Commissioners for the Custody of the Great Seal of the United Kingdom, or the Lords Justices of the Court of Appeal in Chancery only; and where the Court of Chancery is empowered by this Act to make such Orders or to give such Directions, they may be made or given by any Judge of the said Court.

Increased Salary may be paid to Two Junior Clerks to each Chief Clerk.

XIV. Instead of the Salaries directed to be paid by the said Act for abolishing the Office of the said Masters in Ordinary, and by the Act of the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter One hundred and thirty-four, to the Two Junior Clerks thereby respectively authorized to be appointed to each Chief Clerk, it shall be lawful for the Lord Chancellor, if he shall so think fit, to order and direct that every such Junior Clerk shall receive a Salary of Four hundred Pounds *per Annum*.

CAP. CL.

An Act further to amend certain Acts relating to the Temporalities of the Church in *Ireland*. [28th *August* 1860.]

'WHEREAS it is expedient to amend the Laws relating to the Temporalities of the Church in *Ireland*:' 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, as follows:

The Term Episcopal Commissioner whom to include.

I. The Term Episcopal Commissioner, in Section Seven of the said Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, shall be held to include, not only any Archbishop or Bishop acting as an Ecclesiastical Commissioner under the said Act or this Act, but also any Commissioner appointed by the said Lord Primate and Lord Archbishop of *Dublin* in manner in the said Act or herein provided.

Commissioners may request Attendance of Bishop, &c.

II. In any Case in which the said Commissioners shall have under consideration Matters specially affecting the Interests or Property of any Bishop, Dean, or Chapter of *Ireland*, such Commissioners may, if they think fit, request the Attendance at any Meeting at which such Matters are to be taken into consideration of any Bishop, Dean, or Member or Members of a Chapter whose Interests or Property such Matters shall or may affect, and he or they shall be at liberty to attend at any such Meeting, and to assist the said Commissioners with Information and Advice, but shall not vote, or, except as aforesaid, take any Part in the Proceedings of the said Commissioners.

If Two Commissioners appointed, One only to be a paid Commissioner.

III. If after the passing of this Act Her Majesty or Her Successors shall under the Powers of Section Two of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, appoint Two Ecclesiastical Commissioners, One only of the said Commissioners shall be a paid Commissioner.

As to Entries of Proceedings at Meetings of the Board.

IV. From and after the passing of this Act the Entry of the Proceedings at each Meeting of the said Commissioners shall and may, in the event of its not being signed by the Chairman of such Meeting, be signed by the Chairman of the Meeting of the said Commissioners next succeeding that at which such Proceedings were had or taken and such Entry made.

Appointment of Solicitor.

V. It shall be lawful for the Ecclesiastical Commissioners to pay to the Solicitor or Attorney employed by them, in addition to any Disbursements or Expenses properly made and incurred by him in or about the Affairs and Business of the said Commissioners and by their Authority and Direction, such annual Salary not exceeding the Sum of Five hundred Pounds as they shall from Time to Time, with the Consent of the Lord Lieutenant testified in Writing under his Hand, think fit to allow; and such annual Salary so fixed as aforesaid shall be paid to the said Solicitor or Attorney for his personal Services, and such Sum not exceeding

exceeding the Sum of Three hundred Pounds *per Annum* as the said Commissioners shall from Time to Time, with the like Consent as aforesaid, think fit to allow for the Expenses of his Office, and also in lieu of all Costs, Charges, Fees, and Emoluments whatsoever now payable or authorized by Law to be paid to such Solicitor or Attorney, any Act or Acts to the contrary notwithstanding: Provided always, that no Sum shall be paid to such Solicitor or Attorney on account of any Disbursements or Expenses as aforesaid unless approved by the Lords Commissioners of Her Majesty's Treasury, before whom the Particulars of all such Disbursements or Expenses shall be laid.

Power to grant Superannuation Allowance under the Authority of the Treasury.

VI. It shall and may be lawful for the Lords Commissioners of Her Majesty's Treasury, if they shall so think fit, on an Application for that Purpose under the Common Seal of the Ecclesiastical Commissioners for *Ireland*, and signed by at least Three of the said Commissioners assembled at a Board held in pursuance of a Notice specially given for such Purpose, to grant to any of the said Ecclesiastical Commissioners receiving or who shall hereafter receive a Salary for his Services as such Commissioner, or to any Clerk or Officer of the said Ecclesiastical Commissioners who shall have been or who shall hereafter be duly appointed by the said Ecclesiastical Commissioners, such Superannuation Allowance as the said Lords Commissioners of Her Majesty's Treasury shall think proper to direct: Provided always, that such Commissioner, Clerk, or Officer shall have faithfully and diligently discharged the Duties of such Commissionership, Clerkship, or Office for a Period of not less than Twenty Years, or shall, from Age or Infirmity of Body or Mind, be permanently disabled from further discharging such Duties; provided also, that in ascertaining and awarding the Amount of such Superannuation Allowance for any Clerk or Officer the said Lords Commissioners of Her Majesty's Treasury shall take into their Consideration the entire Period during which any such Clerk or Officer shall have been employed under the said Ecclesiastical Commissioners, whether such Employment shall have been in any One or more Office or Offices, and all such Allowances as shall be so awarded and granted under the Authority aforesaid shall be paid and payable by the said Ecclesiastical Commissioners for the Time being out of the Funds by Law vested in them, and shall be charged and chargeable thereon and payable thereout during the Term of the natural Life of the Commissioner, Clerk, or Officer to whom the same shall be granted, or during such shorter Term as the said Lords Commissioners of Her Majesty's Treasury shall at the Time of awarding the same direct.

Ecclesiastical Commissioners empowered to advance Funds for providing licensed Places of Worship.

VII. Whenever any Application shall be made to the Ecclesiastical Commissioners for *Ireland*, for the building or rebuilding of any Parochial Church, or any Parochial Chapel of Ease, or District Church or Chapel, in any Parish or Parochial District, wherein the Number of Inhabitants being Members of the United Church of *England* and *Ireland* shall not in the Judgment of the said Commissioners be such as to require such Church or Chapel to be immediately built or rebuilt, or the then existing State of the Funds at the Disposal of said Commissioners shall render it impracticable or inexpedient, according to their Judgment, to appropriate a Sum sufficient for the Erection of such Church or Chapel, then and in any such Case it shall and may be lawful for the said Commissioners, out of the Funds in their Hands or at their Disposal, to expend such Sum as may be necessary for the Erection or Alteration and Repairs of any House or other Building in the said Parish or Parochial District, as the Case may be, which the said Commissioners may deem sufficient and proper for the Accommodation of the Persons likely to attend Divine Worship therein, or to hire, purchase, or otherwise obtain the Use of any such House or other Building until the Funds in the Hands or at the Disposal of the said Commissioners shall be sufficient to enable them to erect a suitable Church or Chapel in such Parish or Parochial District, as the Case may be, and also to expend such Sums as shall be necessary for fitting-up, furnishing, and keeping in repair such House or other Building, and to supply the several Matters and Things requisite for the Performance of Divine Worship therein, in like Manner as the said Ecclesiastical Commissioners are now empowered and required to do in relation to Churches and Chapels: Provided always, that previous to the Expenditure of any of the Funds at the Disposal of the said Commissioners for the Erection or Alteration and Repairs of any such Building as aforesaid, or for the Purchase, Hire, or fitting-up and furnishing of any such Building, the said Commissioners shall obtain the Consent and Approbation

Consent and Approbation of the Ordinary to be obtained.

Approbation in Writing under the Hand of the Bishop or Ordinary of the Diocese in which such Building is proposed to be erected or fitted-up and used for the Celebration of Divine Service therein; and that without such Consent and Approbation first had and obtained, no such Building as aforesaid shall be erected or used for the Celebration of Divine Worship by or under the Authority of the said Commissioners.

Commissioners empowered to enter Churches for the Purposes of Repairs.

VIII. It shall be lawful for the Ecclesiastical Commissioners for *Ireland*, their Architect or Architects, or any Person or Persons employed by them, by and with the Consent in Writing of the Bishop of the Diocese in which any Church, Chapel, or Churchyard shall be situate, or of his Commissary, at all convenient Times to enter any Church, Chapel, or Churchyard for the Purpose of executing any Works for building, rebuilding, enlarging, or repairing such Church or Chapel, or fencing or maintaining such Churchyard, or for the Purpose of inspecting and ascertaining the State of the Fabric of such Church or Chapel, as well previous to the Commencement of such Works as during their Progress, and with such Consent as aforesaid to make and execute such Alterations and Repairs in any such Church, Chapel, or Churchyard as may appear to said Commissioners to be necessary or expedient; and the Incumbent and Church Wardens or Chapel Wardens of any such Church or Chapel shall and they are hereby required, upon the Application of the said Commissioners having such Consent as aforesaid, to permit the said Commissioners and their Architects, or any Person or Persons employed by them, to enter such Church, Chapel, or Churchyard for any of the Purposes aforesaid at all such Times as they shall require.

Commissioners may recover Compensation for malicious Injuries to Churches by Grand Jury Presentment.

IX. From and after the passing of this Act the Provisions of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, and of the Fourth and Fifth Years of the said Reign, Chapter Ninety, relating to the Recovery of Satisfaction and Amends for any malicious or wanton Demolition, Burning, Firing, or Injury or Damage to any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland*, are and shall be deemed and taken to be of full Force and Effect, anything in the Act of the Sixth and Seventh Years of the said Reign, Chapter One hundred and sixteen, or any other Act or Acts, to the contrary notwithstanding.

Furniture of Churches vested in Commissioners.

X. In any Indictment, Information, Action, Suit, or Proceeding, whether Criminal or Civil, relating to Furniture, Lamps, Sconces, Fittings, Cushions, Bibles, Prayer Books, or any other Matter required for the Celebration of Divine Service in any Church or Chapel in *Ireland*, for the Supply of which the Funds vested in the Ecclesiastical Commissioners for *Ireland* are or shall be applicable, by virtue of any Law or Statute now in force, or hereafter to be made, it shall be sufficient to describe the same as the Property, Goods, and Chattels of the Ecclesiastical Commissioners for *Ireland*.

Form and Fabric of Churches, &c. built or maintained by the Commissioners, not to be altered without Consent of the Bishop, &c.

XI. It shall not be lawful for any Person or Persons to alter the Form or Structure of any Parochial Church or Chapel in *Ireland*, or of any other Church or Chapel which has been or shall be hereafter built or maintained by or out of the Funds vested in the Ecclesiastical Commissioners for *Ireland*, or to remove, take down, destroy, or alter the Position of the Reading Desk, Pulpit, or Pewing of any such Church or Chapel as aforesaid, or the Walls or Fences of any Churchyard belonging thereto, without the previous Consent in Writing of the said Ecclesiastical Commissioners and of the Bishop of the Diocese in which such Church or Chapel is or shall be situate, or of his Commissary.

Commissioners may apply old Materials of Church to effect Repairs.

XII. In every Case in which it shall become necessary and lawful for the Ecclesiastical Commissioners for *Ireland* to rebuild, alter, or repair any Church or Chapel or Churchyard, or any Part thereof, and for that Purpose to take down or remove any Part of the Fabric or Materials of the Church or Chapel, or the Walls or Fences of the Churchyard, it shall be lawful for the said Ecclesiastical Commissioners to use and employ and otherwise to make available such of the old Materials of the said Church or Chapel, or of the Walls or Fences of the said Churchyard, as may be fit and proper for the Purpose of such Rebuilding, Alteration, or Repair, and to remove, convert, and sell, or otherwise dispose of the Remainder of such Materials, and such Parts thereof as may be useless for the Purposes aforesaid, as in their

their Judgment shall seem best, and in case of the Sale of the said Materials, to apply the Produce of the same towards reimbursing the Expenses of such Rebuilding, Alteration, or Repair.

Burial of Dead Bodies within any Church or Chapel, or within 12 Feet of the outer Walls thereof, unlawful.

XIII. From and after the passing of this Act it shall not be lawful for any Person or Persons to bury any Dead Body within the Walls of any Church or Chapel in *Ireland*, or of any Church, Aisle, Room, or Place belonging to and under the same Roof with such Church or Chapel, or within Twelve Feet of the Outside of the Walls of any Church or Chapel; and it shall not be lawful for any Ecclesiastical Person to perform the Burial Service at the Interment of any Dead Body which shall be buried within the Walls of any Church or Chapel in *Ireland*, or of any Church, Aisle, Room, or Place thereunto belonging, or within Twelve Feet of the Outside of the Walls of any Church or Chapel in *Ireland*: Provided always, that nothing herein contained shall prevent the burying in any arched Vault built under any Church or Chapel, or under any Chancel, Aisle, Room, or Place thereunto belonging, where the only Door to such Vault opens on the Outside of the Walls of such Church or Chapel, or of such Chancel, Aisle, Room, or Place thereunto belonging; and any Person who shall, contrary to the Provisions of this Act, bury any Dead Body within the Walls of any Church or Chapel, or of any Chancel, Aisle, Room, or Place belonging to and under the same Roof with such Church or Chapel, or within Twelve Feet of the Outside of the Walls of any Church or Chapel, and every Ecclesiastical Person who shall perform the Burial Service at the Interment of any Dead Body which shall be buried within the said Limits, shall forfeit for every such Offence the Sum of Ten Pounds, to be recovered by Civil Bill by the Ecclesiastical Commissioners for *Ireland*.

Burial in arched Vaults under Church or Chapel, &c. lawful.

Mines.

XIV. From and after the passing of this Act whenever Application shall be made by a Tenant holding any Lands or Premises by Lease or Contract from any Archbishop, Bishop, or other Sole Ecclesiastical Corporation in *Ireland*, or from the said Ecclesiastical Commissioners for the Purchase of the Fee Simple and Inheritance of such Lands or Premises, pursuant to the Provisions of the Acts relating to the Temporalities of the Church in *Ireland*, or any of them, it shall be lawful for the said Ecclesiastical Commissioners, and they are hereby required, in addition to the several other Matters which they are by the Provisions of the Acts now in force authorized or required to ascertain previous to the Conveyance of such Fee Simple and Inheritance, also to ascertain whether any Mines or any Quarries of Marble or Slate shall have been opened or discovered within or under the said Lands or Premises; and if any such Mines or Quarries shall have been opened or discovered, then to ascertain whether the same shall have been demised to any Person or Persons, or comprised in or made the Subject of any Contract for a Lease or Demise thereof.

Where Mines have been demised.

XV. If it shall be ascertained that any such Mines or Quarries have been demised to any Person or Persons, or made the Subject of any Contract for a Demise thereof, then it shall not be lawful for the said Ecclesiastical Commissioners to execute or affix their Common Seal to any Conveyance of the Fee Simple and Inheritance of the Lands or Premises comprised in the Application of such Tenant as aforesaid, on, within, or under which such Mines or Quarries as aforesaid shall have been opened or discovered, unless the said Mines or Quarries, together with all Minerals, Marbles, or Slates, and all other Issues, Profits, or Advantages to be derived therefrom, shall be first excepted out of the said Conveyance, and the usual and necessary Clauses inserted therein for securing to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or to the said Ecclesiastical Commissioners, as the Case may be, and their respective Agents, Lessees, Workmen, and all other Persons to be appointed by them respectively, full Powers to enter and work said Mines or Quarries, and take and carry away the Produce and Profits thereof.

Where Mines have not been demised.

XVI. If, in case of any Application by any such Tenant as aforesaid, it shall be ascertained that no such Mines or Quarries shall have been opened or discovered within, on, or under any Portion of the Lands or Premises comprised in such Application, or that such Mines or Quarries shall have been opened or discovered, but that the same shall not have been demised to any Person or Persons, or made subject to any Contract for a Demise thereof

thereof, then it shall be lawful for the said Ecclesiastical Commissioners, save as herein-after provided, to include such Mines or Quarries in the Grant or Conveyance of the said Lands or Premises.

Additional Rent to be reserved.

XVII. It shall not be lawful for the said Commissioners to execute or affix their Common Seal to such Grant or Conveyance as last aforesaid, unless there be a proper Clause or Clauses inserted therein, providing that (over and above the Rent which under the Provisions of the Acts herein-before mentioned, or any of them, is required to be reserved) an additional Rent shall become payable to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or to the said Ecclesiastical Commissioners, as the Case may be, in the event of such Mines or Quarries being at any future Time opened and worked, or any Profit or Produce being derived therefrom, and which Rent shall be equivalent to One Moiety of any Royalty or other Rent which shall be reserved by or under any Contract or Lease which the Tenant of said Lands and Premises, his Heirs or Assigns, shall at any Time or from Time to Time hereafter make or execute with or to any Person or Persons who shall undertake the opening or working of such Mines or Quarries; and in case such Tenant, his Heirs or Assigns, shall not make or execute any such Contract or Lease as aforesaid, but shall by himself or themselves, and his or their Agents or Workmen, open and work the said Mines or Quarries, then the said additional Rent shall be equivalent to One Moiety of the Royalty Rent heretofore usually reserved by the said Ecclesiastical Commissioners in Leases of Mines or Quarries of a like Nature and under like Circumstances, and shall be subject to be increased or diminished at the Expiration of Twenty-one Years from the Time when the same shall first become payable as aforesaid, according to the Increase or Diminution of the Net Profits or Produce which shall be derived from the Working of such Mines or Quarries, and shall be subject to a like Variation at the Expiration of each successive Period of Twenty-one Years.

Arbitrators to be appointed in case of Dispute.

XVIII. In case any Difference or Dispute shall at any Time arise between such Tenant, his Heirs or Assigns, and such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or the said Ecclesiastical Commissioners, as the Case may be, in relation to such additional Rent or the Variation thereof, such Difference or Dispute shall be settled by the Three Arbitrators, to be appointed in like Manner and subject to the like Provisions and Regulations as are contained in the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, in relation to Arbitrators to be appointed for the Adjustment of Differences between the said Ecclesiastical Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under the said Act, and with the like Powers and Authorities, so far as the same are applicable; and the Determination of such Arbitrators as to the Amount of such additional Rent or the Variation thereof, and all Matters incident thereto, shall be conclusive and binding on all Persons, and the Expense of such Arbitration shall be borne and defrayed by such Person or Persons and in such Manner as such Arbitrators shall direct.

Any Estate held by Lease immediately under Commissioners to be deemed equivalent to an Estate of Inheritance, &c.

XIX. From and after the passing of this Act, every Estate held by Lease or Demise immediately from or under the said Ecclesiastical Commissioners, either of Lands or Premises now vested in them under the Provisions of any Act of Parliament heretofore made, or of Lands or Premises which may hereafter become vested in the said Ecclesiastical Commissioners under or by virtue of any Act of Parliament heretofore made, or of any Act of Parliament which may hereafter be made, or otherwise howsoever, shall, for all Purposes relating to the Rentcharge created in lieu of Tithes or Composition for Tithes, be deemed and taken to be equivalent to a perpetual Estate or Interest.

Empowering the Renewal of Leases of Lands, &c. disappropriated from Ecclesiastical Dignities.

XX. In all Cases where Tithes or Portions of Tithes heretofore held jointly with Lands by Leases, renewed from Time to Time, and now in full Force and Effect, and which have been or shall at any Time hereafter under the Provisions of any Acts be disappropriated and united in the whole or in part to any Rectory, Vicarage, Incumbency, or Perpetual Curacy, or transferred to the said Ecclesiastical Commissioners for *Ireland*, it shall and may be lawful for the Incumbent of such Parish or Benefice to which said Tithes and Lands so disappropriated have been or shall be united, and for the Ecclesiastical Commissioners for *Ireland*, and he and they are hereby required, on the Application of the respective Lessees, Assignees,

Assignees, or Tenants of such Tithes, and Lands, Tenements, or Hereditaments, to accept a Surrender of the subsisting Lease of the same, and to demise anew the said Tithes and 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 Ecclesiastical Person who formerly held the same, shall have had the Power of granting or demising previously to such Disappropriation, reserving by such new Lease the annual Rent or Rents theretofore reserved out of said Tithes, Lands, Tenements, or 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 payable for the Renewal of the Lease or Interest in such Tithes, Lands, Tenements, or Hereditaments; such annual Rent or Rents and average Amount of Renewal Fines to be ascertained by such and the like Means as by the said recited Acts provided in Cases of Renewals made by the said Ecclesiastical Commissioners for *Ireland* of Leases of Lands theretofore belonging to a Bishopric, and subject to the like Provisions, Restrictions, and Limitations as in the said Acts contained in relation to such last-mentioned Renewals of Lands by said Commissioners; and it shall and may be lawful for the respective Tenants, Lessees, or Under-tenants of any such Tithes, Lands, Tenements, or Hereditaments so disappropriated to apply to the Incumbent of the Benefice to which same shall have been so united, and also to the Ecclesiastical Commissioners for *Ireland*, for the Purchase of a Perpetual Estate or Interest in any such Tithes, Lands, Tenements, or Hereditaments theretofore leased, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have applied to the Bishop of the Diocese and to the Ecclesiastical Commissioners, by virtue of the said Acts relating to Temporalities of the Church in *Ireland*, or any of them, in Cases of Lands, Tenements, or Hereditaments; and in case of such Application, all such and the like Proceedings shall be had for the Purchase of a Perpetual Estate and Interest in such Tithes, Lands, Tenements, or Hereditaments so disappropriated as aforesaid as by the said Acts, or any of them, are prescribed in case of an 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 Benefices to which such Tithes, Lands, Tenements, or Hereditaments 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 said Tithes, Lands, Tenements, or Hereditaments shall have been disappropriated.

Further Division of Rents to follow that of Lands.

XXI. Whenever any Division of Lands or Premises has taken place or shall hereafter take place, and the yearly Rent or Rents have been or shall be divided and apportioned under the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Thirty-seven, and a further Division of any Part of such Lands and Premises shall take place, it shall be lawful for the said Ecclesiastical Commissioners, if they see fit so to do, to make a further Division and Apportionment of the Rent so previously apportioned upon such Part of the said Lands and Premises, in the same Manner and subject to the same Terms and Conditions as those upon and under which the former Division and Apportionment was made.

Sub-tenants empowered to purchase Perpetuities required to furnish Copies of Valuations, &c.

XXII. From and after the passing of this Act, whenever any Under-tenant of any Lands or Premises held by Lease from any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or from the Ecclesiastical Commissioners for *Ireland*, shall be authorized, under the Provisions of the Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Ninety, to apply for the Purchase of the Fee Simple and Inheritance of the Lands and Premises held by such Under-tenant, and shall make Application therefor in manner therein prescribed, then and in every such Case, in addition to the Notice in Writing which such Under-tenant is now, under the Provisions of the said Act, obliged to serve on the said Ecclesiastical Commissioners, notifying his Desire to purchase the Fee Simple and Inheritance of the said Lands and Premises, and the other Notices by the said Act required to be served, he shall furnish the said Commissioners with an Extract or Extracts from the Valuation now in progress or being made under the several Acts relating to the Valuation of Rateable Property in *Ireland*, provided such Valuation shall have been then extended to the Lands and Premises held by such Under-tenant as aforesaid, showing the annual Value and other Particulars therein contained relative to the

the Lands and Premises held by such Under-tenant as aforesaid, and also the annual Value and other Particulars in the said Valuation contained relative to the whole of the Lands and Premises held by the First or immediate Tenant through or under whom such Under-tenant shall hold, either mediately or immediately, and also the annual Value or other Particulars in the said Valuation contained relative to the several Portions of the said Lands and Premises held by any other Tenants or Tenant intermediate between such First or immediate Tenant as aforesaid and such Under-tenant applying to purchase the Fee Simple of the Lands and Premises held by him as aforesaid.

No Purchase to take place without Valuation being furnished.

XXIII. Unless and until such Extracts from the said Valuation shall be furnished to or left at the Office of the said Ecclesiastical Commissioners in the City of *Dublin*, by the Under-tenant applying for the Purchase of the Fee Simple and Inheritance of any such Lands and Premises as aforesaid, in any Case where such Valuation shall have been extended to the said Lands and Premises, it shall not be lawful for the said Ecclesiastical Commissioners to treat, contract, or agree with such Under-tenant for the Purchase of such Fee Simple and Inheritance; nor shall any Application for such Purchase be deemed or taken as having any Preference or Priority over a subsequent Application by any other Under-tenant of such Lands and Premises, but shall be deemed and taken to be null and void to all Intents and Purposes as if the same had never been made.

Surveyors employed by Ecclesiastical Commissioners empowered to enter upon Lands and Premises.

XXIV. Whenever any Application for such Purchase as aforesaid shall be made to the said Ecclesiastical Commissioners by any Under-tenant entitled as aforesaid to make the same, and who shall also furnish to the said Commissioners, or leave at their Office in the City of *Dublin*, such Extract or Extracts from the said Valuation as aforesaid, then it shall and may be lawful for any Valuator, Surveyor, or other Person or Persons who shall be employed by the said Ecclesiastical Commissioners for the Purpose of ascertaining the several Matters and Things necessary to be ascertained for the Completion of the Purchase of the Fee Simple and Inheritance of the Lands and Premises so held by such Under-tenant as aforesaid, and who shall be duly authorized by the said Ecclesiastical Commissioners so to do in Writing, under the Hand of their Secretary, to enter into and upon all or any Part of the Lands and Premises held by such Under-tenant, or of the Lands and Premises comprised in the Lease of the First or immediate Tenant through or under whom such Under-tenant shall hold as aforesaid, at all reasonable and convenient Times, and to do all Things necessary for the Purpose of making a Valuation of such Lands and Premises, and ascertaining the several Matters and Things necessary to be ascertained in order to enable the said Ecclesiastical Commissioners to determine the Amount of the Purchase Money to be paid for such Fee Simple and Inheritance as aforesaid, and the Amount of the perpetual annual Rent and Rentcharge or Rentcharges subject to which the same is to be conveyed.

Ecclesiastical Commissioners may serve Notices upon Sub-tenants applying for Purchase, and upon the immediate Tenant and any intervening Tenant.

XXV. It shall and may be lawful for the said Ecclesiastical Commissioners to serve Notice in Writing upon an Under-tenant making such Application as aforesaid, and upon the First or immediate Tenant through or under whom such Under-tenant shall hold as aforesaid, and also upon any other Tenant or Tenants intervening between the First or immediate Tenant and such Under-tenant applying to purchase the Fee Simple and Inheritance of the Lands and Premises held by him as aforesaid, requiring such Under-tenant and such intervening Tenant or Tenants respectively to furnish to the said Commissioners, or deliver at their Office in the City of *Dublin*, within a reasonable Time to be mentioned in such Notice, Copies of the respective Leases under which they hold, or such Extracts or Particulars therefrom as shall be specified or required by such Notice; and thereupon each such Tenant or Under-tenant having any such Lease or Copy thereof in his Custody, Power, or Procurement, shall and they are hereby required to furnish such Copies, Extracts, or Particulars as the Case may be, in pursuance of such Notice; and in case of any such Tenant or Under-tenant neglecting so to do for the Space of Two Months after the Time mentioned in such Notice, it shall be lawful for the Court of Queen's Bench in *Ireland* to direct a Writ of Mandamus, or any other Writ that may be necessary, to any such Tenant or Under-tenant, to enforce Compliance with the said Notice, and compel the Production of such Copies, Extracts, or Particulars as aforesaid, and such Tenant or Under-tenant shall

pay all the Costs and Expenses incurred by the said Ecclesiastical Commissioners in such Proceedings.

Sections 160 & 161 of 3 & 4 W. 4. c. 37. repealed.

Notice of Period at which Leases are renewable to be served on Tenant.

XXVI. From and after the passing of this Act the Enactments contained in the One hundred and sixtieth and One hundred and sixty-first Sections of the Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, shall be and the same are hereby repealed; and it shall and may be lawful for the said Ecclesiastical Commissioners, and they are hereby required, so soon as conveniently may be after the passing of this Act, in respect of all Lands and Premises now vested in them under the Provisions of the Acts relating to the Temporalities of the Church in *Ireland*, or any of them, and in respect of all Lands and Premises hereafter to become vested in them under the Provisions of the said Acts or any of them, or of any Act which shall be hereafter made, within Six Calendar Months from the Time or Times when such Lands and Premises or the Reversion thereof shall have become vested in the said Commissioners, to fix and determine at what Periods or Intervals all and every the respective Leases or Instruments of Demise whereby any such Lands and Premises are or shall be held immediately from and under them the said Ecclesiastical Commissioners (being a Lease or Instrument theretofore usually and customarily renewed and renewable) shall from thenceforth be renewable and renewed, and the said Ecclesiastical Commissioners shall cause Notice in Writing to be served upon the several and respective Tenants holding under or by virtue of any such Lease or Instrument either personally or by sending the same by Post addressed to such Tenant or Tenants at his or their present or last known Place of Residence, or by delivering the same to the known Agent or Agents of such respective Tenants, or by sending it by Post addressed to the present or last known Place of Abode of such Agent, stating thereby the Periods or Intervals at which such Leases or Instruments respectively are thereafter to be renewable and renewed.

After Service of Notice Renewal of Lease to be made on Application from Tenant.

XXVII. After the Service of such Notice, in case any Tenant holding, or who shall at any Time hereafter hold, immediately from and under the said Ecclesiastical Commissioners, any Lands or Premises by virtue of any Lease which shall have been theretofore usually or customarily renewed, shall be desirous of obtaining any Renewal of such Lease for the like Term as shall have been thereby granted, and at and under the like Rent as therein reserved, it shall and may be lawful for such Tenant at any Time within the Period so fixed or determined as aforesaid, or within Six Calendar Months from the Expiration of such Period, to apply to the said Ecclesiastical Commissioners for a Renewal of such Lease, and thereupon the said Ecclesiastical Commissioners shall and they are hereby required to grant to the respective Tenants so applying for the same a Renewal of such Lease for the like Term and at the like Rent for and at which the said Lands or Premises were demised by such Lease; but nevertheless, upon Payment by such respective Tenants to the said Ecclesiastical Commissioners as well of all Arrears of Rent reserved by such Lease as of such a Fine as may be equal to the average Amount of the Renewal Fines theretofore paid or agreed to be paid, or customarily paid or payable for Renewal of the Lease or Interest in said Lands and Premises, such average Amount of Renewal Fines to be ascertained by all such and the like Means as in the said Act of the Third and Fourth Years of the Reign of King *William* the Fourth, Chapter Thirty-seven, are provided for ascertaining the same in Cases of Application for Purchase of Perpetuities under the said Act, and to be ascertained as if One Year only of such Lease had elapsed, and the Calculation of a Sum to be paid as a Fine for whatever Term may at the Time of such Application for a Renewal have elapsed of the existing Lease to be made upon the Basis of such annual Renewal Fine, and to be computed according to the usual Custom in relation to the Renewal of Leases under Ecclesiastical Landlords.

Commissioners to fix and demand Renewal Fines in certain Cases.

XXVIII. In case any such Tenant shall at any Time after the Service of such Notice omit or neglect to make Application to the said Ecclesiastical Commissioners for a Renewal of such Lease within the Period so fixed and determined by said Commissioners as aforesaid, or within Six Calendar Months after such Period, or shall not pay to the said Ecclesiastical Commissioners all such Fine or Fines for Renewal as shall be ascertained by the said Ecclesiastical Commissioners, and also all Rent and Arrears of Rent due and payable to the said

said Ecclesiastical Commissioners out of such Lands and Premises within One Calendar Month after the Amount of the Fine or Fines so ascertained shall have been notified by the said Ecclesiastical Commissioners to such Tenant or his or her Agent, then and in every such Case it shall and may be lawful for the said Ecclesiastical Commissioners to procure a Valuation of the said Lands and Premises, to be made previous to the Grant of any Renewal or new Lease thereof, and to demand and require such Renewal Fine as they shall think reasonable, having regard to such Valuation.

Application for Renewal to be signed by the Person entitled to such Renewal, and specify his Residence in Ireland, and Post Town.

XXIX. No Application to the said Ecclesiastical Commissioners for a Renewal of any Lease or Demise shall be valid or effectual within the Meaning of this Act, unless the same shall be in Writing, signed by the Person or Persons entitled to such Renewal, or his, her, or their Agent or Agents, and unless the same shall specify some House or Place in *Ireland*, together with the Post Town thereof, as the House or Place to which all Notifications and Communications which may become necessary to be made or sent by or on behalf of the said Commissioners in relation to such Renewal may be addressed; and every Notification of the Fine or Fines for Renewal to be paid to the said Ecclesiastical Commissioners for any such Renewal which shall be delivered at any such House or Place, or shall be addressed to the Person or Persons by whom such Application shall be signed, at such House or Place, and Post Town so specified as aforesaid, and transmitted so addressed through the General Post Office, shall thereupon be deemed and taken to be a due Notification thereof pursuant to this Act.

Commissioners may lend Money out of the Perpetuity Purchase Fund for building Glebe Houses.

XXX. It shall be lawful for the said Ecclesiastical Commissioners for *Ireland*, out of the Funds and Monies from Time to Time in their Hands arising from the Sale of Perpetuities in any Lands, Tenements, and Hereditaments belonging or formerly belonging to any Archbishop, Bishop, or any other Ecclesiastical Corporation Sole, in case they shall think it fit and expedient so to do, to advance, by way of Loan, any Sum or Sums of Money for the Purpose of enabling any Rector, Vicar, or Perpetual Curate of any Parish or District Parish having no suitable House or Place of Residence, to build, improve, or purchase a suitable Residence within such Rectory, Vicarage, or District, or to discharge any Debt previously incurred by such Rector, Vicar, or Perpetual Curate for such Purpose, and secured by Mortgage, under the Act of the Fourteenth and Fifteenth Years of Her Majesty, Chapter Seventy-three, such Money to be secured by Mortgage of the Glebe Lands, Tithes, Rents, Rentcharge, and other Profits and Emoluments of such Rectory, Vicarage, or Perpetual Curacy, according to the Provisions of the last-mentioned Act: Provided always, that no Sum so to be advanced shall in any Case, together with the Sum already charged (if any) on the Benefice, and recoverable against the next Successor, exceed the Amount of Two Years net Income of such Rectory, Vicarage, or Curacy, in estimating which Income the annual Instalment only (if any) payable to the Ecclesiastical Commissioners on Foot of any Loan from the late Board of First Fruits shall be deducted; and that the Rate of Interest for the Loan of any such Sum shall not be less than Four Pounds Sterling *per Centum per Annum;* and the Instalments or annual Sum payable to the said Commissioners, or other Mortgagee under the said Act, by such Rector, Vicar, or Perpetual Curate, and his Successors, on Foot of such Loan, shall be allowed by the said Ecclesiastical Commissioners in the Valuation of such Rectory, Vicarage, or Curacy, for the Purposes of the Tax payable under the Provisions of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven.

Instalments payable on Foot of Loan to be allowed in Valuation of Rectory, &c. for the Purpose of Tax.

Commissioners may forego Collection of Loans by Commissioners of First Fruits for Erection of Glebe Houses.

XXXI. It shall be lawful for the said Commissioners, if they shall think fit, to reduce the Amount or forego the Collection of any Instalments due by any Rector, Vicar, or Perpetual Curate on Foot of any Loan made to the Predecessors of such Rector, Vicar, or Perpetual Curate, by the Trustees and Commissioners of First Fruits in *Ireland*, for purchasing, building, repairing, or enlarging any Glebe House of which such Rector, Vicar, or Perpetual Curate shall not be in actual Possession or Occupation.

Power to apply any Part of the Funds vested in them

XXXII. From and after the passing of this Act it shall be lawful for the said Ecclesiastical Commissioners, if they shall think fit, out of any of the Funds or Properties now vested or which may hereafter become vested in them by virtue of any Act heretofore passed or which

(except Boulter's and Robinson's) to augment small Benefices.

which may hereafter be passed, or out of the Interest, Dividends, or Proceeds of such Funds or Properties as aforesaid (save and except the Properties and Funds respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, and formerly vested in the Trustees and Commissioners of First Fruits in *Ireland*, and the Interest, Dividends, and Proceeds thereof respectively, and also save and except such other Funds and Properties as have been heretofore or may be hereafter bequeathed to and vested in the said Ecclesiastical Commissioners for any special Purposes), after due and reasonable Provision shall have been made for the several Objects and Purposes specified in the Sixty-third and Seventy-first Sections of the Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven, and not sooner, to augment any Benefice with Cure of Souls, Living, or Curacy, appropriate or impropriate, or to increase the Maintenance of any Parson, Vicar, Curate, or Minister officiating in any Church or Chapel or licensed Place of Worship in *Ireland*, where the Liturgy and Rites of the United Church of *England* and *Ireland*, as now by Law established, are or shall be used and observed, and which shall appear to them to be under the clear yearly Value of Two hundred Pounds (after allowing the Deductions mentioned in the said Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven,) either by the Purchase of Glebes or other Lands or Composition for Tithes, or both, or by granting to the Incumbent of such Benefice or Living, or to such Parson, Vicar, Curate, or Minister, an annual Salary to be paid out of the Rents, Issues, and Profits of the several Lands or Tenements, and the Interests or Dividends of the several Monies and Properties by the said Act vested in such Commissioners as aforesaid, or in any other Manner as to the said Commissioners shall seem fit: Provided always, that the Value of such Benefice, Living, Maintenance, or Curacy, together with such Augmentation as aforesaid, shall not in the whole exceed the Value of Two hundred Pounds by the Year; and provided also, that nothing herein contained shall be deemed or taken to alter or affect any of the Provisions or Enactments contained in the Sections Ninety-four to One hundred and five of the said Act.

Distinct and separate Accounts to be kept in the Books of the Commissioners of all Sums applicable for Augmentation Purposes.

XXXIII. From and after the passing of this Act, a distinct and separate Account shall be opened and kept in the Books of the Ecclesiastical Commissioners of all Sums which shall from Time to Time be granted or applied from or out of the Funds or Property vested in them as aforesaid, or out of the Interest, Dividends, or Proceeds thereof, for the Augmentation of any Benefice with Cure of Souls, Living or Curacy, appropriate or impropriate, or for the Maintenance of any Parson, Vicar, Curate, or Minister officiating in any Church, Chapel, or licensed Place of Worship in *Ireland*, showing thereby the particular Fund or Property from which each such Sum shall be so granted or applied.

Mortgages to be made to Commissioners.

XXXIV. From and after the passing of this Act, all Mortgages of Lands or Premises held under any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or under the Ecclesiastical Commissioners, which shall be made by any Tenant or Lessee thereof, or by any Under-tenant thereof, in lieu of Payment of the Purchase Money for any Perpetuity, Grant, or Conveyance made under the Provisions of the Act of the Third and Fourth Years of His Majesty King *William* the Fourth, Chapter Thirty-seven, or of any Act or Acts passed for altering or amending the same, shall be made and executed to and to the Use of the said Ecclesiastical Commissioners for *Ireland*, and their Successors and Assigns.

Mortgages not to affect Rights reserved.

XXXV. No Mortgage made or executed under this Act, nor any Mortgage heretofore made or executed to the said Commissioners for securing the Payment of the Purchase Money for any Perpetuity granted under the said Acts herein-before mentioned, or any of them, or any Portion of such Purchase Money, shall in any Manner prejudice or affect the Rights or Remedies at Law or in Equity of the said Ecclesiastical Commissioners, in respect of the Rent or Rents reserved by any Perpetuity Grant made or executed under the Acts relating to the Temporalities of the Church in *Ireland*, or any of them, but the said Commissioners shall have and enjoy all the same Rights, Remedies, and Powers of suing or proceeding in any Court of Law or Equity for Recovery of the Rent or Rents reserved or payable under any such Perpetuity Grant as aforesaid, as if such Mortgage had not been made and executed to the said Commissioners, and as if the legal Estate in the Lands or Premises

Premises comprised in any such Perpetuity Grant as aforesaid were at the Time of any such Suit or Proceeding for Recovery of such Rent or Rents vested in the Tenant, Lessee, or Under-tenant (as the Case may be) to whom such Perpetuity Grant shall have been made, or in the Heirs or Assigns of such Tenant, Lessee, or Under-tenant, as the Case may be.

Power to repair Cathedral Church of the Holy Trinity, Down.

XXXVI. From and after the passing of this Act, it shall be lawful for the Ecclesiastical Commissioners to contribute to the Repair of the Cathedral Church of the *Holy Trinity* of *Down*, though non-parochial; and the several Provisions in the Acts of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, and of the Sixth and Seventh Years of the same Reign, Chapter Ninety-nine, shall apply to such Cathedral Church.

Ecclesiastical Commissioners empowered to pay Perpetual Curates for the Parish of Monkstown.

XXXVII. 'Whereas it is expedient to make further and better Provision for the Spiritual 'Wants of Portions of the Union of *Monkstown* in the County and Diocese of *Dublin*, and 'for the more convenient Celebration of Divine Service therein: And whereas it is for that 'Purpose proposed and intended to erect and assign the Parish of *Tullow* and the Parish of '*Kill*, within the said Union, into separate particular Parochial Districts, or Portions of 'particular Parochial Districts, pursuant to the Provisions of the Act of the Fourteenth 'and Fifteenth Years of Her Majesty, Chapter Seventy-two:' Be it enacted, That whenever the Parishes of *Tullow* and *Kill*, or either of them, shall be erected into a particular Parochial District, or Portions of particular Parochial Districts, it shall or may be lawful for the Ecclesiastical Commissioners of *Ireland*, and their Successors, to pay from Time to Time, out of the Funds in their Hands, to such Persons as shall from Time to Time be duly nominated and appointed to the Perpetual Curacy of such Parish or Parochial District, and licensed by his Grace the Archbishop of *Dublin* (and so long as such Person shall hold the Cure of Souls within such Parochial District), an annual Sum not exceeding One hundred Pounds.

CAP. CLI.

An Act for the Regulation and Inspection of Mines. [28th *August* 1860.]

5 & 6 Vict. c. 99.

18 & 19 Vict. c. 108.

'WHEREAS an Act was passed in the Session holden in the Fifth and Sixth Years of 'Her Majesty, Chapter Ninety-nine, "to prohibit the Employment of Women and '"Girls in Mines and Collieries, to regulate the Employment of Boys, and to make other '"Provisions relating to Persons working therein:" And whereas an Act was passed in 'the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter 'One hundred and eight, "to amend the Law for the Inspection of Coal Mines in *Great* '*Britain*:" And whereas it is expedient that the Provisions of the said Two several Acts 'should be amended, and that the Provisions for Inspection now applicable to Coal Mines 'only should be extended to certain Mines of Ironstone of the Coal Measures:' 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, as follows:

I.—*Provisions applicable to all Mines.*

No Boy under Twelve Years of Age to be employed in Mines.

I. After the First Day of *July* One thousand eight hundred and sixty-one, it shall not be lawful for the Owner of any Mine or Colliery to employ any Male Person under the Age of Twelve Years within such Mine or Colliery, or to permit any such Male Person to work or be therein for the Purpose of working therein other than such as at the passing of this Act shall have attained the Age of Ten Years, and were at or before the passing of this Act employed within the same or some other Mine or Colliery; and the said Act of the Fifth and Sixth Years of Her Majesty, and all the Provisions and Penalties thereof, shall be