CAP. CXIX.

An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, providing for the establishing of Compositions for Tithes in *Ireland*; and to make such Compositions permanent. [16th *August* 1832.]

4 G. 4. c. 99.
5 G. 4. c. 63.
7 & 8 G. 4. c. 60.

'WHEREAS by an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the establishing of Compositions for Tithes in* Ireland *for a limited Time*, which Act was afterwards amended by another Act passed in the Fifth Year of the same Reign, and both which said Acts were afterwards amended by an Act passed in the Seventh and Eighth Years of the same Reign, Provision was made for the authorizing Compositions to be made for Tithes in *Ireland* in those Parishes wherein the Parishioners qualified as in the said Act mentioned, together with the Ecclesiastical Incumbents or other Persons entitled to Tithes therein, should mutually consent and agree to establish such Compositions: And whereas it is expedient that a fixed and permanent Composition in lieu of Tithes should, with a view to the future Commutation thereof, be generally established throughout that Portion of the United Kingdom called *Ireland*, and that for such Purpose the Enactments of the said recited Acts should be in some respects modified, and Provision made to give Effect to the same in Cases where they might fail of Operation through the Default or Disagreement of the Parties to whom the Option of proceeding thereunder is by the said Acts given:' Be it therefore enacted by the King'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 the Amount of any and every Composition to be at any Time after the passing of this Act established in lieu of Tithes or any Portion of Tithes in any Parish in *Ireland* shall be calculated upon an Average of all the Sums paid or agreed for or adjudged to be paid on account of the Tithes of the Parish to which such Composition shall relate during the Seven successive Years next preceding the First of *November* One thousand eight hundred and thirty, any thing in the said recited Acts directing the Amount of Compositions for Tithes to be calculated upon an Average of the Sums paid or agreed for or adjudged to be paid during the Seven successive Years next preceding the First Day of *November* in the Year One thousand eight hundred and twenty-one to the contrary hereof notwithstanding; and the Certificates stating the average Prices of Corn shall refer to such Seven successive Years preceding the First Day of *November* One thousand eight hundred and thirty accordingly.

All future Compositions shall be calculated on Average of Seven Years preceding 1st Nov. 1830.

So much of recited Acts as requires Consent of Patron, &c. to Appointment of Commissioner, &c. repealed.

II. And be it enacted, That from and after the passing of this Act so much and such Parts of the said recited Acts as make the Assent, Consent, or Approbation of any Archbishop, Bishop, Patron, or Sequestrator necessary to give Validity to the Appointment of any Commissioner under the said recited Acts, or to any

Act

Act of such Commissioners in execution of their Duty thereunder, shall be and such Parts of the said Acts are hereby repealed accordingly; and all such Appointments and Acts shall be good, valid, and effectual without such Assent, Consent, or Approbation, to all Intents and Purposes as if such Assent, Consent, or Approbation had not been mentioned in such Acts.

In Parishes where Composition shall not have been made within 3 Months the Lord Lieutenant may nominate a Commissioner, who shall fix the Amount of Composition, and have same Power as Commissioners under recited Acts.

III. And be it enacted, That in and for every Parish or Parts of a Parish in *Ireland* wherein a Composition for the Tithes thereof shall not have been made under the said recited Acts with the several Persons entitled to Tithe therein within Three Months after the passing of this Act, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, when and as he or they shall so think fit, to nominate some Person to be a Commissioner for carrying the said recited Acts and this Act into execution within such Parish, and such Person shall be entitled to and receive such and the same Payment or Remuneration for the Performance of his Duty under this Act as any Commissioner or Umpire appointed under the Provisions of the said recited Acts, and such Person shall be qualified in respect of Property to such Amount and in like Manner as it is by the said recited Acts required that the Commissioners appointed in the Manner therein mentioned shall be qualified; and such Person shall not be Owner or Proprietor of any Tithes or Composition for Tithes, nor Owner or Occupier of any Lands subject to the Payment of any Tithes or Composition for Tithes, in the Parish or Place for which such Person shall be so appointed to be Commissioner; and every Person so appointed to be such Commissioner shall take and subscribe such Oath for the Performance of his Duty as such Commissioner, and also such Oath of Qualification in respect of Property, as are required to be taken and subscribed by any Commissioner appointed under the said recited Act of the Fourth Year of His late Majesty, inserting in such Oaths the Title of this Act after the Title of the said recited Act; and every Person so appointed such Commissioner shall proceed to ascertain and fix the Amount of the yearly Sum of Money to be paid to the Incumbent or other Person or Persons, or Body Politic or Collegiate, or Corporation, entitled to any Tithes, rectorial or vicarial, prædial, personal or mixed, in the Parish in and for which such Commissioner shall be so appointed, and shall for that Purpose have and use all such Powers and Authorities as are by the said recited Acts and this Act given to any Two Commissioners appointed under the Provisions of the said Acts, and as such Two Commissioners, or either of them, if appointed in the Manner prescribed by the said recited Acts, might have used and exercised for that Purpose.

In case Commissioner shall die, &c. a new Commissioner shall be in like Manner appointed.

Acts of former Commissioner good.

IV. And be it enacted, That if any Commissioner appointed in manner aforesaid shall die, or shall neglect or refuse to act, or become incapable of acting, then and in every such Case a new Commissioner shall be in like Manner appointed, who shall be in like Manner qualified, and take the like Oaths, and in all respects have the like Powers and Authorities as the Commissioner in whose Room he shall be appointed: Provided nevertheless, that in case any Commissioner so ceasing to act shall have entered upon the Execution of his Duty under this Act, it shall not be necessary for any

any Commissioner who may be subsequently appointed in his Room to commence *de novo* any Proceeding by such former Commissioner in part performed or executed, but that all the Acts of such former Commissioner shall be and remain alike valid and effectual to all Intents and Purposes as if he had continued to act as such Commissioner.

Enactments of recited Acts to be applicable to Compositions made by sole Commissioner under this Act; and Expences of such Compositions to be provided for as under recited Act.

V. And be it enacted, That all Enactments and Provisions in the said recited Acts relating to the Compositions established by any Two Commissioners appointed in manner therein mentioned shall extend and be applicable to every Composition to be established by any sole Commissioner appointed by the said Lord Lieutenant or other Chief Governor or Governors under Authority of this Act as if such Enactments and Provisions were herein recited and inserted, save and except as respects the Appointment of an Umpire, or as the said Enactments or Provisions may be otherwise repugnant or inapplicable; and the Expences attendant upon the Establishment of any Composition by a sole Commissioner appointed hereunder, as aforesaid, shall be defrayed in like Manner as the Expences attendant upon establishing Compositions by Two Commissioners appointed under the said recited Acts; provided that a Moiety of the Payment or Remuneration of such sole Commissioner shall be paid and defrayed out of the Amount of Composition payable to the Incumbent, Impropriator, or other Person or Persons entitled thereto; and all Powers and Authorities by the said recited Acts provided for the Advance out of the Produce of the Consolidated Fund of any Monies for defraying such Expences as aforesaid, and for enforcing the Repayment of the Money so advanced, shall apply and extend, subject to the like Regulations and Limitations as established by the said recited Acts, to authorize the Advance of Money for the Purposes of this Act, and to enforce the Repayment thereof, as fully, to all Intents and Purposes, as if such Powers and Authorities were herein specifically mentioned and set forth.

All Compositions, although limited to 21 Years by former Acts, shall endure for ever, or until redeemed or extinguished.

Variations to which such Compositions shall be subject.

VI. And be it enacted, That all Compositions heretofore or which may hereafter be made and established in any Parish shall, any thing in the said recited Acts contained limiting the Duration of such Compositions to the Term of Twenty-one Years to the contrary notwithstanding, remain and endure for ever, or until the same shall be redeemed or extinguished in such Manner as Parliament may hereafter prescribe and appoint, but subject nevertheless to such Variation from Time to Time for ever hereafter in the Amount of such Compositions as hereafter mentioned; that is to say, in respect of all Compositions heretofore made and established, to Variation at such Periods as such Compositions may now be respectively liable to; and in respect of such Compositions as may be invariable during the whole Period of Twenty-one Years for which they may have been made, to Variation at the Termination of such Period, and thenceforth at any Time between the First of *May* and First of *November* in each succeeding Seventh Year; and in respect of all such Compositions hereafter to be established, to Variation between the First of *May* and First of *November* in each Seventh Year next after the Day from which each such Composition shall commence: Provided always, that the Amount of all Compositions heretofore or which may at any Time hereafter be made

made and established shall, any thing in the said recited Acts contained to the contrary notwithstanding, be increased or diminished with reference to the average Price of Corn as advertised in the *Dublin Gazette* during the Seven Years immediately preceding, and not otherwise, and that such Increase or Diminution shall be applied for and effected in all respects in the same Manner as is prescribed in the said recited Acts, save and except in so far as relates to the Year in which the same is appointed to take place, and also save and except in so far as relates to the Calculation of such Increase or Diminution upon reference to the average Price of Wheat or Oats within the same County.

In Cases where Application might have been made for Variation in the Year 1831, and was not made, such an Application may be made a this Year.

VII. Provided, and be it enacted, That in all Cases when an Application for the Variation and Increase or Diminution of any Composition might have been made between the First Day of *May* and the First Day of *November* in the Year One thousand eight hundred and thirty-one, and that no such Application was made, it shall and may be lawful to make such Application at any Time after the passing of this Act and before the First Day of *November* One thousand eight hundred and thirty-two; and such Application may be made by such Persons, and such Proceedings shall be had thereupon, as by the Provisions of the said recited Acts authorized and directed in the Cases of Applications for the like Purpose made within the Periods limited and appointed thereunder: Provided nevertheless, that it shall become again lawful to make Application for such Variation as aforesaid at such Period as would have been lawful in case this Enactment had not been made; and that the same shall not be taken in any respect to change or affect the Period or Series of Years appointed for such Variation, save as herein specifically provided.

Allowing an Appeal against Compositions established by Agreement, if ignorantly entered into.

VIII. Provided further, and be it enacted, That where the Amount of the Composition established in any Parish shall have been fixed by Agreement, such Amount not having been ascertained by any Commissioners or Umpire pursuant to the Provisions of the said recited Act of the Fourth Year of the Reign of His late Majesty, it shall and may be lawful for any Seven or more Persons in such Parish, qualified in like Manner as Persons authorized to proceed in execution of the said recited Acts at any Special Vestry called in such Parish are by such Acts required to be qualified, at any Time within Three Calendar Months after the passing of this Act, to require the Churchwardens of such Parish to summon a Special Vestry for the Purpose of considering the Propriety of appealing against the Composition so established in such Parish; and such Churchwardens shall cause public Notice to be given, in the usual Manner of giving Notices for holding Vestries, that a Special Vestry of Persons qualified according to the Directions of the said recited Acts will be holden on some Day to be named in such Notice, being not less than Seven Days nor more than Fourteen Days from the first Publication thereof for the Purpose aforesaid; and such Vestry so assembled shall take such Composition into consideration, and may adjourn from Time to Time to any Day or Days not more than Ten Days distant from the first Day of meeting; and if at such Vestry, or any Adjournment thereof, it shall be determined to appeal against the Composition established in such Parish, such Appeal shall be made to the Lord Lieutenant or

or other Chief Governor or Governors of *Ireland* in Council, in the Name of such Vestry, on behalf of such Parish, and the Grounds of such Appeal shall be stated in Writing, and signed by the Chairman of such Vestry, and transmitted by him to the Clerk of the Privy Council within Two Days after such Meeting; and in like Manner it shall be lawful for any Incumbent or Impropriator, or Body Politic or Corporate or Collegiate, or any Person or Persons entitled to any Tithes or Portion of Tithes in any Parish wherein any Composition shall have been established by Agreement as aforesaid, to appeal to the said Lord Lieutenant or other Chief Governor or Governors in Council, such Appeal to be lodged, together with the Grounds and Reasons thereof, in Writing, with the Clerk of the said Council within such Period of Three Calendar Months as aforesaid; and Notice of every such Appeal shall be inserted by or on behalf of the Parish or Party Appellant in the *Dublin Gazette* Once in Two successive Weeks after such Appeal shall have been lodged as aforesaid with the Clerk of the Council.

Lord Lieutenant and Privy Council to hear the Appeals.

IX. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by and with the Advice and Consent of His Majesty's Privy Council of *Ireland*, to hear and determine every Appeal so lodged as aforesaid; and if it shall appear that the Agreement or Composition in respect whereof such Appeal shall have been lodged was unjust, on account of the Concealment or Ignorance on part of either of the Parties thereto of any Facts the Knowledge whereof was essential to the making an equitable Arrangement between them, then and in such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, by and with such Advice and Consent as aforesaid, to make Order for the decreasing, increasing, or modifying the Amount of the Composition stated in the Certificate thereof, as to such Lord Lieutenant or other Chief Governor or Governors and Council shall seem just; and such Certificate, and the Amount of the Composition ascertained thereby, and the Entry of such Certificate in the Registry of the Diocese, shall be altered and amended in such Manner as shall be directed by such Lord Lieutenant or other Chief Governor or Governors and Council: Provided always, that in case any such Composition established by Agreement as aforesaid shall be altered, in manner before mentioned, by the Judgment of such Lord Lieutenant or other Chief Governor or Governors and Council, such Judgment shall relate to and take effect from the First Day of *May* or the First Day of *November*, as may happen, last preceding, and shall be without Prejudice to any Arrears of such Composition at that Time due and payable, or to any Remedy or Proceeding for Levy and Recovery of such Arrears.

Judgment of Privy Council to relate to 1st May or 1st November last previous.

Costs of Appeal.

X. And be it enacted, That on the Hearing and Decision of any Appeal which may be made under the Provisions of this Act against any Composition established by Agreement as aforesaid, such Costs as the said Lord Lieutenant or other Chief Governor or Governors, with the Advice and Consent of the said Privy Council, shall think fit to adjudge and direct, shall be paid to or by any Party appealing or appealed against.

Extra-parochial Places to be within the

XI. And be it enacted, That where any Lands liable to the Payment of Tithes or any Composition for Tithes shall be situate

in any Extra-parochial Place, or in any Place which may not be known to belong to any or to what Parish, all such and the same Proceedings as by this Act directed to be had for the Purpose of carrying this Act into execution in any Parish shall be had and taken to carry the same into execution within such Place, or such aggregate Places, in Cases where under the Provisions of the said recited Acts any Composition may be or may have been established in such aggregate Places; and all Provisions in this Act contained shall extend to such Place or Places; and all Provisions in the said Acts contained, in any Manner varying or accommodating to the Circumstances of such Places the other Provisions of the said Acts as applicable to Parishes, shall extend and apply to vary and accommodate the Provisions of this Act to such Places, and to carry the same into execution within such Places, in like Manner and as fully as to vary or accommodate the Provision of the said recited Acts to such Places, and to carry the same into execution within such Places; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in all Cases where it shall seem to him fit or necessary, to nominate and appoint some Person to act as a Churchwarden in any such Place or Places for the Purposes of the said recited Acts or of this Act; and all Acts, Matters, and Things done pursuant to the Provisions of the said recited Acts or this Act, by or with relation to the Person so nominated and appointed as and in lieu and stead of a Churchwarden, shall be as good, valid, and effectual to all Intents and Purposes as if such Place or Places were a Parish, and such Person the Churchwarden thereof, duly constituted according to Law.

Meaning of this Act.

XII. And be it enacted, That no Person holding or occupying Land in *Ireland* as Tenant at Will or Tenant from Year to Year, or having any lesser Estate or Interest therein, shall be liable to the Payment of any Sum or Sums of Money accruing due and payable after the First Day of *November* One thousand eight hundred and thirty-three on account of any Composition for Tithes chargeable or which may become chargeable on such Land; and the Person who shall have, in such Land, the First Estate or Interest greater than such Tenancy from Year to Year, shall be and become, for and during the Continuance of such Estate or Interest, liable to the Payment of the Composition from such First Day of *November* One thousand eight hundred and thirty-three, and thenceforth from Time to Time accruing due and payable in respect of such Land; and upon the Expiration, Surrender, Forfeiture, or other Determination of such first Estate or Interest greater than a Tenancy from Year to Year as aforesaid, the Person having the next Estate or Interest in such Land greater than such Estate as aforesaid shall be and become, for and during the Continuance of such Estate or Interest, liable to the Payment of such Composition as aforesaid; and so on the Liability to the Payment of such Composition attaching and devolving successively, upon the Expiration, Forfeiture, or other Determination of each and every such previous Estate or Interest as aforesaid, upon the Person having the next such Estate or Interest for and during the Continuance thereof, until such Liability shall eventually attach and devolve upon the Person having the Fee Simple and Inheritance of such Land,

Tenants at Will or from Year to Year exempted from Payment of Compositions after 1st November 1833; and the Person having the next greater Estate made liable thenceforth; and the Liability to devolve on the Expiration of such first greater Estate, to the next greater Estate, and so on for ever to the Fee.

Land, who shall be and remain for ever subject thereto: Provided always, that such Transfers of Liability shall be without Prejudice to any Arrears of Composition which may have accrued due at the Times of such Transfers respectively, and to all Remedies for the Recovery of such Arrears; and provided always, that if any such Tenant at Will or yearly Tenant shall continue in possession, after such First Day of *November* One thousand eight hundred and thirty-three, of such Land so liable as aforesaid, without entering into any new Agreement with his Landlord, such Landlord so becoming liable shall be entitled to recover from such Tenant so continuing in such Possession, in addition to the Rent then payable by him, the Amount of such Composition theretofore payable by such Tenant; the same to be recovered by all the Ways and Means and as if the same were Part of and added to said Rent by Agreement between such Landlord and Tenant originally.

In all future Leases the Lessee to be free from Tithes.

XIII. And be it enacted, That from and after the passing of this Act, in all Cases where any Land shall be let or set or demised in *Ireland*, the Lessee or Tenant thereof shall hold such Land free from the Payment of Tithes or Composition for Tithes; and all Contracts, Covenants, and Agreements to the contrary hereof, howsoever made, shall be utterly null and void.

Saving for Leases renewed under Covenants.

XIV. Provided, and be it enacted, That in no Case where, pursuant to Covenant or Contract, any Lease shall be renewed, or any Life or Lives be substituted or superadded, or any new Lease of the same Land be granted, shall the Estate, Term, or Interest previously subsisting be deemed within the Meaning of this Act to have been determined, nor shall such Land be deemed to be or have been let, set, or demised, after the passing of this Act, within the Meaning thereof.

When Party liable to the Payment of Composition is not in Occupation, a Receiver may be appointed to enforce Payment of Arrears of Composition.

XV. And be it enacted, That in all Cases where any Land in *Ireland* shall be held or occupied by any Person not liable under the Provisions of this Act to the Payment of the Composition for Tithes from Time to Time accruing due in respect of such Land, it shall not be lawful to make any Distress upon such Lands, or upon any Goods or Chattels thereon, for the Recovery and Levy of any such Composition or Arrears thereof; and in all such Cases it shall and may be lawful, whenever and so often as the same or any Portion of such Composition as aforesaid shall be in arrear and unpaid for One Year and an Half next after the Period when the same may have become due and payable, for a Court of Equity, upon Application in manner hereafter mentioned, and upon its appearing to said Court that any legal Remedy to enforce Payment of such Arrear is likely to prove ineffectual, to appoint a Receiver to receive such Part of the Rents of the Lands in respect whereof such Composition may be due and payable as shall be sufficient to pay such Arrear of Composition due and unpaid, until the whole of such Arrear of Composition shall be discharged, and no longer, together with such Fees or Salary as shall be appointed by the said Court for such Receiver, as also the necessary Costs out of Pocket of such Application; and that out of the Sums so received such Salary and Costs shall be ordered to be paid; and such Order shall be made upon Petition and Affidavit, after reasonable Time given to show Cause, and whether any Bill has or has not been filed;

and whenever any Party against whom any such Application may be made shall be beyond the Seas or without the Jurisdiction of the Court, it shall be lawful for the Court to direct Notice of such Application to be served on the known Attorney, Agent, or Steward of such Party, and such Notice shall be as good and effectual as personal Service on such Party; and it shall be lawful for the Court to proceed upon such Application, to all Intents and Purposes as if such Party were within such Jurisdiction: Provided always, that nothing herein contained shall extend to alter or affect any Remedy, by Distress or otherwise, now by Law provided for the Recovery or Levy of any Composition for Tithes, in Cases where the Person liable to the Payment of such Composition shall hold or occupy the Land in respect whereof the same may be payable, nor in any Case to prevent any Receiver who may be appointed in manner before mentioned from levying, by Distress or otherwise, such Part of any Rents as may be necessary to pay any Arrear of Composition for Satisfaction whereof such Appointment may have been made.

In all other Cases Right of Distress to remain.

XVI. And be it enacted, That it shall and may be lawful to sue for and recover any such Compositions, or Parts thereof, at any Time due and in arrear, of and from the Person liable to the Payment of the same, by Bill in Equity, or by Action of Debt or on the Case in any of His Majesty's Superior Courts of Record in *Dublin*, or in case the Amount so sought to be recovered shall not exceed Twenty Pounds, by Civil Bill in the Court of the Assistant Barrister of the County wherein the Person may reside against whom it is sought to recover such Composition, or in case such Person shall reside in the County of *Dublin*, by Civil Bill in the Court of the Chairman of the Sessions of the Peace for such County.

Compositions recoverable by Action or Civil Bill.

XVII. And be it enacted, That it shall and may be lawful for any Person, having in possession any Estate or Interest in Land charged or which may become chargeable with the Payment of any Composition for Tithes, such Person not being a Tenant for any lesser Term than a Term of Twenty-one Years from the Commencement thereof, and any such Person is hereby empowered and entitled, to agree for and undertake the future Payment of such Composition, on the Terms and in the Manner and subject to the Preference and other Regulations herein-after contained.

Who may make Agreements under this Act.

XVIII. And be it further enacted, That it shall be lawful for the Committee or Committees of any Lunatic, or the Guardian or Guardians of any Infant, or the Husband or Trustee or Trustees of any Feme Covert, or such Person as may be for that Purpose nominated by the Court of Chancery, upon a summary Application on the Part of any Person under any Incapacity, and whom such Court is hereby empowered to nominate, which Lunatic, Infant, or Feme Covert or other incapacitated Person may be interested in any Lands, Tenements, or Hereditaments charged or which may be become chargeable with the Payment of any Composition for Tithes, to agree for and undertake, on behalf of such Lunatic, Infant, Feme Covert, or other incapacitated Person, the Payment of any such Composition for Tithes in the Manner by this Act prescribed; and every such Agreement or Undertaking shall be as good, valid, and effectual in Law, to all Intents and Purposes, as if the same were made by a Person under no Disability or Incapacity.

Committees or Guardians of incapacitated Persons, Husbands, and Trustees empowered to make Agreements.

XIX. And

Terms on which Agreements shall be made.

XIX. And be it enacted, That any Person empowered under the Provision herein-before contained, and who shall agree for and undertake the Duty, Obligation, and Liability to the future Payment of such Composition as aforesaid, shall in consideration thereof be entitled to an Abatement or Reduction on the Amount thereof at and after the Rate of Fifteen Pounds *per Centum* on such Amount: Provided always, that if at any Time such Composition shall be in arrear and unpaid for the Space of Six Months next after the same shall have accrued due and payable, then and in such Case no such Abatement or Reduction shall be made, but the whole original Amount of the Composition then accruing due and payable shall be *pro illâ vice* due and payable.

Preference established among the Persons before described.

XX. And be it enacted, That the chief Landlord or Lessor seised of any Rent and Reversion in Land charged or which may become chargeable with any such Composition for Tithes shall be entitled to agree for and undertake the Payment of such Composition in preference to all other Persons whatsoever, provided that such chief Landlord or Lessor shall signify in manner herein-after appointed his Desire so to do within Six Calendar Months next after the passing of this Act; and in case such chief Landlord or Lessor shall not so signify such Desire within such Period as aforesaid, then the Person having the Estate or Interest first immediately derived under such chief Landlord or Lessor shall be preferred to him and to all other Persons whatsoever; and in default of the Person having such first derivative Estate or Interest so signifying such Desire, then the Person having the next inferior derivative Estate or Interest shall become entitled to a like Preference, and so downwards, the Person having the Estate or Interest derived nearest to or next under the chief Landlord or Lessor being preferred to all Persons having Estates or Interests more remotely derived.

How Persons desirous of making Agreements are to proceed.

XXI. And be it enacted, That every Person empowered under the Provision herein-before contained, and who may be desirous of agreeing for and undertaking the future Payment of any Composition, shall deliver or cause to be delivered to the Ecclesiastical Incumbent or other Person or Persons entitled to the Receipt of such Composition a Notice in Writing signifying such Desire, and describing by Metes and Bounds the Lands charged with such Composition, and showing the Title, Estate, or Interest of such Person in and to such Lands; and it shall be lawful for such Ecclesiastical Incumbent or other Person or Persons entitled to the Receipt of such Composition to require from any Person claiming any Preference under this Act the Production of any Deed, Grant, Conveyance, or Instrument relating to the alleged or pretended Estate or Interest of such Person; and in case of any Dispute or Doubt as to such Estate or Interest, or the Right of Preference arising thereout, it shall and may be lawful for the Court of Chancery in *Ireland*, upon the Petition of such Ecclesiastical Incumbent or other Person or Persons entitled as aforesaid, stating the Premises, in a summary Manner, and without Bill filed, to make an Order referring the Matter to the Decision of any Master of the said Court, with Liberty for the Parties to attend such Master, and with such other Directions as the said Court shall deem proper; and the Report of such Master shall not be liable to any Exception, but shall be conclusive of the Matters therein certified; and the said

In Cases of Dispute or Doubt, with respect to Preference, the Matter to be referred to a Master in Chancery.

Ecclesiastical

Ecclesiastical Incumbent or other Person or Persons entitled as aforesaid shall be and he or they are hereby indemnified from and against all Suits, Actions, and Proceedings whatsoever, both at Law and in Equity, for any Act, Matter, or Thing which may be done in pursuance of or in conformity to such Report, on any Question so referred to the Decision of such Master; and the Costs of such Petition and Reference shall be in the Discretion of such Master, and Payment thereof enforced by Attachment or otherwise as he shall direct.

Certificate of Agreement to be granted to the Person entitled thereto:

XXII. And be it enacted, That with all convenient Speed after the Receipt of any such Notice or Notices as aforesaid, the Ecclesiastical Incumbent or other Person or Persons receiving the same shall and he or they are hereby required to grant to the Person giving such Notice, and who under and by virtue of the Preference by this Act established may be entitled thereto, a Certificate in Writing reciting such Notice, and declaring the Person who may have given the same entitled to the Benefit thereof; and such Certificate shall be executed under the Hand and Seal of such Ecclesiastical Incumbent or other Person or Persons; and at Foot thereof a Declaration shall be inserted, declaring the Acceptance of the same by the Person who may have given such Notice; and such Declaration shall be in like Manner executed under the Hand and Seal of such Person; and to every such Certificate there shall be annexed a Map or Terre Chart or Ground Plan of the Lands charged with the Composition to which such Certificate shall refer; and a Counterpart of every such Certificate and Declaration, with a like Map or Terre Chart or Ground Plan annexed thereto, shall within Two Calendar Months next after the Date or Dates thereof be deposited in the Office of the Registrar of the Diocese wherein such Lands shall be locally situate, or, in the Case of Lands situate within the peculiar Jurisdiction of any Archbishop or Bishop, or any other exempt or peculiar Jurisdiction, in the Office of the Registrar of such peculiar Jurisdiction, to be perpetually kept and preserved therein; and such Registrars shall respectively so deposit and preserve the same, and shall give and sign an Acknowledgment of such Deposit thereof, to be written on such Certificate, or on some other separate Parchment, Paper, or Instrument; and every such Counterpart shall be produced at all proper and usual Hours at such Registry to every Person applying to inspect the same; and an Office Copy of each such Counterpart, certified under the Hand of the Registrar (and which Office Copy so certified the Registrar shall in all Cases grant to every Person who shall apply for the same), shall in all Cases be admitted and allowed as legal Evidence thereof in all Courts whatsoever; and every such Registrar shall be entitled to the Sum of One Shilling and no more for such Acknowledgment, and the Sum of One Shilling and no more for so depositing as aforesaid such Counterpart, and so as aforesaid acknowledging such Deposit thereof, and the Sum of Sixpence and no more for each such Search, and the Sum of Four-pence and no more for each Folio of Seventy-two Words of each such Office Copy so certified as aforesaid.

and registered in Registry of Diocese.

Certificate so registered to make the Party liable to Payment of Composition.

XXIII. And be it enacted, That from and after the Registration of any such Certificate and Declaration, and by virtue and force thereof, the Person subscribing such Declaration shall be and become

come and remain subject and liable to, and bound to make Payment from the First Day of *May* or the First Day of *November*, as may happen, last previous to the Date thereof, of the Composition from Time to Time accruing due in respect of the Lands referred to in such Certificate, to the Ecclesiastical Incumbent or other Person or Persons from Time to Time entitled thereto, for and during the Continuance of all the Estate and Interest of such Person so subscribing such Declaration in such Lands, as fully and completely to all Intents and Purposes as, in case no such Agreement had been made, the same or any other Person or Persons would have been or might have become subject and liable to such Payment under the Provisions of this Act or otherwise, but entitled nevertheless to such Deduction or Abatement on the due and punctual Payment of such Composition as herein-before mentioned; and every Ecclesiastical Incumbent or other Person or Persons who may be from Time to Time entitled to the Receipt of such Composition shall have, against any Person taking upon him in manner aforesaid the Payment of any Composition, all such and the like Remedies for recovering and levying the same as against any Person any how otherwise liable to the Payment of Composition for Tithes.

Certificate to enable Party to whom it shall be granted to recover over against the Persons liable to Composition for Tithes the full Amount, and to operate as an Assignment.

XXIV. And be it enacted, That it shall and may be lawful for the Person to whom any such Certificate shall be granted, from and after the Registration thereof, to have, recover, and receive to his own Use the full Amount, without Deduction or Abatement, of the Composition referred to in such Certificate, of and from the Person or Persons from Time to Time liable under the Provisions of this Act, or otherwise, to the Payment thereof, from the First Day of *May* or First Day of *November*, as may happen, last previous, for and during the Continuance of all his Estate or Interest in the Lands chargeable therewith; and such Certificate shall have the Effect of and be deemed and taken to be and shall operate as a good, valid, and effectual Grant, Assignment, or Conveyance in Law to such Person, for and during his said Term or Interest, of all the Right, Title, and Interest of any and every Ecclesiastical Incumbent or other Person or Persons who may be or become in any Manner entitled to have, recover, and receive such Composition of and from such Person or Persons so liable, or from Time to Time becoming liable as aforesaid; and every such Person to whom any such Certificate shall be granted shall have, for the Recovery and levying of any such Composition, all such and the like Remedies as, under the said recited Acts and this Act, or otherwise, any Ecclesiastical Incumbent or other Person or Persons entitled to the Receipt of any Composition for Tithes; and all such Assessments, Applotments, Books, Papers, and Documents as would otherwise be conclusive Evidence for any Person of the Amount of any Composition, or any other Act, Matter, or Thing, shall be alike conclusive Evidence for the Person to whom such Certificate shall be granted; and all Clauses, Provisoes, and Conditions in the recited Acts or this Act contained, regulating the Payment of such Compositions, and enabling or facilitating the Recovery of such Compositions by the Persons entitled to receive the same, shall enure and extend, so far as the same are applicable, to and for the Payment and Recovery thereof to and by such Person; and all Notices required to be given to and all Matters required

required to be done by any Ecclesiastical Incumbent or other Person or Persons entitled to the Receipt of any such Composition shall be given to and done by such Person as aforesaid; and he shall, for and during such Estate or Interest as aforesaid, to all Intents and Purposes be and be deemed to be, in relation thereto, in the Place and Stead of such Ecclesiastical Incumbent or other Person or Persons entitled to the Receipt of such Composition.

Agreements to be made without Prejudice to previous Arrears.

XXV. Provided always, and be it enacted, That no such Agreement or Undertaking for the future Payment of any Composition shall in any respect prejudice or affect the Right of any Ecclesiastical Incumbent or other Person or Persons to have, recover, and receive any Arrears of such Composition theretofore due and in arrear; and that such Ecclesiastical Incumbent or other Person or Persons shall have such and the like Remedies for Recovery thereof as if no such Undertaking or Agreement had been entered into.

Compositions hereafter established to be within the Provisions of this Act.

XXVI. And be it enacted, That the herein-before contained Provisions, enabling Persons to take upon them the future Payment of Compositions for Tithes, shall extend to all Compositions hereafter to be established, when and as the same shall be established under the Provisions of the herein-before recited Acts and this Act; and that the Expences attendant upon any such Agreement or Undertaking to be entered into under the foregoing Provisions, and of registering the same, shall be defrayed by the Person entering into such Agreement or Undertaking.

Manner of proceeding where Valuation not made, or destroyed by Violence, &c.

XXVII. 'And whereas in many Parishes a Valuation of Tithes 'for the present Year One thousand eight hundred and thirty-'two has been or may be prevented from being made, by means of 'Combinations and Intimidation, or if made, from being duly 'proved, to the great Injury and Loss of the Tithe Owners;' be it therefore enacted, That in case it shall appear by any Affidavit to be annexed to any Bill to be filed in the Court of Chancery or the Court of Exchequer, or Libel or Petition to be exhibited in any Ecclesiastical Court, or Complaint in Writing to be preferred to or before any Justices of the Peace, as now warranted by Law, for Recovery of the Amount of any Tithes for this present Year One thousand eight hundred and thirty-two, payable to any Ecclesiastical Person or Body, or to any Impropriator, or the Representatives of any Person or Persons deriving by or under any of them, that a Valuation of the Tithes of the Lands of the Person or Persons so to be sued or proceeded against for Tithes of the said Year One thousand eight hundred and thirty-two was not made, by reason of any such Combination, Intimidation, or other undue Means, or that such a Valuation having been made the Notes or Items of such Valuation have been destroyed, or by reason of any Violence, Fraud, or Fatality cannot be produced and proved, and if the said Affidavit shall also set forth, to the best of the Deponent's Knowledge, Information, and Belief, the average Value of the Tithes of the Lands of the Person or Persons from whom the Tithes for the said Year One thousand eight hundred and thirty-two shall be so claimed, calculated on an Average of all the Sums paid or agreed for or adjudged to be paid on account of the Tithes of the same Lands during and for the Years One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, and One thousand eight hundred and thirty, it shall not be necessary

in such Case to set forth in any such Bill, Libel, Petition, or Complaint the Particulars, Quantities, or actual Value of all or any Tithes of the said Lands, or of any titheable Matters, but only the Amount of the aforesaid average Value of the Tithes of the said Lands for the said Years One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, and One thousand eight hundred and thirty, so calculated as aforesaid; and that the Judge and Judges, and Justices of the Peace, shall in every such Case receive and admit Evidence of the Amount of the Average of the Tithes of the said Lands for the said Years One thousand eight hundred and twenty-eight, One thousand eight hundred and twenty-nine, and One thousand eight hundred and thirty, as Proof of the actual Value of the Tithes thereof for the said Year One thousand eight hundred and thirty-two, and shall and may decree and adjudge the Amount of such average Sum to be accordingly paid, in such and the same Manner and Form as he or they should and ought to do were the usual Proof made of the particular Quantities and Values of the Tithes and titheable Matters for the said Lands due for the said Year One thousand eight hundred and thirty-two: Provided always, that in case the Person or Persons against whom any such Suit or Proceeding shall be commenced and prosecuted shall prove to the Satisfaction of the said Judge or Judges, or Justices of the Peace, as the Case may be, the true Value and Quantities of the Tithes and titheable Matters in respect of which such Suit or Proceeding shall have been so instituted for the Tithes of the Year One thousand eight hundred and thirty-two as aforesaid, and that it shall be found on such Proof that the Amount thereof is less than the Amount of the Average so calculated as aforesaid, then such Decree, Order, or Adjudication shall award Payment of such lesser Sum only, instead of the Amount of the said averaged Sum; any thing herein contained to the contrary notwithstanding.

Certificate, &c. exempted from Stamp Duty; and no Charges to be made for Searches in the Registry Office in Ireland.

XXVIII. And be it enacted, That no Deed, Certificate, or Declaration or other Instrument to be made or executed under the Provisions of this Act shall be subject to any *ad valorem* or other Stamp Duty whatsoever, imposed by any Act or Acts now in force, or which may be imposed by any such future Act or Acts, unless the same be especially subjected thereto; and that no Fee or Fees shall, save as herein before provided, be paid or payable to any Officer or Officers in any Registry Office, for making Searches concerning any Estates, Manors, Lordships, Messuages, Lands, Tenements, Rents, or Hereditaments, or any Term or Interest therein, nor on account of any Certificate of any such Search, nor for any Copy or Extract from any Registry Book or Abstract Book or other Record which may be required by any Person for the Purposes of this Act, imposed by any Act or Acts now in force, or which may be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

Interpretation of certain Expressions in this Act.

XXIX. And be it enacted, That, except where the Nature of the Provision or the Context shall exclude such Construction, the Words and Expressions herein-after mentioned shall in this Act be interpreted as follows; (that is to say,) the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate, Aggregate or

or Sole, His Majesty, His Heirs and Successors, always excepted; and that wherever the Word "Person" shall be used in connection with or as describing the Owner of any Estate or Interest in Land, or the Person making any Agreement under this Act, the Heirs, Executors, Administrators, Assigns, or Successors of such Person or Corporation, and all Trustees or Feoffees and other Persons claiming or deriving under such Person or Corporation, and having the same or an equal Estate or Interest, shall be understood to be meant, as well as such Person or Corporation; and the Words "Ecclesiastical Incumbent or other Person or Persons" shall extend to an Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Prebendary, Canon, Rector, Vicar, or Curate, and to any Impropriator or Appropriator; and every Word importing the Singular Number only shall extend and beapplied to several Persons or Things as well as One Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Compositions for Tithes previous to passing this Act to remain in force.

XXX. Provided always, and be it further enacted, That no Composition to be made under this Act in any Parish the Tithes whereof had been previously demised or compounded for by any Deed, Lease, or Instrument then subsisting and in operation shall defeat or affect such Deed, Lease, or Instrument, or any Title or Interest thereunder, but that the said Deed, Lease, or Instrument shall remain and be, during the Continuance of such Title or Interest, to all Intents and Purposes as valid and effectual as if this Act had not been passed; and that such Composition so to be effected under this Act shall be suspended, and not come into operation or effect, until after the Termination of such Title and Interest as aforesaid.

Tithe on Tobacco.

XXXI. Provided always, and be it further enacted, That in ascertaining the Amount of Composition to be made for Tithes in any Parish or Place under this Act the extraordinary Income arising from the Tithes of Tobacco shall not be included in such Estimate, but the same shall be estimated as if Wheat, or the Corn principally grown in the County in which such Parish or Place is situate, had been grown in lieu of Tobacco, in the same Places and to the same Extent; and provided also, that where Evidence of the Sums paid, agreed for, or adjudged to be paid for the Tithes of any Parish, or for the Tithes of any Lands subject to the Payment of Tithes in any Parish, for any Year or Years during the Seven Years immediately preceding the First Day of *November* One thousand eight hundred and thirty, cannot be had, then and in every such Case the Value of the Tithes of such Parish or Lands for such Year or Years shall be estimated by the Commissioners under this Act according to the best Information which they can obtain.

Appeal.

XXXII. Provided always, and be it further enacted, That at any Time within Six Months after the passing of this Act it shall and may be lawful for any Incumbent, Impropriator, or other Person interested in any Composition heretofore made under the said recited Acts, who shall think himself aggrieved by the Apportionment or Appropriation made in any Certificate of the Composition therein mentioned, to appeal to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, against

such Apportionment or Appropriation; such Appeal to be lodged, together with the Grounds and Reasons thereof, in Writing, with the Clerk of the said Council; and Notice of every such Appeal shall be inserted, by or on behalf of the Appellant, in the *Dublin Gazette*, Once in Two successive Weeks after such Appeal shall have been lodged as aforesaid; and thereupon it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council to hear and determine every Appeal so lodged, to make such Order for the varying, altering, or modifying of the Apportionment and Appropriation of such Composition, and for the Payment of any Costs to or by any Party appealing or appealed against, as shall seem meet; and such Certificate, and the Entry thereof in the Registry of the Diocese, shall be altered and amended in respect to such Apportionment and Appropriation as shall be directed by such Lord Lieutenant or other Chief Governor or Governors and Council.

Enactments of former Acts, save as hereby altered, to remain in full Force.

XXXIII. And be it enacted, That the several Provisions, Clauses, and Enactments in the said Acts herein-before recited, or any of them, contained, shall, save so far as the same are hereby modified, repealed, or superseded, extend to, and be used, extended, and exercised in and to and for the Execution and for the Purposes of this Act; and that nothing herein contained shall be deemed or construed to repeal any of the Provisions of the said recited Acts, save as herein specifically provided and enacted, or as may be necessary for the complete and effectual Execution of the Purposes of this Act and of the said recited Acts.

Act may be altered, &c. this Session.

XXXIV. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed during this present Session of Parliament.

CAP. CXX.

An Act to repeal the Duties under the Management of the Commissioners of Stamps on Stage Carriages and on Horses let for Hire in *Great Britain*, and to grant other Duties in lieu thereof; and also to consolidate and amend the Laws relating thereto.

[16th *August* 1832.]

'WHEREAS it is expedient to repeal the Duties under the 'Management of the Commissioners of Stamps in respect 'of Stage Carriages and of Horses let for Hire in *Great Britain*, 'and to grant other Duties in lieu thereof, and also to consolidate 'and amend the Laws now in force relating to such Stage Car-'riages and Horses as aforesaid respectively;' be it therefore enacted by the King'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 the several Acts and Parts of Acts next herein-after mentioned, or so much and such Part and Parts thereof as are now in force, shall respectively remain and continue in force until and upon the Tenth Day of *October* in the Year of our Lord One thousand eight hundred and thirty-two, and shall from thenceforth respectively cease, determine, and be repealed; (that is to say,) an

Certain Acts and Parts of Acts repealed after 10th Oct. 1832; viz.