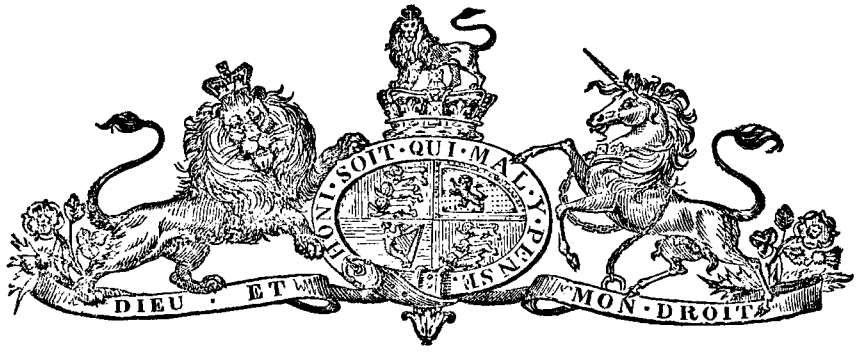


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXIII.

An Act to consolidate and amend the Laws relating to Ecclesiastical Residences in *Ireland*.

[7th *August* 1851.]

WHEREAS it is expedient to consolidate and amend the Laws relating to the building and maintaining and Purchase and Exchange of Ecclesiastical Residences in *Ireland*, and to apportion more justly and equally the Expenditure in respect of such Residences, and render the Liability of Ecclesiastical Persons in respect of Dilapidations less burdensome: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Construction of Terms in this Act.

I. That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something either in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "Ecclesiastical Person" shall comprehend and mean an Archbishop, Bishop, Archdeacon, Dean, Prebendary, Dignitary, Canon, Rector, Vicar, or Perpetual Curate having actual Cure of Souls, and the Incumbent, Chaplain, or

Perpetual Curate of any Parochial or District or Proprietary Chapelry:

The Expression "Bishop" shall comprehend and apply to an Archbishop:

The Expression "Improvement" shall include all Alterations, Additions, and Repairs (annual necessary Repairs of an ordinary Nature only excepted) in, to, and of any Buildings, Walls, or Fences on any Ecclesiastical Residence, or Demesne, Mensal, or Glebe Lands:

The Expression "See," "Benefice," or "Preferment" shall include any united Sees, and permanently united Benefices, or Preferments, so long as the same shall be so united by lawful Authority, and any divided See, Benefice, or Preferment, so long as same shall remain disunited.

With respect to the building and improving Ecclesiastical Residences by way of Memorial, Certificate, and Charge, be it enacted as follows:

Memorial of proposed Building or Improvement to be presented and approved of.

II. That any Ecclesiastical Person, from and after the passing of this Act, intending to erect or make or complete any Building or Improvement on his Demesne, Mensal, or Glebe Lands, and whether on a new or an ancient Site, shall, One Fortnight at the least before he shall have begun to erect or make such Building or Improvement, give unto the Person or Persons who by this Act is or are empowered to grant the Certificate of Charge herein-after mentioned a Memorial in Writing in Three Parts, subscribed with his proper Name and Handwriting, setting forth the Length, Breadth, Height, and Thickness of the Walls of such House or Houses as he intends to build or complete, with the Number of Stories to be contained in the same, together with the Situation of the Ground on which the same are to stand, and a general and sufficient Description of all Houses, Offices, or Buildings, or Parts of such Houses, Offices, or Buildings, Lands or Premises, intended to be improved, and the Occasion for the same, and the Nature and Extent of the intended Improvements, and the maximum Sum proposed to be expended in such Purchase, Buildings, or Improvements, together with an Account or Estimate of the clear yearly Income of his See, Benefice, or other Ecclesiastical Preferment, after all legal Deductions from the same, to be specified in said Memorial or a Schedule thereunto annexed, which said Deductions shall, according to the Circumstances of the Case, comprehend such of the following Particulars as shall be applicable thereto, namely, Tax payable to Ecclesiastical Commissioners, legal Salary of permanent and necessary Curate or Curates, Proxies, Visitation Fees, Charge for Diocesan Schools, Poor's Rate (computed on an Average of Three Years next preceding) on Rentcharge, or other Ecclesiastical Revenues; and the Person

Person or Persons hereby empowered to grant a Certificate of Charge shall, if he or they shall approve of such proposed Buildings or Improvements, in whole or in part, signify in Writing upon the said Memorial his or their Consent to the same, and shall express thereon the Date of such Approval, and cause one Part of such Memorial and Consent, signed by the Person or Persons giving such Consent, to be delivered to the Ecclesiastical Person presenting the same, or his Representatives, and shall cause one other Part of the said Memorial and Approval to be entered at large in the Registry of the Diocese wherein the said Building or Improvements are intended to be erected or made, and shall retain the Third Part thereof for his own Use.

Power to grant a Commission to view and examine Buildings and Improvements made, &c.

III. That the Person or Persons empowered to grant the Certificate of Charge herein-after mentioned shall, at the Request in Writing of any such Ecclesiastical Person who shall have so undertaken any such Buildings or Improvements, in pursuance of a Memorial presented and approved of as aforesaid, or of his personal Representatives, within Twelve Calendar Months after the Completion of said Buildings or Improvements, or, in case of incomplete Buildings or Improvements, within Twelve Calendar Months after the Death or Avoidance of such Ecclesiastical Person, and not later, unless on good and sufficient Reasons appearing to the contrary, and stated in the Commission herein-after mentioned, grant a Commission to Three or more Persons, One of whom shall be a competent Architect, to view and examine such Buildings or Improvements so erected or made as aforesaid, or left incomplete by reason of the Death or Avoidance of such Ecclesiastical Person, and to administer or cause to be administered to the said Commissioners an Oath to return a true and faithful Account and Estimate of the Value of the said Buildings or Improvements so erected or made, and also of the clear yearly Income of the See, Benefice, or Preferment of such Ecclesiastical Person, to be estimated in manner herein-after mentioned, and to report whether the said Buildings or Improvements is or are in conformity with the Terms of the Memorial presented and approved of in that Behalf, and in what respect, if any, the said House, Building, or Improvement varies therefrom, and whether or not the said House, Building, or Improvement is or are of a substantial and suitable Character, and fit and convenient for the Residence of such Ecclesiastical Person and his Successors, to the best of their Skill and Knowledge; and it shall be lawful for any One or more Person or Persons, being a Justice or Justices of the Peace for the County in which such Residence is situate, to administer such Oath to said Commissioners, which Oath shall be administered accordingly; and in case any Ecclesiastical Person shall, in pursuance of any such Memorial and Approval as aforesaid,

Power to administer Oath to Commissioners to return true Account, &c.

aforesaid, have commenced any of such Buildings or Improvements, but shall have died or otherwise avoided his See, Benefice, or Preferment before he shall have completed the same, the Person or Persons granting such Commission shall insert a Clause therein authorizing the said Commissioners to return a just and faithful Account and Estimate of what Sum or Sums of Money shall be necessary to expend in completing such Buildings or Improvements agreeably to such Memorial, so as to render the same fit and convenient for the Residence of the Successors of such Ecclesiastical Person, according to the best of their Skill and Knowledge, and to administer or cause to be administered to such Commissioners an Oath to the Effect last aforesaid in manner aforesaid; and it shall be lawful for the Person or Persons granting such Commission to appoint, if he or they shall so think fit, a competent Builder or Tradesman to make a Survey and Valuation of the said Buildings or Improvements at or previous to the said Inquiry, and to attend and assist the said Commissioners by his Evidence or otherwise, and for the said Person or Persons to direct and determine finally such reasonable Remuneration for such the Services of the said Builder or Tradesman, to be paid by the Person or Persons requiring the said Commission, as to the Person or Persons granting same shall seem fit; and the said Commissioners shall have Power to examine Witnesses on Oath upon any Article of Account given in and alleged to have been expended on the Buildings or Improvements aforesaid, and upon all other Matters connected with the Subject of the said Inquiry, with a view to their forming a correct Estimate of the Value of the said Buildings or Improvements, and the Sum necessary for their Completion; and the said Commissioners shall diligently inquire into and truly report in Writing upon the several Matters directed by the said Commission to be inquired into.

Power to grant Commission to make a Survey and Valuation of Buildings, &c. previous to the said Inquiry.

Upon Return of Commission Lord Lieutenant, &c. empowered to hear and determine Objections as may be taken to Report.

IV. That upon the Return of any such Commission as aforesaid it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, in the Case of an Archbishop, and for the Archbishop of the Province in the Case of a Bishop, and for the Bishop of the Diocese in all other Cases, or for the Vicar General or Commissary of the Diocese in case of the Absence from Ireland or Illness of any Archbishop or Bishop, to hear and determine such Objections as may be had and taken to the said Report, and to confirm, alter, or amend the same, and to grant a Certificate in Writing under his or their Hand or Hands and Seal or Seals, finally ascertaining and declaring the clear yearly Income of the said See, Benefice, or Preferment, and the Sum really and truly expended and laid out on such Buildings or Improvements, and the Amount which of right ought

ought to be chargeable on the See, Benefice, or other Ecclesiastical Preferment in respect of any such Buildings or Improvements made and completed in conformity with such Memorial presented and approved of as aforesaid, and not otherwise, unless on good and sufficient Reason to the contrary, to be stated in Writing on said Certificate, being the full Amount of the Sums of Money really and truly and properly expended on same; but in case any such Ecclesiastical Person shall so as aforesaid have died, or otherwise avoided his See, Benefice, or Preferment, before he shall have completed such Buildings or Improvements pursuant to such Memorial approved of as aforesaid, the said Lord Lieutenant, Archbishop, Bishop of the Diocese, or Vicar General or Commissary, as the Case may be, shall ascertain and determine finally what Sum of Money will be requisite and necessary to be expended in completing the said Buildings or Improvements, and shall deduct the same out of the Sum which the said Ecclesiastical Person or his personal Representative would have been entitled to receive from his Successor by virtue of the Certificate aforesaid in case he had completed the same, and shall grant a Certificate in Writing finally ascertaining and declaring the Sum of Money of right chargeable in respect of same on the said See, Benefice, or Preferment, being the Amount of the Difference between the said Sum to which the said Ecclesiastical Person would have been entitled if he had completed the said Buildings or Improvements, and the Sums necessary to complete the same; and in case the said Buildings or Improvements so left incomplete as aforesaid shall have been afterwards completed by any Successor, in pursuance of said original Memorial, or of any Memorial to be presented by him to and approved of by the Person or Persons hereby authorized to entertain Memorials as aforesaid, it shall be lawful for such Person or Persons to grant to the Ecclesiastical Person who shall have completed the said Buildings or Improvements pursuant to the said Memorial, so as to render the same fit and convenient for the Residence of such Ecclesiastical Person and his Successors, a Certificate ascertaining and declaring the Sum of Money by him expended in completing the said Buildings or Improvements in manner aforesaid, and the Sum of Money which of right ought to be chargeable on the said See, Benefice, or Preferment in respect of the same, in addition to the Sum paid or payable by virtue of any Certificate or Certificates theretofore granted, as if he had been the original Builder or Improver of the same: Provided always, that no Certificate shall be given in respect of any House or Buildings to be erected as aforesaid, unless the same shall be made of Stone and Lime, or Brick and Lime, and timbered in the Roof and in the Floors of such Building or Dwelling House, except the Basement Story, with Oak, Larch, or Fir Timber, (Bog Oak, and Fir if of Home Growth, and American Deal Timber, excepted,)

excepted,) and covered with Slates, Tiles, or with Lead, and leaded in the Gutters and Valleys, and be reported by the Commissioners as aforesaid as built in a substantial and permanent Manner, and as suitable for the Residence of such Ecclesiastical Person and his Successors: Provided also, that no greater Amount shall in any Case be made or become chargeable at any One Time, by virtue of any One or more Certificate or Certificates, in respect of any House, Outhouse, Garden, or other Improvement merely, upon any See, Benefice, or Ecclesiastical Preferment, or Union of Sees, Benefices, or Preferments, than Two Years clear Value or net Income of said See, Benefice, or Preferment, or Union, as aforesaid, to be estimated as herein-after provided and certified as aforesaid; and every such Certificate granted in any of the Cases aforesaid shall, subject to the Power of Appeal herein-after provided, be final and conclusive to all Intents and Purposes whatsoever upon the Propriety and Amount of the said Charge, and every other Matter thereby, pursuant to the Powers aforesaid, adjudicated upon.

No greater Amount shall be made chargeable at One Time than Two Years Income.

Certificate, subject to Power of Appeal, to be final.

Estimate of Income of See or Benefice.

V. That the clear yearly net Income to be mentioned in every such Certificate as aforesaid shall be estimated in respect of the particular See, Benefice, or other Ecclesiastical Preferment only on which such Building or Improvement is purchased or made, and no other, unless the same shall be then permanently united, appropriated, or annexed, by Patent or otherwise, to or with some other See, Benefice, or Ecclesiastical Dignity or Preferment, in which Case said Certificate shall contain a true Statement of the clear yearly net Income of the said several united or consolidated Sees, Benefices, Dignities, or Preferments holden by such Ecclesiastical Person at the Time of making such Purchase, Building, or Improvement, and shall be calculated so as to deduct therefrom the permanent and annual Deductions herein-before mentioned, and payable thereout or affecting same.

Amount certified to be a Charge on the Ecclesiastical Emoluments of the See, &c.

VI. That the Amount so certified as aforesaid by such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or by such Archbishop, Bishop, or Vicar General or Commissary, shall from the Date of such Certificate be deemed and taken to be a Charge or Incumbrance on the Ecclesiastical Emoluments or Profits of the See, Benefice, or Preferment holden by such Ecclesiastical Person making or completing such Purchase, Building, or Improvement, at the Time of his making or completing the same; and after Provision made for all proper and necessary Outgoings and Charges in respect of the said See, Benefice, or Preferment, including a competent Provision for the Person or Persons discharging the actual Cure of Souls in the said See, Benefice, or Preferment, such Charge,

Charge, and every Sequestration issued in respect thereof in manner herein-after mentioned, shall be paramount to all other Charges and Incumbrances and Sequestrations whatsoever, and shall be payable in preference thereto, excepting only Sequestrations issued in pursuance of an Act passed in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland; and such Charge, on the Death of any Ecclesiastical Person liable to the Payment thereof, shall be deemed and taken to be and shall rank as a Judgment Debt of such deceased Ecclesiastical Person, and be paid as such, as if a Judgment had been duly acknowledged by or entered against him during his Lifetime by the Person or Persons then entitled to the Charge, for the Amount of the said then existing Charge, and immediately after all the *bonâ fide* Judgments, Crown Bonds, and Recognizances entered up, acknowledged, or executed by him during his Lifetime. 3 & 4 W. 4. c. 37.

Registry of Certificate.

VII. That such Certificate of Charge granted as aforesaid shall, within Six Months from the granting of the same, be entered of Record in the public Registry of the Diocese to which the same relates, and in default thereof the said Charge shall not, nor shall any Sequestration issued thereon, be entitled to any Preference or Priority by virtue of this Act, nor shall the said Certificate, until registered, have any Effect or Operation whatsoever to charge said See, Benefice, or Preferment; and the Exemplification of such Certificate, so registered, under the Hand and Seal of the Archbishop or Bishop of the Diocese, shall be as good and effectual in the Law to all Intents and Purposes, at any Trial or other Proceeding at Law or in Equity, as if the Original of the same had been produced; and that any Person shall, upon Demand, and Payment of a Sum not exceeding Twopence for each Seventy-two Words thereof, be entitled to have from the Registrar of said Diocese a certified Copy of every such registered Memorial and Certificate of Charge in respect of any See, Benefice, or Preferment, and shall be entitled, upon Demand, and Payment of a Fee not exceeding Five Shillings to a Memorandum of Search in respect of such registered Certificate and Memorial, certified by the Registrar to set forth correctly the Date and material Contents of all such Certificates and Memorials as shall have been registered theretofore.

And with respect to the Apportionment of the said Charges as between the Ecclesiastical Person obtaining such Certificate and his Successors, and the Time and Manner of recovering the same, be it enacted as follows:

Charge to be subject to progressive

VIII. That every such Charge in respect of any Building or Improvement made as aforesaid shall be subject to a fixed annual Decline

Diminution in respect of Lapse of Time.

Decline or Reduction in respect of Lapse of Time by a Sum equal to and at the Rate of Two Pounds Ten Shillings for every Hundred Pounds of the Amount originally charged by the said Certificate for every Year and proportional Part of a Year that shall elapse while such Ecclesiastical Person claiming by himself or his Representatives to be entitled to the Benefit of the same shall have been entitled to the Rents, Issues, and Profits of the See, Benefice, or Ecclesiastical Preferment upon which the same is made chargeable, until the entire Amount thereof shall have been thereby extinguished: Provided always, that in respect of the Ecclesiastical Person who shall have obtained the said Certificate, and his Representatives, such Charge shall not be subject to any such Reduction in respect of Lapse of Time, until, in the Case of any Purchase or building of a new House or Offices, after the Expiration of the full Term of Five Years, and in all other Cases until after the Expiration of Three Years from the Date of the Approval of the Person or Persons hereby authorized thereto to the Memorial presented by or on behalf of the said Ecclesiastical Person, or such Part of the said aforesaid Term as such Ecclesiastical Person shall continue to hold the said See, Benefice, or Preferment, and in every such Case the said Charge shall begin to decline from and after the Expiration of the said Term of Years commencing from the Date of the said Approval, or from the Death or Avoidance of such Ecclesiastical Person (whichever shall first take place), and not sooner.

Saving in favour of the Person building.

Charge payable in respect of complete Buildings.

IX. That every such Ecclesiastical Person, or his personal Representative, having obtained a Certificate of Charge as aforesaid, shall have, receive, and recover from his next Successor or his Representative the full Amount stated and certified in such Certificate as of right chargeable on the said See, Benefice, or Preferment, reduced by said Deduction in respect of Lapse of Time (if any), or such Instalments and proportional Part of any Instalment thereof as shall accrue due while such Successor has been entitled to the Profits and Emoluments of the said See, Benefice, or Preferment, and such next Successor, or his Representatives, having paid the Amount charged by the said Certificate, reduced as aforesaid, or such Instalments or proportional Part of any such Instalment, shall have, receive, and recover from his next Successor or his Representatives the Amount actually paid to the Predecessor or his Representatives, subject to the like Reduction in respect of Lapse of Time; and such last-mentioned and every subsequent Successor, and his and their Representatives, shall be in like Manner entitled to have, receive, and recover from his or their next Successors, or his or their Representatives, the Sum or Sums which he or they shall have respectively paid to his or their Predecessor or Predecessors,

or

or his or their Representative, subject in all Cases to a like Reduction in respect of Lapse of Time, until the entire Amount of the said original Charge shall have been thereby paid off or extinguished.

Time and Manner of recovering Charge.

X. That the several Sums made chargeable and payable by virtue of any such Certificate as aforesaid, reduced by such Deductions (if any) as aforesaid, shall be paid by each Successor chargeable therewith respectively, or his Representatives, to the Person entitled to receive the same, in all Cases by Four equal Instalments, the first thereof to become payable at the End or Expiration of One Year from the Death or Removal of the Predecessor entitled to such Charge, and the other Three Instalments at successive Intervals of Six Months therefrom; and the same, and every proportional Part thereof made payable by this Act, may, after the Intervals aforesaid, be recovered by the Ecclesiastical Person entitled to recover the same, or his Representatives, either by Distress on any of the Lands or Tenements of the See, Benefice, or Preferment belonging to the Successor hereby required to pay the same, or by Sequestration of the Profits and Emoluments of the said See, Benefice, or Preferment, after due Provision made for such Person or Persons as shall discharge the actual Cure of Souls in the said See, Benefice, or Preferment, (which Sequestration is to be made and granted by the Person or Persons for the Time being empowered to grant such Certificate of Charge as herein-before mentioned, or in case such See, Benefice, or Preferment is already under Sequestration at the Time that any such Charge or Instalment thereof shall become due, it shall be lawful for the Person so authorized to issue a Sequestration as aforesaid instead thereof to make an Order on the Sequestrator to pay such Instalment or Charge so due or to accrue due, without issuing any further or other Sequestration for that Purpose,) or by Action of Debt or Assumpsit in any of Her Majesty's Superior Courts of Law in *Ireland* against such Successor or his Representatives; and in any such Action or Suit it shall be a sufficient Statement of the Cause of Action in the Declaration to declare for the Amount of such Instalment of the said Charge, or such proportional Part thereof, as due by the Defendant to the Plaintiff, according to the Form, as nearly as may be, of the usual common indebitatus Counts in Assumpsit or in Debt.

By Distress, Sequestration, or Action.

And with respect to the Persons who shall in certain Cases be deemed Successors, be it enacted as follows:

Successor dying or avoiding before entire Charge payable.

XI. Where any such Successor as aforesaid shall die, or otherwise avoid such See, Benefice, or Preferment, before the entire Amount of the said Instalments, or any of them, in respect of the said Charge, shall have become payable, such Successor and his Representatives shall in such Case be liable only to the Payment of such Instalments

as have actually accrued due during his Incumbency, and for such a Part of the Instalment then running due as shall be proportioned to the Time that shall have elapsed from the Date of the Avoidance of the Predecessor, or from the Accrual of the preceding Instalment to the Day of the Death or Avoidance of such Successor; and the Residue of the said running Instalment, or such Part thereof as shall be proportioned to the Period of his Incumbency, shall be paid and payable by the next Successor, who shall in such Case, and to the Extent of the Instalments afterwards to accrue, and the Balance of any running Instalment, be deemed and taken to be the Successor for all the Purposes of this Act.

Successor proving insolvent, Charge recoverable from next Successor.

XII. That in case any such Ecclesiastical Person or his Representatives as aforesaid entitled to any such original or reduced Charge shall, by reason of the Insolvency of any such Successor, or of his Estate, after having, to the Satisfaction of the Person or Persons empowered to entertain Memorials in that Behalf, with all due Expedition proceeded to enforce Payment of said Charge, or Instalments or proportional Part thereof, have failed to recover the Amount of the said Charge, or such Instalment or proportional Part thereof, as against such Successor or his Representative, it shall be lawful for the said Ecclesiastical Person or his Representatives, by and with the Consent of such Person or Persons empowered as aforesaid first had under his or their Hand and official Seal, such Consent not being given until after due Notice to the Person to be made liable in respect thereof, who, if he shall so desire it, shall be heard in opposition thereto, to demand and recover the Amount of the said Charge, Instalment or proportional Part thereof, or the Residue thereof then remaining due and unpaid, from the next Successor of such insolvent Successor, who shall, to the Extent of such Charge so remaining due, be deemed and taken to be the next Successor of the Ecclesiastical Person entitled to the said Charge; and it shall be lawful for such last-mentioned Successor to deduct and retain from such Ecclesiastical Person so in default, or his Representatives, any Proportion of the Profits and Emoluments of the said See, Benefice, or Preferment to which the said Ecclesiastical Person might have been entitled, to the Extent of the said annual Reduction of Two Pounds Ten Shillings *per Annum* on each One hundred Pounds of the said original Charge which the Estate of the said insolvent Successor should have borne if the said Charge or Instalment had been duly paid.

Successor in case of Union of Sees or Benefices.

XIII. That in case any such See, Benefice, or other Ecclesiastical Preferment upon which there shall be a subsisting Charge by virtue of any such Certificate as aforesaid shall thereafter become lawfully and permanently united, by Patent or otherwise, with any other See, Benefice,

Benefice, or Preferment, or Portion of any See, Benefice, or Preferment, the Ecclesiastical Person for the Time being holding such united Sees, Benefices, or Preferments shall be deemed and taken to be the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act; and the Sum then remaining due and payable in respect of any such Certificate shall be and continue a Charge on the said See, Benefice, or Preferment theretofore liable thereto, in like Manner, and shall be payable by the like Instalments, and in the same Priority, as if the said Union had not taken place.

Successor in case of Division or Disappropriation of Benefices.

XIV. That in case any Parish or other Ecclesiastical Preferment shall be lawfully divided, or any Parish or Parishes, or Ecclesiastical Preferment or Preferments, or Part or Parts thereof, theretofore united or appropriated to any See, Dignity, or Benefice, or other Ecclesiastical Preferment, shall be separated or disappropriated therefrom, whereon any such Charge as aforesaid shall be subsisting at the Time of said Division or Separation or Disappropriation, the Incumbent or other Ecclesiastical Person for the Time being entitled to the Rents, Issues, and Profits of the Part of the said divided, disunited, or disappropriate Parish, Dignity, or Preferment, or Part of a Parish or Preferment, on which the said Building or Improvement shall have been made, shall be deemed and taken to be exclusively the Successor of the Ecclesiastical Person entitled to the Charge, to all Intents and Purposes of this Act, notwithstanding that the Amount of the then existing Charge shall exceed Two Years Income of the said Parish or Preferment, or Part of a Parish or Preferment: Provided always, that the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland*, upon any such Division or Separation or Disappropriation of any such Parish or Parishes or Ecclesiastical Preferment, or Parts of any Parish or Preferment, upon which any such Charge shall be then subsisting, shall have regard to such Charge, with a view to its Apportionment; and it shall and may be lawful for them to apportion any such Charge as they shall think just and reasonable upon the several Parishes or Preferments, or Parts of Parishes or Preferments, theretofore united; and the respective Incumbents of the said divided Parishes or Parts of Parishes, and their respective Successors therein, shall in respect of such apportioned Parts of the said Charge be deemed and taken to be respectively the Successors of the Ecclesiastical Persons entitled to said Charge, to all Intents and Purposes of this Act.

Apportionment by Lord Lieutenant and Council.

Successor paying only Part of Charge may

XV. That where any Ecclesiastical Person chargeable with the Amount of such original or reduced Charge as aforesaid, or all or any of the Instalments thereof, or proportionate Part thereof, shall have paid

recover same against his Successor.

paid but a Part thereof to the Ecclesiastical Person entitled to the same, or his Representative, such Person or his Representative making such partial Payment as aforesaid shall be entitled to have, receive, and recover from the next Successor or his Representatives so much of the said Charge as he or they shall have actually paid, reduced by said Deduction in respect of Lapse of Time as aforesaid, but subject to the Priority of the Demand of the Ecclesiastical Person or his Representatives entitled to the Residue of the said then existing Charge, which shall be paramount, and paid in preference thereto, to be recoverable by any of the Means aforesaid: Provided always, that no Successor liable to the Payment of the said divided Charge, or his Representatives, shall in any Case whatever be liable for any greater Sum in the aggregate than the Amount of the said original Charge, reduced by Deduction in respect of Lapse of Time accrued at the Death or Avoidance of his next immediate Predecessor.

And with respect to the compulsory building of Glebe Houses in certain Cases, be it enacted as follows:

Ordinary may direct Residence to be built.

XVI. That every Archdeacon, Dean, Dignitary, Prebendary, Rector, Vicar, Perpetual or Impropriate Curate, having actual Cure of Souls, and admitted into any One or more Benefice or Benefices or other Ecclesiastical Preferments, which, either singly or jointly, produce a clear yearly Income of One hundred Pounds or upwards, and having no House of Residence thereon fit and convenient for the Residence of said Ecclesiastical Person and his Successors, but having upon any One of said Benefices or Preferments, or being for that Purpose lawfully endowed with, such Portion of Glebe or Mensal Lands within or adjacent to the said Benefice or Preferment as the Archbishop or Bishop of the Diocese shall judge fit and convenient for building thereon, shall, after he shall have been Three Years in possession of the said Benefice or Benefices or other Ecclesiastical Preferments, and within a Time certain, to be limited and appointed by the Archbishop or Bishop of the Diocese, build and improve upon such Glebe or Mensal Lands by erecting a suitable Dwelling House and Offices in conformity with a Memorial to be presented and approved of in manner aforesaid; and in case any such Ecclesiastical Person shall neglect or refuse to make such Building and Improvements within the Time so limited as aforesaid, it shall be lawful for the Archbishop or Bishop of the Diocese to sequester a Moiety of the Profits of such Benefice or Benefices or Preferments until a Sum not exceeding Two Years Income of such Benefice or Benefices or Preferments shall be received, to be laid out and expended in making said Improvements on the said Glebe or Mensal Lands as aforesaid, though

though such Ecclesiastical Person shall decline or omit to present a Memorial as aforesaid; and the said Ecclesiastical Person or his Representatives shall, upon the Completion of the said Buildings or Improvements during the Period of his Incumbency, or, in case of the same being left incomplete by reason of his Death or Avoidance, immediately thereafter, be entitled to demand and have a Certificate of Charge in respect of the said Building or Improvements completed or left incomplete, for the like Amount, and of the like Nature and Effect in all respects, as if such Ecclesiastical Person had himself voluntarily undertaken such Buildings or Improvements; and in case the Incumbency of the said Ecclesiastical Person so declining shall determine before the said Buildings or Improvements shall have been commenced, or before the required Amount shall have been levied (in which latter Case it shall be lawful for the Bishop of the Diocese to require and enforce in like Manner the Contribution of the Balance necessary to complete the said Sum from the Successor or Successors of said Ecclesiastical Person), the Incumbent so avoiding, or his Representative, shall be entitled to a Certificate of Charge for the Amount actually levied during the Incumbency, after deducting the Expense of levying same; and the Successor, having paid the same, and the Balance aforesaid, or any Part thereof, shall be entitled to a Certificate of Charge for the entire Amount so paid of the like Nature and Effect as if the Charge were obtained in respect of Buildings voluntarily undertaken.

Money levied to be expended under Directions of the Bishop.

XVII. That the Money so to be raised shall, after Payment of the Charges of levying same, be paid, either altogether or in Parcels, at the Discretion of the Bishop of the Diocese, into the Hands of such Person or Persons as shall be nominated and appointed by the said Bishop or Archbishop of the Diocese, by Writing under his Hand, to receive and apply the same for the Purpose of making such Buildings or Improvements, after such Nominee shall have given Security by Bond to the Bishop or Archbishop of the Diocese, with sufficient Surety, in double the Sum so raised, with Condition for his duly applying and accounting for the same according to the Provisions of this Act; and the Person or Persons so to be nominated shall enter into Contracts with proper Persons for such Buildings or Improvements as shall be approved of by the said Bishop or Archbishop, and shall be specified in a Memorial in Writing subscribed with the Hand of such Person or Persons so nominated as aforesaid, and countersigned with the Signature of the said Bishop or Archbishop approving of the same (a Copy of which Memorial shall be registered at large in the Registry of the Diocese, and shall for this Purpose be in the Room and Stead of a Memorial presented by the Ecclesiastical Person holding the said See, Benefice, or Preferment); and the

said Person or Persons so nominated shall inspect and have the Care of the Execution of such Contracts, and shall pay the Money for such Buildings or Improvements according to the Terms of the said Agreement, and shall take proper Receipts and Vouchers for the same; and as soon as the said Buildings or Improvements shall be completed, and the Money paid for the same, such Person so nominated as aforesaid shall make out an Account of his Receipts and Payments, together with the Vouchers for the same, and enter them in a Book, fairly written, which shall be signed by him, and laid before the Bishop or Archbishop of the Diocese, and examined by him; and, when allowed by Writing under the Hand of such Bishop or Archbishop, such Allowance shall be a full Discharge to the Person so nominated in respect of the said Accounts and the Expenditure of the said Monies; and if any Balance shall remain in the Hands of such Nominee the same shall be returned to the Ecclesiastical Person whose Benefice or Preferment was put under Sequestration as aforesaid, or his Representatives, and shall be considered in estimating the Amount payable under any such Certificate of Charge.

And with respect to the building and improving of Ecclesiastical Residences by means of Money raised on Mortgage, be it enacted as follows:

Inquiry and Report of Building and Improvements necessary.

XVIII. That if by reason of the Inability of any Ecclesiastical Person having no sufficient House of Residence, or having a Residence requiring substantial and permanent Improvement, to advance the necessary Sums of Money for building or improving such House of Residence on his See, Benefice, or Preferment, or for any other sufficient Reason, it shall appear proper and expedient so to do, it shall be lawful for the Person or Persons hereby empowered in that Behalf to grant a Certificate of Charge in respect of the building or improving of any such Residence to grant a Commission to Two or more fit and proper Persons, One of whom shall be an Architect, directing them to inquire whether there is a fit House of Residence within the said See, Benefice, or Preferment, and what are the net annual Profits of the same, and whether a fit House of Residence can be provided on the Demesne, Mensal, or Glebe Lands belonging to the said See, Benefice, or Preferment, or to view and examine the existing Buildings or Improvements, and inquire and report whether the same are in need of any and what permanent or substantial Repairs, Additions, Alterations, or Improvements; and such Commissioners shall be sworn truly and faithfully to inquire and report upon the Matters so referred to them, in the same Manner, and shall have the like Powers and Authorities to examine Witnesses, as the Commis-

Commissioners of Valuation of Buildings pursuant to Memorial, and shall, if necessary, have the Assistance of One or more Builders or Tradesmen, to be nominated by the Person or Persons issuing the said Commission, and shall annex to their Report a Certificate of the actual State and Condition of the Buildings, if any, and of the Value of the Timber and other Materials, if any, thereupon, fit to be employed in building or repairing the said House of Residence, or to be sold, and a Plan or Estimate of the Work fit and proper to be done for building or improving such House of Residence, with all necessary and convenient Offices, to be signed by such Builder or Tradesman; and thereupon such Person or Persons receiving said Report shall cause to be transmitted to the Ecclesiastical Person holding such See, Benefice, or Preferment a Copy of the said Report, Estimate, and Plan, and shall hear and determine such Objections as may be had, preferred, and taken to the said Report or any Part thereof, in Writing, within Two Calendar Months from the Transmission of the said Report, and shall confirm, alter, or amend the same as he or they shall think fit; and thereupon such Report, so amended or confirmed, shall be entered at large in the Registry of the Diocese.

Estimated Expense to be raised on Mortgage.

XIX. That it shall be lawful for such Person or Persons empowered to entertain Memorials as aforesaid, upon the Confirmation of any such Report recommending that any such Building or Improvements shall be made, by Mortgage of the Demesne, Mensal, or Glebe Lands, Tithes, Rents, and other Profits and Emoluments arising from such See, Benefice, or Preferment, to raise such Sum as the said Estimate may amount to (together with the Costs of such Commission of Inquiry and Report), after deducting the Value of any Timber or other Materials which may be thought proper to be sold, such Sum not exceeding in the whole Two Years net Income of such See, Benefice, or Preferment, to be calculated in manner aforesaid; which said Mortgage shall be made to the Person or Persons advancing the Money so to be raised for the Term of Thirty-five Years, or until the Principal Money, with Interest for the same, and the Costs of recovering the same, shall be paid and satisfied in manner herein-after mentioned, and shall be by Deed or Deeds in the Form or to the Effect in that Behalf contained in the Schedule to this Act annexed, and shall be effectual to bind such Ecclesiastical Person and his Successors until said Principal Money, Interest, and Costs shall be fully paid and satisfied; and such Mortgagee shall execute a Counterpart of such Mortgage, to be kept by the Ecclesiastical Person holding such See, Benefice, or Preferment for the Time being, and a Copy thereof shall be registered in the Registry of the Diocese.

XX. That

As to the Repayment of Amount of Mortgage and Interest.

XX. That every Ecclesiastical Person entitled to the Profits and Emoluments of such See, Benefice, or Preferment charged with any such Mortgage as aforesaid, and his Successors for the Time being, and his and their personal Representatives respectively, shall be liable to, and shall, from and after the Expiration of the First Year of the said Term of Thirty-five Years (in which Year no Part of the Principal Sum borrowed shall be repayable), yearly and every Year, such Year to be computed from the Date of the said Mortgage, pay to the Mortgagee, his Executors, Administrators, or Assigns, One Thirtieth Part of the Principal Sum, until the whole thereof shall be repaid, and shall at the End of the First and every succeeding Year pay the yearly Interest on the Principal Sum, or so much thereof as shall from Time to Time remain unpaid; and in case of the Avoidance of any such See, Benefice, or Preferment, by Death or otherwise, the Sum payable at the End of any Year in which the said Avoidance shall occur shall be apportioned between the Successor and the Ecclesiastical Person avoiding such See, Benefice, or Preferment, in such Proportion as the Profits of such See, Benefice, or Preferment shall have been received by him for the Year in which such Death or Avoidance shall have happened; and in case such Successor and the Ecclesiastical Person so avoiding, or his Representative, cannot agree in adjusting such Proportion, the same shall be finally determined by the Person or Persons empowered to entertain Memorials as aforesaid; and such Principal, Interest, and Costs, and such proportional Part of the same, may be recovered by such Mortgagee, his Executors or Administrators, by Action of Debt in any of the Superior Courts of Law, or in case the same shall be in arrear and unpaid for the Space of Forty Days after the same shall become due, by Distress and Sale, in such Manner as Rents may be recovered by Landlords or Lessors from their Tenants by the Laws in being; and in such last-mentioned Case it shall be lawful for the Person or Persons empowered to borrow the said Money on Mortgage as aforesaid to sequester the Profits of such See, Benefice, or Preferment till such Payment shall be made.

As to the Expenditure of the Money in building or improving.

XXI. That the Money so to be raised by Mortgage as aforesaid shall, after Payment of the Costs of the said Commission of Inquiry and Report, be paid, altogether or in Parcels, at the Discretion of the Person or Persons empowered to borrow the same, into the Hands of such Person or Persons as shall be nominated and appointed by him or them, by Writing under his or their Hands; and so much thereof as shall be necessary shall be applied and dealt with in the Manner prescribed in respect of building of Glebe Houses, under Directions of the Ordinary in default of the Ecclesiastical Person directed to build, or as nearly thereto as the Circumstances will admit; and the Balance

Balance remaining, if any, shall be applied in part Discharge of the Principal Money secured by the said Mortgage, at the Discretion of the Person or Persons borrowing same.

Power to contract for the Purchase of suitable Glebe Houses.

XXII. That it shall be lawful for the Bishop of any Diocese, in any Case in which a House of Residence shall be necessary to be provided for the Rector, Vicar, or other Incumbent of any Benefice, Parochial or District Chapelry, or Perpetual Curacy, having actual Cure of Souls, and cannot be conveniently erected on the Glebe of such Benefice, Chapelry, or Curacy, or in case there shall be no Glebe appertaining thereto, to contract for the absolute Purchase of any House or Buildings, with or without a suitable Portion of Land, conveniently situate for the Residence of such Rector, Vicar, Chaplain, or Curate, or to contract for any Land upon which a House of Residence can be conveniently built, and for the Erection of the said House of Residence thereon, and to raise the Purchase Money thereof, and the necessary Expenses of erecting the same, by Mortgage of the Glebe, Rent-charge, and Emoluments of such Benefice, Chapelry, or Curacy, in the same Manner in all respects as is provided with respect to Mortgages herein-before authorized; and the Principal Money, Interest, and Costs secured by the said Mortgage shall be repayable by the Rector, Vicar, or other Incumbent for the Time being, and his Successors, and recoverable against him and his personal Representatives, in the like Manner and to the same Extent as is herein-before provided in respect to the aforesaid Mortgages: Provided always, that no greater Sum shall be charged upon any such Benefice, Chapelry, or Curacy, under the Authority of the foregoing Provision, than Two Years net Income of such Benefice, Chapelry, or Curacy, after deducting all necessary Outgoings and Charges thereon in manner aforesaid.

And with respect to the providing by way of Endowment of Glebe Lands and Houses by well-disposed Persons desirous to promote the Residence of a Minister to officiate in any Church, Parochial Chapelry, or Perpetual Curacy, be it enacted as follows:

As to Endowment of Glebe Lands or Houses by Deed or Will.

XXIII. That it shall be lawful for any Person, Body Politic or Corporate, having in his own Right, or in right of their Corporate Body, an Estate in Fee Simple, Fee Tail, or Fee Farm, in possession, reversion, or contingency, in Lands, Tenements, or Hereditaments, and having legal Capacity to dispose of the same, whether in his or their own Behalf, or in pursuance of any Trust theretofore created, by any Deed duly executed under his Hand and Seal, and in the Case of Her Majesty and Her Successors by Deed under the Great Seal of *Ireland*, and in the Case of a Corporation aggregate by Deed under

the Corporate Seal, such Deed to be registered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, within Six Months after the Execution thereof, or in case of a private Person by last Will and Testament in Writing duly executed at the least Three Calendar Months before the Death of the said Testator, and duly registered in the Registry of the Diocese within Six Months after his Decease, without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any Estate Tail, to grant or to devise to the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having no House of Residence or Glebe Lands, or an insufficient or inconvenient House of Residence or Quantity of Glebe Land belonging thereto, and his Successors, or to any Person or Persons or Corporation, in trust for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, then or thereafter, and within the Time herein-after provided, erected and constituted by lawful Authority in any Parish or District, any House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements, as a House of Residence or Conveniency or as Glebe Lands for such Church, Chapelry, or Curacy, whether lying within the local Limits of such Benefice, Chapelry, or Curacy, or not; provided that the same be deemed by the Bishop of the Diocese suitable and conveniently situate for the actual Residence and Occupation or Enjoyment of the Incumbent, Chaplain, or Curate thereof, and his Successors; and provided also, that such Lands, together with the former Glebe of such existing Church, Chapelry, or Curacy, shall not exceed Forty Acres at the most, and that such Grant or Devise shall be null and void as to the Excess thereof, but shall be valid and effectual as to the Residue; and such House, Outhouse, Yard, Garden, Orchard, Easement, Lands, or Tenements shall, from and after such Grant or Devise thereof, registered and enrolled as aforesaid, and the Death of any such Testator, for ever be deemed and taken to be the Glebe House, Outhouse, Office, Yard, Garden, Orchard, Easement, and Glebe Land of such Church, Chapelry, or Curacy, to all Intents and Purposes, and shall be vested in the Incumbent, Chaplain, or Curate thereof, and his Successors for ever, or in case of there being no such Incumbent, Chaplain, or Curate at the Date of such Grant, or the Death of such Testator, or afterwards, the same shall be vested in the Bishop of the said Diocese, and his Successors, or in such Trustee or Trustees as shall be nominated by such Benefactor, and the Survivor of them, and the Heirs of such Survivor, in trust for and unto and to the Use of such Incumbent, Chaplain, or Curate as shall be thereafter duly nominated and appointed thereto, until there shall be such Incumbent, Chaplain, or Curate there established, and until such Incumbent, Chaplain, or Curate,

Curate, and his Successors, shall be constituted a Corporation sole capable of perpetual Succession, and then and from thenceforth to the sole Use of such Incumbent, Chaplain, or Curate, and his Successors for ever.

As to Endowment of Purchase Money to build Glebe House.

XXIV. That it shall be lawful for any Person or Persons, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by any Deed duly executed under his Hand and Seal, or by last Will and Testament to be executed at the least Three Calendar Months before his Decease, such Deed or Will to be registered and enrolled in manner aforesaid, to give or bequeath any Sum of Money not exceeding Five hundred Pounds to the Bishop or Archbishop of any Diocese, or to any Person or Persons or Body Corporate, towards or in trust for the Erection or Purchase of a House of Residence, and together with or without a convenient Portion of Land thereunto annexed, for the Incumbent, Chaplain, or Curate of any Church, Parochial or District Chapelry, or Perpetual Curacy, then or thereafter, and within the Time herein-after provided, to be erected and constituted by lawful Authority, and not having a suitable Residence thereunto belonging, and his Successors for ever, or for any Improvements thereon, to be for such Purposes applied according to the Will and Desire of such Benefactor by said Deed or Will expressed, with the Consent and Approbation of the Ordinary of the Diocese, and, in default of such Direction, in such Manner as shall be directed and approved by the Bishop with the Consent of the Incumbent, Chaplain, or Curate, in case there be any such then existing; and thereupon such Buildings or Improvements shall be made or purchased accordingly, as soon as same conveniently may be after the Execution of the said Deed or the Death of such Testator, by the Person or Persons nominated by the said Benefactor, with the Consent of the Ordinary of the Diocese as aforesaid, or by the Ordinary of the Diocese, with the Consent of the Incumbent, Chaplain, or Curate aforesaid, in case there shall be such; and such Person or Persons or Body Corporate so nominated as aforesaid, and such Ordinary of the Diocese, shall have full Capacity and Ability to purchase, take, and enjoy, for the Purpose aforesaid, as well from such Benefactor as from all other Persons willing to sell or alien, any Lands, Tenements, Goods, or Chattels necessary for the Purpose aforesaid: Provided always, that if any such Grant or Bequest shall exceed the Amount herein-before mentioned the same shall be void as to the Excess only, and shall be valid and effectual as to the Residue.

As to Endowment of Lands not convenient to be exchanged

XXV. That it shall be lawful for any Archbishop, Bishop, Archdeacon, Dean, Dean and Chapter, Dignitary, or Prebendary, with such Consents as are herein-after mentioned, and for any Person or Persons

for suitable Glebe.

Persons being a Tenant in Fee Simple or Fee Tail or Fee Farm in possession, and for any Body Politic or Corporate having Lands or Tenements in Fee Simple or Fee Farm, and having legal Capacity to dispose of the same without any Licence of Alienation or in Mortmain, and without any Deed disentailing or destroying any such Estate Tail, to grant any such Lands or Tenements not exceeding Ten Acres for Glebe to any Church, Parochial Chapelry, or Perpetual Curacy, at whatever Distance the same may be therefrom, to the Intent that such Lands may be afterwards exchanged for other Lands lying near the Church, Chapelry, or Curacy, and more convenient for the Residence of the Incumbent, Chaplain, or Curate thereof: Provided always, that any such Grant by any Archbishop or Bishop shall be with the Consent of his Dean and Chapter respectively, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese; and any Grant by any Archdeacon, Dean, or Dean and Chapter, Dignitary, or Prebendary shall be with the Consent of the Archbishop or Bishop of the Diocese, such Consent to be signified in all Cases by a Certificate in Writing, attested by the Hand and Seal of such Ecclesiastical Person or the Corporate Seal of such Corporate Body.

As to Endowment in trust for Chapelry or Curacy to be void unless erected within reasonable Time.

XXVI. That every such Grant, Devise, or Bequest of any Lands or Tenements, Hereditaments, or Money, as and for or in trust for the Endowment of any Parochial Chapelry or Perpetual Curacy not then already erected and constituted by lawful Authority, shall, from and after the Expiration of Five Years from the Execution of such Deed or the Death of such Testator, at the Election of the Grantor or Donor, or his Representative, be null and void to all Intents and Purposes, unless such Parochial Chapelry or Perpetual Curacy shall have been in the meanwhile erected and constituted by lawful Authority; and every such Lands and Tenements granted to the Intent that same might be exchanged shall be absolutely null and void, unless an Exchange for other Lands lying nearer and more convenient be made and perfected within the Space of Two Years from the making of such Grant; and such Lands, Tenements, or Benefactions shall from thenceforth revert to and to the Use of the said Benefactor, his Heirs, Executors, or Administrators: Provided always, that it shall be lawful for the Bishop of the Diocese, by Certificate under his Hand and Seal, to be deposited in the Registry of the Diocese, a Counterpart thereof to be transmitted to the Lord Lieutenant of *Ireland*, for good and sufficient Reason appearing to the said Bishop, and stated in the said Certificate, to enlarge or vary the Time herein-before allowed, and such Allowance of the said Bishop shall be valid and effectual, unless the same shall be disallowed by the said Lord Lieutenant and Privy Council of *Ireland*.

And with respect to Dilapidations suffered or committed in or upon Ecclesiastical Residences, be it enacted as follows:

Power to issue Commission for inquiring into Dilapidations.

XXVII. That in case the Mansion House, Buildings, Offices, Gardens, Orchards, Fences, or other Improvements belonging to any See, Benefice, or Preferment shall have been suffered to fall into Decay for Want of proper annual and necessary Repairs, whether before or after the passing of this Act, and whether by the Neglect of the Ecclesiastical Person for the Time being holding such See, Benefice, or Preferment, or any of his Predecessors, it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building, upon Complaint of such Dilapidations by the Successor of any Ecclesiastical Person having died or otherwise avoided such See, Benefice, or Preferment, or, in default of such Complaint made within Three Calendar Months after the Nomination, Induction, Installation, or Enthronement of such Successor, on the Application of the Ecclesiastical Person so vacating as aforesaid, or his Representatives, or, in the Case of Dilapidations suffered by any Ecclesiastical Person then holding such See, Benefice, or Preferment, upon the Report in Writing of the Rural Dean, or good and sufficient Reasons appearing to such Person or Persons empowered as aforesaid, to issue a Commission to Three or more Persons, One of whom shall be a competent Architect, to be sworn to view and examine the said House of Residence, Buildings, or Improvements, and the said Demesne, Mensal, or Glebe Lands, and well and truly to report on the Matters referred to them by such Commission, in like Manner and with such Powers and Authorities as in the Case of Commissioners of Valuation of new Buildings herein-before mentioned; and the said Commissioners shall have full Power and lawful Authority to enter upon and examine the said Buildings or Improvements and the said Lands, and, with the Assistance of a Builder or Tradesman to be nominated by the Person or Persons issuing the said Commission, and of One other Builder or Tradesman to be nominated by the Ecclesiastical Person sought to be charged, or his Representatives, if he or they shall so think fit, who shall have full Power to enter and make a Survey and Examination of the said House or Offices at or previous to said Inquiry, to inquire and report the Nature and Extent of such Dilapidations or Waste, and the Sum of Money which they shall judge to be necessary for the effectual repairing of all such Defects as shall so have happened by means of such Dilapidations as aforesaid, and to restore the same to such staunch and habitable Order and Condition as that the same may be fit and proper for the Residence of the said Ecclesiastical Person and his Successors, and the Nature of such Repairs, and the Manner in which same should be executed, and whether immediately or at some future Time, and the probable Cost and Expense of effecting the said Repairs or Improve-

Improvements, and the Amount which the Ecclesiastical Person holding or vacating such See, Benefice, or Preferment should contribute to any such prospective Repairs or Improvements: Provided always, that in case of Dilapidations arising from the Want of any permanent and substantial Repairs and Improvements, and occasioned by inevitable Accident, and without wilful Default, and which might be effected by way of Memorial and Charge, or by Money raised on Mortgage repayable in manner aforesaid, it shall be lawful for the said Commissioners and they are hereby required to make a special Report in respect thereof, with a view to the Exemption of same from any such Estimate of Dilapidation chargeable against any such Ecclesiastical Person, and the Execution of the said Repairs, by Money raised by way of Charge or Mortgage, and in such Case to inquire and report whether or not due and reasonable Diligence has been exercised in effecting of the said Repairs in a timely and seasonable Manner, by Memorial or otherwise, and also, in Cases of Dilapidations committed or suffered previous to the Incumbency of the Ecclesiastical Person sought to be charged, to inquire and report whether such Ecclesiastical Person used all reasonable Diligence to obtain and enforce a Certificate of Charge in respect thereof against his Predecessor or his Representatives, and failed to do so from good and sufficient Causes; and upon the Return of such Commission, and Report made thereunder, it shall be lawful for the Person or Persons empowered to entertain Memorials in that Behalf to hear and determine all Objections that may be had or taken in Writing within the Space of Three Months after the Date thereof to the Matter of the said Report or any Part thereof, and to confirm, alter, or amend the same, if he or they shall so think fit, and to moderate and reduce such Charges in respect of Dilapidations, and to determine what Portion of such Repairs shall be done and executed at the Charge and Expense of such Ecclesiastical Person or his personal Representative, and what Part thereof shall be done and executed by Money raised by way of Charge or by Money raised on Mortgage in manner aforesaid, and to fix a Time for the Execution of the Repairs of such Dilapidations respectively, and to declare by whom and when the Costs of said Commission shall be paid; and thereupon the said Repairs and Improvements so directed to be done and executed by way of Memorial and Charge, or by Money raised on Mortgage, shall be done and executed accordingly in manner aforesaid, and said Costs shall be paid as declared; and the Ecclesiastical Person holding such See, Benefice, or Preferment on which such Dilapidations shall have been incurred or suffered shall, within the Time specified by such Persons as aforesaid, effectually repair all such Dilapidations and Defects as have so happened, and execute all such Repairs and Work upon the said Residence as by the said Ordinary

Ordinary shall be declared to be chargeable against him, and pay such Costs as may be adjudged against him; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished such Ecclesiastical Person in that Behalf) to sequester the Profits and Emoluments of such See, Benefice, or Preferment, or a competent Portion thereof, after due Provision made for the Person or Persons who shall discharge the actual Cure of Souls in said See, Benefice, or Preferment, until a Sum shall be received sufficient to answer the Purposes of the said Repairs, and the Costs of the said Commission and Monition; and the Money so to be raised, after defraying such Expenses, shall be applied and expended, under the Management of a Person nominated by such Person so authorized as aforesaid, on the Repairs mentioned in the said Report, and approved of as aforesaid, in like Manner as is herein-before provided in the Case of building of Ecclesiastical Residences upon default of an Ecclesiastical Person required to build as aforesaid; and upon the Report of such Commissioners that the said Dilapidations have been thoroughly repaired, and upon such Report being confirmed and approved by a Certificate under the Hand and Seal of the Person so authorized as aforesaid, and which Report and Certificate shall be thereupon entered at large in the Registry of the Diocese, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Report to the Period to be therein stated by the said Commissioners when said Dilapidation has been thoroughly repaired.

Upon Confirmation of Report as to Dilapidations a Certificate of Allowance to be granted in respect to the same.

XXVIII. That upon the Confirmation of any such Report in respect of Dilapidations suffered by any Predecessor, the Person or Persons confirming the same shall grant a Certificate of the Amount, ascertained in manner aforesaid as chargeable against such Predecessor or his Representatives; and it shall be lawful for the Ecclesiastical Person obtaining such Certificate to deduct the Amount thereof from any Building Charge to which the said Predecessor or his Representatives may be entitled, and, at his Election, to be notified by any Writing under his Hand and Seal to be registered in the Registry of the Diocese, to make such Deduction immediately after his Induction or Installation or Enthronement, and before he shall have become a Successor chargeable as aforesaid with the entire Amount of said Charge, and such Money shall thereupon be expended and laid out in the effecting of the necessary Repairs, and such Charge shall thereupon, as against such Successor expending the same, be subject to Set-off to the Extent of such Deduction accordingly; and in case there shall be no such Charge existing, or in case the Amount of such existing Charge shall be less than the Sum allowed

allowed in respect of such Dilapidations, it shall be lawful for the said Ecclesiastical Person or his Representative to institute his Suit in the Ecclesiastical Court of the Diocese in which such Predecessor shall then be an Incumbent against such Predecessor, or, in case of an Archbishop or Bishop, to apply to the Person or Persons authorized to entertain Memorials in that Behalf for a Sequestration of any See, Benefice, or Preferment of which the said Ecclesiastical Person may then happen to be in possession, and which Sequestration of One Half of the annual Profits of such See, Benefice, or Preferment, or such other lesser Proportion thereof as shall be sufficient for the Purpose, said Person or Persons empowered as aforesaid shall, on the Production of such Report and Certificate of Allowance in respect of Dilapidations, and at the Expiration of One Year after such Ecclesiastical Person shall have been so in possession of the said See, Benefice, or Preferment, be at liberty to issue, and to direct the Sums so levied to be paid over to the said Ecclesiastical Person or his personal Representatives, in satisfaction of such Claim for Dilapidations, together with the Costs of such Proceeding, or in case of a prior Sequestration of the said Profits being in force, it shall be lawful for such Person as aforesaid to order the Sequestrator to pay such Ecclesiastical Person, or his Representatives, such Proportion of the said Profits as aforesaid; and it shall be also competent to any such Ecclesiastical Person, or his personal Representatives, having obtained such Certificate of Allowance in respect of Dilapidations against any such Predecessor or his personal Representatives, at his or their Election, to recover the Amount thereof by Action of Debt or on the Case in any of Her Majesty's Superior Courts of Record in *Ireland;* and in every such Action or Proceeding such Report of the said Commissioners, confirmed or altered as aforesaid, and such Certificate of Allowance made thereupon, or examined and certified Copies thereof, shall be received as Evidence of the Existence, Nature, and Amount of such Dilapidations for or against either of such Ecclesiastical Persons or their Representatives.

As to Expenditure of Money recovered in respect of Dilapidations, &c.

XXIX. That the Amount so recovered or deducted in respect of any Dilapidations or Waste by any such Successor shall be by him laid out and expended in the Repair of such House, Buildings, or Improvements, or the Restoration and Improvement of the said Demesne, Mensal, or Glebe Lands, in conformity with the Report of the said Commissioners; and such Successor, or his Representative, shall, within the Space of Twelve Calendar Months after the Date of such Certificate of Allowance of Dilapidation, produce to the Person or Persons empowered to grant the same proper Vouchers or other Evidence to his or their Satisfaction to show that the said Sum has been justly and properly expended thereon, or shall establish to his or their Satisfaction that all reasonable Diligence has been exercised

exercised to enforce the Recovery thereof; and in default thereof it shall be lawful for the Person or Persons empowered to grant such Certificate to sequester the entire of the Rents, Issues, and Profits of the Benefice or Preferment of the said Ecclesiastical Person until, after the Payment of all necessary Charges and Outgoings, including a Provision for such as shall have Cure of Souls in the said Benefice or Preferment, a Sum shall be received sufficient to effect such Repairs, and to restore and improve the said Lands; and the Money so to be raised shall be applied and expended under the Management of a Person or Persons to be nominated by the Person or Persons issuing such Sequestration, or empowered thereto, upon the Repairs and Improvements mentioned in the said Report, and approved of by the said Person or Persons, in like Manner as is herein-before mentioned in the Case of Buildings of Ecclesiastical Residences upon default of an Ecclesiastical Person required so to do, or shall be applied in part Payment under any Estimates in respect of the said Repairs given to the Ordinary in manner aforesaid, or in part Payment of the Principal Money of any Mortgage of the Issues and Profits of the said Benefice granted in manner aforesaid; and in case it shall happen that the Ecclesiastical Person recovering or being allowed said Sum in respect of Dilapidations suffered by his Predecessor shall die before the same shall have been expended on such Repairs or Improvements, in such Case the immediate Successor of the said Ecclesiastical Person shall in like Manner have, receive, and recover from the Representative of such Ecclesiastical Person the Amount so recovered or allowed, but not expended on said Repairs or Improvements, by Action of Debt in any of Her Majesty's Superior Courts of Record in *Ireland*, or deduct the same from any Sum payable to him on account of any Charge as aforesaid, and shall expend and lay out the same in manner aforesaid, and subject to the like Penalties and Forfeitures as aforesaid: Provided always, that in case it shall appear that all due and reasonable Diligence has been exercised to enforce the Payment of the Amount of such Certificate without Effect, and that the Estate of the Predecessor chargeable as aforesaid is insolvent, it shall be lawful for the Person or Persons empowered to grant Certificates as aforesaid, by a Memorandum in Writing endorsed on or annexed to said Report, to permit and approve of such Repairs being done by Memorial and Charge, or by Money raised on Mortgage, such Memorandum setting forth the Grounds of such Allowance.

And whereas it is expedient to enable Ecclesiastical Persons to call for Inspection of their Residences, and to exonerate themselves from Charge as to Dilapidations by Execution of such Repairs as may be reported necessary: Be it enacted as follows:

XXX. That

Power to issue a Commission to inspect and examine Houses, &c. of Ecclesiastical Persons.

XXX. That it shall be lawful for the Person or Persons hereby empowered to entertain Memorials for building Ecclesiastical Residences, upon the Application in Writing of any One or more Ecclesiastical Person or Persons holding any See, Benefice, or Preferment, to issue a Commission, to be directed to Three or more fit and proper Persons, and One of whom shall be a competent Architect, to inspect and examine all and every of the several Houses, Buildings, and Improvements, Lands and Premises, of such Ecclesiastical Person or Persons in the said Commission mentioned, in pursuance of such Requisition or Requisitions, which said Commissioners shall be sworn to inquire and report the Matters referred by the said Commission, in the like Manner, and shall have the same Powers and Authorities, and the like Assistance of One or more Builders or Workmen, to be nominated by the Person or Persons issuing the said Commission, as Commissioners of Valuation of Buildings erected in pursuance of a Memorial as aforesaid, and shall inquire and report whether each and every of the said Buildings and Improvements, Lands and Tenements, is and are in good and sufficient Repair at the Time of such Inspection, and the Nature and Extent of the Dilapidations arising from Want of proper annual and necessary Repairs, or from the Neglect of timely Execution of permanent and substantial Repairs, or from wilful Default, and the Nature of the Repairs necessary to make good such Dilapidations, and whether the said Residences respectively stand in need of any and what permanent and substantial Repairs or Improvements, and the Sum of Money which they shall judge to be necessary to be expended upon the Repairs of such Dilapidations, and the effecting of such permanent Repairs and Improvements, and the Manner in which, and the Time or Times at and within which, such Repairs or Improvements respectively shall be made, distinguishing such as may be required immediately from such as may be required at a future Period; and upon the Return of the said Commission and Report it shall be lawful for the Person or Persons empowered to entertain Memorials as aforesaid to hear and determine such Objections as may be had and taken in Writing within Three Calendar Months after the Date thereof to the said Report or any Part thereof, and to confirm, alter, or amend the same as he or they shall think fit, and to fix a Time for the Repairs of such Dilapidations, and also, having regard to the Time and Manner in which such Dilapidations shall have accrued, and whether due Diligence shall have been exercised for the Purpose of obtaining or enforcing against any Predecessor or his Representatives the Amount of any Charge for Dilapidations, to determine whether such permanent Repairs and Improvements shall be executed by the Ecclesiastical Person holding such See, Benefice, or Preferment at his own proper

proper Cost and Charge, or by way of Memorial and Charge, or by Money raised on Mortgage in manner aforesaid, and thereupon the said Report so amended or confirmed shall be entered at large in the Registry of the Diocese; and the Ecclesiastical Person holding such See, Benefice, or Preferment, and applying for such Inspection, shall, within the Time specified by such Person as aforesaid, effectually repair all such Dilapidations, and such Defects as may have happened by reason thereof as aforesaid, and execute all such Repairs and Works as by the said Report shall be required; and in default thereof it shall be lawful for the Person or Persons so empowered as aforesaid (having previously admonished him as aforesaid) to sequester such Portion of the Rents and Profits of such See, Benefice, or Preferment, and apply the Proceeds of the same, in like Manner as herein-before mentioned on a Commission issued on Complaint made of Dilapidations as aforesaid; and upon the Report of such Commissioners, approved and entered at large in the Registry of the Diocese as aforesaid, that such Dilapidations as shall have been so declared chargeable against such Ecclesiastical Person have been thoroughly repaired, such Ecclesiastical Person and his Representatives shall be thenceforth for ever discharged from all further Claim or Demand in respect of Dilapidations incurred at or previous to the Date of such Inspection, to the Period to be therein stated by the said Commissioners when the said Dilapidations shall have been thoroughly repaired; and upon the Execution of any such permanent Repairs or Improvements as aforesaid being duly reported, the said Ecclesiastical Person or his Representatives shall be entitled to a Certificate of Charge of the like Nature and Effect as if executed pursuant to a Memorial presented and approved of as aforesaid: Provided always, that in respect of any Glebe House belonging to any such Parochial Church, Chapelry, or Perpetual Curacy, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, with the Consent of the Incumbent, to authorize and require the Rural Dean, with the Assistance of the Diocesan Architect or his sufficient Deputy, to be approved by said Bishop in Writing, from Time to Time to make an Inspection of such Glebe Houses, Buildings, and Improvements, Lands and Tenements, being within the District of such Rural Dean, and to report on the Condition of the same, in like Manner and with the Authorities of the said Commissioners in case of Inspection herein-before mentioned; and such Report may be objected to, altered and confirmed, registered and enforced, in like Manner and shall have the like Effect as the Report of such Commissioners as aforesaid; and upon a Certificate of the said Rural Dean, and Architect or Deputy, as aforesaid, that such Repairs have been executed in pursuance thereof, the Incumbent or his Representatives shall

On Report of Commissioners that Dilapidations have been repaired, Ecclesiastical Person discharged from further Claim, &c.

shall be entitled to the like Exoneration or Certificate of Charge as aforesaid.

As to Condemnation of Residences and unnecessary Offices.

XXXI. That in all Cases in which, upon any Inspection, it shall appear to the Commissioners, or Rural Dean and Architect, making the same, that any such Ecclesiastical Residence, or any Part or Offices thereof, is or are too ancient or decayed to be repaired, or is or are wholly or in part unnecessary or unsuitable for the Use and Residence of such Ecclesiastical Person and his Successors, having regard to the Income of such Ecclesiastical Person, the Situation and State of Repair of said Residence, or other Circumstances which the said Commissioners shall deem important in that Behalf, it shall be lawful for the said Commissioners and they are hereby required to make a Report thereof to the Person or Persons issuing the said Commission, together with the Grounds and Circumstances upon which the said Report is founded, and the Manner in which, in the Opinion of the said Commissioners, it would be most advisable to deal with such Residences or any Portion thereof so reported unworthy of Repair, or useless or unsuitable, and also to report whether or not any existing Charge in respect of any such Ecclesiastical Residence should be affected or reduced, and if so to what Extent, in case any such Buildings or Offices should be condemned; and it shall be lawful for the Person or Persons issuing the said Commission, upon the Return of any such Commission and Report, to hear and determine any Objections that may be had or taken to the said Report or any Part thereof, and to confirm, alter, or amend the same wholly or in part, as shall to him or them seem fit, and to condemn such House or Buildings or any Part thereof to be pulled down and destroyed, or otherwise sold, converted, and disposed of, as shall seem to him or them proper and expedient in that Behalf, and reduce any existing Charge affecting such Benefice in Amount in respect thereof, and to require and direct, if he or they shall so think fit, in the Manner herein-before provided, a new House of Residence or Building to be erected or purchased on the same or a different Site, and, in case the Sale of the Materials of which such former Residence or Portion thereof was composed shall be directed and had, to apply the Produce of such Sale in the building or improving of such Ecclesiastical Residence in manner aforesaid, so far as such Produce will extend.

As to Sale of unsuitable Residence.

XXXII. That in case it shall happen that any such Ecclesiastical Residence, or in case the Glebe or Mensal Land belonging to any See, Benefice, or Preferment having no Residence, is placed in an unhealthy or inconvenient Situation, or is otherwise unsuitable for the Residence of any such Ecclesiastical Person and his Successors, from

from the Income of such Ecclesiastical Person, or from its Situation or State of Repair or other Circumstances, and shall be so reported by the Commissioners aforesaid, it shall be lawful for the Person or Persons issuing the said Commission to direct and authorize the Sale of such Residence and the Appurtenances belonging thereto, and a Portion of the Glebe Land contiguous thereto, not exceeding Twenty Acres in the whole, to any Person, Body Politic or Corporate, either altogether or in Parcels, for such Sum or Sums of Money as to such Person or Persons issuing such Commission as aforesaid shall appear reasonable; and thereupon it shall be lawful for such Ecclesiastical Person, and he is hereby empowered, by and with the Consent of such Person or Persons empowered to issue such Commission as aforesaid, to be signified by his or their Execution of the Deed of Conveyance hereby authorized to be made, absolutely to sell such House of Residence and Appurtenances, with such contiguous Land as aforesaid, or such Glebe Land, to any Person or Persons, Body Politic or Corporate, either altogether or in Parcels, and upon Payment of the Purchase Money thereof to such Person or Persons as the Person or Persons empowered to issue such Commission shall nominate, by Deed indented, to convey and assure such House of Residence, Land, and Appurtenances unto and to the Use of the Purchaser or Purchasers, his or their Heirs or Assigns or Successors, or as he or they shall direct or appoint; and the Receipt of such Person or Persons so nominated shall be an effectual Discharge to such Purchaser or Purchasers paying such Monies or such Parts thereof as in such Receipts shall be expressed, who shall be thereupon discharged from the said Monies, and shall not be accountable for the Loss or Misapplication of the said Monies or any Part thereof; and the Monies to arise from such Sale or Sales shall, after Payment of all Costs, Charges, or Expenses of such Sale, if it shall be sufficient thereto, be applied by the Person or Persons so nominated to receive the same in and towards the Erection or Purchase of some other suitable Residence or Land in the Manner herein-before provided in respect of building of Ecclesiastical Residences on the Default of the Ecclesiastical Person required to build the same; and the Residue of the Money, if any, shall be applied towards the Extinguishment of any existing Charge upon the said Benefice or Preferment, or shall be otherwise applied in permanent and useful Improvements on the said Ecclesiastical Residence or Glebe Lands, as the Person or Persons empowered to issue such Commission shall approve; but if such Purchase Money shall prove insufficient for the Purchase or Erection of a Residence or Land as aforesaid, it shall be lawful for the Person entitled to issue said Commission as aforesaid to require and enforce the Contribution of the Balance from the Ecclesiastical Person for the Time being holding said See, Benefice, or Preferment, or to raise the Amount upon Mortgage in manner aforesaid.

 XXXIII. That

Certificate in respect of new Residence to discharge all Liability and Charges in respect of former Residence.

XXXIII. That where any such Ecclesiastical Person shall have obtained a Certificate of Charge in respect of any Purchase, Building, or Improvement of any new House of Residence, such Ecclesiastical Person and his Successors shall not be bound to keep the former Residence or Offices in repair, nor shall he or they be entitled to have, receive, or recover any Sum of Money from his or their Successors on account of the Purchase, Building, or Improvement of the former House of Residence the Site whereof shall have been changed.

Charge to be extinct on Sale or Exchange of Residence.

XXXIV. That when any such Ecclesiastical Person shall have sold, exchanged, or disposed of any Ecclesiastical Residence in respect of which any such Charge shall have been then subsisting, the Person so purchasing or taking said Residence in Exchange shall hold same thenceforth freed and discharged from said Charge.

And whereas it is expedient that Decisions in respect of Building Charges, Dilapidations, and the Purchase and Sale of Ecclesiastical Residences, should be uniform, and subject to Correction in case of Error: Be it therefore enacted as follows:

Appeal from Decisions as to Buildings and Dilapidations.

XXXV. That it shall be competent for any Ecclesiastical Person, or his personal Representative, who shall feel himself aggrieved by any Order to be pronounced by any Person herein-before authorized in that Behalf, requiring him to build or improve the House of Residence of such Ecclesiastical Person, or by any Refusal of Permission to build or improve the same, or by any Allowance or Disallowance of any Claim for building or improving any such House of Residence, or for or in respect of Dilapidations committed or suffered in respect thereof, or by any Order in respect of the Sale of any Ecclesiastical Residence, or touching any Charge in respect of the said Residence, within Twelve Calendar Months after the making the Order or Refusal complained of, to appeal in a summary Way from any such Decision of a Bishop or his Vicar General to the Archbishop of the Province, or in his Absence to his Vicar General, and from the Decision of any Archbishop or his Vicar General to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and Six or more of the Privy Council of *Ireland*, being Members of the Established Church, who shall respectively have full Power and Authority to make such Order as to him or them shall seem fit in the Premises, and with respect to the Costs of the Appeal, and to grant, confirm, alter, or amend any Certificate made or refused in respect thereof; and such Order and Certificate so made, granted, confirmed, altered, or amended, shall be of the like Force and Effect as if it had been made by the Person from whose Decision such Appeal shall have been had, and shall be entered in the Registry of the Diocese in like Manner.

And with respect to the Purchase of Residences, and Demesne, Mensal, and Glebe Lands, by Ecclesiastical Persons, pursuant to Memorial and Charges in respect thereof, and the Exchange of inconvenient Residences, be it enacted as follows:

As to Purchase of Residences.

XXXVI. That it shall be lawful for any Ecclesiastical Person having no House of Residence belonging to his See, Benefice, or Preferment, or a House of Residence unsuitable or inconveniently situate, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials in that Behalf, to be certified under his or their Hands and Seals, upon a Memorial to be presented in like Manner and Form (so far as the Circumstances of the Case may admit) as in the Case of building of Residences as aforesaid, by any Deed or Deeds to be registered and enrolled in the Manner hereinafter mentioned, to purchase to him and his Successors for ever any House of Residence already built within or convenient to his See, Benefice, or Preferment, with suitable Lands and Conveniences thereto belonging, or any Lands or Tenements fit for such Buildings and Conveniences for the Residence of such Ecclesiastical Person and his Successors, such Lands to be from thenceforth Part of the Demesne, Mensal, or Glebe Lands of such Ecclesiastical Person and his Successors for ever; and the Purchase Money for the same, and the Charges and Expenses of building or improving the said Residence (not exceeding in the whole Two Years net Income of such See, Benefice, or Preferment), shall be ascertained and certified in like Manner as herein-before provided in respect of Buildings erected pursuant to Memorial, and such Certificate shall be of the like Force and Effect, and the Amount therein mentioned shall be paid and recovered in like Manner: Provided always, that no such Certificate shall be given in respect of the Purchase of any House, Building, Office, or Lands, unless the same shall be purchased by such Ecclesiastical Person in Fee Simple or in Fee Farm, subject to such Rent as shall be mentioned in the said Memorial, and approved of as aforesaid.

As to Purchase of Demesne, Mensal, and Glebe Lands.

XXXVII. That it shall be lawful for any Archbishop or Bishop having not more than One hundred Acres of Demesne Lands annexed to his See, and for any Rector, Vicar, or other Incumbent of any Benefice, Parochial Chapelry, or Perpetual Curacy, not having more than Five Acres of Glebe belonging to his Benefice, Chapelry, or Curacy, by and with the Consent of the Person or Persons by this Act empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being Party to the Deed or Instrument of Purchase, by

by any Deed or Instrument in Writing, to be registered and enrolled in the Manner herein-after mentioned, to purchase to him and his Successors for ever any Lands within the Limits of his See, Benefice, or Preferment, or immediately adjacent and convenient thereto, not exceeding in Quantity, in the Case of an Archbishop or Bishop, the Number of Two hundred Acres, and in the Case of a Rector, Incumbent, or Curate, Twenty Acres, upon which Purchase there may be reserved out of said Lands any yearly Rent not exceeding One Half of the improved Value of said Lands at the Time of the Purchase thereof, which said Rent so reserved shall be a Charge on the said Lands so purchased in the Hands of such Ecclesiastical Person and his Successors for ever; and such Lands so purchased shall be and continue the Demesne or Glebe Lands of such See, Benefice, or Curacy, to all Intents and Purposes; and every such Ecclesiastical Person who shall have purchased said Lands, or his personal Representative, shall be entitled to demand and have a Certificate of Charge on such See, Benefice, or Curacy, (not exceeding Two Years net Income thereof,) for the Amount of the Purchase Money thereof, of the like Nature, Force, and Effect as a Charge for building or improving of Ecclesiastical Residences pursuant to Memorial.

Exchange of inconvenient Residences and Lands.

XXXVIII. That it shall be lawful for any Ecclesiastical Person having a House of Residence, Office, or Demesne, Mensal or Glebe Lands, belonging to his See, Dignity, Benefice, or other Preferment, Parochial Chapelry, or Perpetual Curacy, inconveniently situate for the Discharge of the Duties of such Ecclesiastical Person, or situate in an unhealthy Situation, by and with the Consent of the Person or Persons hereby empowered to entertain Memorials as aforesaid, to be testified under his Hand and Seal at the Foot of a Memorial to be presented and approved of as in the Case of building of Ecclesiastical Residences, or by his being a Party to the Deed or Instrument of Exchange, (and in the Case of a Benefice, Perpetual Curacy, or Chapelry, by and with the further Consent of the Patron thereof, to be signified and expressed by signing and sealing the Deed of Exchange,) by any Deed to be registered and enrolled in the Manner herein-after mentioned, to exchange the whole or any Part of the Demesne, Mensal, or Glebe Lands of such See, Dignity, Benefice, Chapelry, or Curacy, or any Residence, Offices, Easements, or Appurtenances thereunto belonging, and situate in an inconvenient or unhealthy Situation, with any Archbishop, Bishop, Dean, Dean and Chapter, Rector, or other Person, Body Politic or Corporate, whether aggregate or sole, ecclesiastical or lay, for Lands or any Residence, Offices, Easements, or Appurtenances of greater or equal Value, Worth, and Purchase, and being held in Fee Simple, and lying convenient to the Cathedral Church or Chapel of such Ecclesiastical Person,

and

and situate in a suitable and healthful Situation: Provided always, that where the Patronage of any such Benefice shall happen to be in Her Majesty or Her Successors, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to give the said Consent in manner aforesaid; and where the Patronage shall happen to be in a Minor, Idiot, Lunatic, or Feme Covert, such Consent may be given by the Guardian, Committee, or Husband of such Patron executing the said Deed in manner aforesaid, and in the Name of such Patron, and thereupon such Patron shall be bound thereby in such Manner as if he or she, being of full Age, or sound Mind, or sole, had executed same.

Memorial for Purchase or Exchange to set forth certain Particulars of Houses, &c.

XXXIX. That every such Memorial presented by any Ecclesiastical Person intending to make any Purchase or Exchange of any such Demesne, Mensal, or Glebe Lands, or such Residences, Offices, or Appurtenances as aforesaid, under the Provisions of this Act, shall, in addition to such other Particulars as may be pertinent and necessary thereto, set forth the Particulars, Extent, and Situation of such House, Offices, Lands, or Appurtenances respectively to be given and taken in Exchange or Purchase, accompanied by a Map or Survey and Valuation made by some competent Surveyor, and verified by a Declaration to be made by such Surveyor before any Justice of the Peace for the County in which the said House or Lands or either of them are situate, (which Declaration he is hereby authorized to administer,) of the House, Offices, or Lands, or Appurtenances proposed to be purchased or given and taken in Exchange, setting forth separately the Value of all the Timber or other Trees growing thereon, if any, and also of all Mines, Minerals, and Quarries, and all other Rights, Profits, and Advantages whatsoever, belonging to the said House, Offices, Lands, and Premises respectively.

Enabling Sale and Exchange of suitable House and Land for Glebe.

XL. That it shall be lawful for any Owner of any House, Offices, Buildings, Lands, or Tenements suitable and convenient for the Residence, Offices, or Glebe of any such Rector or other Incumbent of any Parish, Parochial Chapelry, or Perpetual Curacy, whether such Owner be a Corporation, sole or aggregate, or Tenant in Fee Simple or in Fee Tail, general or special, or for Life or Lives, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any married Woman seised in her own Right, and for the Guardians and Committee of Lunatics and Idiots, and for the Ecclesiastical Commissioners for *Ireland* having Houses or Lands belonging to any suppressed See or Dignity, to exchange or sell, convey or release, the said House, Offices, Buildings, Lands, or Tenements to or with any such Rector or Incumbent authorized to make such Exchange or Purchase, and having such Consents as aforesaid, and his Successors, and to enter into all necessary Agreements for

that

that Purpose for such other Houses, Offices, Buildings, Lands, or Tenements belonging to such Rector or Incumbent as shall be ascertained to be of equal Value and Purchase at the Time, or for such Sum of Money as shall be ascertained to be the true and just Value of the same at the said Time, by a Valuation to be made in the Manner herein-after mentioned, not only on behalf of themselves and their respective Heirs, Executors, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeazance of the Estate of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians on behalf of their Wards, and as to such Committees on behalf of the Lunatics or Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Powers under the Authority of this Act if they had respectively been under no Disability, and as to such Trustees on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Powers under this Act if they respectively had been under no Disability: Provided always, that no Lands or Tenements exceeding the Quantity of Five Acres shall be granted or conveyed (except by way of Exchange) under the foregoing Provision, and that the Value and Purchase Money of any House, Offices, Lands, or Tenements purchased from or given and taken in Exchange from any Party under Disability or Incapacity, and not having Power to sell or exchange except under the Provisions of this Act, shall, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, be ascertained and determined by the Valuation of a Jury in the Manner herein-after provided, and that the Value shall in all other Cases, unless the said Parties or the said Ordinary shall otherwise require it, be ascertained by Consent between the said Owner and such Ecclesiastical Person with such Consents as aforesaid: Provided also, that no Dwelling House or Part of the Lands usually reputed as Demesne Lands to the Dwelling House belonging to any such Tenant for Life or Tenant in Tail shall be purchased or taken in Exchange under the foregoing Provision.

Power to issue Precept to Sheriff or Coroner to summon a Jury.

XLI. That it shall be lawful for the Ordinary of the Diocese, upon Receipt of any such Memorial in respect of the Exchange or Purchase of any such House, Offices, Lands, or Tenements, by any such Rector, Vicar, or other Incumbent as aforesaid, at his own Instance, and he is hereby required, upon the Demand in Writing of any Party concerned and interested in any such intended Purchase or Exchange, to issue his Precept in Writing to the Sheriff or Coroner of

of the County where the said House, Offices, or Lands to be purchased or accepted in Exchange by such Rector, Incumbent, or Curate shall be situate, requiring him to summon a Jury to ascertain the Value of the said House, Offices, Lands, Tenements, or Hereditaments proposed to be given and taken in Exchange or purchased; and upon the Receipt of such Precept the said Sheriff or Coroner shall summon a Jury of Twenty-four indifferent Persons, duly qualified to act as Common Jurymen in the Superior Courts of Record, to meet at a convenient Time and Place to be appointed by him for that Purpose, such Time not being less than Fourteen Days nor more than Twenty Days after the Receipt of such Precept, and such Place not being more than Eight Miles distant from the said House, Offices, Lands, or Tenements in question, unless by the Consent of the Parties interested, or unless such Distance shall happen to be unavoidable; and such Sheriff or Coroner shall forthwith give Notice to the Parties interested in and demanding such Inquiry; and out of the Jurors appearing upon such Summons a Jury of Twelve Persons shall be drawn by the Sheriff or Coroner in the usual Way, and if a sufficient Number of indifferent Jurymen summoned as aforesaid do not appear, the Sheriff or Coroner shall return other and indifferent and qualified Persons of the By-standers, and others that may be speedily procured, to make up a Jury, with like Challenge to the Polls of such Jurymen as in ordinary Cases is by Law permitted; and such Jury, being impannelled and sworn, shall inquire of the true Value of the respective Houses, Offices, Lands, or Tenements proposed to be exchanged or purchased, and the Quantity of the said Lands, and of the best and most improved Rent and full yearly Value, and Quantity of Land so proposed to be granted subject to a Rent, by the Oaths of such skilful and credible Witnesses as shall be produced by either Party, which Oaths the said Sheriff or Coroner is hereby authorized to administer; and the said Sheriff or Coroner is hereby required to return the Value, together with the Mears and Bounds of the said House, Offices, or Lands so proposed to be purchased and given and taken in Exchange, for which Inquisition and Return the Sheriff shall be entitled to the Fee of Ten Shillings, and no greater Sum, to be paid by the Party requiring the same, or in other Cases by the Rector or Incumbent proposing to make such Purchase or Exchange; and such Inquisition and Return shall be filed and recorded in the Rolls Office of the High Court of Chancery in *Ireland* for the Fee of Six Shillings and Eightpence, and no more, to be paid as last aforesaid; and the said Inquisition, Return, and Deed of Purchase or Exchange shall be binding and conclusive to all Intents and Purposes upon the Party so making such Sale or Exchange, and all others claiming any Estate, Title, or Interest in the said House, Offices, Lands, or Tenements, or any Part thereof, in reversion, remainder, or expectancy by, from

from, or under him, or under any Settlement or Entail thereof, and shall entitle the said Ecclesiastical Person making such Purchase (with the Consent of the Ordinary as aforesaid) to a Certificate of Charge in respect of the Purchase Money thereof, not exceeding Two Years Income of the said Benefice or Curacy, of the like Nature and Effect as Charges in respect of Buildings of Ecclesiastical Residences.

House and Lands purchased and taken in Exchange to be Glebe.

XLII. That every such House, Offices, Lands, or Tenements purchased or accepted in Exchange as aforesaid by any Rector or Incumbent, with such Consent as aforesaid, shall, from and after such Grant or Conveyance as aforesaid, to all Intents and Purposes be deemed and taken to be the House of Residence, Offices, Glebe, or Appurtenances of the Benefice, Parochial Chapelry, or Perpetual Curacy of such Ecclesiastical Person making such Purchase or Exchange, and his Successors for ever, without any Licence in Mortmain; and that in case of any Exchange made in pursuance of this Act, no such Ecclesiastical Person or his Successors shall be at any Time thereafter evicted or ejected from the peaceable and quiet Possession and Enjoyment of the said House, Offices, Lands, or Premises, or any of them, which have been so granted or conveyed to such Ecclesiastical Person by way of Exchange, by reason of any Person or Corporation claiming Right or Title thereto prior to or in defeazance of or in derogation of the Right or Title of the Person, Body Politic or Corporate, granting or conveying the same in Exchange: Provided always, that nothing herein contained shall exempt any such Ecclesiastical Person or his Successors from the Observance and Performance of any Covenants, Agreements, or Conditions in such Grant contained: Provided also, that it shall be lawful for any Person, Body Politic or Corporate, claiming such Right or Title, and he is hereby authorized, to have and exercise the same Powers and Remedies in trying his Right to and in obtaining Possession of any House, Offices, Lands, or Premises granted in Exchange by any such Ecclesiastical Person, as the said Person, or Body Politic or Corporate, would have been entitled in case this Act had not passed to have or exercise in trying the Right and obtaining the Possession of the House, Offices, Lands, or Premises in Exchange for which the same shall have been granted and conveyed by any such Ecclesiastical Person under the Authority of this Act.

Former Ecclesiastical House or Glebe Lands to be subject to the like Uses as those taken in Exchange.

XLIII. That every such Ecclesiastical Residence, Office, or Glebe Lands so given, granted, and conveyed in Exchange by any such Ecclesiastical Person, with such Consents and in manner as aforesaid, shall, from and after such Grant and Conveyance thereof, be and become vested in and settled upon the same Person or Persons, and to and

and for and subject to the same Estates, Uses, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges, and Incumbrances, as the said House, Lands, or Tenements so to be granted and conveyed in Exchange were vested in, settled upon, and subject to before such Exchange thereof, and would have been vested in, settled upon, and subject to in case such Exchange had not been made; and that such House or Lands so granted by such Ecclesiastical Person in Exchange shall likewise be subject to the like Payments (if any) in respect of Tithe Rent-charge or other Ecclesiastical Charge as the House or Lands accepted in Exchange by such Ecclesiastical Person were theretofore or might thereafter have been liable to.

Application of Purchase Money.

XLIV. That in every Case in which, under the Authority of this Act, any Sale or Conveyance shall be made of any House, Offices, Lands, or Tenements which shall belong to any Corporation, Tenant for Life or in Tail, married Woman seised in her own Right or entitled to Dower, Guardian or Committee of any Lunatic or Idiot, Trustee, Executor, or Administrator, or other Person having a partial or qualified Interest only in such House, Office, Lands, or Tenements, and not entitled to sell or convey the same except under the Provisions of this Act, except in the Case of the Ecclesiastical Commissioners for *Ireland* aforesaid, the Purchase Money thereof shall be paid into the Bank of *Ireland*, with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed there to the Account of such Accountant General *ex parte* the Ecclesiastical Person making such Purchase, and in the Matter of this Act, pursuant to the Method by any Act for the Time being for regulating Money paid into the said Court; and such Monies shall remain so deposited until the same shall be applied to some One or more of the following Purposes; that is to say, first, in the Discharge of any Debt or Incumbrance affecting the same Lands, Tenements, or Hereditaments, or any other Lands, Tenements, or Hereditaments settled therewith to the like Uses or Trusts, or in the Purchase of other Lands, Tenements, or Hereditaments to be conveyed, limited, and settled to the like Uses and Trusts and in the same Manner as the said Lands, Tenements, or Hereditaments stood settled to, or such of them as shall be then existing and unsatisfied; and in the meantime, and until such Purchase shall have been made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name in some one of the Public Funds of the Kingdom, and the Dividends and annual Produce thereof shall from Time to Time be paid, by One Order or several Orders of said Court, to the Person or Persons who would have been entitled to the Rents, Issues, and Profits of the Lands, Tenements,

or Hereditaments in case no Purchase and Conveyance thereof had been made under the Provisions of this Act.

And with respect to the taking of Lands at a Rent as Demesne, Mensal, or Glebe Land, be it enacted as follows:

Enabling Grant of Ecclesiastical Lands as Glebe at Half Rent.

XLV. That it shall be lawful for any Archbishop or Bishop, with the Consent of his Dean and Chapter, or, where there is no Dean and Chapter, with the Consent of the Archdeacon and Six beneficed Clergymen of the Diocese, and for any Dean, Dean and Chapter, Archdeacon, Dignitary, or Prebendary, with Consent of the Bishop of the Diocese and Archbishop of the Province, such Consents to be signified under Hand and Seal, or Seal, having any Lands belonging to him or them, and convenient for a Glebe for any Parish Church, Parochial Chapelry, or Perpetual Curacy not already endowed with Twenty Acres of Glebe Land, by any Deed under the Hand and Seal or Seal of such Ecclesiastical Person or Corporation, to be registered and enrolled in the Manner herein-after mentioned, to grant any such Lands, not exceeding, together with the Glebe Land already belonging to such Church, Chapelry, or Curacy, Forty Acres in the whole, to the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, and his Successors for ever, at a Moiety of the then improved yearly Rent, or for any greater Sum; and such Lands so granted as aforesaid shall, from and after the Execution of said Grant, be deemed and taken to be the Glebe Land of said Church, Chapelry, or Curacy for ever; and such Rent shall be paid by such Incumbent, Chaplain, or Curate, and his Successors for ever, by Two equal half-yearly Payments on the First Day of *May* and First Day of *November* respectively in each and every Year, and shall be a Charge on such Lands so granted as aforesaid.

Enabling Grant of neighbouring Glebe.

XLVI. That in case there shall happen to be any Benefice, Parochial Chapelry, or Perpetual Curacy to which there be no sufficient Glebe Lands belonging whereon a House of Residence might be built, and there shall be in a contiguous Parish Glebe Land suitable and convenient for the Purpose, and which can be spared without Detriment to such contiguous Parish, it shall be lawful for the Incumbent of the said Parish having such superfluous Glebe Land, by and with the Consent of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Seals, and of the respective Patrons of such Benefice, Chapelry, or Curacy, and of the Incumbent, Chaplain, or Curate of the said Church, Chapelry, or Curacy, certified as aforesaid, by Deed indented and to be registered and enrolled in manner herein-after mentioned, to grant any such Glebe or Part thereof to the Incumbent, Chaplain, or Curate of such

such Church, Chapelry, or Curacy, and his Successors for ever; and upon such Grant may be reserved such yearly Rent as may be agreed upon, with such Consent as aforesaid, to be payable by such Incumbent, Chaplain, or Curate, and his Successors, at such Times as may be by the said Indenture expressed and declared; and such Glebe Land so annexed as aforesaid shall thereupon for ever be deemed and taken to be Glebe Land of the said Parish, Chapelry, or Curacy to which the same shall be annexed, to all Intents and Purposes whatsoever.

Enabling Grant of Lay Lands for Glebe at a Rent.

XLVII. That it shall be lawful for any Person under no legal Disability or Incapacity, and for any Lay Corporation or Body Politic, having in his or their own Right, or Right of their Corporate Body, any House, Lands, or Tenements in Fee Simple or Fee Tail in possession, or of an Estate for Life or Lives in possession, with immediate Remainder to his own Issue, by any Deed or Deeds, to be executed under his or their Hand and Seal, or Corporate Seal, such Deed to be registered and enrolled in manner herein-after mentioned, and without any Licence in Mortmain, and without barring any such Estate Tail, to grant or demise in Fee Farm any such House, Lands, or Tenements (not being a Portion of the Demesne Lands usually occupied with and appertaining to the Mansion House of any such Person being a Tenant for Life) as a Glebe House or Lands for the Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy, not exceeding, together with the Glebe already belonging thereto, Ten Acres, to such Incumbent, Chaplain, or Curate, and his Successors for ever, being a Body Politic or Corporate, and in all other Cases to any Person or Persons, Body Politic or Corporate, and his or their Heirs or Successors, in trust for such Incumbent and his Successors, and shall and may by such Deed reserve to such Person and his Heirs, or to such Corporate Body, and his or their Successors for ever, such yearly Rent out of the said Lands and Tenements so granted, and subject to such Rents, Covenants, and Agreements as shall be agreed upon between such Person or Body Corporate so granting the same and the Incumbent, Chaplain, or Curate of such Church, Chapelry, or Curacy, with the Consent of the Ordinary of the Diocese and the Archbishop of the Province in which such Church, Chapelry, or Curacy is situate, to be signified by a Certificate in Writing under their Hands and Seals respectively, to be registered in the Registry of the Diocese, or by Endorsement of the said Deed of Grant.

Enabling Surrender of Glebe Lands.

XLVIII. That it shall be lawful for any Incumbent having unnecessary Glebe Lands subject to a Rent or Reservation, by and with the Consent of the Bishop of the Diocese and Archbishop of the

the Province, signified in Writing under Hand and Seal, and registered as aforesaid, or by Endorsement on the Deed or Instrument herein-after mentioned, and by the Consent of the Person for the Time being entitled to the Rent or Reversion of the said Lands, and competent to consent thereto, to surrender same or any Portion thereof, by a Deed or Instrument in Writing, to be registered in the Registry of the Diocese aforesaid, and thereupon such Lands so surrendered shall cease to be Glebe Lands from thenceforth for ever.

Registry of Deeds.

XLIX. That every Deed of Sale, Grant, or Exchange, or Surrender of any House, Offices, Lands, Tenements, or Premises made or executed in pursuance of this Act, together with the Maps and Valuations of the Valuators (in case there shall be such), shall, within Six Calendar Months after the Execution of such Deed or Instrument, be registered in the Registry of the Diocese to which the same shall relate, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Registry the Fee of Two Shillings and Sixpence shall be paid, and for which Enrolment the Fee of Ten Shillings shall be paid, and no greater or other Sum.

With respect to the Remedies for Recovery of Rents reserved upon Glebe Lands, be it enacted as follows:

Remedies for Recovery of Rent in arrear.

L. That in case any Rent reserved upon any Grant or Demise of Land as or for a Glebe shall be in arrear and unpaid, it shall be lawful for the Person or Body Politic entitled thereto to recover the same from the Ecclesiastical Person so in arrear, or his Representatives, by Distress on the said Lands, or by Action of Debt or on the Case in any competent Court of Record in *Ireland;* and in case One Year's Rent of any such Lands shall be in arrear and unpaid for the Space of Twenty-one Days, it shall be lawful for the Ordinary of the Diocese, upon the Request of the Person or Persons to whom such Rent is due, to summon the Ecclesiastical Person so in arrear before him, and if such Ecclesiastical Person shall not satisfy the said Ordinary that the said Rent has been paid, by Oath or otherwise (which Oath the said Ordinary is hereby authorized to administer), the Ordinary of the Diocese shall forthwith sequester a competent Portion of the Profits of such Benefice, Chapelry, or Curacy, until the said Arrear of Rent, and all Costs and Charges attending such Sequestration, to be ascertained by the said Ordinary, shall be fully discharged, and if such Arrear of Rent, or any Part thereof, or the said Costs and Charges attending such Sequestration, shall remain unpaid, notwithstanding such Sequestration, at the Death or Avoidance of such Incumbent, Chaplain, or Curate, the same, not exceeding however

One

One and a Half Year's Rent, shall be paid by the Successor of such Ecclesiastical Person, and if he shall neglect and refuse to pay the same or any Part thereof for the Space of One Calendar Month after his Admission into such Benefice, Chapelry, or Curacy, the Ordinary of the Diocese shall, upon Complaint thereof, and, if he shall deem it necessary, upon Proof thereof on Oath as aforesaid, grant a new Sequestration till the same be paid off; and such Successor, having paid such Arrear of Rent and Costs as aforesaid, shall and may recover the same from his Predecessor or his personal Representative by an Action of Debt or on the Case in any Court of Record of competent Jurisdiction in *Ireland*.

Vouchers of Rent and Mortgage Instalments to be produced to Bishop.

LI. That every Incumbent, Chaplain, or Curate of any Church, Parochial Chapelry, or Perpetual Curacy having any Glebe House or Lands appertaining thereto subject to a Rent or Mortgage, shall, so often as he shall be thereunto required by the Bishop of the Diocese, exhibit to the said Bishop, or to any Person by him deputed in Writing to demand the same, a sufficient Acquittance in full for all Rents and Instalments of Mortgage Money or Interest due in respect of the said Glebe House or Lands up to the last Gale Day or Day of Payment before such Demand, and prove, if required, the Perfection of such Acquittance by Oath or otherwise (which Oath the said Bishop and his Deputy appointed as aforesaid is hereby authorized to administer); and in case such Acquittance shall not be exhibited and proved, on such Demand as aforesaid, the said Bishop is hereby authorized and required to sequester the Profits of such Benefice, Chapelry, or Curacy until out of the Issue thereof the said Bishop shall be enabled to pay all Rent, Instalments, and Interest in arrear, together with the Costs of such Sequestration, which said Rent, Instalments, and Interest and Costs he is hereby required to pay and satisfy.

Copy of Ejectment to be served on Bishop.

LII. That a Copy of every Summons in Ejectment brought for Nonpayment of Rent reserved or payable out of any Glebe Lands shall be served on the Bishop of the Diocese at such Time and in such Manner as it is necessary now to serve a Summons in Ejectment in ordinary Cases upon necessary Parties.

Insurance of Ecclesiastical Houses.

LIII. That every Ecclesiastical Person having any House of Residence shall annually, or from the Time that such House of Residence shall be completed, insure, at One of the Public Offices established in *London*, *Westminster*, or *Dublin* for Insurance of Houses and Buildings, the Houses and other Buildings of the said See, Benefice, or Preferment, against Accidents by Fire, at a Sum of Money equal to Three Fourths of the original Cost of such House of Residence;

and upon Neglect to make such Insurance, or to produce the Receipt in respect of the same, when demanded by the Person or Persons hereby empowered to entertain Memorials in respect of such Residences, or his or their Deputy appointed in Writing, such Person or Persons shall have Power to sequester a competent Portion of the Profits of the See, Benefice, or Preferment of such Ecclesiastical Person until out of the Issues thereof the said Ordinary shall be enabled to effect such Insurance, together with the Costs of such Sequestration.

And with respect to the Appropriation of Bishops and Deanery Lands for Demesne, be it enacted as follows:

Archbishops, &c. may appropriate Lands for Demesne.

LIV. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, Dignitary, or Prebendary of any Cathedral Church having no sufficient Demesne or Mensal Lands, or having Demesne or Mensal Lands situate at too great a Distance from his or their Mansion House or Cathedral Church, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and of the Privy Council, Six at least of the said Privy Council agreeing thereto, out of any Portion of his or their respective Ecclesiastical Lands, being actually out of Lease, or whereof the Lease being unexpired shall be surrendered to or purchased by such Ecclesiastical Person, to set apart so much thereof as shall be necessary and convenient for Demesne or Mensal Lands to him and his Successors for ever, which Lands so set apart shall for ever thereafter be deemed and taken for the Demesne or Mensal Lands of such Ecclesiastical Person and his Successors; and where the present Demesne or Mensal Lands or any Portion thereof are situate at an inconvenient Distance from the said Mansion House or Cathedral Church, it shall be lawful for such Ecclesiastical Person, having, with such Consent as aforesaid, appropriated other Lands more convenient for him and his Successors, in lieu thereof, to demise such former Demesne or Mensal Lands, being of equal Value with the Lands set apart, for such Estate or Interest, and under and subject to such Rents, Reservations, Terms, and Conditions, as he or they might have demised the Lands so set apart as aforesaid.

Disappropriation of unnecessary Demesne Lands.

And with respect to the Disappropriation of unnecessary Demesne Lands, be it enacted as follows:

LV. That the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being shall, on the Application of any Archbishop, and the Archbishop of the Province shall, on the Application of any Bishop, grant a Commission to Five or more Persons, empowering them or any Three of them to view all the Demesne Lands

Lands of such Archbishop or Bishop, and to cause a Survey to be taken and a Map to be made thereof, and in such Map to distinguish and set apart such Part, not less than Two hundred and fifty Acres of the said Lands, as they shall judge fit and sufficient for a Demesne for an Archbishop or Bishop of that See, and the Nature and Quality thereof, and to certify the same under their Hands and Seals to the said Lord Lieutenant or Chief Governor or Governors, or to the Archbishop of the Province, in which Commission a Power shall be given to any One or more Justices or Justice of the Peace of the County wherein any Part of the said Demesne Lands shall be situate to administer an Oath to such Commissioners so appointed as aforesaid, justly and faithfully to execute the said Commission according to the best of their Skill and Knowledge, which Oath shall be so administered; and upon the Return of the said Commission, Certificate, and Map it shall be lawful for the said Lord Lieutenant or Chief Governor or Governors, or for the said Archbishop of the Province, by Writing under his or their Hand or Hands and Seal or Seals, to set out and settle a proper Demesne for such Archbishop or Bishop not containing less than Two hundred and fifty Acres, and to cause a Map thereof to be made and affixed to such Writing, which Writing and Map shall be lodged in the Council Office, and a Duplicate thereof shall be lodged in the Registry of the Diocese of such Archbishop or Bishop; and the said Lands so set out as Demesne Lands shall always from thenceforth be deemed to be the Demesne Lands belonging to the said Archbishop or Bishop and his Successors for ever; and that from thenceforth it shall be lawful for the said Archbishop or Bishop and his Successors to demise the remaining Part of the said former Demesne Lands for such Term or Terms as is hereinafter mentioned, that is to say, all such Lands as do not lie within any Town Corporate or Market Town, or within Half a Mile thereof, for any Term not exceeding Ninety-nine Years in possession, and all the Residue of such Lands for such Term of Years as by the Laws for the Time being in force he is empowered to demise other Lands belonging to his said See.

Reservation of Rents of Demesne Lands under this Act.

LVI. That in all Cases where by virtue of this Act any Portion of the Demesne or Mensal Lands belonging to any Ecclesiastical Person shall be demised, the full yearly Value of such Part of the said Demesne or Mensal Lands as shall be demised pursuant to this Act at the Time of making the said Demise shall be reserved by such Ecclesiastical Person, without Fine or Consideration; and that no more than Ten Acres Plantation Measure of such Part of the said Demesne or Mensal Lands as shall be within any Corporate or Market Town, or within Half a Mile thereof, shall be demised by such Ecclesiastical Person to or in trust for the Use or Benefit of any One Person.

LVII. That

Regulations as to the letting or demising Glebe Lands.

LVII. That it shall not be lawful for any Rector, Vicar, or Incumbent, or other Ecclesiastical Person, having a Glebe fit and convenient to be built upon for the Residence of him and his Successors, or whereon a convenient and suitable House of Residence has been or shall be built, or which shall lie so contiguous to the said House as to be conveniently made use of for the same, to alien, let, or demise such Glebe or any Part thereof to any Person or Persons for any longer Term or Time than One Year from the making thereof, in possession, and not in reversion; and that every Alienation or Demise thereof for more than One Year shall be absolutely null and void to all Intents and Purposes whatsoever: Provided always, that in any Case in which any Rector, Vicar, or Incumbent shall have any Lands in right of his Benefice unsuitable for the Purposes of Residence, or exceeding Twenty Acres, that it shall be lawful for every such Incumbent, by Indenture, sealed and delivered by such Incumbent in the Presence of One or more Witness or Witnesses, and with the Consent of the Archbishop or Bishop of the Diocese under his Hand and Seal, such Consent being signified by way of Endorsement to be written on such Indenture, or by his being an executing Party thereto, to demise to any Person, being in the actual Occupation thereof, any Part or Parts of the Glebe Lands of the said Benefice unsuitable or unnecessary for Residence as aforesaid, either altogether or in Parcels containing not less than Ten Acres each, for any Term not exceeding Thirty-one Years, to take effect in possession, or so as any existing Lease shall be surrendered or expire within One Year from the Date thereof, and that a Counterpart thereof shall be executed, and duly registered in the Registry of the Diocese: Provided always, that in and by every such Lease there shall be reserved and made payable half-yearly the best Rent that can at the Time of making such Lease be obtained or reasonably be expected for the same, without taking any Fine or Premium or any Sums of Money or other Thing by way of Fine or Premium for making same: Provided also, that every such Lease not authorized or permitted by this Act shall be absolutely null and void to all Intents and Purposes whatever; and it shall be lawful for the Archbishop or Bishop of the Diocese, notwithstanding same, to exercise all Powers and Jurisdictions vested in him respectively by any Statute or otherwise relative to the enforcing the building of Houses of Residences, and changing the Sites thereof, and the Residence of the Clergy on their Benefices, anything herein to the contrary notwithstanding.

The SCHEDULE referred to in the foregoing Act.

THIS INDENTURE, made the Day of in the Year of our Lord between the Right Reverend Father in God Lord Bishop of of the One Part, and of the other Part: Whereas the said Bishop, pursuant to the Directions of an Act passed in the Fifteenth Year of the Reign of Her Majesty Queen Victoria, intituled "An Act to "consolidate and amend the Laws relating to Ecclesiastical Residences "in Ireland," hath determined to raise the Sum of £ , to be laid out and expended in building [rebuilding, *or* repairing, *as the Case may be*,] the Parsonage House [Vicarage, *&c. &c., as the Case may be*] of [*describing it*] [*or* in purchasing a House and Land for the Residence and Occupation of the Incumbent of the Rectory *or* Vicarage, *&c.* of]: And whereas the said hath agreed to lend and advance the Sum of £ upon a Mortgage of the Glebe, Tithes, Rentcharges, Rents, Profits, and Emoluments [*as the Case may be*] of said Benefice [*or* Perpetual Curacy], pursuant to the Directions and the true Intent and Meaning of the said Act: Now, this Indenture witnesseth, That the said Bishop, in consideration of the Sum of £ , paid at or before the sealing and delivering hereof into the Hands of , a Person [*or* Persons, *as the Case may be*,] nominated by the said Bishop to receive the same, pursuant to the Directions of said Act, and which Receipt of the said Sum of £ the said have [*or* hath] acknowledged by an Endorsement on this Deed, doth by these Presents grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, all the Glebe Lands, Tithes, Rentcharges, Rents, Compositions, Salaries, Stipends, Fees, and other Profits and Emoluments whatsoever arising or payable to the Incumbent of the said Benefice [*or* Perpetual Curacy] in respect thereof, with all the Rights, Members, and Appurtenances thereunto belonging, to have, hold, and receive and enjoy the said Premises unto the said his Executors, Administrators, and Assigns, from henceforth for the Term of Thirty-five Years fully to be complete and ended: Provided always, that if the Incumbent for the Time being of the said Benefice [*or* Perpetual Curacy] and his Successors shall, from and after the Expiration of the First Year of the said Term, yearly and every Year (such Year

to be computed from the Date hereof), pay to the said his Executors, Administrators, and Assigns, One Thirtieth Part of the Sum of £ , until the whole thereof shall be repaid, and at the End of the First and every succeeding Year pay Interest at the Rate of per Cent. per Annum on the said Sum of £ , or so much thereof as shall from Time to Time remain unpaid, according to the true Intent and Meaning of these Presents and of said recited Act, and also all Costs and Charges which shall be occasioned by the Nonpayment thereof, these Presents, and everything herein contained, shall be void: Provided always, that it shall be lawful for the Incumbent for the Time being of the said Benefice, and his Successors, peaceably and quietly to hold and enjoy the said Glebe Lands, Tithes, Rentcharges, Rents, Composition, Stipends, Fees, Profits, and Emoluments whatsoever arising or to arise from or in respect of the said Benefice [*or* Perpetual Curacy], until Default shall be made by him or them respectively in the Payment of the Interest and Principal, or some Part thereof, at the Times and in the Manner aforesaid. In witness, *&c. &c.*

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