CAP. XLI.

An Act to facilitate the Recovery of Tithes in certain Cases in *Ireland*, and for Relief of the Clergy of the Established Church. [1st *June* 1832.]

'WHEREAS a Combination against the Payment of Tithes has for some Time existed in certain Parts of *Ireland*, and the ordinary Remedies provided by Law for the Recovery thereof have been evaded and defeated; and great Numbers of the Clergy have been in consequence deprived of their legal Maintenance, and many of them reduced to a State of great Distress: And whereas it is necessary to make special Enactments in order to vindicate the Authority of the Law, and to provide immediate Relief for such of the Clergy as are now suffering from the Deprivation of their Incomes through the unlawful Combination aforesaid:' 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 it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time or Times within One Year from the passing of this Act, with the Advice of the Privy Council of *Ireland*, upon Application made as herein-after provided, to issue and advance, or cause to be issued and advanced, out of the Consolidated Fund of *Great Britain* and *Ireland*, such Sums of Money, not exceeding in the whole the Sum of Sixty thousand Pounds, as may be from Time to Time necessary, to be applied to the Purposes and replaced in the Manner herein-after mentioned.

Authorizing the Lord Lieutenant to advance 60,000*l.* for the Purposes of this Act.

II. And be it enacted, That it shall and may be lawful for any Ecclesiastical Person entitled in that Character to the Tithes or any Portion of the Tithes of any Parish or Union, or Part of a Parish or Union, in *Ireland*, or to any Composition or Portion of a Composition for such Tithes, payable by virtue of any Law in force in *Ireland* respecting such Compositions, and who may have been prevented by the Combination herein-before mentioned from receiving or recovering the Tithes or Composition, or Portion thereof respectively, to which he may have been so entitled for the Year last past, that is to say, for the Year One thousand eight hundred and thirty-one, to make Application to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, praying Relief under this Act, and such Application shall be made by a Memorial stating the Right in which such Ecclesiastical Person is entitled to such Tithes or Composition, and whether to the Whole or any and what Proportion thereof, and the Amount or Value thereof, according to his average annual Receipts for the Three Years next preceding the said Year last past, or as the same may have been fixed by Composition or Agreement, as the Case may be, and the Amount in arrear for the Year last past, and the Proceedings which he may have taken for the receiving or recovering such Arrears, and by what Means the same have been rendered ineffectual; and to each such Memorial a Schedule shall be annexed, setting out the Names, Descriptions, and Places of Abode

Ecclesiastical Persons who have not received or recovered Tithe for the Year last past may apply by Memorial, to the Lord Lieutenant, for Relief under this Act.

A Schedule to be attached to the Memorial,

stating Particulars.

Abode of the several Persons, Occupiers of Land in each Parish or Union, or of the Representatives of such Persons, if any of them be dead, by whom such Arrears of Tithes or Composition may be due, and the Amount of Composition or the estimated Value of the Tithes so due and in arrear from each Person; and the Lands in respect whereof each Item of such Tithes or Composition may be payable shall be described in such Schedule by their commonly received Denomination, and the Barony, Townland, or Half Townland, and Parish in which the same may lie; and the Truth of the several Matters set forth and alleged in such Memorial and Schedule shall be verified upon Oath, to be administered by any Justice of the Peace in and for the County in which the Memorialist usually resides, to the best of the Knowledge and Belief of such Memorialist; and in case the Tithes or any Portion thereof so in arrear shall not be claimed under any Composition, such Memorial so to be verified as aforesaid shall further set forth, that the Sums claimed as the Value of such Tithes are made up as accurately as in the Memorialist's Power or Ability to do, at the different Rates *per* Acre or otherwise which have for the Three Years next preceding the said last past Year been, after all just Allowance and Abatements, really and *bonâ fide* paid or secured for Tithes of the like Kind and Quality within the said Parish or Union, and that there is no Charge in the said Schedule for any Tithes or Dues which have not been really and *bonâ fide* paid or secured by the Occupiers of Land within the said Parish or Union within the aforesaid Three Years, or to the Effect aforesaid; and upon such Application, and due Consideration of the several Matters stated in such Memorial and Schedule so verified as aforesaid, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Privy Council, at their Discretion, to declare the Party making such Application as aforesaid entitled to Relief under this Act, and thereupon to order that such Sum of Money as they may deem proper, not exceeding Two Thirds of the Amount of the Arrear of Tithes or Composition which accrued or become due in and for the Year One thousand eight hundred and thirty-one, as in such Memorial or Schedule stated, shall be paid and advanced to the Person making such Application as aforesaid, out of the said Sum of Sixty thousand Pounds herein-before authorized to be issued and advanced for the Purposes of this Act: Provided always, that such Advance so to be made as aforesaid shall not in any Case exceed the Sum of Five hundred Pounds to any Individual.

When an Ecclesiastical Person shall be declared entitled to Relief under this Act, his Right to Tithes for the Year last past to cease, and be vested in the Crown;

III. And be it further enacted, That so soon as any Ecclesiastical Person making such Application as aforesaid shall have been declared entitled to Relief under this Act in manner herein-before provided, the Right, Title, and Interest of such Person in and to all Tithes or Composition for Tithes due and unpaid for the Year last past, in or out of the Parish or Union in respect of the Tithes or Composition for Tithes accruing whereout such Application may have been made, shall wholly cease and determine, and the same shall vest in His Majesty, His Heirs and Successors, and be recovered and enforced by the Proceedings and in the Manner hereinafter provided, and not otherwise: Provided always, that nothing in this Act contained shall in any respect affect the Rights of any

but nothing herein to affect his Right to

Person

Person receiving Relief under this Act to the Tithes or Composition for Tithe for any Year other than the Year last past, and that such Person may recover the Tithes or Composition for Tithe, or any Arrears thereof, or any preceding Year, in like Manner as if he had not been declared entitled to Relief under this Act; and provided further, that it shall be lawful for such Ecclesiastical Person to have and receive any Surplus of the Tithes or Composition for Tithes for the Year last past which may be recovered under this Act, after replacing the Advances made to him, but subject and pursuant to the Provisions herein-after contained in that Behalf. Tithes of former Years.

IV. And be it further enacted, That whenever any Ecclesiastical Person making Application under this Act shall be declared to be entitled to Relief thereunder, the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Privy Council shall issue their Proclamation, to be posted on conspicuous Places within the proper Parish, (whereof the Publication in the *Dublin Gazette* shall be sufficient Evidence, as also of such Declaration by the Lord Lieutenant and Council of the said Tithes or Composition Rents being duly vested in the Crown,) enjoining and requiring all Persons named in the Schedule annexed to such Memorial respectively to pay to the Collector of Excise of the District wherein such Persons may respectively reside the several Sums in such Schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due and be willing to pay; and warning all such Persons that in default of their rendering due Obedience to the Injunctions of such Proclamation, within One Calendar Month from the Date thereof, such Proceedings as are by this Act warranted will be forthwith taken for the Levy and Recovery of all such Sums remaining due and unpaid. Upon Application for Relief under this Act, Proclamation to be issued enjoining Payment. Proceedings in case of Default.

V. And be it further enacted, That the respective Collectors of Excise throughout *Ireland* shall give to every Party making any Payment pursuant to the Provisions of this Act a Receipt acknowledging such Payment; and that such Receipt shall be to the Parties holding the same a full and sufficient Acquittance against His Majesty and all Persons whatsoever for the Monies therein expressed to have been received; and if for the full Amount in such Schedule stated, or for such Amount in lieu thereof as the said Attorney General shall direct such Collector to receive in lieu thereof, such Receipt shall be an Acquittance and Discharge from all Tithe or Composition for Tithe for the said Year One thousand eight hundred and thirty-one, which might be claimed by the Ecclesiastical Person upon whose Application the Proclamation aforesaid may have been issued, or by the Crown in right of such Person, under the Provisions of this Act; and such Collectors shall account for and pay over all Monies so received in such Manner as the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury shall direct. Collectors of Excise shall give a Receipt to Parties making Payment, which shall be a sufficient Acquittance.

VI. And be it further enacted, That upon the Expiration of the Time in the said Proclamation limited, and in default of Payment of the Arrears and Sums so vested in the Crown in manner aforesaid, or any of them, it shall and may be lawful for His Majesty's Attorney General for *Ireland* to apply, by Petition or Petitions, either to the Court of Chancery or to the Equity Side of the Court of Exchequer in *Ireland*, showing the Right of the Ecclesiastical In default of Obedience to Proclamation, an Application, by Petition of Attorney General, to be made to Court of Chancery or

Exchequer for an Order against Defaulters.

Ecclesiastical Person upon whose Application such Proclamation may have been issued to the Tithes or Composition, or any Part thereof, due and in arrear, and that the same has become vested in the Crown under the Provisions of this Act, and praying the Order of such Court against all or any of the Persons in default for Payment of such Sums as may be found due by them or any of them; and to every such Petition a Copy of the Schedule accompanying the Application whereupon the Proceedings aforesaid may have been taken, or of so much thereof as may relate to the Persons against whom such Order may be prayed by such Petition, shall be annexed.

Court of Chancery or Exchequer to examine into the Matter of the Petition.

VII. And be it further enacted, That it shall and may be lawful for the said Courts of Chancery and Exchequer respectively, upon any such Petition, summarily to examine into the Matter thereof, and to inquire whether any and what Tithe, and the Value thereof, or any and what Composition for Tithe, or Arrears of Tithe or Composition for Tithe, may be due for the Year last past; that is to say, for the Year One thousand eight hundred and thirty-one, by the Person or Persons, or any and every of them, against whom an Order for Payment thereof may be prayed, and for that Purpose to call before them and examine *vivâ voce* any Person or Persons upon Oath, or to ascertain the Truth by Interrogatories or by Affidavit, and thereupon to make such Order or Orders as to such Court shall seem just; and in case any Person against whom any such Order shall be prayed by Petition as aforesaid shall not, by himself or herself, or some Attorney or Counsel, attend at the Time appointed for proceeding upon such Petition, the same shall, as against such Person, be taken *pro confesso*, and an Order shall be forthwith made as against every such Person for the Sum in the Schedule annexed to the said Petition charged against such Person, or for such lesser Sum as the Court shall award.

Interrogatories to be answered.

VIII. And be it enacted, That every Person who shall be admitted to take any Defence to any such Petition shall, within such Time as the said Courts respectively shall think proper, answer such personal Interrogatories as shall, by the Order of such Court, be exhibited to him or her on behalf of any such Petitioner, touching the Quantities or Values of the Tithes, for the said Year last past, of the Lands which such Person, or the Person or Persons of whom he or she is or are the Representative or Representatives, held in the said Year.

Books, &c. may be ordered into Court.

IX. And be it enacted, That the said Courts respectively may order that all Books, Writings, and Evidences in the Custody, Power, or Possession of the said Parties, or of any other Person or Persons, which may be necessary to enable the said Courts to ascertain the Truth of any of the Matters proper to be inquired into by them under the Proceedings by this Act directed, shall be brought into and produced before the said Courts respectively:

Proceedings to be summary.

Provided always, that all such Proceedings shall be summary, and that no Objection to any such Petition, on account of the Demands thereby sought to be recovered being distinct or multifarious, nor for Want of Parties or Want of Form, shall be

Petition not to abate by Death of Parties.

received; and no such Petition shall abate on account of the Death of any of the Parties thereto; and in case of any such Death the Petitioner

Petitioner may proceed against the Representatives of any Person so dying, having first served them with a Notice thereof; and upon its appearing to the Court that such Notice had been given, such Court shall proceed to inquire into the Matter of such Petition as against the Representatives of any Person so dying, in the same Manner as against the said Person were he or she living, and the said Courts respectively shall proceed thereon accordingly.

Notice of any Proceeding to be taken on such Petition shall be posted up Fourteen Days previously.

X. Provided always, and be it enacted, That at least Fourteen Days before any Proceeding shall be taken under any such Petition as aforesaid a Notice thereof, expressing the Name or Names of the Person or Persons against whom any Order may be thereby prayed, and the Amount sought to be recovered against such Person, or if there be more Persons than One, against each of them severally, shall be posted on the principal Door of the Church of the Parish or Union the Tithes or Composition for Tithes whereof may be sought to be recovered by such Proceeding, if any Church there be in which Divine Service is usually celebrated within the same, and if not, on the Market House, or in some conspicuous Place in any Market Town in or next adjoining to such Parish or Union; and such Notice shall also be posted on any other usual and convenient Place or Places for posting Notices within such Parish or Union; and in all Proceedings under this Act the posting such Notices, or any Order or Matter on such Places herein-before mentioned, shall be deemed full and sufficient Service and Notice thereof to all Intents and Purposes and upon all Persons whatsoever, unless the Court shall think fit to direct any other or different Notice to be given in addition to or in substitution for the same.

Order of Court to have Effect of a Decree, without Inrolment.

XI. And be it further enacted, That every Order of either of the said Courts of Chancery or Exchequer respectively, made upon any Petition under the Provisions of this Act, shall have, without Inrolment, the Force and Effect of a Decree; and that an attested Copy of every such Order shall be as effectual to all Intents and Purposes as an Exemplification of a Decree, or as if such Order had been inrolled, and an Exemplification thereof after Inrolment had been made out and sealed; and every such Order 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.

Attorney General may apply to Assistant Barrister of County for Tithes not exceeding 10*l.*

XII. And be it further enacted, That it shall and may be lawful for His Majesty's said Attorney General, if he shall think so fit, instead of applying as afore provided to the Court of Chancery or Exchequer, to apply by Petition to the Assistant Barrister of the County or Riding in which the Person or Persons may reside against whom it is sought to recover the Value of any Tithes or Composition for Tithes, or in case such Person or Persons shall reside within the County of *Dublin*, then to the Chairman of the Sessions of the Peace for such County; and such Petition shall be framed in like Manner as herein-before directed in respect of Petitions to the Court of Chancery and Exchequer; and upon such Petition it shall and may be lawful for the Assistant Barrister or Chairman to whom the same may be addressed, at

the General or Quarter Sessions for such County, summarily to examine into the Matter of such Petition, without any previous Proceedings in any Ecclesiastical Court, any Law or Usage to the contrary notwithstanding; and such Assistant Barrister or Chairman shall have Power and Authority, in like Manner, and by oral Examination on Oath, or Affidavit, or otherwise, as the said Courts of Chancery and Exchequer respectively have been herein-before empowered to do, to inquire and ascertain the Value of the Tithes, or the Amount of the Arrear of Tithe or Composition for Tithe, due and payable by each of the Persons against whom the Petition aforesaid may pray a Decree; and upon and after such Examination and Inquiry the said Assistant Barrister or Chairman shall make such Decree or Decrees, either against all or any of the Parties against whom the same may be prayed, as to him shall seem just; and all such Decrees shall and may be enforced by all such Process as may be employed to enforce or carry into execution any other Decree pronounced or made upon any Proceeding by Civil Bill by any such Assistant Barrister or Chairman, under or by virtue of any Law or Statute heretofore made.

Notice of Intention to petition, with Schedule, stating Particulars, to be posted up Ten Days before General or Quarter Sessions.

XIII. Provided always, and be it enacted, That at least Twelve Days before the Commencement of the General or Quarter Sessions at which any Petition under this Act is intended to be preferred, a Notice of such Intention, together with a Schedule setting out the Names of the several Persons against whom such Proceeding is to be taken, and the Value of the Tithes or Amount of the Composition for Tithes sought to be recovered from each of them respectively, shall be posted on the principal Door of the Church of the Parish or Union the Tithes or Composition for Tithes whereof may be sought to be recovered by such Proceeding, if any Church there be in which Divine Service is usually celebrated within the same, and if none, then on the Market House or in some conspicuous Place in any Market Town in or next adjoining to such Parish or Union, and such Notice shall also be posted on any other usual and convenient Place or Places for posting Notices within such Parish or Union; and such Notice, so posted, shall be to all Intents and Purposes full and sufficient Notice and Service to and upon all Persons anywise concerned of such Proceeding by Petition as aforesaid to such Assistant Barrister or Chairman.

Where Parties do not appear by Counsel at Hearing of Petition, Decree may be forthwith made.

XIV. And be further enacted, That in case any Person against whom any such Proceeding by Petition before any Assistant Barrister or Chairman may be adopted shall not, by himself or herself, or some Attorney or Counsel, attend at the Hearing of such Petition, the same shall and may be taken *pro confesso* as against such Person, and a Decree be forthwith made by such Assistant Barrister or Chairman against such Person for the full Amount prayed, or for such lesser Sum as shall be awarded, in like Manner as has herein-before been provided in the Case of any Petition presented to the Court of Chancery or Exchequer.

Monies paid under Act to be placed to the Credit of the Teller of the

XV. And be it further enacted, That all Monies paid, received, or recovered under Authority of this Act shall be paid in such Manner as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, shall direct, to

to the Credit and Account of the Teller of His Majesty's Exchequer, distinctly and apart from all other Monies; and that the said Lord High Treasurer or Commissioners of the Treasury, or any Three or more of them, shall cause to be kept an Account of all Monies from Time to Time advanced, pursuant to the Provisions herein-before made, on each several Application for Relief made under this Act, and a like Account of all Monies paid, received, or levied by virtue of the Provisions herein-before contained, in satisfaction of the Tithes, or Composition for Tithes, or Arrears thereof, vested, by reason of such Application having been acceded to, in the Crown; and all such Monies shall be in each Case applicable to replace the Monies advanced by Order of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Relief of the Person making such Application, out of the Consolidated Fund; and the Surplus, if any, after Payment and Satisfaction of such Advances, and of all Costs and Charges attendant on the Collection, Receipt, and Levy or Recovery of such Tithes or Composition for Tithes, shall, when and as the said Lord High Treasurer or Commissioners of His Majesty's Treasury, or any Three or more of them, shall direct, be paid over to the Person in whose Right, so transferred to the Crown under this Act, such Tithes or Composition for Tithes may have been received or recovered.

Exchequer, and kept separate from all other Monies.

Account to be kept.

XVI. And be it further enacted, That in case it shall appear upon any such Trial as aforesaid, to any of the said Courts of Chancery, Exchequer, or of the Assistant Barrister, that any Demand or Demands contained in any Schedule to any such Memorial as aforesaid had been previously paid or satisfied, or was unfounded or unreasonable, that then it shall be lawful for such Court, if it shall think fit so to do, at its Discretion, to order such Sum or Sums as shall appear to such Court to be reasonable to be paid by the said Attorney General to the Party or Parties so wrongfully sued, as and for and in the Name of Costs of Suit; such Sum or Sums to be deducted from the surplus Fund to which the Memorialist making such unreasonable Demand would become entitled as aforesaid.

Costs to Respondents unjustly sued.

XVII. And be it further enacted, That, save as aforesaid, no Costs shall be recoverable under this Act; and that up to and previous to Process of Execution under this Act, no Stamp Duty nor Office Fees shall be paid or chargeable upon any Proceeding, Order, Copy, Instrument, Document, Receipt, or other Matter or Thing occurring, used in, or occasioned by any Proceeding under this Act; any other Act or Acts, or any Law or Usage, to the contrary hereof notwithstanding.

All Proceedings under Act exempt from Stamp Duties and Office Fees.

XVIII. And be it further enacted, That if any Person or Persons who shall make or take any Oath or Affidavit, or swear to any Interrogatories to be taken before any Person or Persons in pursuance of this Act, and therein wilfully and knowingly swear or answer falsely to any Matter or Thing, every such Person, being duly convicted thereof, shall incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are liable to; or if any Person or Persons shall corruptly procure or suborn any other Person to swear or answer falsely in any Oath, Affidavit, Interrogatories, or other Proceeding, the

Persons who swear falsely shall suffer for Perjury.

Person or Persons duly convicted of such procuring or suborning shall incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Subornation of Perjury are liable to.

CAP. XLII.

An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers. [1st *June* 1832.]

'WHEREAS in Parishes inclosed under Acts of Parliament there are in many Cases Allotments made for the Benefit of the Poor, chiefly with a view to Fuel, which are now comparatively useless and unproductive: And whereas it would tend much to the Welfare and Happiness of the Poor if those Allotments could be let at a fair Rent, and in small Portions, to industrious Cottagers of good Character, while the Distribution of Fuel might be augmented by appropriating the said Rents to the Purchase of an additional Quantity;' 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 it shall and may be lawful for the Trustees of the said Allotments, together with the Churchwardens and Overseers of the Poor, in Parish Vestry assembled, and they are hereby required, to let Portions of any such Allotment, not less than One Fourth of a Statute Acre, and not exceeding One such Acre, to any One Individual, according to their Discretion, as a yearly Occupation from *Michaelmas* to *Michaelmas*, (and at such Rent as Land of the same Quality is usually let for in the said Parish,) to such industrious Cottagers of good Character, being Day Labourers or Journeymen legally settled in the said Parish, and dwelling within or near its Bounds, as shall apply for the same in the Manner herein-after mentioned.

Trustees and Parish Officers in Vestry assembled may let Portions of Poor Allotments to industrious Cottagers.

II. Provided also, and be it further enacted, That the Person hiring the same shall be held bound to cultivate it in such a Manner as shall preserve the Land in a due State of Fertility.

Land to be duly cultivated.

III. And be it further enacted, That for the Purpose of carrying this Act into effect a Vestry shall be held in the First Week in *September* in every Year, of which Ten Days Notice shall be given in the usual Manner, at which Vestry the Trustees of the said Allotments may attend and vote, if they shall so think fit, and at which Vestry, or some Adjournment thereof, any industrious Cottager of good Character who may desire to rent such Portion of Land as aforesaid may apply for the same; and the said Vestry are hereby required, taking into consideration the Character and Circumstances of the Applicant, to determine the Case, either by rejecting his Application, or by making an Order that he shall be permitted to occupy such Portion of the Poor Allotment, being not less than One Fourth of a Statute Acre nor exceeding One such Acre, as the said Vestry in their Discretion shall determine, and upon the Terms herein-before enacted; and the said Order of Vestry shall be held to all Intents and Purposes to be a sufficient Title and Authority

Vestry to be held annually to receive Applications.

Order of Vestry to authorize Occupation.