish, Union, or Chapelry; and that the Churchwardens or Chapelwardens of every such Parish, Chapelry, or Union, shall afterwards give public Notice of the same, by causing a true and correct Copy of such Rate or Assessment, containing the Names of such Applotters, signed by the Incumbent or Curate, or Minister acting as such, or other Person who presided at such Vestry, or by the Churchwardens or Chapelwardens, or One of them, to be posted and affixed, within Three Days next after the making of such Rate or Assessment (excluding the Day of the making thereof) on the outer Door of every Church or Chapel in such Parish, Chapelry, or Union, and on the Door of some One Roman Catholic Chapel and Presbyterian Meeting House, if any, within the same; and if there be no Church or Chapel within such Parish, Chapelry, or Union, or no Church or Chapel fit for the Celebration of Divine Service, then on some conspicuous Place in the Market Town wherein or nearest whereto such last-mentioned Vestry shall have been holden, and by delivering Three true Copies of the same, signed as aforesaid, to Three Householders of such Parish, Chapelry, or Union respectively.

Notices of Assessments.

Inhabitants liable to Payment of Parish Cess, may appeal against Assessment to Justices at Sessions, giving Notice to Incumbent or Churchwarden, and Three Householders.

XIV. And be it further enacted, That it shall and may be lawful to and for any Inhabitant or Inhabitants of any such Parish, Chapelry, or Union, liable to the Payment of any Parish Cesses (of whatever religious Persuasion any such Inhabitant or Inhabitants may be), within Fourteen Days next after the Expiration of the said Three Days by this Act allowed for the posting of the Copy of such Rate or Assessment as aforesaid, and exclusive of such Three Days, to appeal to the Justices of the Peace at the First General or Quarter Sessions of the Peace or Adjournment thereof, which shall be holden next after the End and Expiration of the said Term of Fourteen Days, for the County, County of a City, Town, or Place wherein the said Vestry was held, against any such Rate or Assessment generally, or on account of the Illegality or Excess of any Item or Charge, Salary or Allowance therein mentioned: Provided always, that all and every Persons and Person so appealing shall first give Notice in

in Writing, signed with the Names and in the Handwriting of all and every the Persons or Person so appealing, to the Incumbent or Curate, or to both or One of the Churchwardens or Chapelwardens, and Three Householders of such Parish, Chapelry, or Union, of their or his Intention so to appeal.

Applotment shall be made within Fifteen Days after Time allowed for Appeal, or after Determination thereon;

XV. And be it further enacted, That within Fifteen Days next after the End and Expiration of the Period of Fourteen Days hereby allowed for appealing against any such Rate or Assessment as aforesaid, or next after the making of any Order or Determination upon such Appeal, if the same shall be made (as the Case may be), and exclusive of the Day whereon such Order or Determination shall be so made, or the last Day of such Term of Fourteen Days, the Churchwardens or Chapelwardens, or other Persons appointed according to this Act to applot such Rate or Assessment, shall proceed impartially and fairly to applot, upon the Inhabitants of every such Parish, Chapelry, or Union, the Sum and Sums contained in and imposed by such Rate or Assessment; and such Applotters shall, on or before the Day next after the End and Expiration of such Term of Fifteen Days, deliver or cause to be delivered such Applotment, signed by such Applotters or the major Part of them, to the Incumbent or Curate, or Minister acting as such, or to some One of the Churchwardens or Chapelwardens of such Parish, Chapelry, or Union, not being an Applotter as aforesaid; and the Person so receiving such Applotment shall write and indorse thereon the Day of the Week, Month and Year on which he shall so receive the same, and shall on the *Sunday* next following his Receipt thereof cause due Notice to be given of the holding a Vestry in such Parish, Chapelry, or Union, within Ten Days then next following, for the Purpose of taking such Applotment into Consideration, and at such Vestry such Applotment shall be in the first Place laid before such Vestry by the Incumbent or Curate or other Person presiding at such Vestry; and it shall and may be lawful for any Inhabitant then present, and entitled to vote at such Vestry, to make any Objection or Objections to or on account of any Charge, Item, Matter, or Thing contained in such Applotment, or omitted therefrom, and which ought to have been contained therein; and it shall be lawful for the major Part of the Inhabitants present and qualified to vote at such Vestry, and they are hereby authorized and empowered, on hearing all Parties who shall object as aforesaid, to make such Alterations, Changes, Corrections, and Amendments in and of the said Applotment or any Part or Item thereof, and to supply any Defects and Omissions therefrom, in such Manner as to them shall seem just and reasonable, and then finally to confirm, ascertain, and settle such Applotment; and thereupon the Incumbent or Curate, or other Person presiding at such Vestry, shall in the said Vestry sign his Name at the Foot of such Applotment when so confirmed, and shall certify that such Applotment was confirmed at such Vestry; and Two several Transcripts shall be made of such Applotment, namely, one for each Churchwarden or Chapelwarden of such Parish, Union, or Chapelry; and the original Assessment and Applotment shall in all Cases be safely kept among the Papers and Documents of such Parish, Union, or Chapelry.

and delivered to the Incumbent, who shall call a Vestry within Ten Days.

At which Vestry Applotment shall be confirmed, being first amended, if requisite.

Applotment shall be signed and certified by Incumbent, and Two Transcripts made and delivered to Churchwardens; and Original preserved.

Appeal against Applotment.

XVI. And be it further enacted, That if any Person shall feel himself or herself aggrieved by or dissatisfied with the Sum applotted upon any Lands or Tenements, as compared with the Sum or Sums applotted upon any other Lands or Tenements in the same Parish, under any Applotment to be made by virtue of this Act, it shall be lawful for such Person so feeling himself or herself aggrieved, at any Time before the Expiration of Ten Days next immediately after and exclusive of the Day of the Confirmation of such Applotment, to appeal to the Justices of the Peace at the then next General Sessions of the Peace, or any Adjournment thereof, for the County or Place within which the Vestry shall have been held at which such Applotment was confirmed, which shall be holden after the End and Expiration of such Ten Days: Provided always, that every Person so appealing shall first give Notice in Writing, signed with the Names and in the Handwriting of all and every Persons so appealing, to the Incumbent or Curate, or to both or One of the Churchwardens or Chapelwardens, and Three Householders of such Parish, Chapelry, or Union, of their or his Intention so to appeal.

Mode of hearing and determining Appeals against Assessments and Applotments.

XVII. And be it further enacted, That every Appeal against any such Assessment or Applotment respectively shall be made in Writing, signed with the Names and in the Handwriting of all and every the Person or Persons appealing, setting forth the Grounds of every such Appeal, and shall be delivered within the said Term of Fourteen Days or Ten Days respectively, as the Case may be, to some One Justice of the Peace for such County, County of a City, Town, or Place; and a Copy thereof shall also be delivered within the said Term of Fourteen Days or Ten Days respectively to the Incumbent or Curate, or to one of the Churchwardens or Chapelwardens of such Parish, Chapelry, or Union; and the Person or Persons so appealing shall, on the Day of his or their lodging such Appeal as aforesaid, enter into a Recognizance in the Sum of One hundred Pounds, before such Justice, or any other Justice of the Peace for such County, County of a City, Town, or Place, with Two sufficient Sureties, or without Sureties if such Justice of the Peace shall in his Discretion think fit to accept the sole Recognizance of the Person or Persons so appealing; and every such Recognizance shall be conditioned to prosecute such Appeal, and to abide or submit to such Order as may be made thereon, and to pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions of the Peace, or Adjournment thereof; and the Justices at the said next Sessions of the Peace (of whom, if such Session shall be holden for the County of *Dublin*, the Chairman of the said Sessions, or Barrister acting as his Deputy or Substitute for the Time being, shall be One; or if such Sessions shall be holden for the County of the City of *Dublin*, the Recorder of the City of *Dublin*, or Barrister acting as his Deputy or Substitute for the Time being, shall be One; or if such Sessions shall be holden for any other County, the Assistant Barrister for the Time being for such County, or Barrister acting as such, shall be One; or if such Session shall be holden for any County of a City or County of a Town the Recorder or Person acting as such shall be One,) shall, upon due Proof of such Notice of Appeal having been given as aforesaid, and of the entering into such Recognizance as aforesaid, hear and finally determine

mine the Cause and Matter of every such Appeal, by the Oaths of Witnesses or otherwise, in a summary Way, and shall award such Costs either to the Party or Parties appealing, or to the Churchwardens or Chapelwardens of such Parish, Chapelry, or Union, as such Justices at such Sessions shall think proper; and it shall be lawful for such Justices at such Sessions, where the Appeal shall be against the Rate or Assessment, to strike out or correct any Item or Charge, Salary or Allowance, against which Complaint has been made; and where such Appeal shall be against the Applotment, it shall be lawful for such Justices to correct, alter, and amend such Applotment, as to such Justices at such Sessions shall seem meet: Provided always, that no Appeal against any Applotment shall in any way affect the Assessment with reference to which such Applotment shall have been made.

Appeal not to affect the Assessment.

XVIII. Provided also, and be it enacted, That no Rate shall be quashed or altered on account or in respect of any Excess in the total Amount of such Rate, where the Amount of such Excess shall not in the whole exceed the Proportion of One Farthing *per* Acre.

No Rate to be quashed for Excess if it does not exceed ¼*d.* per Acre.

XIX. And be it further enacted, That immediately after the End and Expiration of the Term of Ten Days, in case no Appeal shall, as aforesaid, be made against the said Applotment, or otherwise within Three Days next after the making any Order or Determination of the Justices at Sessions, in case any Appeal shall have been made against such Applotment, as the Case may be, (such Three Days to be exclusive of the Day of making such Order or Determination on Appeal, as the Case may be), the Churchwardens or Chapelwardens of the Parish, Union, or Chapelry for which such Applotment shall be made, shall and they are hereby required, with all convenient Speed, to proceed to levy, collect, and receive of and from the Inhabitants of every such Parish, Union, or Chapelry, the several Sums so on them respectively charged and applotted.

After Expiration of Time for Appeal against Applotment, or within Three Days after Determination of Appeal, Churchwardens shall proceed to collect the Rates.

XX. And be it further enacted, That all and every Rate and Rates and Sum and Sums of Money which shall be assessed on the Inhabitants of any Parish, Union, or Chapelry, according to the Directions of this Act, after the same shall have been respectively applotted, shall and may be levied and recovered from such Inhabitants in manner and by the means hereafter mentioned; that is to say, in case any Inhabitant or Inhabitants of any Parish, Union, or Chapelry, shall refuse or neglect to pay any Sum or Sums of Money, not exceeding Twenty Pounds, assessed and applotted under or by virtue of this Act, after Demand of Payment thereof made by such Churchwardens or Chapelwardens, or One of them, or by any Person or Persons empowered by them, or One of them, to demand the same, it shall and may be lawful for such Churchwardens or Chapelwardens to recover such Sum or Sums of Money by Petition or *English* Bill, usually called a Civil Bill, setting forth (without specifying any other Cause of Action) that the Sum demanded by such Civil Bill is due to the Plaintiffs therein as Churchwardens or Chapelwardens, as the Case may be, "in the Parish, Union, or Chapelry, of
by virtue of an Applotment of a Parish Cess, confirmed on the

Rates not exceeding 20*l.* may be recovered by Civil Bill;

the Day of in the "
stating the Name of the Parish, Union, or Chapelry, and the Day, Month, and Year of confirming the Applotment on which such Proceedings shall be had.

Or by Order of Two Justices.

XXI. And be it further enacted, That in case any Churchwarden or Chapelwarden shall think fit so to do, it shall be lawful, instead of proceeding by Process of Civil Bill for Nonpayment of any Sum or Sums assessed and applotted as aforesaid, for any Churchwarden or Chapelwarden to prefer a Complaint in Writing, to the Effect last aforesaid, to any One Justice of the Peace of the County, County of a City, Town, or Place wherein the Person or Persons so neglecting or refusing to pay any Sum or Sums so applotted shall reside; and it shall be lawful for such Justice of the Peace, by Warrant under his Hand and Seal, to summon and convene before himself and any other Justice, or before any Two or more Justices of the Peace for such County, County of a City, Town, or Place, the Person or Persons so complained of; and such Two or more Justices of the Peace, when met or assembled, shall examine into the Matter of such Complaint on Oath (which Oath the Justices so met or assembled shall and are hereby empowered to administer), and shall by Order under the Hands and Seals of such Two Justices, or of the major Part of such Justices so met or assembled, direct the Payment to such Churchwarden or Chapelwarden respectively of the Sum and Sums due and payable from the Party complained against under such Applotment, together with a Sum certain as and for such reasonable Costs and Charges as to such Justices shall seem meet; and upon Refusal or Neglect of such Party or Parties to pay the Sum or Sums so by such Justices directed to be paid, it shall and may be lawful for any One of the said Justices or for any One Justice of the Peace for such County, County of a City, Town, or Place, by Warrant under his Hand and Seal, after the End and Expiration of Eight Days, and not sooner, from the making of any such Order as aforesaid, and exclusive of the Day of making thereof, to empower the Churchwardens or Chapelwardens, or either of them, or any Person named by them or either of them, and acting at their Peril, to levy the Money thereby ordered to be paid, together with the Amount of such further Costs, if any, incurred after the making of the said Order, as such Justice may judge reasonable, by Distress and Sale of the Cattle, Goods, or Chattels, within any Part of such County, County of a City, Town, or Place, of the Person or Persons so complained against, his Executors or Administrators, rendering the Overplus to him, her, or them, the necessary Charges and Expences of distraining being thereout first deducted as directed by such Justice; and if sufficient Distress cannot be found within such County, County of a City, Town, or Place, then on Oath thereof made before any One or more Justice or Justices of the Peace of any other County, County of a City, Town or Place or Jurisdiction, in which any of the Cattle, Goods, or Chattels of such Person or Persons shall be found (which Oath or Oaths such Justice or Justices shall administer, and certify by indorsing in his or their Handwriting his or their Name or Names on the Warrant granted to make such Distress), the Cattle, Goods, and Chattels of such Person or Persons so refusing or neglecting to pay as aforesaid, shall be subject and liable to such Distress and Sale in

Upon Neglect or Refusal to pay after Eight Days from such Order, the same may be levied by Distress.

in such other County, County of a City, Town, or Place, or Jurisdiction, where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within the County, County of a City, Town, or Place, wherein the Person or Persons may reside, who shall be so liable, and shall refuse to pay as aforesaid.

Demand against Public Officers of Corporation, sufficient.

XXII. Provided always, and be it enacted, That whenever any Rate or Assessment or Sum of Money shall be due under any Assessment or Applotment made by the Authority of this present Act, from any Corporation Aggregate, Ecclesiastical or Civil, or Public Company, College, Hall, Guild, or Fraternity, a Demand of Payment thereof from the Treasurer, Registrar, Secretary, Clerk, or Agent, or Person or Persons acting as such, of such Corporation, Company, College, Hall, Guild, or Fraternity, shall be deemed and taken to be a sufficient Demand thereof, within the true Intent and Meaning of this present Act, to all Intents and Purposes; and it shall and may be lawful for any Churchwarden or Chapelwarden, at his or their Election, to have, use, and take all and every Remedy and Means, by Action at Common Law or otherwise, for the Recovery of any Sum or Sums applotted by virtue of this Act, against any Person or Persons, or Body or Bodies Politic or Corporate, as such Churchwardens or Chapelwardens might lawfully do in case a specific Remedy had not been given by this Act, anything herein-before contained to the contrary in anywise notwithstanding; and that all Occupiers of Lands or Tenements within any Parish, Union, or Chapelry, shall, as to any Tax, Rate, Assessment, and Applotment made by Authority of this Act, for or in respect of the building, rebuilding, repairing, or enlarging of Churches or Chapels, or for the providing all Things necessary for the due Celebration of Divine Service, and other necessary Charges, or for the Maintenance of Parish Clerks, and Clerks of Chapels of Ease, and Salaries of Parish Officers, or otherwise, be and be construed to be Inhabitants of and within any such Parish, Union, or Chapelry, whether such Occupier or Occupiers do or do not reside or dwell within the same.

Churchwardens may proceed for Rate by Action, &c.

Occupiers of Lands deemed Inhabitants of Parishes.

Whenever any Church or Chapel shall be in want of Repairs, &c. an Estimate of the Amount shall be prepared and certified, and a Monition issued to the Churchwardens to summon a Vestry for making a Rate for that Purpose.

XXIII. And be it further enacted, That whenever at any Time after the Commencement of this Act the Church or Chapel of any Parish, Union, or Chapelry shall be in want of Repairs, or of any Matters or Things necessary for the due Celebration of Divine Service therein, it shall be lawful for the Archbishop or Bishop of the Diocese wherein such Church or Chapel shall be situate, or in case of the Illness or Absence from *Ireland* of such Archbishop or Bishop, or during the Vacancy of the See, then for the Vicar General of such Diocese, from Time to Time to direct and cause an Estimate to be made of the Amount of the Sum required for such Repairs or other Purposes, and to signify his Approbation of such Estimate, by certifying such Approbation at the Foot of such Estimate, and to transmit such Estimate, with such Certificate of Approbation thereof, to the Churchwardens or Chapelwardens or Warden of such Parish, Union, or Chapelry, and to issue a Monition, under the Consistorial Seal of such Diocese, directed to and requiring the Churchwardens or Chapelwardens or Warden of such Parish, Union, or Chapelry, to cause a Vestry to be summoned

and to meet within a Time to be therein specified, not being less than Twenty Days from the Day of the Date of such Monition, for the Purpose of making an Assessment on the Inhabitants of such Parish, Union, or Chapelry, for raising the Amount required by such Estimate and Certificate for the repairing such Church or Chapel, and providing Things necessary as aforesaid for the due Celebration of Divine Service therein, or for either of the said Purposes, as the Case may require, and for defraying the Expence of such Estimate, and the reasonable Costs and Charges attending the Proceedings thereon; and such Monition shall be served on such Churchwardens or Chapelwardens or Warden, by the Delivery of true Copies or a true Copy of such Monition, attested by the Registrar of the said Diocese or his Deputy, or by the Persons or Person acting as such, to such Churchwardens or Chapelwardens, or One of them, or to some Person above the Age of Sixteen Years, at the Place or Places of Abode of such Churchwardens or Chapelwardens, or One of them, within Three Days next after the Date of such Monition, and exclusive of the Day of such Date, and by at the same Time shewing to such Churchwardens or Chapelwardens or other Person, or One of them, such original Monition under Seal.

Churchwarden shall give Notice of Vestry accordingly.

XXIV. And be it further enacted, That within Seven Days next after such Service, such Churchwardens or Chapelwardens or Warden shall cause Notice to be given of a Vestry to be held in such Parish, Union, or Chapelry, for the Purposes aforesaid, pursuant to the said Monition, and within the Time limited thereby for holding such Vestry.

On failure of Assessment by Vestry, Churchwardens shall make a Rate, which shall be as valid as if made by Vestry.

XXV. And be it further enacted, That if at any Vestry so to be summoned, an Assessment shall not be made on the Inhabitants of such Parish, Union, or Chapelry, for the Purposes and to the Amount mentioned in such Monition, or if such Vestry shall not meet and assemble, it shall be lawful for the Churchwardens or Chapelwardens or Warden of such Parish, Union, or Chapelry, and they are hereby authorized and required, immediately after the holding of every such Vestry, if such Vestry shall meet, or otherwise upon the Day and Place appointed for the holding of such Vestry, by a Writing or Instrument signed by such Churchwardens or Chapelwardens, or One of them, dated on the Day appointed for the holding such Vestry, to make an Assessment upon the Inhabitants of such Parish, Union, or Chapelry, of such Sum or Sums of Money as shall be by the said Monition stated to be necessary for the making of such Repairs, and providing Things necessary for the due Celebration of Divine Service in the Church or Chapel thereof, or for either of the said Purposes, as the Case may require; and such last-mentioned Assessment shall be of the like Force and Effect, to all Intents and Purposes, as if the same had been made at any Vestry summoned for that Purpose.

Churchwardens shall make Applotment of such Assess-

XXVI. And be it further enacted, That such Churchwardens or Chapelwardens, or One of them, shall, within Fifteen Days next after the Date and exclusive of the Day of the Date of such Assessment to be made by them or him, or within Fifteen Days after the

Determination

Determination of any Appeal against such Assessment, applot the Sum or Sums so by him or them assessed fairly and impartially upon and among the Inhabitants of such Parish, Union, or Chapelry, and shall truly date, sign, and certify every such Applotment, when made, to be just and fair, and shall, on the Day next after the Day of the Date of such Applotment, deliver the same so signed and certified, to the Incumbent or Curate or Minister acting as Curate of such Parish, Union, or Chapelry; and such Incumbent or Curate or Minister shall indorse upon such Applotment the Time of his Receipt thereof, and shall on the then next following *Sunday* cause Notice to be given of a Vestry to be held in and for such Parish, Union, or Chapelry, within Ten Days then next ensuing, in order to take such Applotments into Consideration; and at such Vestry so to be holden, such and the same Acts and Proceedings shall and may be had, done, and taken, and such Objections made to such Applotment, and such and the same Powers shall and may be used and exercised by the Inhabitants of the Parish, Union, or Chapelry, in such Vestry assembled, in relation thereto, as are and is herein-before granted, given, provided, and enacted of and concerning the Acts and Proceedings to be had, done, and taken in Vestries to be held for taking into consideration Applotments made of Cesses imposed by Inhabitants in Vestry, and the Adjustment, Settlement, Ascertainment, and Confirmation thereof; and such Appeals may lawfully be entered and made against any Applotment of Sums assessed by any Churchwardens or Chapelwardens so confirmed as aforesaid in such Vestry, and under and subject to such and the same Rules, Regulations, Conditions, Restrictions, and Provisoes, as are herein-before mentioned and provided and enacted of and concerning the Applotment of Sums assessed by the Inhabitants in Vestry assembled.

ment, and deliver it to the Incumbent, who shall call a Vestry to consider the same.

Such Applotments liable to Confirmation and Appeal as other Applotments made under this Act.

XXVII. And be it further enacted, That if the Inhabitants assembled in any such Vestry holden for taking into Consideration the Applotment of Sums assessed by any Churchwardens or Chapelwardens, or the major Part of such Inhabitants, shall refuse to take such Applotment into Consideration, or shall neglect or omit at such Vestry finally to settle, ascertain, and confirm the same, or if such Vestry shall not be holden pursuant to such Appointment, the Applotment so made by any such Churchwarden or Chapelwarden as aforesaid shall, upon the Day appointed for the holding of such Vestry, be signed, settled, ascertained, and confirmed, and certified as being so confirmed, by such Churchwardens or Chapelwardens respectively, and shall be deemed, construed, and taken, to all Intents and Purposes, as absolutely settled, ascertained, and confirmed, without any other or further Confirmation by the Inhabitants in Vestry, or other Signature to or Certificate thereof.

On Neglect of Vestry to confirm Applotment, the same shall be confirmed by the Churchwardens.

XXVIII. Provided always, and be it enacted, That it shall be lawful for any Person or Persons, being an Inhabitant of such Parish, Union, or Chapelry, and liable to the Payment of any Sum under such Applotment, to appeal against such Applotment within Ten Days next after and exclusive of the Day of the Confirmation of the same by such Churchwarden or Chapelwarden, to the Justices of the Peace at

Appeal against such Applotment, after Confirmation by the Churchwarden.

at the next General or Quarter Sessions of the Peace in and for the County, County of a City, Town, or Place, within which such Parish, Union, or Chapelry shall be situate, under the like Conditions, Limitations, and Restrictions, and in like Manner and Form in every Particular, and on performing all and every the Matters and Things by this Act required to be done and fulfilled by any Person or Persons appealing against any Applotment confirmed in Vestry; and immediately from and after the End and Expiration of such Ten Days, or immediately from and after the Day of the making of the Order and Determination of the Justices on any such Appeal, as the Case may be, such Churchwarden or Chapelwardens or Warden shall proceed to collect and levy the Sums mentioned in every such Applotment made by them or him, in such Manner, and by such and the same Ways and Means in every Particular, as by this Act are directed and provided of and concerning Applotments of Sums assessed by the Inhabitants in Vestry, and shall apply all such Sums, when levied and collected, to the Purposes specified and required in and by the Monition under and by virtue of which such Assessment and the Applotment thereof shall have been made pursuant to this Act.

All Regulations as to Applotments in Vestry applied to Applotments by Churchwardens.

XXIX. And be it further enacted, That all and every the Rules, Regulations, Provisoes, Powers, and Conditions in and by this Act made, granted, and enacted, of and concerning Applotments to be settled, ascertained, and confirmed by the Inhabitants of any Parish, Union, or Chapelry in Vestry, and concerning Appeals therefrom, and the Collection and levying of the Sums thereby applotted, shall be and the same are hereby applied to, of and concerning and in respect of all Applotments to be made and confirmed by such Churchwardens or Chapelwardens or Warden, and the appealing therefrom, and the collecting of all or any of the Sums thereby applotted; save and except only so far as by this Act is otherwise specially enacted and provided.

Churchwardens shall account on Oath at the Vestry to be held for the Choice of their Successors.

XXX. And be it further enacted, That every Churchwarden and Chapelwarden of every Parish, Union, or Chapelry, whether he shall have served the Office in Person or by Deputy, shall at the Vestry which shall be holden in and for such Parish, Union, or Chapelry, for the Election of his and their next and immediate Successor or Successors, Churchwardens or Chapelwardens, deliver or cause to be delivered in such Vestry, to the Incumbent or Curate, or Minister acting as such, or other Person presiding at such Vestry, a full, true, correct, and particular Account of the Receipts and Disbursements of such Churchwarden or Chapelwarden, of every Kind and Description, for and on account of such Parish, Union, or Chapelry, and specifying therein the Arrears, if any, then remaining due in respect of any Rates or Assessments, and by whom by Name each Part of such Arrears is due and owing; and every such Churchwarden or Chapelwarden shall verify such Account by Oath, to be by him respectively taken in such Vestry before the Incumbent, Curate, or Minister acting as such, or other Person presiding at such Vestry as aforesaid, and which Oath and Oaths it shall be lawful for every such Incumbent, Curate, or Minister acting as such, or other Person

son so presiding, to administer, or otherwise by the Affidavit of such Churchwarden or Chapelwarden respectively, to be then and there exhibited, sworn before any Master in Chancery or Master Extraordinary in Chancery, or before any Justice of the Peace, or Judge or Surrogate of any Ecclesiastical Court of any Diocese.

Adjourned Vestry shall be held within Thirty Days, for examining and adjusting the Churchwardens Accounts.

XXXI. And be it further enacted, That immediately after the other necessary Business of such Vestry shall be concluded, the Incumbent or Curate or Minister, or other Person presiding thereat, shall and he is hereby required to adjourn such Vestry to a certain Day, not later than Thirty Days nor sooner than Twenty Days afterwards, (or, if he shall so think fit, to the Day on which the Vestry shall be holden for the Applotment of any Assessment made in *Easter* Week pursuant to this Act,) to be then holden for the Purpose of examining, vouching, and settling the Accounts of such Churchwardens or Chapelwardens respectively; and at such Vestry so to be held by and pursuant to such Adjournment, it shall be lawful for the Inhabitants entitled to be present and vote at such Vestry, and every of them, to examine and investigate such Accounts respectively, and any Vouchers to be produced for the same and for every Item thereof; and the Majority of the Inhabitants of such Parish, Union, or Chapelry, then and there present, shall finally adjust and settle such Accounts, and strike the Balance on the Foot thereof.

All Applotments shall be Evidence against the Churchwarden to charge him with the Amount.

XXXII. And be it further enacted, That as well on such Examination and Settlement of Accounts, as on any Settlement of the Accounts of any Churchwarden or Chapelwarden before Justices of the Peace at Sessions in manner hereafter mentioned, as also in any Action or Suit or Civil Bill to be brought against any such Churchwarden or Chapelwarden who ought to account as aforesaid, the Applotment of every such Parish Rate or Assessment confirmed as is provided by this Act, or an authentic Copy thereof attested by the Incumbent or Curate, or Minister acting as such, shall be sufficient Evidence, *prima facie*, to charge such Churchwardens or Chapelwardens respectively with the whole and full Amount of the Sum and Sums thereby appearing to be applotted.

Credit not to be allowed for any Sums not included in Account, or not disbursed by Authority.

XXXIII. And be it further enacted, That no Churchwarden or Chapelwarden shall be at any Time allowed in his Account, or get Credit for any Sum or Sums of Money expended by him, unless he shall specify the same in an Account so to be delivered in at the Vestry held for the Election of his Successors as aforesaid, nor for any Sum which shall not appear to have been expended under the Authority of this Act, or some other Act or Acts of Parliament, or by the Authority of some Vestry held for such Parish, Union, or Chapelry, under the Authority of this present Act; and all such Accounts shall be at all reasonable Times and Hours open to the Inspection and to be copied in the whole or in part by any Inhabitant or Inhabitants assessed or liable to be assessed as aforesaid.

Accounts shall be open to Inspection of Inhabitants.

On Refusal to account, Churchwardens shall

XXXIV. And be it further enacted, That if any Churchwarden or Chapelwarden shall refuse or omit to deliver, or cause to be delivered, such their Accounts respectively, in such Vestry held for the Election of

be charged with all Sums applotted, &c.

of the next succeeding Churchwardens or Chapelwardens, verified as aforesaid, or if it shall appear to such Vestry that any such Churchwarden or Chapelwarden whose Accounts are so exhibited shall have refused or wilfully neglected to collect or cause to be collected any Parish Rate, Sum, or Cess, assessed and applotted as in this present Act mentioned and directed, or any Part thereof, it shall and may be lawful for the major Part of the Inhabitants present at the Vestry so to be held by Adjournment for the Examination of such Accounts, and they are hereby authorized and required, to charge any such Churchwarden or Chapelwarden respectively with the full Amount of the Sums applotted by any such Applotment, or with so much and such Part thereof as ought to have been and shall not have been received as aforesaid by any such Churchwarden or Chapelwarden respectively, and to charge any such Churchwarden or Chapelwarden with such Sum, as Balance, as shall appear to such Vestry to be due and owing by such Churchwarden or Chapelwarden respectively to such Parish, Union, or Chapelry; and in case it shall happen that any late Churchwardens or Chapelwardens or Warden shall have been in any such Account charged with and have paid any Sum or Sums as aforesaid not actually received, but which ought to have been received by them or him, and the same or any of them shall be afterwards paid to or received by any succeeding Churchwardens or Chapelwardens or Warden, such Sum or Sums so afterwards paid in and received shall be duly accounted for and be paid to such late Churchwardens or Chapelwardens or Warden, their or his Executors or Administrators, by such succeeding Churchwarden or Chapelwarden who shall have received the same, subject nevertheless to such Credits by way of Set-off or otherwise as may lawfully be made in Account against such late Churchwarden or Chapelwarden respectively by such Successor or Successors as aforesaid.

Churchwardens aggrieved by Act of Vestry may appeal to the Quarter Sessions, who may ascertain the Balance due.

XXXV. And be it further enacted, That if any such late Churchwarden or Chapelwarden accounting, or refusing or neglecting to account, shall think himself aggrieved by any Act or Determination of the major Part of the Inhabitants assembled at such adjourned Vestry, in respect of the charging such Churchwarden or Chapelwarden with any such Balance or Sum of Money, it shall and may be lawful for any such late Churchwarden or Chapelwarden respectively, jointly or severally, within Fourteen Days next after and exclusive of the Day of holding such adjourned Vestry, to appeal against such Act or Determination to the Justices at the First General or Quarter Sessions of the Peace, or any Adjournment thereof, to be holden next after the End or Expiration of such Term of Fourteen Days for the County, County of a City, Town, or Place, wherein such adjourned Vestry was so holden: Provided always, that every such late Churchwarden, so appealing, shall give Notice in Writing to the succeeding Churchwardens or Chapelwardens, or One of them, or to the Incumbent or Curate of such Parish, Union, or Chapelry, of such Intention so to appeal, and shall within the said Term of Fourteen Days deliver to some Justice of the Peace of the said County or County of a City, Town, or Place, his or their Appeal in Writing, and on the Day of delivering such Appeal shall enter into Recognizance with Two sufficient Sureties before such Justice, or some other Justice of the

Notice of Appeal.

Peace for the said County, County of a City, Town, or Place, in Double the Amount of the Balance or Sum so as aforesaid at the said adjourned Vestry charged against the Party so appealing, conditioned to prosecute such Appeal, and to abide and submit to the Order or Determination of the Justices at such Sessions, and to pay to the succeeding Churchwardens or Chapelwardens of such Parish, Union, or Chapelry, such Sum or Sums of Money and such Costs as may by the Order or Determination of such Justices be adjudged and awarded to be paid by such Appellant or Appellants; and the Justices at such First or next Sessions of the Peace or Adjournment thereof (of whom the Chairman of the Sessions for the County of *Dublin*, the Recorder of the City of *Dublin* or other County of a City or County of a Town, the Assistant Barrister or Barristers for any County, or the Barrister acting for and in the Place of such Chairman, Recorder, or Assistant Barrister, according to the Place of holding the said Sessions of the Peace as aforesaid, shall always be one), upon due Proof that such Notice of appealing was given, and Recognizance was entered into as required by this Act, shall hear and determine the Matter of such Appeal; and it shall be lawful for such Justices to examine the late and then present Churchwardens or Chapelwardens respectively, or any of them, or any Witness or Witnesses, on Oath, and to take and audit the Accounts of any such late Churchwarden or Chapelwarden, and to strike and ascertain the Balance thereof, after all just Charges and Credits, and to give such Order and Direction in respect of the Payment and Discharge of such Balance, by Instalments or otherwise, as to such Justices shall seem fit, and to award Costs to or against the Person or Persons so appealing, or to or against the then present Churchwardens or Chapelwardens of the said Parish, Union, or Chapelry, as such Justices shall think fit.

Balances may be recovered by succeeding Churchwardens, after the Expiration of Time of Appeal, or after the Order of Sessions.

XXXVI. And be it further enacted, That immediately from and after the Expiration of such Period of Fourteen Days so allowed for such Appeal of such late Churchwardens or Chapelwardens, or from and after the making of the Order or Determination on such Appeal, as the Case may be, (the last of the said Fourteen Days, and the Day of making such Order or Determination being severally excluded), every Sum or Balance due from any such late Churchwarden or Chapelwarden shall be and be deemed and taken in Law as a Debt of such late Churchwarden or Chapelwarden respectively to the Churchwardens or Chapelwardens for the Time being of every such Parish, Union, or Chapelry, and may be sued for, levied, and recovered by the Churchwardens or Chapelwardens for the Time being of such Parish, Union, or Chapelry, (whether such Churchwardens or Chapelwardens shall or shall not be the immediate Successor or Successors of any such late Churchwarden or Chapelwarden,) by Action of Debt, or other proper Action or Suit, in any of His Majesty's Courts at *Dublin*, in which no Essoign, Wager of Law, or Protection, nor more than One Imparlance, shall be allowed; or if such Balance or Sum be under Fifty Pounds, the same may be recovered by Civil Bill, at the Election of the Churchwardens or Chapelwardens respectively who shall sue for the same; and it shall be sufficient for the Plaintiff or Plaintiffs

tiffs respectively to declare and set forth, that the Defendant or Defendants is or are indebted to such Plaintiffs or Plaintiff, as Churchwardens or Chapelwardens or Warden of such Parish, Union, or Chapelry, in the Sum of Money or Balance due by virtue of this present Act, without otherwise or more specially setting forth the Cause of Action or Suit.

Any Balance found due to Churchwarden on his Account, shall be a Charge on the Parish, and assessed accordingly.

XXXVII. And be it further enacted, That in case it shall happen that any Balance or Sum of Money shall be ascertained and finally settled to be due and owing to any late Churchwardens or Chapelwardens or Warden, from the Inhabitants of any Parish, Union, or Chapelry, either at any Vestry holden pursuant to this Act, or by any Justices at Sessions upon the Hearing and Determination of any Appeal under this Act, such Balance shall be and become a Charge on every such Parish, Union, or Chapelry, and shall be added to the Sum and Sums to be contained and assessed in the next immediately following Assessment which shall be made by the Inhabitants or the major Part of them present in Vestry for defraying the Charges of providing Things necessary for the due Celebration of Divine Service in the Church or Chapel of such Union, Parish, or Chapelry, and shall be applotted together with any other Sums so assessed, and shall be received and collected by the Churchwardens or Chapelwardens of such Parish, Union, or Chapelry for the Time being, and shall by them be paid to such late Churchwardens or Chapelwardens or Warden respectively, or their respective Executors or Administrators.

Costs, &c. awarded to be paid by any Churchwarden shall be a Charge on the Parish;

XXXVIII. And be it further enacted, That all Costs which shall or may be awarded to be paid to any Person or Persons so appealing, by any Churchwarden or Chapelwarden for the Time being, and also the Amount of all Costs and Expences necessarily and properly incurred by any Churchwarden or Chapelwarden respectively for the Time being, of any Parish, Union, or Chapelry, in and about the Defence, Recovery, or Support of any Assessment or Applotment as aforesaid, or relating to any Act or Acts in Vestry, and especially if so appealed against in the whole or in part, or in the Defence of any Suit, Action, Appeal, or Proceeding which shall or may be instituted or brought against any such Churchwardens or Chapelwardens respectively, by reason or on account of any Matter or Thing by him or them to be done or committed in pursuance or by virtue or under the Authority of this present Act, or by or under the Authority of the major Part of the Inhabitants of any such Parish, Union, or Chapelry, at any Vestry held under the Provisions of this Act, and all Sums awarded and adjudged in such Suits or Actions to be paid as Damages to the Plaintiff or Plaintiffs, when duly ascertained, shall be and become a Charge on such Parish, Union, or Chapelry, and shall be added to the Amount of the Sums contained and assessed in the next immediately following Assessment which shall be made for defraying the Charges of providing Things necessary for the due Celebration of Divine Service in such Church or Chapel; and shall be duly applotted and levied, together with the other Sums contained in every such Assessment, upon all the Inhabitants of every such Parish, Union, or Chapelry, except such Inhabitants only as shall be entitled,

and shall be applotted on all the Inhabitants, except the Per-

entitled, as Appellants or Defendants or otherwise, to the Receipt of the Sums, or any Part thereof, so to be charged, assessed, and applotted for such Purposes; and all such Sums so to be levied shall be paid and applied or retained to the Use of the Person or Persons respectively entitled to receive such Costs, Damages, or Expences respectively.

sons entitled to receive the Costs as Appellants, &c.

XXXIX. Provided always, and be it enacted, That where any Churchwarden or Chapelwarden, or Person having served the Office of Churchwarden or Chapelwarden of any Parish, Union, or Chapelry, accounting or charged in Account, shall, under the true Intent and Meaning of this present Act, be entitled to the Repayment or Receipt of any Sum or Sums of Money, and it shall in any Case happen that such Sum or Sums shall not be duly assessed, applotted, and repaid to such Churchwarden or Chapelwarden or Person, according to the true Intent and Meaning of this Act, it shall and may be lawful to and for every such Churchwarden or Chapelwarden, or Person as aforesaid, to apply to the High Court of Chancery in *Ireland*, by Petition, for Relief in that behalf; and such Court shall and may, on the Hearing of such Petition in a summary Way, make such Order in the Premises for the assessing and applotting such Money, or for the Repayment of any such Sums of Money, or any Part thereof, by the Churchwardens or Chapelwardens or Warden for the Time being, or by any Inhabitant or Inhabitants of such Parish, Union, or Chapelry, as shall be fit, and shall and may award Costs to and against the Petitioner or Petitioners, and shall and may enforce the Order and Orders to be made on every such Petition by Process of Attachment, Sequestration, Injunction, or otherwise, against such Churchwardens or Chapelwardens or Warden, or Inhabitant or Inhabitants, as the Case may require.

Churchwarden not receiving any Sums due to him on his accounting, may apply to Chancery, who may make a summary Order, and enforce the same by Attachment, &c.

XL. And be it further enacted, That every Assessment and Applotment, and every Act, Order, or Charge made in Vestry, in any Parish, Union, or Chapelry, and every Assessment and Applotment made by Authority of this Act pursuant to such Monition as aforesaid, against which, in the whole or in part, any Appeal is hereby permitted to be made, if not duly appealed from within the Time or Times hereby as aforesaid prescribed for making such Appeals respectively, and every Order and Determination which shall be made by the Justices of the Peace at the Sessions of the Peace, or Adjournment thereof, as herein-before mentioned, which shall be made on the Hearing of any Appeal pursuant to this Act, shall, from and after the Expiration and End of such respective Times within which such respective Appeals are hereby permitted to be made, or from and after the making of the respective Orders or Determinations on the Hearing of such Appeals respectively, as the Case may be, be final, binding, and conclusive to all Intents and Purposes, in Law and Equity, and shall not at any Time or Times thereafter be impeached, questioned, or set aside, or varied by or in any Court of Law or Equity, or in or before any other Court, Jurisdiction, or Place whatever; nor shall any such Order or Determination of the Justices of the Peace be removed or removable by Writ of Certiorari, or other Process, to any of His Majesty's Courts.

All Assessments and the Orders of Vestry not appealed from,

and all Determinations on Appeals, shall be final.

Order of Justices not removable by Certiorari.

Costs of Appeal may be levied against Appellants by Distress under Warrant of Justices, or recovered by Action or Civil Bill.

XLI. And be it further enacted, That it shall be lawful for the Justices at every such Sessions of the Peace or Adjournment thereof as aforesaid, and they are hereby authorized and empowered, by their Order or Warrant, to levy any Costs by them to be awarded or ordered, to be paid by any Person or Persons appealing in manner aforesaid, by Distress and Sale of his or their Cattle, Goods, and Chattels, in case such Person or Persons shall, after Demand made thereof, refuse or neglect to pay the same to the Churchwardens or Chapelwardens respectively to whom the same shall have been so awarded; or it shall and may be lawful for such Churchwardens or Chapelwardens or Warden to sue for and recover from such Person or Persons the Amount of the Costs so awarded, by Action at Law, or, if not exceeding Fifty Pounds, by Civil Bill, at the Election of such Churchwardens or Chapelwardens or Warden.

Where any Church has been made Cathedral and Parochial, &c. and no permanent Agreement exists as to proportioning the Repairs, such Proportion may be settled by the Archbishop or Bishop.

XLII. And be it further enacted, That in all Cases where, under and by virtue of the said Act made in the Parliament of *Ireland* in the Twenty-first Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches*, any Parochial Church shall have been or shall be made Cathedral and Parochial; and in all Cases where, under and by virtue of an Act made in the Parliament of *Ireland* in the Thirty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the repairing of Cathedral Churches, in Cases where the Parish Churches have been long in Ruins*, any Cathedral Church shall have been or shall be made use of as a Parish Church; and it shall happen that no permanent Agreement shall have been or shall be made by and between the Dean and Chapter or the Chapter of such Cathedral Church, testified under their Common Seal, and the Protestant Inhabitants of the Parish or Union in which such Church is or shall be situate, ascertaining the Proportions in which such Deans and Chapters, or Chapters, and the Inhabitants, shall respectively contribute to the putting and keeping in Repair such Cathedral and Parochial Churches, at all Times thereafter when such Repairs shall be required; it shall be lawful for the Archbishop or Bishop of the Diocese in which such Churches are or shall be respectively situate, by any Instrument under his Archiepiscopal or Episcopal Seal, finally to adjust, settle, and ascertain the Proportions in which such Deans and Chapters, or Chapters, and Inhabitants of Parishes, shall so respectively contribute to the rebuilding, enlarging, putting and keeping in repair at all Times thereafter of such Cathedral and Parochial Churches; and the Sums necessary and sufficient for such Purposes shall be from Time to Time apportioned and paid accordingly.

Before Applotment of any Sums for Repairs, the Amount shall be estimated by the Archbishop, &c.

XLIII. And be it further enacted, That the Amount of all and every Sum and Sums which shall from Time to Time be required to be raised, levied, and paid, for the Purpose of rebuilding, enlarging, or putting and keeping in repair of every such Church made Cathedral and Parochial, before any Assessment thereof, or of any Part or Proportion thereof, shall be made on the Inhabitants of any Parish or

Union, shall be from Time to Time estimated, ascertained, and settled by such Archbishop or Bishop as aforesaid; and thereupon such Part and so much of such respective Sums as ought, according to any such permanent Agreement made or to be made as aforesaid, or as shall be settled and ascertained by any such Archbishop or Bishop as aforesaid, to be borne and paid by the Inhabitants of such Parish or Union, and no more, shall with all convenient Speed be assessed on the Inhabitants of such Parish or Union in Vestry, according to the Directions of this Act in other Cases of Assessment; and so much and such Parts of the Amount of such Sum or Sums as ought, according to such Agreement, or according to the Allowance or Direction of such Archbishop or Bishop, to be paid and borne by such Dean and Chapter or Chapters, shall be paid and borne by them accordingly, when and as soon as the Applotment of such Assessment on the Inhabitants of such Parish, Union, or Chapelry, of their Proportion shall have been finally settled and confirmed as aforesaid, and shall be a Charge on the Economy Fund of such Dean and Chapter, or Chapter, or on the Rents, Issues, and Profits of the respective Deaneries, Dignities, Prebends, and Canonries holden by the Dean and the respective Dignitaries, Prebendaries, and Canons, in right of any such Deanery, Dignity, Prebend, or Canonry, in case there shall not be any Economy Fund, or that such Economy Fund shall not be sufficient for the Purpose; and in such Case the whole of such Sum or Sums of Money, or so much as shall be deficient, shall be paid by such Deans, Dignitaries, and Prebendaries, and Canons, out of the Issues and Profits of such their respective Deaneries, Dignities, Prebends, and Canonries, in and according to the Proportions to be settled amongst themselves by such Deans and Chapter or Chapters respectively; and in case such Proportion shall not be so settled, or in case the Sum or Sums which ought so to be paid by such Deans and Chapters, or Chapters, shall not be paid to such Person or Persons as such Archbishop or Bishop shall by Writing signed by him appoint within Thirty Days next after the Confirmation of the Applotment of such Parochial Assessment, it shall be lawful for any such Archbishop or Bishop to settle and ascertain such Proportions as aforesaid, if necessary, and to enforce the Payment of all and every Sum so proportioned, either by such Deans and Chapters, or Chapters, or by such Archbishop or Bishop, by Sequestration of the Rents, Issues, and Profits of any and every such Deanery, Dignity, Prebend, or Canonry, as the Case may require, until such Payment shall be so made by such Dean and Chapter, or Chapter as aforesaid, of the Sum or Sums which they shall be so liable to bear and pay, and of the Costs of such Sequestration.

and the Parish assessed as to their Share.

Sums to be paid by Dean and Chapter shall be a Charge on their Economy Fund, or on the Rents of the Deaneries;

and on Non-payment, the Rents, &c. may be sequestered.

XLIV. And be it further enacted, That a Vestry shall be called and holden on the *Monday* or *Tuesday* in *Easter* Week in every Year, in every Parish, Union, and Chapelry in *Ireland*, for the Election or Nomination or Appointment of Churchwardens or Chapelwardens or Warden, and that such Election or Nomination or Appointment shall be duly entered at such Vestry in the Vestry Book of the Parish, Union, or Chapelry; and that every Person who shall be so elected or nominated or appointed (and not being exempted or disqualified under the Provisions of this Act) shall be deemed and taken to be and is

Election or Appointment of Churchwardens shall be made annually at Vestry on Easter Monday or Tuesday, and an Entry made there-

of, &c. and the Persons so elected, &c. shall be deemed Churchwardens (unless exempted or disqualified by this Act).

is hereby declared to be a legal Churchwarden or Chapelwarden of such Parish, Union, or Chapelry, to all Intents and Purposes, and shall be compelled and compellable (unless in Cases excepted by this Act) to take upon him such Office, and to perform the Duties of the said Office in Person or by Deputy, according to the Directions of this Act; and the Entry of such Election or Nomination or Appointment shall be signed by the Incumbent or Curate, or Minister acting as such, or One of them, and Three of the Inhabitants at least, qualified to vote at such Vestry, if so many Inhabitants shall be present at such Vestry, or otherwise by all the Inhabitants present at such Vestry; and the said Act of Vestry so signed shall be considered and received as conclusive Evidence of the Election, Nomination, or Appointment of such Churchwardens or Chapelwardens, although the same shall not be signed by such Churchwardens or Chapelwardens or either of them.

Churchwarden may be elected in the Room of One deceased, &c.

XLV. And be it further enacted, That in case any Churchwarden or Chapelwarden of any Parish, Chapelry, or Union shall die, or shall become insolvent, or shall be imprisoned for Debt or other Cause, or shall become fugitive from *Ireland*, then and in every such Case it shall and may be lawful for the Vestry duly assembled in such Parish, Chapelry, or Union, after such Notice as by this Act is required, to elect a Churchwarden or Chapelwarden in the Room of such Churchwarden or Chapelwarden so dying, becoming insolvent, imprisoned, or fugitive, and such new Churchwarden or Chapelwarden shall take the Oath prescribed by this Act, and shall be to all Intents and Purposes as fully Churchwarden or Chapelwarden as if he had been elected on the *Easter Monday* or *Tuesday* preceding.

Churchwardens shall take Oath of Office herein set forth.

XLVI. And be it further enacted, That every Person who at any Time after the Commencement of this Act shall be elected or nominated or appointed to be Churchwarden or Chapelwarden, or to be Deputy to any Churchwarden or Chapelwarden of any Parish, Union, or Chapelry in *Ireland*, shall take and subscribe an Oath of Office, in the Form and to the Effect following; (that is to say),

Oath of Office.

'I *A.B.* do swear, That I will truly, impartially, and faithfully execute the Office of Churchwarden or Chapelwarden [*or* Deputy Churchwarden or Chapelwarden] within the Parish [Union *or* Chapelry] of in respect of the Parochial Rates and Assessments, and the Collection and Management of the same, and the other Property and Monies of the said Parish [Union *or* Chapelry.] So help me GOD.'

Oath, &c. to be administered by Incumbent, &c.

And such Oath shall and may be taken, made, and subscribed by any such Person either before the Incumbent or Curate of the Parish, Union, or Chapelry, or before any Ecclesiastical Judge, and which Oath such Incumbent, Curate, or Judge is hereby respectively empowered to administer, and shall administer, without Fee or Reward, to any such Churchwarden or Chapelwarden, or Deputy Churchwarden or Chapelwarden: Provided nevertheless, that the said Oath of Office, or any thing contained therein, shall not be construed to exempt any such Churchwarden or Chapelwarden or Deputy from the

Not to exempt Churchwardens from Duties not specified.

Fulfilment

Fulfilment of any Duty by Law required to be performed by such Churchwarden or Chapelwarden, and not specified in such Oath.

Dissenting Preachers exempted and incapacitated from serving Office of Churchwardens.

XLVII. Provided always, and be it enacted, That every Preacher or Teacher in Holy Orders, or pretended Holy Orders, being a Minister, Preacher, or Teacher of a Congregation, who shall have taken or shall take the Oaths, and who shall have made and subscribed or shall make and subscribe the Declaration required to be taken, made, and subscribed by the said Act made in the Parliament of *Ireland* in the Sixth Year of King *George* the First, for exempting Protestant Dissenters from certain Penalties, shall be thenceforth exempted and incapacitated from being chosen or appointed to bear, and shall be exempted from and incapable of bearing the Office of Churchwarden or Chapelwarden.

Churchwardens may execute Office by Deputy, approved by the Ordinary, &c. who shall take the Oaths, &c. and for whom the Principal shall be answerable.

XLVIII. And be it further enacted, That if any Person (not being a Preacher or Teacher exempted or incapacitated by this Act) who shall at any Time be chosen or otherwise appointed to the Office of Churchwarden or Chapelwarden in any Parish, Union, or Chapelry, within Four Weeks next after his being so chosen or appointed shall state in Writing signed with his Name, to the Minister of such Parish, Union, or Chapelry, that he is desirous of executing the said Office of Churchwarden or Chapelwarden by Deputy, it shall and may be lawful for any such Churchwarden or Chapelwarden to nominate and appoint a good and sufficient Person, who shall be approved by the Incumbent or Curate of such Parish, Union, or Chapelry, to be his Deputy Churchwarden or Chapelwarden; and such Deputy Churchwarden or Chapelwarden shall take and make and subscribe the Oath required by this Act accordingly: Provided always, that every Person who shall execute the Office of a Churchwarden or Chapelwarden by Deputy shall be liable and answerable for all Money which shall come to the Hands of his Deputy by reason of such Office, and for the Acts, Neglects, and Defaults of such Deputy in respect of the Collection and Disposition of the Parish Cesses and Rates, in such and the same Manner, and as fully to all Intents and Purposes as if such Office had been executed in Person by such Churchwarden or Chapelwarden, and as if such Monies and all Sums assessed and applotted in Vestry had come to the Hands of such Churchwarden or Chapelwarden; and every such Churchwarden or Chapelwarden shall account for the same accordingly.

No Person shall serve the Office of Churchwarden for Two successive Years, if any other qualified Person can be found.

XLIX. And be it further enacted, That it shall not be lawful for any Vestry in *Ireland* to elect, nor for any Ordinary, Incumbent, or Curate to appoint any Person to fill the Office of Churchwarden or Chapelwarden in and for any Parish, Union, or Chapelry, for the Year next and immediately succeeding the Year in which such Person shall have served for the whole Period of One entire Year the Office of Churchwarden or Chapelwarden of the same Parish, Chapelry, or Union, in Person or by Deputy, if it shall be made appear to the Satisfaction of such Vestry, Ordinary, Incumbent, or Curate, that there is any other Person liable to serve and duly qualified to exercise such Office in such Parish, Union, or Chapelry.

For providing for the Maintenance of Parish Clerks, Assessments shall be made of certain annual Sums.

L. And be it further enacted, That in every Parish, Union, or Chapelry (not being within the County of the City of *Dublin*, or the Suburbs thereof) in which there shall be a Church or Chapel fit for the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, a Vestry shall be held on the *Monday* or *Tuesday* in *Easter* Week in every Year, and at every such Vestry a Sum shall be assessed for the Maintenance of the Clerk of every such Parish, Union, or Chapelry, and of every Chapel of Ease, in manner following; that is to say, for the Clerk of every such Parish, Chapelry, or Union, in the Church or Chapel whereof there shall be Divine Service usually celebrated, not only on *Sundays* and Festival Days, but also on common Week Days, that is to say, on Two such common Days at least in the Week, a Sum not exceeding Twenty Pounds nor less than Ten Pounds, and in all other Cases a Sum not exceeding Ten Pounds nor less than Five Pounds; and to and for the Clerk of every Chapel of Ease in any Parish or Union in which there shall be a Chapel of Ease used and fit for the Celebration of Divine Service as aforesaid, (except such Chapel of Ease be served only alternately, or in less frequent Turns with the Church of the Parish or Union wherein it is situate,) a Sum not exceeding Ten Pounds nor less than Five Pounds, as and for the Maintenance and Maintenances of every such Clerk respectively for the Year then next ensuing, and in satisfaction and lieu of all other Fees, Dues, or Allowances whatever, alleged or claimed to be payable to such Parish Clerk under any Usage or Custom; and if such Assessment be not so made on the *Monday* or *Tuesday* in *Easter* Week as aforesaid, in any Parish, Union, or Chapelry, every such Parish, Union, or Chapelry shall be charged with the Sums or Maintenance following, as and for the Support of any such Clerk for the Year in and for which such Assessment ought to be made and shall have been omitted to be made; that is to say, with the Sum of Ten Pounds for the Clerk of any such Parish, Chapelry, or Union, in the Church or Chapel whereof Divine Service is usually celebrated in the Church or Chapel on *Sundays*, Festivals and common Days as aforesaid, and in all other Cases with the Sum of Five Pounds; and for the Clerk of every Chapel of Ease in which Divine Service shall be so performed (except in the Case of such Service in Turns as aforesaid) with the Sum of Four Pounds, in satisfaction and lieu of all Dues, Fees, and Allowances as aforesaid, as and for the Maintenance of such respective Clerks for the Year in and for which such respective Assessments ought to be made; and in Cases where such Assessments respectively shall be made, then the Sums respectively to be assessed for the Maintenances of such Clerks respectively, or in Cases where no Assessment shall be made, then the said Sums of Ten Pounds, Five Pounds, or Four Pounds respectively, as the Case may be, shall be added to and shall be equally and fairly applotted amongst the other Sums to be assessed by the Inhabitants or the major Part of them in Vestry, for providing Things necessary for the due Celebration of Divine Service in the Church or Chapel of any such Parish, Union, or Chapelry, on the Inhabitants thereof for the same Year; and the Churchwardens or Chapelwardens or Warden shall collect and cause to be collected all and every Sum and Sums applotted in manner herein provided of and

If Assessment not made, certain lesser Sums shall be chargeable on the Parish.

concerning Sums assessed by the Inhabitants in Vestry as aforesaid, and shall pay over the Amount of such Salaries, when collected, to such Clerks respectively; and in case the Sum or Sums assessed for any such Maintenance, or the Sum or Sums hereby payable in default of Assessment, shall not be paid to such Clerk or Clerks before the First Day of *June* in any Year, it shall be lawful to and for every such Clerk to sue for and recover the Sums respectively so hereby directed to be applotted and paid, by Civil Bill Process against the Churchwardens or Chapelwardens respectively of every such Parish, Union, or Chapelry; and a Certificate, signed by the Incumbent or Curate of such Parish, Union, or Chapelry, stating that such Clerk has performed the Duties of his Office, shall be sufficient Evidence that he has so done, and that he is entitled to such Sum or Sums respectively; and all and every the Sum and Sums which shall be so paid by such Churchwardens or Chapelwardens respectively to such Clerks respectively, if the same shall not have been previously applotted as aforesaid, shall be added to the Sums to be assessed by the next Parochial Assessment, for the providing of Things necessary for the due Celebration of Divine Service in the Church or Chapel thereof, and shall be applotted and collected therewith, and shall be repaid to or retained by such Churchwarden or Chapelwarden respectively.

Remedy for the Clerk, in case of Non-payment.

LI. And be it further enacted, That Overseers for the Purpose of carrying into Execution an Act made in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Relief of poor Infants who are or shall be deserted by their Parents*, or any Act or Acts for amending the same, may be chosen annually at any Vestry holden for any of the Purposes of this Act; and such Election shall be as valid and effectual as if such Overseers were chosen at any Vestry called pursuant to the Directions of the said Acts, any thing in the said Acts to the contrary in anywise notwithstanding.

Overseers may be chosen annually for executing the Act 11 & 12 G. 3.

LII. And be it further enacted, That in case any Incumbent or Curate, or any Minister acting as such, or any Person elected or bound to preside at any Vestry, or any Churchwarden or Chapelwarden, or Persons appointed by the Authority of this present Act to applot any Sum or Sums assessed by the Authority of this present Act, upon the Inhabitants of any Parish, Union, or Chapelry, shall refuse or omit to take on him or them the Office or Duty to which he or they shall be so appointed, or shall refuse or omit to take the Oath of Office required by this Act, or to give or publish any Notice or Notices by this Act required to be by him or them given or published, in the Manner and at the Time or Times respectively by this Act directed or provided, or shall refuse or omit to sign or certify any Act, Instrument, Matter, or Thing by this Act directed to be signed or certified by him or them respectively, or if any Churchwarden or Chapelwarden, or Person appointed to applot any Parish Rate or Cess as by this Act is directed, shall refuse or omit duly to applot the same in the Manner by this Act required, or if any Churchwarden or Chapelwarden shall refuse or omit to make any Assessment for

Penalty on Incumbents, &c. refusing to perform their Duty in execution of this Act.

for the Purposes mentioned in any such Monition to be issued as aforesaid, pursuant to the Command and Requisition thereof, or shall refuse or omit to ascertain, settle, confirm, or make any such Applotment as aforesaid, in default of the Inhabitants of any Parish, Union, or Chapelry, every such Incumbent or Curate, or licensed Minister acting as such, and every such Churchwarden or Chapelwarden, or other Person so offending, shall for every such Offence forfeit the Sum of Twenty Pounds, the one Moiety thereof to such Person as shall sue for the same by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Four Courts in *Dublin*, in which no Essoign, Wager of Law, or Protection, nor more than One Imparlance, shall be allowed, and the other Moiety thereof to be applied by the Incumbent of every such Parish, Union, or Chapelry, towards the building, rebuilding, enlarging, or repairing of the Church or Chapel thereof.

Notices, Assessments, Orders, Warrants, &c. shall not be void for Defect in Form.

LIII. And be it further enacted, That no Notice, Assessment, Applotment, or Confirmation thereof, nor any Act of Vestry, Order, Judgment, Determination, Warrant, Distress, Sale, Appeal, Instrument, or Recognizance had, given, made, provided, or entered into under the Authority or in Execution of this present Act, shall be rendered void, annulled, prejudiced, weakened, or set aside in the whole or in part, for or by reason of any Defect in Form or any other Cause, not being of Substance; and in case any Distress or Distresses shall be made and taken for any Sum or Sums of Money to be levied by virtue of this present Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed Trespassers, on account of any Defect or Want of Form in the Warrant of Distress or any Proceedings thereon; 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 complaining of any such Irregularity shall and may recover full Satisfaction for the special Damage (if any) in any Action for any such Irregularity, if Tender of sufficient Amends shall not be made by or on behalf of the Party distraining before such Action be commenced.

Notice of Action against Justices, Ministers, Churchwardens, &c.

LIV. And be it further enacted, That no Action, Suit, or Proceeding shall be commenced or prosecuted against any Justice of the Peace, or against any Incumbent or Curate, or licensed Minister acting as such, or against any Churchwarden or Chapelwarden, or other Person or Persons, for or by reason of any Act, Matter, or Thing done in pursuance or execution of or authorized by this present Act, until after the Expiration of Thirty Days Notice given to him or them, nor after a sufficient Satisfaction or Tender of Amends shall have been made to the Party or Parties aggrieved, nor after the Expiration of Three Calendar Months next after such Act, Matter, or Thing done; and every such Action or Suit shall be brought in the County, County of a City or Town, where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in any such Action

Limitation of Action Three Months.

Action shall and may, at his Election, plead specially, or shall or may plead 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 of this Act; and if any Replevin shall be brought for any Cattle, Goods, or Chattels seized or distrained by virtue of this Act, it shall be lawful and sufficient 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 any such Distress, or making any other more special Plea, Avowry, or Cognizance; 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 of or 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 as aforesaid for bringing the same, or shall be brought in any other County, County of a City or Town, than as aforesaid, the Jury shall find for the Defendant or Defendants, Avowant or Avowants; and upon such Verdict, or if the Plaintiff or Plaintiffs be nonsuited, or discontinue his, her, or their Action, Suit, or Prosecution after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants, 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: Provided always, that nothing herein contained shall be deemed, taken, or construed to deprive any such Defendant or Defendants, or Avowant or Avowants, of the Benefit and Protection of the Act made in the Parliament of *Ireland* in the Tenth Year of King *Charles* the First, intituled *An Act for Ease in pleading against troublesome and contentious Suits prosecuted against Sheriffs, Justices of the Peace, Mayors, Constables, and certain other Officers, for the lawful Execution of their Office*, or of any other Act of Parliament.

General Issue.

Avowry.

Double Costs.

10 C. 1. (I.)

LV. And be it further enacted, That from and after the Commencement of this Act, no Action, Suit, Civil Bill Process, Complaint, Distress, or Proceeding shall be commenced, brought, exhibited, lodged, made, or taken for the Recovery or Collection of any Sum or Sums assessed or applotted on the Inhabitants of any Parish, Union, or Chapelry, under the Provisions of this Act, unless such Action, Suit, Civil Bill Process, Complaint, Distress, or Proceeding be commenced, brought, exhibited, lodged, made, or taken within Six Years next after such Sum or Sums shall have become due and payable.

Limitation of Actions on Proceedings for Recovery of Assessments.

LVI. And be it further enacted, That this Act may be amended, altered, or repealed in this present Session of Parliament.

Amendment of Act.

Commencement of Act.

LVII. And be it further enacted, That this Act shall take effect and shall commence from and immediately after the First Day of *January* One thousand eight hundred and twenty-seven.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1826.