

ANNO TERTIO

VICTORIÆ REGINÆ.

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CAP. XIII.

An Act to amend an Act of the First and Second Years of the Reign of Her present Majesty, to abolish Compositions for Tithes in *Ireland*, and to substitute Rent-charges in lieu thereof.

[19th *May* 1840.]

WHEREAS an Act was passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof;* and it is expedient to amend the said 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, That in any Petition to be presented under the said Act by Her Majesty's Attorney General for *Ireland* to the Court of Chancery or Exchequer in *Ireland*, or to the Court of any Assistant Barrister or Chairman, for the Recovery of any Arrears of Tithe Composition vested in Her Majesty under and by the Operation of the Provisions of the said Act, it shall be lawful to include all or any Two or more of the Persons in default who shall be named and distinguished in the Schedule annexed to any Memorial for Relief presented to the Lord Lieutenant

1 & 2 Vict. c. 109.

Any Petition under the recited Act may include all or any Two or more Persons in default named in the Schedule to any Memo-

rial for Relief presented under that Act; and the Court may proceed thereon as to any who may appear to have had due Notice.

Lieutenant and Privy Council in *Ireland* under the said Act as having such Estates or Interests as in the said Act described in the Lands charged with any Composition due and in arrear; and that the Court to which any such Application may be made by Petition may from Time to Time proceed thereon as against any One or more of the Persons therein named as Defaulters who may appear to have had due Notice thereof, although such Notice may not be proved to have been given to any other or others of the Persons named therein.

Order of Court to have Effect of a Decree without Enrolment.

II. And be it enacted, That every Order of either of the said Courts of Chancery or Exchequer respectively made upon any Petition, under the Provisions of the said Act or of this Act, shall have, without Enrolment, the Force and Effect of a Decree, and shall be enforced by such Writ of Execution or other Process as might be sued or issued to enforce any final Decree or Order of either of the said Courts; and every Order made by any Assistant Barrister on any such Petition preferred to him shall and may be enforced, and the Amount thereof levied, by all such Process as may be employed to enforce or carry into execution any Decree pronounced or made upon any Proceeding by Civil Bill by any such Assistant Barrister or Chairman under or by virtue of any Statute heretofore made, or by any of the Means in force before the passing of the said Act, for the Recovery of Tithe Composition.

What shall be the Period of Notice of proceeding before the Assistant Barrister.

III. And be it enacted, That in the Case of any Petition presented by the Attorney General to any Assistant Barrister or Chairman under the said Act, the Period of Notice of such Petition required by the said Act shall be computed to be Fourteen Days before the Commencement of the General or Quarter Sessions at which such Petition is intended to be preferred for the Division in which the Person in default shall reside; any thing in the said Act contained to the contrary notwithstanding.

Lord Lieutenant of Ireland in Council, upon a Statement of erroneous Return of Arrears, may revise and correct the same.

IV. And whereas it is desirable to make Provision for the final Distribution and Dividend of the Relief Fund provided by the said Act, without waiting the Termination of the Proceedings which may be taken by the said Attorney General, and for that Purpose it is necessary to ascertain and determine, within a reasonable Time, in what Cases only such Proceedings may or should be taken: And whereas several Persons who presented Memorials for Relief to the said Lord Lieutenant and Privy Council of *Ireland* under the said Act have, since Orders have been made thereupon by the said Lord Lieutenant and Privy Council, represented that they had erroneously returned therein Arrears of Tithe Composition as owing to them by Persons having such Estates or Interests in the Lands subject thereto as made such Persons liable to be sued for the same by Her Majesty's Attorney General, pursuant to the Provisions of the said Act; be it therefore enacted, That it shall be lawful for any Person who has presented any such Memorial under the said Act to lodge with the Clerks of Her Majesty's Privy Council in *Ireland*, within One Month from the passing hereof, a Statement of Errors, signed by him, of any Arrears which may have been so erroneously returned by him in the said Memorial, and of his Reasons for believing that such Error has

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been committed in the said Memorial; and it shall be lawful for the said Lord Lieutenant of *Ireland* in Council to cause the said Memorial and Statement to be revised in such Manner as shall seem proper, and after such Revision to cause the Memorial to be corrected as may be found necessary, and to declare the Memorialist entitled to receive such Dividend upon any Monies originally returned by him as due by Persons having such Estates or Interests as aforesaid as he would have been entitled to had not such Errors been committed by him, and the Memorialist shall receive such Dividend accordingly; and it shall be lawful to and for the Lord Lieutenant of *Ireland* in Council, after the Expiration of the said Period of One Month, and on such Correction of such Memorial or Memorials, to direct that so much of the Relief Fund created by the said Act as shall be deemed necessary for the Purpose shall be retained and set apart to provide for the Payment of the Costs, Charges, and Expences attendant on the Revision of the said Memorial or Memorials, and of any Costs which may be incurred in the Proceedings to be taken by the said Attorney General, and which may not be recoverable or recovered from the Defendants in such Proceedings, or payable out of any Sum thereby recovered, and to direct that the Residue of the said Relief Fund shall be forthwith paid over to and distributed among the several Memorialists rateably and in proportion to the respective Sums found to have been payable to them by Persons not having such Estates or Interests; and the said Lord Lieutenant shall thereupon certify to the Commissioners of Her Majesty's Treasury the proportionate Sum so payable to each Memorialist, and they shall give the necessary Directions for the Payment thereof accordingly; and if the Sum which shall be so retained and set apart for defraying such Costs and Charges as aforesaid shall be found more than sufficient for that Purpose, the Balance thereof shall be paid over to the Lord Primate of *Ireland* and the Venerable the Archdeacon of *Armagh*, to the end that the same may be applied by them as they may think fit for the Benefit of the Widows and Orphans of deceased Clergymen of the Established Church in *Ireland*.

Interpretation Clause.

V. And be it enacted, That the Provisions made by the said Act for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act; and that by the Expression "Relief Fund" shall be understood the Monies paid or payable to the Credit of the Account opened at the Bank of *Ireland*, and entitled "The Tithe Arrear Account," pursuant to the Provisions of the said Act.

Act may be altered this Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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