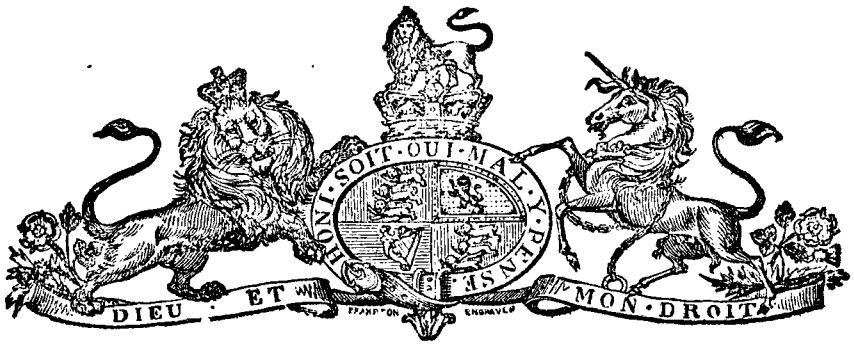


ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. LXXIV.

An Act to amend an Act of the Eleventh and Twelfth Years of Her Majesty, relating to Poor Rate Poundage and the Valuation of Ecclesiastical Property in *Ireland;* and to provide for the Renewal of Leases of Lands disappropriated from Bishoprics. [7th *August* 1851.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church of* Ireland: And whereas the same was afterwards amended by subsequent Acts: And whereas by an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to empower Lessees of Tithe Rentcharges in* Ireland *to deduct a Proportion of Poor Rate Poundage from Rent, and also to empower the Ecclesiastical Commissioners in* Ireland *to allow Sums paid for Poor Rate or County Cess, or Poundage deducted from Ecclesiastical Persons on account of Poor Rate, among the Deductions from the Valuation of Ecclesiastical Property directed to be made under an Act of*

3 & 4 W. 4. c. 37.

11 & 12 Vict. c. 80. s. 2.

of the Third and Fourth Years of His late Majesty, for the Purpose of a certain Tax thereby imposed upon such Property in Ireland, it is amongst other things enacted, that from and after the passing of the said secondly-recited Act it should be lawful to and for the said Ecclesiastical Commissioners, in and from the Valuation made or to be made of any Ecclesiastical Property for the Purpose of imposing the Rate, Tax, or Assessment required by the said first-recited Act, in addition to the Charges specified as Deductions in the said first-recited Act, to deduct also such Amounts or Sums as the said Commissioners should ascertain as proper to be deducted from such Valuation for or on account of any County Cess, or Poor Rate or Poundage Rate for the Relief or Employment of the Poor, or for repaying any Advances made for those Purposes, and paid or payable in respect of such Ecclesiastical Property, such Deductions by the said Commissioners to be made according to a Return of County Cess paid in respect of such Property and of the Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending on the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax should be demanded: And whereas the Provision in the said secondly-recited Act contained, whereby the Deduction thereby directed to be made from the Valuation made or to be made of any Ecclesiastical Property for the Purpose aforesaid is required to be made according to a Return of the County Cess paid in respect of such Property and of the Poor's Rate struck in the Electoral Division or Divisions within which such Property may be situate during the Half Year ending the First Day of *January* or First Day of *July* respectively preceding the Half Year for which such Ecclesiastical Tax shall be demanded, has been found to operate unjustly, and it is expedient to amend the said secondly-recited Act: Be it therefore 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,

Deductions to be made under secondly-recited Act to be calculated upon a yearly instead of a half-yearly Return.

I. That it shall and may be lawful for the said Ecclesiastical Commissioners, in making the Deductions by the said secondly-recited Act authorized to be made in and from the Valuations made or to be made for the Purpose of imposing the Rate, Tax, or Assessment required to be made as aforesaid, to ascertain and make such Deduction according to a Return of the County Cess paid in respect of such Property and of the Rate or Rates struck in the Electoral Division or Divisions within which such Property may be situate during the Year ending on the Thirty-first Day of *December* in each Year, and that the Amount of such Valuation so to be made, after allowing

allowing such Deduction, in addition to the Charges specified as Deductions in the said recited Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, shall be the Amount of the Valuation upon which the said Rate, Tax, or Assessment shall be imposed for the Twelve Months next ensuing, and that the First Valuation to be made under the Provisions of this Act shall be for the Purpose of imposing the Tax to become payable on the First Day of *January* next after the passing of this Act.

In Cases of Disappropriations of Rectories, Lands, or Glebes, &c. from a Bishopric, and the same being united to a Vicarage, &c., the Incumbent required to grant Renewals of Leases theretofore made by the Bishops of such See.

II. And whereas by the said recited Act of the Third and Fourth Years of His late Majesty King *William* the Fourth, and by the several Acts to amend the same, the Lord Lieutenant and Privy Council in *Ireland* were authorized, with the Consent of any Archbishop, Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon, or upon the Avoidance of their respective Bishoprics, Dignity, Prebend, or Canonry, to disappropriate from any such Spiritual Preferment as aforesaid any Rectory, Vicarage, Tithes, or Glebes, and to unite them to the Vicarages or Perpetual or other Curacies of the respective Parishes, so as that each such Rectory, Vicarage, Tithes, or Glebes, or Parts thereof, shall, with its respective Vicarage, Perpetual or other Curacy, form a distinct Parish or Benefice: And whereas by an Act of the Sixth and Seventh Years of His said Majesty, Chapter Ninety-nine, the said Provision is extended to Mensal and Demesne Lands: And whereas no Provision has been made for the leasing or granting Renewal Leases of any Lands, Tenements, or Hereditaments so disappropriated as aforesaid, and united to such Vicarages or Perpetual or other Curacies: And whereas by reason thereof the existing Interests of the Tenants of such Lands and Premises are much prejudiced by being deprived of the Power of obtaining Renewals of their Leases, and it is expedient that leasing Powers of like Nature as the leasing Powers which had theretofore existed in relation to such Lands and Premises previous to their Disappropriation should be exercised after their Disappropriation as aforesaid: Be it therefore enacted, That in all such Cases of Disappropriation as aforesaid it shall be lawful for the Incumbent of the Parish or Benefice to which any such Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall have been so united, and he is hereby required, upon the Application of the respective Lessees, Assignees, or Tenants of such Lands or Premises, to accept a Surrender of any subsisting Lease of the same, and to demise anew the Lands, Tenements, or Hereditaments therein comprised, for such like Term or Interest as shall have been granted therein by the Lease so surrendered, or as the Archbishop, Bishop, or other such Ecclesiastical Person as aforesaid shall have had the Power of granting or demising

demising previously to such Disappropriation, reserving by such new Lease the annual Rent or Rents theretofore reserved out of the said Lands, Tenements, and Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment of such Fine as may be equal to the average Amount of Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable, for the Renewal of the Lease or Interest in such Lands, Tenements, or Hereditaments, such annual Rent or Rents, and average Amount of such Renewal Fines, to be ascertained by all such and the like Means as by the said first-recited Act provided in Cases of Renewals made by the Ecclesiastical Commissioners for *Ireland* of Leases of Lands theretofore belonging to a Bishopric, and subject to like Provisions, Restrictions, and Limitations as in the said Act contained in relation to such last-mentioned Renewals by the said Commissioners; and it shall be lawful for the respective Tenants, Lessees, or Under-tenants of any such Lands, Tenements, or Hereditaments so disappropriated to apply to the Incumbent of the Benefice to which the same shall have been so united, and also to the Ecclesiastical Commissioners for *Ireland*, for the Purchase of a perpetual Estate and Interest of and in any such Lands or Premises customarily leased, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have applied to the Bishop of such Diocese and to the said Ecclesiastical Commissioners by virtue of the said Acts relating to the Temporalities of the Church in *Ireland*, or any of them, in case such Lands or Premises had not been so disappropriated; and in case of any such Application all such and the like Proceedings shall be had as by the said Acts or any of them prescribed in the Case of any Application for the Purchase of the Fee Simple and Inheritance of and in any Lands belonging to any Bishopric, save that in such Case the Incumbent of the respective Benefice to which such Lands or Premises shall have been so united shall in all such Proceedings be substituted for and in the Place of the Bishop of the Diocese from which the said Premises shall have been so disappropriated: Provided always, that if any Lessee, Assignee, or Tenant of any Lands, Tenements, or Hereditaments so disappropriated as aforesaid shall surrender the same and his Interest therein and in the Lease or Demise thereof to the Incumbent for the Time being of the Parish or Benefice to which the same shall have been so united, or to any One on behalf of or in trust for such Incumbent, in order to terminate the said Lease or Demise without obtaining any Renewal thereof, or for the Purpose of augmenting the Income of such Benefice, nothing herein contained shall in any such Case extend to authorize or empower the Incumbent of any such Parish or Benefice, or his Successors, at any Time or Times thereafter to demise again or lease the said Lands, Tenements, or Hereditaments so surrendered

as aforesaid, or any Part thereof, to any Person or Persons whomsoever.

Power to the Bishop of Down, &c. to renew Leases of certain disappropriated Lands.

III. And whereas by an Order of the said Lord Lieutenant and Privy Council, under the Provisions of the said first-recited Act, certain Lands, Tenements, and Hereditaments theretofore belonging to the Bishopric of *Down, Connor, and Dromore* have been disappropriated from the said Bishopric, and have been united and annexed to certain Vicarages in the said Order mentioned: And whereas, for the Purpose of the Liquidation of a certain Charge upon the said Bishopric in respect of certain Buildings and Improvements upon the Lands of the said See, it was by the said Order in Council provided, that the now Bishop of *Down, Connor, and Dromore*, and his Successors, should continue to receive the Revenues of the Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric for a certain Period of Time in the said Order mentioned in that Behalf: And whereas it is expedient to provide for the Renewal of Leases of such Lands, Tenements, and Hereditaments in the Interval of Time to elapse before the Expiration of such Period: Be it therefore enacted, That during the said Interval of Time to elapse before the Expiration of the said Period in the said Order mentioned, it shall be lawful for the now Bishop of *Down, Connor, and Dromore*, and his Successors, notwithstanding such Disappropriation as aforesaid, to exercise, by and in his or their own Name and Right, all such Powers of leasing and demising of the said Lands, Tenements, and Hereditaments so disappropriated from the said Bishopric of *Down, Connor, and Dromore*, as before the said Disappropriation a Bishop of the said Diocese might have had and exercised; and in the Case of any such last-mentioned Lands, Tenements, or Hereditaments so disappropriated, and being demised by Leases customarily renewed from Time to Time, it shall be lawful for the said now Bishop and his Successors to accept Surrenders of such Leases, and to make new Leases or Renewals of the same respectively, in like Manner to all Intents and Purposes as, in case the said Disappropriation had not been had and made as aforesaid, the said Bishop and his Successors would have been authorized and empowered to do in respect of any Lands or Premises belonging to such Bishopric; and such Leases or Renewals shall be as good and valid to all Intents and Purposes as if such Disappropriation had not been had and made as aforesaid: Provided always, that from and after the Expiration of the said Period of Time in the said Order mentioned as aforesaid all Rent, Covenants, and Reservations reserved or made payable by or contained in any such Lease or Renewal made as last aforesaid shall become and be payable to and enure for the Benefit of the Incumbent or Incumbents of the Benefice or respective Benefices to which the

said Lands, Tenements, or Hereditaments in such Lease or Renewal comprised have by the said Order in Council been so united and annexed, and his and their Successors in such Benefice or Benefices, who shall have all such Remedies for enforcing Payment, or Performance of such Rent, Covenants, and Reservations, as if the same had been expressly made payable or reserved to or covenanted with or by such Incumbent or respective Incumbents, or his or their Successors.

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