

ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

***

28 H. 8. c. 8. the Reign of King *Henry* the Eighth, intituled *An Act for First Fruits;* an Act made in the Parliament of *Ireland* in the Twenty-
28 H. 8. c. 14. eighth Year of the Reign of King *Henry* the Eighth, intituled *An Act for the Twentieth Part;* so much of an Act made in the Parliament of *Ireland* in the Second Year of the Reign of Queen
2 Eliz. c. 3. *Elizabeth*, intituled *An Act for the Restitution of the First Fruits and Twentieth Part, and Rents reserved* nomine *Ten or Twenty, and of Parsonages Impropriate, to the Imperial Crown of this Realm*, as relates to or concerns First Fruits and Twentieth Parts, or the Payment thereof; an Act made in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First,
2 G. 1. c. 15. intituled *An Act for confirming the several Grants made by Her late Majesty of the First Fruits and Twentieth Parts payable out of the Ecclesiastical Benefices in this Kingdom, and also for giving the Archbishops, Bishops, and other Ecclesiastical Persons some Years Time for the Payment of First Fruits;* so much of an Act made in the Parliament of *Ireland* in the Eighth Year of the Reign of King
8 G. 1. c. 12. s. 6. *George* the First, intituled *An Act for the better enabling of the Clergy having Cure of Souls to reside upon their respective Benefices, and for the Encouragement of Protestant Schools within this Kingdom of* Ireland, as relates to or concerns the Payment of any Sum of Money by the Trustees of First Fruits therein mentioned; an Act made in the Parliament of *Ireland* in the Tenth Year of the Reign
10 G. 1. c. 7. of King *George* the First, intituled *An Act for amending an Act, intituled 'An Act for confirming the several Grants made by Her late 'Majesty out of the First Fruits and Twentieth Parts payable out of 'the Ecclesiastical Benefices in this Kingdom, and also for giving the 'Archbishops and other Ecclesiastical Persons Four Years Time 'for the Payment of First Fruits,' and for incorporating the Trustees and Commissioners of the said First Fruits;* an Act made in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King
29 G. 2. c. 18. *George* the Second, intituled *An Act for amending and making more effectual the several Laws relating to the First Fruits payable out of the Ecclesiastical Benefices in this Kingdom, and for the better Regulation and Management of the Charitable Bequests of Doctor* Hugh Boulter, *late Lord Archbishop of* Armagh, *for augmenting the Maintenance of Poor Clergy in this Kingdom;* an Act made in the Parliament of *Ireland* in the Twenty-ninth Year of the Reign of King
29 G. 3. c. 26. *George* the Third, intituled *An Act for the better enforcing the Payment of the First Fruits chargeable on the Clergy of this Kingdom;* also an Act made in the Parliament of the United Kingdom, in the Forty-sixth Year of the Reign of His late Majesty King
46 G. 3. c. 60. *George* the Third, intituled *An Act for amending an Act passed in* Ireland *in the Twenty-ninth Year of King* George *the Second, intituled 'An Act for amending and making more effectual the several 'Laws relating to First Fruits payable out of Ecclesiastical Bene-'fices in this Kingdom, and for the better Regulation and Manage-'ment of the Charitable Bequest of Doctor* Hugh Boulter, *late Lord 'Archbishop of* Armagh, *for augmenting the Maintenance of Poor 'Clergy in this Kingdom,' so far only as relates to the said Charitable Bequest;* an Act made in the Parliament of the United Kingdom in the Forty-third Year of the Reign of King *George* the Third, in-
43 G. 3. c. 106. tituled *An Act to enable the Commissioners of First Fruits in* Ireland

to lend certain Sums of Money (Interest free) to Incumbents of Benefices there, for the Purpose of enabling them to erect or purchase Glebe Houses and Offices convenient for their Residence, and to purchase Glebe Lands fit and convenient for the Erection of such Houses and Offices; and to make Provision for the Repayment of all Loans so to be made by the said Commissioners; an Act made in the Parliament of the United Kingdom in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act to make more effectual Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses, and for the Purchase of Glebe Lands, Glebe Houses, and Impropriations in* Ireland; an Act made in the Parliament of the United Kingdom in the Forty-ninth Year of the Reign of King *George* the Third, intituled *An Act to amend an Act made in the last Session of Parliament, for making Provision for the building and rebuilding of Churches, Chapels, and Glebe Houses in* Ireland; so much of an Act made in the Parliament of the United Kingdom in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws for collecting Church Rates and Money advanced by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices, and for the Improvement of Church Lands, in* Ireland, as relates to the making, applotting, raising, levying, or enforcing any Rate, Assessment, or Cess for or towards the repairing, building, or rebuilding any Churches or Chapels in *Ireland*, or as relates to any Loans made by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, or any Instalments of Sums payable to the said Trustees and Commissioners, or to any Proceeding concerning any of the same; and the said several hereinbefore recited Acts and Parts of Acts are hereby, from and after the Commencement of this Act, repealed accordingly, save and except so far as the said recited Acts or Parts of Acts, or any of them, repeal the Whole or any Part of any other Act or Acts; and also save and except so far as relates to any Acts, Matters, and Things done at any Time before the Commencement of this Act, all which Acts, Matters, and Things shall be and remain good, valid, and effectual, to all Intents and Purposes whatsoever, as if this Act had not passed; and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed previous to the Commencement of this Act; and also save and except as to the Recovery and Application of any Sum and Sums of Money lent or advanced under or by virtue of any of said recited Acts or Parts of Acts, and which may now be or at any Time after become due, and also save and except so far as relates to all and every the Bonds or other Securities for the Repayment of any such Sum or Sums of Money, all which Penalties, Sums of Money, and Bonds or other Securities, not by this Act otherwise provided for, shall and may be sued for, recovered, and dealt with to all Intents and Purposes as if this Act had not been passed.

48 G. 3. c. 65.

49 G. 3. c. 103.

and 4 G. 4. c. 86.

except as to the Repeal of former Acts; as to the Recovery of Penalties; or as to the Recovery of Monies now or hereafter due, and to Bonds and Securities for the same.

II. And be it further enacted, That the Lord Primate of all *Ireland*, the Lord High Chancellor of *Ireland*, being a Member of the United Church of *England* and *Ireland*, the Lord Archbishop of *Dublin*, the Lord Chief Justice of *Ireland*, being a Member of the United Church of *England* and *Ireland*, all now and hereafter for the

Ecclesiastical Commissioners to be appointed.

the Time being, and also such Four of the Archbishops or Bishops of *Ireland* as shall be appointed from Time to Time by His Majesty in Council for the Time being, by Warrant under the Sign Manual, together with Three proper and discreet Persons, being Members of the United Church of *England* and *Ireland*, Two of whom to be appointed from Time to Time by His Majesty in Council by Warrant under the Sign Manual, and the other to be appointed from Time to Time by the said Lord Primate and Lord Archbishop of *Dublin* for the Time being, by Writing under their respective Hands and Seals, shall be One Body Politic and Corporate, by the Name of the "Ecclesiastical Commissioners for *Ireland*," and by that Name have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall have Power and Authority to take and purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of this Act, the Statutes of Mortmain, or any other Act or Acts, to the contrary hereof notwithstanding: Provided always, that the said Lord Chancellor and Lord Chief Justice, and said Three other Commissioners respectively, and their Successors for ever, do and shall, before acting under said Commission, and at the First Meeting they shall respectively attend, subscribe in the Book of the Minutes of the Proceedings of said Commissioners a Declaration in the Words following:

Commissioners to subscribe the following Declaration.

'I DO hereby solemnly, and in the Presence of God, testify and declare, That I am a Member of the United Church of *England* and *Ireland*, as by Law established. Witness my Hand this Day of .'

His Majesty in Council may remove Commissioners and fill up Vacancies.

III. And be it further enacted, That the said Four Bishops and the said Three other Commissioners shall be at all Times removable by His Majesty in Council by Warrant under the Sign Manual; and that whenever by Death, Resignation, Removal, or otherwise, any such Bishop or Person shall cease to be a Commissioner under this Act, then and in every such Case it shall and may be lawful for His Majesty, by Warrant as aforesaid, to appoint one other Bishop or Person in the Place and Stead of any such Bishop, or in Place and Stead of either of such Two Persons appointed by His Majesty, so ceasing to be such Commissioner respectively; and in case of the Death, Resignation, or Removal of said Commissioner appointed by the Lord Primate and the Archbishop of *Dublin*, it shall and may be lawful for the said Lord Primate and Archbishop of *Dublin* for the Time being to appoint another proper and discreet Person in the Place and Stead of the Person so dying, resigning, or being removed as aforesaid; and any such Bishop or Person so to be appointed shall accordingly be and become to all Intents and Purposes one of the Commissioners for the Purposes of this Act.

Salaries to Commissioners.

IV. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors to order and appoint such Salary as he or they shall deem fit to be paid to the said Three Persons (not being Bishops) to be appointed such Commissioners as aforesaid, Regard being had to the Nature and Extent

Extent of the Duties to be performed, and to the Responsibility which may attach to such Persons respectively.

Commissioners to appoint Officers, and pay Salaries and incidental Expences.

V. And be it further enacted, That it shall and may be lawful for the said Commissioners to appoint, during Pleasure, such Secretary and Treasurer, and such other subordinate Officer or Officers, as they in their Discretion shall think necessary for the Execution of the several Duties and Trusts hereby reposed in them; and the said Commissioners shall, out of the several Funds hereby vested in and made payable to them, pay such Salaries as shall, pursuant to the Provision herein-before contained, be appointed to be paid to the said Three Commissioners, and also such other Salaries to the said Secretary, Treasurer, and other subordinate Officer or Officers as the said Commissioners, by and with the Approbation and Consent of the Lord Lieutenant or other Chief Governor or Governors, testified in Writing under his or their Hand or Hands, shall from Time to Time think fit and allow; and the said Commissioners shall also out of the said Funds defray all such incidental Charges and Expences as shall become necessary in the Execution of the several Powers and Trusts by this Act, or by any Act hereafter to be passed, reposed in them.

Three Commissioners to form a Quorum.

VI. And be it further enacted, That all Acts, Matters, and Things (save as herein-after excepted) which the said Commissioners are by any of the Provisions of this Act authorized or required to do and perform, shall and may be done and performed by any Three of such Commissioners: Provided always, that such Three Commissioners be for such Purpose assembled at a Meeting, whereof due Notice shall have been given to all the said Commissioners.

As to Proceedings requiring to be ratified by the Common Seal.

VII. Provided always, and be it hereby enacted, That no Proceeding which requires to be ratified and confirmed by the Common Seal of the Corporation shall be finally concluded, nor the said Seal affixed to any Deed or Instrument, save at a Meeting whereof Notice shall have been in like Manner given, and whereat One at least of the said Episcopal Commissioners shall be personally present: Provided always, that in case any Episcopal Commissioner, being the only Episcopal Commissioner present, should object to the Ratification and Confirmation of any such Proceeding as aforesaid, or to the affixing of such Seal to any Deed or Instrument as aforesaid, such Ratification or affixing of the Seal shall not take place till a subsequent Meeting of the Commissioners, of which due Notice shall have been given.

Who to be Chairman.

VIII. And be it further enacted, That at each Meeting of the said Commissioners the Commissioner first in Rank and Precedence there present shall preside as Chairman, and in case of the Equality in Rank and Precedence of all the Commissioners so present, then the senior Commissioner in the Order of Appointment shall so preside; and the Chairman at all such Meetings shall not only vote as a Commissioner, but shall also, in case of the Equality of Votes, have the casting or decisive Vote.

Secretary to keep a Book.

IX. And be it further enacted, That the Secretary or other Officer of said Commissioners shall keep a Book, in which he shall make Minutes of the Proceedings of the said Commissioners at their several Meetings, and enter the Names of the Commissioners present thereat; and such Entry of the Proceedings at each Meeting shall be signed by the Chairman thereof.

Commissioners to make a Report to Lord Lieutenant, and return an Account to be laid before Parliament once in every Year, or oftener, if required.

X. And be it further enacted, That the said Commissioners shall once in every Year, within Fourteen Days after the First Day of *August*, make a Report to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, under the Hands and Seal of the said Commissioners, of their Proceedings under this Act for the Year preceding ending on such First Day of *August*, and shall also return with said Report an Account of all their Receipts and Disbursements during the like Period, distinguishing the specific Sources from which all Monies may be derived, and showing the total Amount derived from each such Source, together with the specific Purposes to which the Receipts have been applied; and such Report and Account shall be laid before both Houses of Parliament; and the said Commissioners shall also, at all other Times when and as thereunto required by the Lord Lieutenant or other Chief Governor or Governors for the Time being, deliver to him or them a Report of their Proceedings, and return an Account of their Receipts and Disbursements under this Act, for and during such Period as they may be so required.

Commissioners to make Rules and Bye Laws, to be approved by Lord Lieutenant.

XI. And be it enacted, That the said Commissioners shall frame and prepare such Rules, Orders, and Bye Laws, not being contrary to the Provisions in this Act contained, nor to the Laws of that Part of the United Kingdom called *Ireland*, as the said Commissioners shall judge most convenient for the better Government of such Corporation, and the Management and Disposal of the Funds hereby vested in them for the several Purposes of this Act, and for the more effectual Execution of the several Powers and Trusts hereby reposed in them; and all such Rules, Orders, and Bye Laws, being approved and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Writing under his or their Hand or Hands, shall be good, valid, and effectual, and shall be sufficient in all Courts to justify all Persons who shall act pursuant to the same; and it shall be lawful for the said Commissioners, by and with the Consent and Approbation of the said Lord Lieutenant or other Chief Governor, from Time to Time to annul or alter such Rules, Orders, and Bye Laws, or to make others in lieu thereof or in addition thereto, which, being duly confirmed as aforesaid, shall be good, valid, and effectual to all Intents and Purposes whatsoever: Provided always, that no Rule, Order, or Bye Law shall be presented to the Lord Lieutenant or other Chief Governor for his Approbation and Confirmation unless it shall have been made by the said Commissioners at one Meeting, and shall afterwards have been confirmed by them at another Meeting, which other Meeting shall have been called upon One Month's Notice, wherein shall have been set forth the Rule, Order, or Bye Law proposed to be confirmed.

XII. And

An Account to be kept with Bank of Ireland.

XII. And be it enacted, That the Governors and Directors of the Bank of *Ireland* shall and they are hereby required to open in their Books a general and such and so many particular and distinct Accounts with the said Commissioners, under the Title of "The Ecclesiastical Commissioners for *Ireland*," as the said Commissioners shall from Time to Time require to be kept, and to receive such Lodgments and make such Payments to the Credit and Debit of such Accounts respectively, and to give and deliver such Receipts and Vouchers as the said Commissioners shall from Time to Time direct.

Payments of First Fruits to cease.

XIII. And be it further enacted, That from and after the Commencement of this Act all Payments of First Fruits in *Ireland* shall cease and determine for ever; and that all Archbishops, Bishops, Archdeacons, Deans, Rectors, Vicars, and all other Ecclesiastical Persons, and their Successors, in *Ireland*, shall be for ever hereafter excused, acquitted, and discharged, as well against His present Majesty, His Heirs and Successors, as against the Trustees and Commissioners of First Fruits in *Ireland*, and all other Persons whatsoever, of and from the Payment of all and all manner of First Fruits issuing out of Ecclesiastical Benefices payable by the Clergy in *Ireland*, by whatsoever Name the same are called, and by whatsoever Right or Title the same did or now may belong to the Crown, or to the said Trustees and Commissioners, or any other Person or Persons: Provided always, that nothing herein contained shall extend or be construed to extend to exonerate, acquit, or discharge any Persons, their Heirs, Executors, or Administrators, from paying and satisfying all and every the Arrears of First Fruits due or payable by them or any of them, or which may hereafter become due and payable by virtue of any Writing Obligatory in force at or before the passing of this Act, but that such Arrears shall and may be recovered as hereafter provided.

Nothing herein to acquit Persons of Arrears.

Commissioners to make a Valuation of all Livings, &c., and levy a yearly Assessment therefrom, subject to Deduction mentioned hereafter; such Assessment to commence from next Avoidance.

XIV. And be it further enacted, That the said Ecclesiastical Commissioners shall make or cause to be made, and from Time to Time, as they shall think necessary, amend or cause to be amended, a Valuation, in which Valuation Allowance shall be made for the Deduction herein-after mentioned, of all and every the Revenues, Rents, Farms, Tithes, Composition for Tithes, Estates, Demesnes, Glebe and other Lands, Offerings, Emoluments, and all other Profits, Spiritual or Temporal, appertaining or belonging, or that shall hereafter appertain or belong, to any Archbishoprick, Bishoprick, Archdeaconry, Deanery, Prebend, Cathedral Church, Collegiate Church, Spiritual Corporations, Aggregate or Sole, Parsonage not Impropriate, Vicarage, Benefice, Chauntry, Free or other Chapel, Perpetual Curacy, or any other Benefice or Office or Promotion Spiritual, of what Name, Nature, Quality, or Description soever they be, within that Part of the United Kingdom called *Ireland*, and shall have, take, levy, and receive therefrom and thereout, from and after the Times when the same shall severally become void next after the passing of this Act, and for ever thereafter, a yearly Tax, Rate, or Assessment, computed and imposed upon such Valuation, according to the several Rates and Scales specified and contained in the Schedule (A.) to this Act annexed.

XV. And

Tax when to be payable.

XV. And be it enacted, That the said yearly Tax shall be paid half-yearly in equal Moieties to the said Ecclesiastical Commissioners on each First Day of *July* and First Day of *January*, the first Payment on account of such annual Tax to be made from and out of each Dignity, Benefice, Office, or Promotion Spiritual on the First Day of *July* or First Day of *January*, as may happen, next after the First Day of *May* or the First Day of *November*, as may happen, next after the Consecration, Installation, Induction, Collation, investing, placing, Election, or Appointment of the Persons succeeding thereto; Provided always, that such Person shall only be charged or chargeable in such first Payment with a Proportion of such Tax, according to the Term during which he shall have enjoyed or been entitled to the Profits of such Dignity, Benefice, Office, or Promotion Spiritual; and provided further, that if any such Dignity, Benefice, Office, or Promotion Spiritual shall remain void for any Time after such Days herein-before appointed for the Payment of the said annual Tax, the Person succeeding thereto shall be charged and chargeable with all Arrears thereof accruing due from and after the last Avoidance thereof.

Tax how to be imposed on Dignities.

XVI. And be it enacted, That each and every Dignity, Benefice, or Office, or Promotion Spiritual, shall be separately and distinctly rated, each in the proper Diocese to which it may belong, wheresoever the Possessions or Profits to them respectively belonging shall happen to be locally situate; and that in the Case of any Estate, Tithes, Funds, or other Emoluments whatsoever distributable among the Members of any Corporation Aggregate, under or by virtue of any Law, Statute, Bye Law, or Usage whatsoever, the said Tax, Rate, or Assessment shall be imposed severally upon the separate Share or Income of each such Member respectively, and that each such Share or Income shall be and become respectively charged therewith from and after the Time when the Member of such Corporation now enjoying or entitled to such Share or Income shall die, or become disqualified, or in any Manner cease to be a Member of such Corporation, and for ever thereafter.

Economy Fund exempted from Taxation.

XVII. Provided, and be it enacted, That no Economy Estate or Fund appropriated to the Purpose of repairing any Cathedral or Church, or other such like Purpose, shall be liable to the said annual Tax, Rate, or Assessment, save only so far as respects the Surplus thereof (if any), which may be distributable among the Dean and Chapter or Members of the Ecclesiastical Body to whom such Economy Estate or Fund may belong.

Spiritual Persons to make a Return of the annual Value of their Livings, &c.;

XVIII. And be it further enacted, That in order to enable the said Commissioners the better to compute and impose the said Tax, Rate, or Assessment according to the Provisions of this Act, every Archbishop, Bishop, Archdeacon, Dean, Prebendary, Master, Warden, Parson, Spiritual Vicar, Perpetual Curate, and every Spiritual Corporation Aggregate under its Corporate Seal, and every Member of such a Corporation individually, and all and every other Spiritual Persons, in *Ireland*, by whatever Name or Names they may be respectively called, known, or described, shall, on or before the First Day of *December*

tember in the Year One thousand eight hundred and thirty-three, and at all Times thereafter, when and so often as they or any of them shall think fit or shall be thereunto required by the said Commissioners, return respectively to the said Commissioners an Account of the true and entire yearly Value of such Archbishopricks, Bishopricks, and all other the Spiritual Promotions aforesaid, and all Lands, Tenements, Hereditaments, and Profits thereto respectively belonging, by them and each of them at the Time of making such Returns respectively held and enjoyed; and in case the Value thereof shall be of a fluctuating Nature, then such Account shall state the average annual Value *communibus annis;* such Account of such Value in either of the Cases aforesaid to be exclusive of the See House or Glebe House or Offices, or other Place of Residence of or belonging to the same respectively; and shall therein also respectively specify all Rents, Synodals, or Proxies, or other Charges (if any), payable out of or in respect of the same, and also the Amount of the Sums (if any) expended in building or improving such See House, Glebe House, or Offices, or Place of Residence, by such Spiritual Person, or paid or secured to be paid, or wherewith he shall be chargeable to his or their Predecessors respectively, or his or their Executors, Administrators, or Assigns; distinguishing the Sums which are or shall be recoverable by such Spiritual Person as aforesaid from or against his Successors from such Sums as shall not be so recoverable; and in case there shall be no See House or Glebe House or Place of Residence thereon or thereto belonging, then such Account shall specify the annual Rent paid or payable by such Spiritual Person for a House or Place of Residence occupied by him.

exclusive of Glebe House or Place of Residence.

XIX. And be it further enacted, That the said Ecclesiastical Commissioners shall also have Power and Authority, when and as often as they shall so think necessary, to direct into any Diocese in *Ireland* a Commission under their Corporate Seal to the Archbishop or Bishop thereof, and such other Person or Persons, being Members of the United Church of *England* and *Ireland*, as the said Commissioners shall think fit, commanding and authorizing the Persons in such Commission to be named, or Two of them at the least, to examine, search, and inquire into, of, and for all such Matters and Things as may be requisite and necessary in order to enable the said Ecclesiastical Commissioners under this Act to form the said Valuation, and impose the said Rate, Tax, and Assessment, according to the Provisions of this Act, and authorizing and empowering some Two or more Persons to be named in such Commission, separately, or in the Presence of each other, to administer an Oath to each of the said Persons therein named as aforesaid, to the Effect following; that is to say,

Commissioners may issue a Commission to make Inquiries for the Purpose of enabling them to form a Valuation, and impose a Rate.

'I *A. B.* do swear, That I will well, diligently, and truly, according to the best of my Skill and Knowledge, do, fulfil, perform, and execute the several Powers and Trusts reposed in me by virtue of a Commission issued pursuant to the Provisions of an Act passed in the Fourth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], within the Limits thereof, without Favour or Affection, Prejudice, Malice, or Ill-will to any Person whatever. So help me GOD.'

Oath to be taken by Persons named in such Commission.

Commissioners to make Report;

Which Oath the said Persons to be therein named shall take before they shall begin to execute their said Commission; and also directing and authorizing and empowering the said Persons in such Commission so named, or Two of them at the least, to return, under their Hands and Seals, to the Commissioners appointed under this Act, on a certain Day to be named in the said Commission, a true, just, and faithful Account and Estimate of the said several Matters and Things in the said Commission so directed to be inquired of by them as aforesaid, and which Return the said Persons in such Commission named are hereby required to make; and the said Persons to be therein named as aforesaid, or any Two of them, shall likewise have Power to examine Witnesses upon Oath touching or concerning any of the Matters or Things so to be inquired of by them as aforesaid: Provided always, that the said Ecclesiastical Commissioners under this Act may at their Discretion direct and order the Costs and Expences of issuing said Commission, and of all the Proceedings thereunder, or any Part thereof, to be paid and borne, in such Shares or Proportions as the said Commissioners shall think fit, by such Archbishop, Bishop, Archdeacon, Dean, Prebendary, Parson, Vicar, or other Spiritual Person aforesaid, of and into the Revenues, Rents, Issues, and Profits of whom such Commission shall be issued to inquire and examine as aforesaid; and which Costs and Expences, when so ordered to be paid as aforesaid, shall and may be recovered in the Manner hereafter directed and mentioned with respect to the said annual Tax: Provided always, that no such Archbishop, Dignitary, or Spiritual Person shall be required to pay the Costs or Expences of any such Commission, or any Part thereof, unless the Valuation of the Revenues, Issues, and Profits to him belonging shall exceed the Amount thereof as stated in the last previous Return thereof by him made in the Proportion of Ten Pounds *per Centum*.

and to examine Witnesses.

Proviso as to Costs of Commission.

Certain Sums chargeable on Livings, &c. to be deducted from the Valuation.

XX. Provided, and be it enacted, That in and from the Valuation to be made for the Purpose of imposing the said Rate, Tax, or Assessment, the said Commissioners shall from Time to Time deduct and allow all Rents, Synodals, Proxies, and other Charges, including Salaries or Stipends for Perpetual Curates or licensed Assistant Curates of any Benefice the Incumbent whereof shall be resident in any such Benefice, which any such Spiritual Person or Persons as aforesaid, chargeable with the said annual Tax, is or are bound to pay or allow in respect of his or their Archbishoprick, Bishoprick, Archdeaconry, Deanery, Prebend, Benefice, or other Promotion Spiritual as aforesaid; and in case there shall be no See House or Glebe House or Place of Residence thereon or thereto respectively belonging, then that the said Ecclesiastical Commissioners shall deduct and allow such Sum as shall appear to be the annual Rent or Value of the House or Place of Residence occupied by each such Spiritual Person, or such lesser Sum as the said Ecclesiastical Commissioners shall in their Discretion think fit; and in case any such Spiritual Person so chargeable as aforesaid shall have expended or laid out in building or improving any House, Offices, or Place of Residence as aforesaid, or shall have paid or secured, or shall be chargeable with to his or their Predecessors respectively, or his or their respective Executors, Administrators, or Assigns, any Sum or Sums of Money on account of Money laid out

or expended theretofore on any such Buildings or Improvements, then in every such Case the said Ecclesiastical Commissioners shall from Time to Time, in and from such Valuation, deduct and allow, on account thereof, in the following Manner and according to the following Rate; (that is to say,) the annual Sum or Allowance of Ten Pounds in the Hundred for all and every the Sum or Sums so expended or laid out in such Building or Improvement, or paid or secured to be paid, or with which such Person as aforesaid shall be chargeable to his Predecessor, or his Executors, Administrators, or Assigns, as the Case may be, on account of Money so theretofore laid out or expended on such Building or Improvement as aforesaid, and which shall not be by Law recoverable by such Person, his Executors, Administrators, or Assigns, from or against his Successor; and the annual Sum or Allowance of Five Pounds in every Hundred for all and every the Sum or Sums so expended or laid out, or paid or secured to be paid, or wherewith any such Person shall be chargeable to his Predecessors, or his Executors, Administrators, or Assigns, as aforesaid, on account of Money so theretofore laid out or expended as aforesaid, as the Case may be, and which shall be by Law recoverable by such Person, his Executors, Administrators, or Assigns, from or against his Successors.

No Sums shall be deducted unless mentioned in Certificate.

XXI. Provided always, and be it further enacted, That the said Ecclesiastical Commissioners shall not, from or in such Valuation, deduct or allow for any Sum or Sums of Money so laid out or expended, or paid or secured to be paid, or wherewith any of the Persons aforesaid shall or may be chargeable as aforesaid, unless such Sum and Sums shall be contained, included, and mentioned in the Certificate of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or of the Archbishop or Bishop of the Province or Diocese respectively, as the Case may be, in such Cases given or directed to be given, under or by virtue of any Statute now or heretofore in force in *Ireland*, in order to enable any Archbishop, Bishop, or other of the Persons aforesaid to recover against his Successor the Sums above mentioned, or any of them, or any Part thereof.

For enforcing Payment of Rates or Assessments.

XXII. And be it further enacted, That if the said Tax, Rate, or Assessment, or any Part thereof, payable by any Body or Person, shall be in arrear and unpaid more than a reasonable Time after the same shall have been demanded by or on the Part of the Commissioners under this Act, it shall and may be lawful for such Commissioners in every such Case to apply to the Court of Chancery or Exchequer in *Ireland*, by Petition in a summary Way, for Relief in that Behalf; and such Court shall and may, on the Hearing of such Petition, and upon the Production of a Certificate under the Corporate Seal of such Commissioners, of such Tax being in arrear and unpaid as aforesaid, in a summary Way, with or without Reference to any Master or other Officer of said Court, order Process of Sequestration (after hearing such Matters, if any, as may be alleged in answer to such Application, by Affidavit or otherwise, upon a Day to be fixed for that Purpose,) to issue out of said Court, directed to Sequestrators to be named by or on behalf of such Commissioners, authorizing and requiring such Sequestrators forthwith to enter into the Possession of

and

and take and receive the Rents, Issues, and Profits of all and every the Lands, Tenements, and Hereditaments of or belonging to any such Body or Person in his or their Ecclesiastical Capacity or Character, and all and every the Tithes, Moduses, Compositions for Tithes, Salaries, Stipends, Fees, and all other Ecclesiastical Emoluments and Profits whatsoever of or belonging to the same respectively, or such Part or Parts thereof as to the said Court shall seem fully sufficient for the Purpose, and to pay over the same to such Commissioners, until they shall have been fully paid and satisfied the said yearly Tax and every Part thereof which shall be then, or which shall at any Time pending such Sequestration, remain or become due and payable, together with lawful Interest for the same from the Time when every such Sum or Sums ought respectively to have been paid, and all Costs and Charges and Expences whatsoever attending such Petition and Sequestration as aforesaid; and it shall and may be lawful for the said Court to proceed against all Persons disobeying or opposing such Process, or in any Manner hindering or preventing the due Execution thereof, and to act in all Matters connected with and consequent upon such Sequestration in the same Manner as in other Cases in which Sequestrations are or shall be issued out of said Court pursuant to the Orders of said Court.

Priority of Sequestrations under this Act.

XXIII. Provided always, and be it further enacted, That any Sequestration issued pursuant to the Provisions of this Act shall be preferred, and the said Commissioners under this Act shall be paid and satisfied the Sum and Sums to be recovered thereby, and every Part thereof, in preference to any other Person or Persons whatsoever, notwithstanding any Sequestration, Judgment, Execution, or other Process whatsoever issued or begun for such other Person or Persons; any thing herein or in any other Law or Statute contained to the contrary hereof notwithstanding.

If Incumbent die before Gale Day, Tax to be apportioned.

XXIV. Provided always, and be it further enacted, That if any Archbishop, Bishop, or other Person charged or chargeable with the Payment of said yearly Tax shall happen to die, or be lawfully evicted, translated, promoted, removed, or put from his Dignity, Benefice, Office, or Promotion Spiritual, before any one of the Gale Days hereby appointed for the Payment of the said Tax, then such Archbishop, Bishop, or Person, or his Executors or Administrators, as the Case may be, shall only be charged and chargeable with a Proportion of such Tax, according to the Time he may have been entitled to or enjoyed the Profits of such Dignity, Benefice, Perpetual Curacy, or Office, or Promotion Spiritual as aforesaid; and the Successor to such Dignity, Benefice, Office, or Promotion Spiritual shall become liable to the Residue of such Tax accruing due on such Gale Day: And provided further, that in any Case in which it shall be made to appear to the Satisfaction of the said Commissioners that any Spiritual Person chargeable with the said Tax shall not have received the Profits of the Dignity, Benefice, Perpetual Curacy or Office, or Promotion Spiritual, in respect whereof he may be so chargeable, then and in such Case it shall be lawful for the said Commissioners to extend the Time for the Payment of such Tax until such

If Incumbent receive no Profits of his Preferment, the Payment of Tax to be delayed or charged on his Successor.

such Profits shall be received, or in case such Spiritual Person shall die, or be removed, or promoted from his Dignity, Benefice, Perpetual Curacy, or Office, or Promotion Spiritual as aforesaid, without being entitled to receive any of such Profits, then and in such Case to charge and recover the same of and from his Successor therein whenever such Successor shall have received the said Profits; any thing herein-before contained to the contrary notwithstanding.

Arrears of Tax due on Death of such Person to rank as a Judgment Debt.

XXV. And be it further enacted, That the Proportion of said annual Tax due on the Death of any Archbishop, Bishop, or other Person as aforesaid shall be deemed and taken to be and shall rank as a Judgment Debt of such deceased Archbishop, Bishop, or Person as aforesaid, and be paid as such, as if a Judgment had been duly acknowledged by or entered against him during his Lifetime by the said Commissioners for the Amount of said Tax which shall be so due as aforesaid, and immediately after all other *bonâ fide* Judgments, Crown Bonds, and Recognizances entered up against, acknowledged, or executed by him during his Lifetime.

Nominee of Commissioners to be entitled to Administration.

XXVI. And be it further enacted, That the said Commissioners under this Act shall be deemed and taken to be, in every Ecclesiastical Court in the United Kingdom, Judgment Creditors of any Archbishop, Bishop, or other such Person as aforesaid chargeable with any Arrears of said annual Tax; and in case the Executors, or next of Kin, or Residuary Legatees of such Archbishop, Bishop, or other Person as aforesaid shall refuse or neglect to take out Probate or Letters of Administration to him, the said Commissioners shall be entitled to have Administration of his Goods and Chattels, Rights and Credits, granted or committed unto their Nominee or Nominees in such Manner and Form, but subject to the same Regulations as far as may be, as and under which Administrations are usually granted to Creditors of other deceased Persons, notwithstanding that no Affidavit or other Evidence shall be made or given in or to such Ecclesiastical Court of any Debt being actually due to such Commissioners: Provided always, that a Certificate under the Corporation Seal of the said Commissioners shall be produced to such Ecclesiastical Court, alleging that a Debt on account of Arrears of said annual Tax is due to such Commissioners, and that they require such Administration to be granted to the Person to be therein named.

Archbishops and Bishops to return Promotions, &c.

XXVII. And be it further enacted, That the several Archbishops and Bishops of *Ireland* shall, from and after the passing of this Act, on the First Day of *November* and First Day of *May* in every Year, or at farthest within Fourteen Days after, make Returns to the said Commissioners of all, how many, and what Archdeacons, Deans, Provosts, Masters, Wardens, Prebendaries, Rectors, Parsons, Vicars, Perpetual Curates, Incumbents, or other Spiritual Persons, by whatever Name called, known, or described, have been installed, admitted, instituted, collated, or inducted (and of and on whose Gift, Grant, or Presentation such Installation, Admission, Institution, or Induction has taken place,) into Dignities, Benefices, Curacies, Chapelries, Offices,

or Promotions Spiritual, by whatever Name called, known, or described, as aforesaid, and by what Names and Surnames they were so installed, admitted, instituted, collated, or inducted, and each of them were singly and separately called and known by, together with the Day and Year of the Installation, Admission, Institution, Collation, or Induction of each of them, and in what County and Counties within their respective Diocese or Dioceses and Jurisdictions such Archdeaconries, Deaneries, Prebends, Rectories, Parsonages, Vicarages, Curacies, Chapelries, or other Dignities, Benefices, or Offices, or Promotions Spiritual, by whatever Name called, known, or described, be and are situated, to the Dates of the said respective Returns.

Provision for Cases where Archbishops are also Bishops, &c.

XXVIII. And be it further enacted, That all and every the Powers and Authorities, Provisions, Regulations, Forfeitures, Clauses, Matters, and Things in this Act contained, in relation to Bishops in their Dioceses, shall extend and be construed to extend to the Archbishops in the respective Dioceses of which they are Bishops, and also in their own Peculiar Jurisdictions, as fully and effectually as if the Archbishops were named with the Bishops in every such Case.

Jurisdiction of Bishops in Peculiars.

XXIX. And be it further enacted, That every Archbishop and Bishop within the Limits of whose Province or Diocese respectively any Benefice or Office or Promotion Spiritual, by whatever Name called, known, or described respectively, exempt or peculiar, shall be locally situate, shall have, use, and excercise all the Powers and Authorities necessary for the due Execution by them respectively of all the Purposes and Provisions of this Act, and for enforcing the same with regard thereto respectively, as such Archbishop and Bishop respectively would have used and exercised if the same were not exempt and peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop; and where any Benefice or Promotion Spiritual as aforesaid, exempt or peculiar, shall be locally situate within the Limits of more than One Province or Diocese, or where the same or any of them shall be locally situate between the Limits of any Two or more such Dioceses, the Archbishop or Bishop of the Cathedral Church to whose Province or Diocese the Parish Church of the same respectively shall be nearest in local Situation shall have, use, and exercise all and every the Powers and Authorities which are necessary for the due Execution of the Provisions of this Act, and enforcing the same with regard thereto respectively, as such Archbishop or Bishop would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the Jurisdiction of such Archbishop or Bishop respectively, and the same, for all the Purposes of this Act, shall be deemed and taken to be within the Limits of the Province or Diocese of such Archbishop or Bishop: Provided that the Peculiars belonging to any Archbishoprick or Bishoprick, though locally situate in another Diocese, shall continue subject to the Archbishop or Bishop to whom they belong, as well for the Purposes of this Act as for all other Purposes of Ecclesiastical Jurisdiction.

XXX. And

United Benefices to be taxed singly.

XXX. And be it enacted, That where any Two or more Dignities, Benefices, Vicarages, or Perpetual Curacies shall be held by One Incumbent, that the same shall be valued and taxed as a single Benefice: Provided always, that in case any Dignity or Benefice be attached or annexed to or held together with any Archbishoprick or Bishoprick, such Dignity or Benefice, and such Archbishoprick or Bishoprick, shall be separately valued and taxed according to the respective Scales contained in the Schedules to this Act annexed, and as if such Benefice or Dignity, and such Archbishoprick or Bishoprick, were held and enjoyed by several Persons.

Benefices annexed to be valued separately.

When a Bishoprick is void, who shall execute Powers of this Act.

XXXI. And be it further enacted, That whensoever and as often as any of the Archbishopricks or Bishopricks in *Ireland* shall happen to be void, that then the Dean of the Cathedral Church where the See of such Archbishoprick or Bishoprick being void shall happen to be, or the Vicar General of the Diocese, being in Holy Orders, or any Archdeacon of the Diocese, according to the Direction or Order of said Commissioners, to be made or given in Writing under the Seal of the said Commissioners, shall, during the Vacancy thereof, be charged and chargeable and is hereby required to do or cause to be done all and every Thing and Things for the due Execution of this Act, within the Diocese of such Archbishoprick or Bishoprick, as the same Archbishop or Bishop of the See being void should have done, according as it is limited and appointed by this Act, or by any thing herein contained: Provided always, that during the Vacancy of the Archbishoprick of *Dublin* it shall be lawful for said Commissioners to order, direct, and appoint the Dean of *Saint Patrick*'s, or the Vicar General of such Diocese, being in Holy Orders, or Archdeacon of *Dublin*, to do and perform all and every the Matters and Things for the due Execution of this Act within such Diocese as such Archbishop should have done, according as it is limited and appointed by this Act, or any thing herein contained.

When Archbishoprick of Dublin void, who shall execute Powers of this Act.

Bishopricks in the First Column of the Schedule (B.) to this Act annexed to be united to the Bishopricks named in the Second Column, &c.

XXXII. And whereas His Majesty has been graciously pleased to signify that He has placed at the Disposal of Parliament His Interest in the Temporalities and Custody thereof of the several Bishopricks and Archbishopricks mentioned in this Act and the Schedule (B.) thereto annexed; be it therefore enacted, That the Bishoprick of *Waterford*, now void, shall from and after the passing of this Act, and the other Bishopricks named in the First Column of the Schedule (B.) to this Act annexed shall, when and as the same may severally become void, be thenceforth united to and held together with the Bishoprick or Archbishoprick mentioned in conjunction therewith respectively in the Second Column of the said Schedule (B.); and that the Archbishops or Bishops of the Archbishopricks or Bishopricks in such Second Column named shall, at such Times respectively as before mentioned, be and become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatsoever, Bishops respectively of the said Bishopricks named in such First Column in conjunction therewith, and shall have and exercise all and every the Ecclesiastical Patronages and Jurisdictions in appointing, collating, and presenting to all and every the

the Dignities, Rectories, Vicarages, Curacies, Chapelries, or other Offices or Promotions, and all other Jurisdictions whatsoever, by whatever Name called, known, or described, lawfully had, used, exercised, and enjoyed by the respective Bishops of the said Bishopricks in the First Column of the said Schedule (B.) named, as also the Right of nominating and appointing to all and every the Offices of Chancellor, Vicar General, Official, Principal Registrar, and all other Ecclesiastical Offices of or belonging or appertaining to such last-mentioned Bishopricks respectively; and His most Excellent Majesty, His Heirs and Successors, shall at all Times thereafter grant each such Bishoprick in the First Column of the said Schedule (B.) named, together with the Bishoprick or Archbishoprick to which it may have been united in manner aforesaid, to be held by one and the same Person.

If Bishoprick in Second Column of Schedule (B.) becomes void before Union of such Bishoprick in First Column, then such Bishop to be Bishop of such Bishoprick.

XXXIII. Provided always, and be it further enacted, That if any Bishoprick mentioned in the Second Column of the said Schedule (B.) shall become void before the Union of such Bishoprick with the Bishoprick mentioned in the First Column of the said Schedule, then the Bishop of the Bishoprick mentioned in the First Column shall become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatever, Bishop of the Bishoprick in such Second Column named in conjunction therewith, and shall have and exercise all Powers and Authorities of the Bishop of such united Bishopricks: Provided always, that nothing herein contained shall authorize or empower any Bishop of a Bishoprick mentioned in the First Column of the said Schedule as hereafter to be united to the Dioceses of *Armagh* or of *Dublin*, to become, by virtue of this Act, Archbishop of *Armagh* or of *Dublin*.

Archbishops of Armagh and Dublin empowered to present a Fellow of Trinity College to a Benefice, to be selected as herein mentioned.

XXXIV. Provided also, and be it further enacted, That it shall and may be lawful for the Archbishop of *Armagh* and Archbishop of *Dublin*, and they are hereby required, to select from and out of the Benefices belonging to each of the Bishopricks in the First Column of the said Schedule (B.) mentioned, and now in the Gift or Collation of the respective Bishops thereof, one Benefice not exceeding the annual Value of One thousand Pounds, and to return a List of the several Benefices so selected, under their Episcopal Seals, to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and His Majesty's Privy Council there, for their Approval, and when approved by the said Lord Lieutenant or other Chief Governor or Governors and Council, such List shall be registered in the Rolls Office of His Majesty's Court of Chancery in *Ireland*, together with such Approval; and upon each and every Avoidance of the said Benefices so selected happening from Time to Time after the said Bishopricks to which the same may respectively belong shall have become united to any other Bishopricks by virtue of this Act, it shall and may be lawful for the said Archbishop of *Armagh* and Archbishop of *Dublin* to nominate and present to each such Benefice One of the Fellows or Ex-Fellows of the College of the Holy and Undivided Trinity, near *Dublin*, being in Holy Orders: Provided always, that in case the said Two Archbishops shall not be able to agree in such Nomination and Appointment,

Proviso in case of Dis-

or shall decide upon the Person to be appointed to the said vacant Benefice, the first Turn therein to be exercised by the Archbishop of *Armagh*, and if on the Vacancy of any of the said Benefices so selected as aforesaid, the said Archbishop shall not present thereto some such Fellow or Ex-Fellow within such Period as any Patron ought to present to a Benefice in his Gift or Presentation, then and in such Case the Right of Presentation or Collation to such Benefice shall, for that Turn, devolve to the Bishop of the Diocese, and be in all respects subject to the ordinary Law of Lapse: Provided always, that until the said Bishopricks shall have become united to any other Bishopricks under the Provisions of this Act, nothing herein contained shall alter or affect the Right of Presentation or Collation to any of the Benefices so selected as aforesaid, as at present enjoyed or possessed; and provided further, that any Fellow of the said College who shall accept any such Benefice shall vacate his Fellowship at such Time and in such Manner as according to any Statute, Bye Law, or Usage of the said College, Fellowships are vacated upon the Acceptance of any Living in the Gift or Disposal of the said College.

agreement of the Archbishops.

Fellow so elected to vacate his Fellowship.

XXXV. Provided also, and be it further enacted, That the said Ecclesiastical Commissioners under this Act shall, from and out of the Revenues of each Bishoprick in the First Column mentioned, when and as the same shall become vested in them, make good to the Bishop thereof becoming, by virtue of the Provision herein-before contained, Bishop of the Bishoprick mentioned in conjunction therewith in the Second Column of the said Schedule, the Sum or Sums of Money (if any) whereby the Revenues of such Bishoprick in such Second Column mentioned shall fall short of the Revenues of such Bishoprick in such First Column mentioned.

Commissioners to make good Deficiencies happening to Bishops by the Union of Bishopricks.

XXXVI. Provided nevertheless, and be it enacted, That all and singular the Lands, Tenements, and Hereditaments respectively belonging or in anywise appertaining to the Bishopricks in the First Column of the said Schedule (B.) named, together with all and singular the Tithes, Rents, and Emoluments whatsoever to such Bishopricks respectively appertaining or belonging, shall, in the Case of the said Bishoprick of *Waterford*, from and after the passing of this Act, and in the Case of the other Bishopricks in the said Schedule (B.) mentioned shall, from and after the Times when such Bishopricks shall become respectively void or united to any other Bishoprick as aforesaid, be and the same are hereby transferred to and vested in the said Ecclesiastical Commissioners and their Successors for ever, subject however to all Leases, Rents, Charges, and Incumbrances now or at the Time of such Transfer legally affecting the same, save and except the annual Tax, Rate, or Assessment by this Act authorized to be imposed and levied; and that all the Rents, Revenues, Issues, Profits, and other Emoluments in any Manner arising or accruing to the said Commissioners and their Successors from or out of any of the said Bishopricks shall be received and applied by such Commissioners and their Successors to, for, and upon the several Trusts, Uses, and Purposes in this Act mentioned, and subject to and under the like Rules and Regulations as are herein declared and

Temporalities of Bishopricks in First Column of the said Schedule (B.) vested in the Commissioners under this Act.

expressed of and concerning the said annual Tax vested in and made payable to the said Commissioners and their Successors.

Arrears of Rent, &c. since Death of Bishop of Waterford to be recovered by Commissioners.

XXXVII. And be it further enacted, That all Arrears of Rent and other Temporal Profits and Emoluments which have accrued due for or in respect of the See of *Waterford* since the said Bishoprick of *Waterford* has become void shall by virtue of this Act, and without any Writ of Restitution or other Process whatever, be in like Manner transferred to and vested in the said Commissioners, to, for, and upon the like Trusts, Uses, and Purposes, and subject to the like Rules and Regulations, as aforesaid; and that the said Commissioners shall and they are hereby authorized and empowered, either by Action of Covenant or Debt, or by Action on the Case, as for Use and Occupation, to sue for and recover all and every the Arrears of Rent due, or which shall have accrued or become due since the Death of the said late Bishop of *Waterford*; and that it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered, to distrain for such Arrears and every Part thereof, and shall and may avow generally for the same.

Commissioners to pay Sums charged on Bishoprick of Waterford to Executors of Deceased.

XXXVIII. And provided also, and be it further enacted, That the said Commissioners shall and they are hereby required and directed to pay and satisfy the Executors or Administrators or Assigns of Doctor *Richard Bourke*, late Bishop of *Waterford*, by such Instalments, to be made in such Manner and at such Periods from and after the passing of this Act, as any Successor to such Bishoprick then appointed would have been bound or liable if any such Successor had been appointed on or before the First Day of *January* One thousand eight hundred and thirty-four, all and every such Sum and Sums of Money which, pursuant to any Law or Statute in force in *Ireland* at the passing of this Act, could or might have been recovered by such Executor or Administrator from or against the Successor of the said late Bishop of *Waterford* in case this Act had not been passed; and provided further, that the said Commissioners shall by such Instalments, to be made in such Manner and at such Periods from and after such respective Vacancies of the other Bishopricks, save and except the Bishopricks of *Ossory* and of *Cork* and *Ross*, named in the First Column of the Schedule (B.) to this Act annexed as aforesaid, or from and after the Annexation thereof to any other Bishoprick under Provisions herein-before contained, as any Successors thereto would have been respectively bound or liable if such Successors had been appointed, pay to and satisfy the Person or Persons, or his or their respective Executors, Administrators, or Assigns, as the Case may be, by whose Promotion or Death such Vacancy shall have occurred or been occasioned, or who shall become the Bishop of any united Bishopricks, all and every such Sum and Sums of Money as by force of any Law or Statute or Usage has or have heretofore been charged upon the said other Bishopricks upon the same becoming void respectively, and which would have been payable to and recoverable by such Persons respectively, or their respective Executors, Administrators, or Assigns, from or against their respective Successors in such Bishopricks, in case this Act had not been made.

Commissioners shall pay Sums charged on Bishopricks hereafter to be suppressed.

XXXIX. And

Commissioners may demise See Houses of Bishopricks becoming vacant.

XXXIX. And be it further enacted, That in the Case of the said Bishoprick of *Waterford* it shall and may be lawful for the said Commissioners from and after the passing of this Act, and in the Case of the other Bishopricks named in the First Column of the Schedule (B.) to this Act annexed, save and except the Bishopricks of *Ossory* and of *Cork* and *Ross*, it shall and may be lawful for such Commissioners at and after such Times as the said Bishopricks shall become respectively vacant, or united to any other Bishoprick or Archbishoprick as aforesaid, and such Commissioners are hereby empowered, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors in *Ireland*, to be testified in Writing under his or their Hand or Hands, to demise for any Term of Lives or Years, or Lives and Years, with a Covenant to make void the said Demise in case of assigning or subletting, and for such Rent or Fine as shall be specified in and by such Consent as aforesaid, the See House and Offices, and all or any Part of the Mensal or Demesne Lands of or belonging to the said Bishoprick of *Waterford*, or to the said other Bishopricks, save as aforesaid: Provided always, that if the Bishop for the Time being of the Bishoprick to which such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, shall be united by virtue hereof as aforesaid, do and shall, with and by the like Consent as aforesaid, to be testified as aforesaid, elect and choose the See House of such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, to be and continue for ever to be the See House of such united Bishoprick, it shall not be lawful for the said Commissioners so to demise the said See House and Offices so selected and chosen as aforesaid, nor the Mensal or Demesne Lands thereof or thereto respectively belonging; and in such Case it shall be and become lawful for the said Commissioners, and they are hereby empowered, by and with the like Consent as aforesaid, to be testified as aforesaid, to demise, in like Manner and upon the like Terms as aforesaid, the See-House and Offices of the Bishoprick to which such Bishoprick of *Waterford*, or such other Bishoprick, save as aforesaid, shall be united as aforesaid, by virtue of this Act, together with any Part of the Mensal or Demesne Lands thereof or thereto respectively belonging, instead of the See House and Mensal or Demesne Lands of such Bishoprick of *Waterford* or other Bishopricks so respectively becoming vacant, or united to any other Archbishoprick or Bishoprick, save as aforesaid.

Bishopricks now and to be vacant.

Recitals and Parties necessary to Deeds of Demise of See Houses.

XL. Provided always, and be it enacted, That if such Consents as aforesaid be not recited in the respective Deeds of Demise aforesaid, and if the said Deeds of Demise do not contain such Covenant as aforesaid against assigning or subletting, or be not respectively executed by the said Commissioners in the Manner herein-before directed as to the Execution of Deeds by said Commissioners, and the said Bishops of the Bishopricks which shall become united in manner aforesaid, for the Time being respectively, that then the said Demises shall be respectively null and void to all Intents and Purposes whatsoever.

When Bishoprick of Ossory and Bishop-

XLI. And be it further enacted, That it shall be lawful for the said Commissioners, when and so soon as the said Bishoprick of *Ossory*

rick of Cork and Ross shall be united to Ferns and Leighlin and to Cloyne respectively, the See Houses, &c. of Ferns and Leighlin and of Cloyne shall be sold or exchanged.

Ossory and Bishoprick of *Cork* and *Ross* shall be, under the Provisions of this Act, united to the Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively, in like Manner to demise, with the like Consent and subject to the same Covenants as aforesaid, the See Houses and Offices and all or any Part of the Mensal or Demesne Lands of or belonging to the said Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively; and the See Houses and Offices and Mensal or Demesne Lands to the said Bishopricks of *Ossory* and *Cork* and *Ross* respectively belonging shall be and become thenafter the See Houses, Offices, and Mensal or Demesne Lands of such united Bishopricks of *Ossory* and of *Ferns* and *Leighlin* and of *Cork* and *Ross* and of *Cloyne* respectively.

Application of Rents and Fines.

XLII. And be it further enacted, That the Fines arising or to arise from such Demises as aforesaid, together with the Rents to be thereby respectively reserved, shall be applied and disposed of by said Commissioners for the several Purposes, and subject to the like Rules and Regulations, as are herein mentioned with respect to the said annual Tax hereby vested in and made payable to said Commissioners.

Notwithstanding Preference of the new See House, the Sums payable in respect of See House by the Successors to continue payable.

XLIII. Provided, and be it further enacted, That all and every the Sum and Sums of Money which, pursuant to any Law or Statute in force in *Ireland*, would or might have become payable by or recoverable against the Successor or Successors in the Bishoprick or Archbishoprick to which any See House and Offices so demised, pursuant to such Choice and Selection as aforesaid, may have theretofore belonged, shall be and become and remain payable by and recoverable against such Successor or Successors therein notwithstanding the Selection or Choice of any other See House under the Provision herein-before contained, and as if such See House so demised had continued to be the See House of such Bishoprick.

Providing for Payment of the Liabilities upon the several Bishopricks of Ferns, &c. after their Union.

XLIV. And be it further enacted, That the said Commissioners shall, by such Instalments, to be made in such Manner, and at such Periods from and after the respective Periods when the Bishoprick of *Ferns* and *Leighlin* shall become united to the Bishoprick of *Ossory*, and the Bishoprick of *Cloyne* united to that of *Cork* and *Ross*, as any Successors thereto would have been respectively bound or liable if such Successors had been appointed, pay to the Persons or their Representatives by whose Promotion or Death, or who shall become the Bishops respectively of such united Bishopricks, all and every such Sum or Sums of Money as would have been payable by or recoverable against the several Successors in the said Bishoprick of *Ferns* and *Leighlin* and Bishoprick of *Cloyne* respectively in case this Act had not been passed; and the Bishops of such united Bishopricks of *Ferns* and *Leighlin* and of *Ossory* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishoprick of *Ossory* would have been in case this Act had not been passed; and the Bishops of such united Dioceses of *Cloyne* and of *Cork* and *Ross* shall be and become liable to the Payment of all such like Sum or Sums of Money as any Successor or Successors in the said Bishop-

rick of *Cork* and *Ross* would have been in case this Act had not been passed: Provided that nothing herein contained shall, in the Event of the now Bishops of *Ossory* and of *Cork* and of *Ross* becoming respectively Bishops of such united Bishopricks, alter or affect the Liabilities to them respectively of their Successors.

Leasing Powers granted to Commissioners with respect to Bishopricks vested in them by the Provisions of this Act.

XLV. And be it further enacted, That the said Commissioners shall have all such and the like Powers of granting, conveying, exchanging, leasing, and demising all or any Part of the Lands, Tenements, and Hereditaments, and Possessions (save and except the See Houses, Offices, and Mensal or Demesne Lands herein-before provided for,) of or belonging or appertaining to the said Bishoprick of *Waterford*, or to the said other Bishopricks in the First Column of the said Schedule mentioned respectively, when the same shall, pursuant to the Provisions of this Act, be respectively vested in the said Commissioners, as the Bishops thereof have respectively heretofore had and enjoyed by virtue of any Law in force at the passing of this Act; and that all and every Act or Acts enabling such Bishops respectively to grant, convey, exchange, lease, or demise such Lands, Tenements, or Hereditaments, and Possessions as aforesaid, or any Part thereof, or disabling or restraining them respectively from so doing, shall apply and be construed to apply and extend to the said Commissioners as if they had been named in such Act or Acts, and as if the Provisions of such Act or Acts had been herein expressly re-enacted, subject always to the Provisions herein-after contained with respect to the Renewal of any Lease or Leases heretofore made of such Lands, Tenements, and Hereditaments, and the Grants of Perpetuities therein.

Archbishopricks of Cashel and Tuam annexed to Armagh and Dublin respectively.

XLVI. And be it further enacted, That when and as the now Archiepiscopal Sees of *Tuam* and *Cashel* shall become severally void, the Bishops of *Tuam* and *Cashel* shall thenceforth for ever respectively cease to have or exercise Archiepiscopal Jurisdiction within the said Provinces of *Tuam* and *Cashel;* and all such Archiepiscopal Jurisdiction as may have theretofore belonged to and been exercised by the Bishop of *Tuam* shall be transferred to and vested in the Archbishop of *Armagh* for the Time being, and all such Archiepiscopal Jurisdiction as may have theretofore belonged to and been exercised by the Bishop of *Cashel* shall be transferred to and vested in the Archbishop of *Dublin* for the Time being; and the Bishops of *Tuam* and *Cashel* shall, as well as the other Bishops of the said Provinces of *Tuam* and *Cashel*, be subject to the Archiepiscopal Jurisdiction of the said Archbishops of *Armagh* and *Dublin* respectively; and the said Archbishops of *Armagh* and *Dublin*, and their Successors respectively, shall have, use, and exercise, without further Grant, Installation, or Ceremony whatsoever, all and singular the Metropolitan Rights, Privileges, Franchises, Duties, Powers, and Authorities theretofore exercised or which might have been exercised within the said Provinces of *Tuam* and *Cashel* respectively: Provided always, that nothing herein contained shall in any respect abridge or affect the Jurisdiction, Privileges, Rights, or Authority of the Archbishop of *Armagh* as Primate of all *Ireland*.

Bishopricks of Kilmore and Ardagh united.

XLVII. And be it enacted, That when and so soon as the now Archiepiscopal See of *Tuam* shall become void, the Bishoprick of *Ardagh*, now held therewith, shall be united to and held together with the Bishoprick of *Kilmore*, and that the then Bishop of *Kilmore* shall be and become, by virtue of this Act, and without further Grant, Installation, or Ceremony whatsoever, Bishop of *Ardagh*, and have and exercise all and every the Ecclesiastical Patronages and Jurisdictions in appointing, collating, and presenting to all and every the Dignities, Rectories, Vicarages, Curacies, Chapelries, or other Offices or Promotions, by whatever Name called, known, or described, heretofore lawfully had, used, exercised, and enjoyed by the Archbishop of *Tuam* as Bishop of *Ardagh*, as also the Right of nominating and appointing to all and every the Offices of Chancellor, Vicar General, Official, Principal Registrar, and all other Ecclesiastical Offices of or belonging to the said Bishoprick of *Ardagh*; and His most Excellent Majesty, His Heirs and Successors, shall at all Times thereafter grant, to be held by one and the same Person, the said Bishopricks of *Kilmore* and *Ardagh*, together with such other Bishoprick as shall under the Provisions of this Act be appointed to be held together with such Bishoprick of *Kilmore*.

Temporalities of Ardagh vested in the Commissioners under this Act.

XLVIII. Provided always, and be it enacted, That all and singular the Lands, Tenements, and Hereditaments, together with all and singular the Tithes, Rents, and Emoluments, to the said Bishoprick of *Ardagh* appertaining and belonging, shall, from and after the Time when the said now Archiepiscopal See of *Tuam* shall become void as aforesaid, be and the same are hereby transferred to and vested in the said Ecclesiastical Commissioners and their Successors for ever, to and for the like Trusts, Uses, and Purposes, with the like Powers, and subject in all respects to such and the like Charges, Conditions, and Regulations, as herein-before provided in respect of the Bishopricks mentioned in the First Column of the said Schedule (B.) to this Act annexed.

Temporalities of the Deanery of ChristChurch to be deemed Part of the Temporalities of the Bishoprick of Kildare.

XLIX. And be it enacted, That all and singular the Lands, Tenements, and Hereditaments, with all and singular the Tithes, Rents, and Emoluments whatsoever, appertaining or belonging to the Preceptory of *Tully* or Deanery of *Christ Church*, heretofore held and enjoyed *in commendam* or otherwise by the Bishop of *Kildare* for the Time being, as Dean of *Christ Church*, or by whatever other Title, shall be deemed and taken to be, for the Purposes of this Act, Part of the Lands, Tenements, and Hereditaments, Tithes, Rents, and Emoluments, appertaining and belonging to the said Bishoprick of *Kildare*, and be in like Manner and Time transferred to and vested in the said Ecclesiastical Commissioners and their Successors, and in all respects subject to such and the like Provisions.

Dean of St. Patrick's to be Dean of Christ Church.

L. And be it further enacted, That the said Deanery of *Christ Church* shall, from and after the next Avoidance thereof, be united to and held together with the Deanery of *Saint Patrick*'s; and that the then Dean of the Cathedral of *Saint Patrick*'s in the Archdiocese of *Dublin* shall, and his Successor for ever shall be and become, by virtue of this Act, and without further Grant,

Installation, Election, or other Ceremony whatsoever, Dean and Deans of *Christ Church* for ever, and have and exercise all and every the Rights, Privileges, Jurisdiction, and Authority appertaining to the said Deanery of *Christ Church*, heretofore lawfully had, used, and enjoyed by the Deans thereof: Provided nevertheless, that all and every the Ecclesiastical Patronage in appointing or presenting to Benefices now belonging, in his sole and separate Right, to the Dean of *Christ Church*, shall, from and after the next Avoidance of such Deanery, vest in and be exercised by the Archbishop of *Dublin* and his Successors for ever.

Patronage of Dean of ChristChurch to vest in Archbishop of Dublin.

LI. And whereas an Act was passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to regulate the Mode by which the Lords Spiritual and Temporal, and the Commons, to serve in the United Kingdom on the Part of* Ireland, *shall be summoned and returned to the said Parliament;* and the said Act of the Parliament of *Ireland* was incorporated into and made Part of an Act passed in the Parliament of *England* in the same Year, intituled *An Act for the Union of* Great Britain *and* Ireland; and by force of the said Two Acts the Right of sitting in the House of Lords of the United Parliament, as between the Lords Spiritual of *Ireland*, stands regulated according to a certain Rotation by the said Acts appointed to take place among the Archiepiscopal Sees, from Session to Session, and according to another like Rotation appointed to take place among the Episcopal Sees: And whereas the Enactments herein-before made for reducing the Number of the Archiepiscopal Sees in *Ireland*, and for the Union of certain of the Episcopal Sees, render it necessary to make Provision so as to accommodate the said Rotation to such Enactments; be it therefore enacted, That when and as the now Archiepiscopal Sees of *Cashel* and *Tuam* shall severally become void, they and each of them respectively shall thenceforth cease to be included in the Rotation by the said Acts established amongst the Archiepiscopal Sees, and shall be included in the Rotation by the said Acts established to be observed amongst the Episcopal Sees, and therein take place next before the Episcopal See last in the Order of Rotation of the Episcopal Sees the Bishops whereof may have sat in Parliament for the Session last previous; and the Rotation by the said Acts appointed to take place amongst the Archiepiscopal Sees shall, in case of each such Avoidance as aforesaid, proceed to the Archbishop whose See is next in Rotation to the Archiepiscopal See becoming void as aforesaid.

Rotation of Archbishops sitting in Parliament.

39 & 40 G. 3. c. 67.

LII. And be it further enacted, That in the Case of the Bishoprick of *Waterford*, now void, and in the Case of each and singular of the other Bishopricks named in the First Column of the Schedule to this Act annexed, when and as they shall become respectively void, or united to any other Bishoprick, the Rotation by the said recited Acts appointed to take place among the Episcopal Sees shall proceed to the Bishop whose See is next in Rotation to the said See of *Waterford* or other See being or becoming void, or united to any other Bishoprick as aforesaid; and such See of *Waterford*, or other See being or becoming void, or united to any other Bishoprick as aforesaid,

Rotation of Bishops.

aforesaid, shall for ever thereafter be excluded from and omitted out of such Rotation.

Saving of former Provisions.

LIII. Provided always, and be it enacted, That, save as herein specifically provided, the Order of Rotation by the said recited Acts established shall remain unchanged, but subject always to the Regulation thereby made in case any Spiritual Lord should be a Temporal Peer of the United Kingdom, or being a Temporal Peer of that Part of the United Kingdom called *Ireland* should be chosen by the Lords Temporal to be one of the Representatives of the Lords Temporal.

Revenues of Armagh and Derry reduced.

LIV. And whereas the Revenues of the Archbishoprick of *Armagh* and the Bishoprick of *Derry* have increased in such Manner that, without affecting the just and competent Support of the said Dignities, a Portion thereof may be beneficially applied for the other Purposes of the Established Church in *Ireland*, in manner herein-after mentioned; be it therefore further enacted, That when and so soon as the said Archbishoprick of *Armagh* shall become void, the Successor thereto, and his Successors for ever, Archbishops of *Armagh*, shall, from and out of the Revenues of the said Archbishoprick, pay over to the said Commissioners under this Act the annual Sum of Four thousand and five hundred Pounds, the same to be paid by Two equal Payments on each First Day of *July* and First Day of *January* in every Year, the first Payment or Amount of such annual Tax to be made on the First Day of *July* or First Day of *January*, as may happen, after the first half-yearly Payment of the Revenue of such Archbishoprick of *Armagh* shall have become due and payable to such Successor of the now Archbishop of *Armagh*; and that the now Bishop of *Derry*, having freely assented thereunto, shall, from and out of the Revenues of the said Bishoprick, pay over to the said Commissioners under this Act the annual Sum of Four thousand and one hundred and sixty Pounds; and when and so soon as the said Bishoprick of *Derry* shall become void, the Successor thereto, and his Successors for ever, Bishops of *Derry*, shall, from and out of the Revenues of the said Bishoprick, pay over to the said Commissioners under this Act the annual Sum of Six thousand one hundred and sixty Pounds, the same to be paid by Two equal Payments on each First Day of *July* and First Day of *January* in every Year, the first Payment thereof to be made on the First Day of *January* in the Year One thousand eight hundred and thirty-four; and the Sums so from Time to Time to be paid to the said Commissioners by the said Archbishops of *Armagh* and Bishops of *Derry* shall be applied to such and the like Purposes as the Proceeds of said Tax hereby vested in the said Commissioners and the Revenue of such Bishopricks so to be united with other Bishopricks, and under like Rules and Regulations.

Bishops of Derry and Armagh exempted from annual Tax in respect of Sums paid by them.

LV. Provided always, and be it enacted, That the now Bishop of *Derry* and his Successors, and the Successors of the now Archbishop of *Armagh*, shall not be liable, in respect of the said Sums so by them to be respectively paid to the said Commissioners, to be rated, taxed, or assessed in or to the annual Tax herein-before appointed to be imposed or levied; any thing herein-before contained to the contrary notwithstanding.

LVI. And

Commissioners may recover Arrears by Sequestration.

LVI. And be it enacted, That if at any Time the said Sums hereby directed to be paid by the said Archbishop or Bishop shall be in arrear and unpaid for Six Months next after the same shall have become due and payable as aforesaid, it shall be lawful for the said Commissioners to recover the same by Process of Sequestration, to be applied for and issued in like Manner as herein-before directed in case any Archbishop or Bishop shall fail to make Payment of the annual Rate, Tax, or Assessment by this Act authorized to be imposed and levied, and subject in all respects to such and the like Provisions.

Payments to be made during Vacancies of Sees.

LVII. And be it enacted, That while and so long as the Temporalities of the said Archbishoprick and Bishoprick respectively shall at any Time be in the Custody of His most Excellent Majesty, His Heirs and Successors, the said annual Payments shall be made to the said Commissioners in like Manner as the same are hereby directed to be made by the Archbishop or Bishop thereof respectively while the said Sees are full.

Sums now due to Trustees of First Fruits on certain Accounts vested in Commissioners hereof.

LVIII. And be it further enacted, That all and every Sum and Sums of Money due and payable at the passing of this Act by any Archdeacon, Dean, Prebendary, Master, Warden, Incumbent, Perpetual Curate, Parson, Vicar, or other Spiritual Person, by whatever Name called, known, or described, on account of First Fruits and Arrears thereof, and any Sum or Sums at any Time heretofore lent and advanced by, and now payable or hereafter to become payable, pursuant to the Laws in force in *Ireland*, to the Trustees and Commissioners of the First Fruits in *Ireland*, for purchasing, building, rebuilding, improving, repairing, or enlarging Glebe or other Houses or Offices, shall, from and after the passing of this Act, be and the same and every Part thereof are hereby vested in and transferred and made payable to the Commissioners under this Act, and their Successors, to be by them applied and disposed of to, for, and upon the Purposes of this Act hereafter mentioned, and subject to the like Rules and Regulations as are herein mentioned, as to the Proceeds of the said annual Tax hereby vested in the said Commissioners.

Sums so due may be sued for and recovered, as by said Trustees, in Name of and by Commissioners.

LIX. And be it further enacted, That all and every the Sums of Money so actually due on account of First Fruits and Arrears thereof, and all and every Sum and Sums so lent and advanced as aforesaid for building, rebuilding, improving, enlarging, or repairing Glebe or other Houses and Offices, and which are or shall become due and payable as aforesaid, and all and every Sum or Sums of Money due or to become due on any Account whatever to the said Trustees and Commissioners of First Fruits in *Ireland*, other than the Sums by this Act remitted, shall and may be sued for and recovered and levied, by or under the Directions of the Commissioners of this Act and their Successors, and in their Name as aforesaid, by the same Ways, Means, Remedies, and Processes, and at the Times, as the same might have been respectively sued for and recovered and levied by or for the said Trustees and Commissioners of First Fruits in *Ireland* if this Act had not been passed; and that all the Powers, Remedies, and Authorities given or mentioned in any Act or Acts of Parliament, or otherwise provided or allowed by Law, for the

Recovery thereof respectively, shall, until all and every such Sum and Sums shall be recovered and paid as aforesaid, continue and be in full Force and Effect as if the same were herein re-enacted, and as if the Commissioners of this Act had been named in every such Act or Acts, or in any Bond or Bonds or other Securities therein respectively mentioned, and in pursuance thereof respectively executed and entered into, instead of the Trustees and Commissioners of the First Fruits in *Ireland*.

Monies now in Hands of said Trustees or Officers vested in Commissioners.

LX. And be it further enacted, That all and every Sum and Sums of Money and Property of every Kind and Description, and Securities for Money, belonging to and now in the Hands or Possession of or at the Disposal of the Trustees and Commissioners of First Fruits in *Ireland*, or any of their Officers, on account of the First Fruits, or on account of any Gift, Grant, or Loan from the Commissioners of the Treasury in pursuance of any Act of Parliament heretofore made, or on any other Account, shall, from and after the passing of this Act, be forthwith, and the same and every of them are hereby directed to be paid over and transferred to, and are hereby to all Intents and Purposes vested in, the said Commissioners under this Act and their Successors for ever, subject nevertheless, in the first place, to all Grants and subsisting Contracts made by the said Board of First Fruits before the passing of this Act, to be by them applied and disposed of to and for the several Purposes of this Act as herein-after mentioned, and subject to the like Rules and Regulations as hereafter mentioned with respect to the said annual Tax hereby vested in the said Commissioners.

Primate Boulter's and Robinson's Charities to be vested in Commissioners, and kept distinct.

LXI. And whereas the several Sums respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, formerly Lord Archbishops of *Armagh*, towards buying of Glebes and augmenting poor Livings in *Ireland*, were and are vested in the said Trustees and Commissioners of First Fruits in *Ireland* for the Purposes aforesaid; be it therefore enacted, That the same and all the Proceeds thereof, or so much thereof as remains unapplied to the aforesaid Purposes, and the Funds, Parliamentary or otherwise, Lands, Estates, and Mortgages or other Securities wherein the same or any Part thereof have been laid out or invested, shall be and the same are hereby transferred to, vested in, and made payable to the Commissioners under this Act appointed, and their Successors for ever, to be by them kept distinct from all other Funds, and applied and disposed of, immediately from and after the passing of this Act, towards the Payment of such annual Salaries, save as herein-after excepted, as may have been heretofore lawfully granted by the said Trustees and Commissioners of First Fruits to any Incumbent, Curate, or Minister for the Augmentation of any Benefice, Living, or Curacy, and towards buying of Glebes and augmenting poor Livings in *Ireland*, and to no other Purposes, but in the Manner and subject and according to the Regulations and Directions hereafter mentioned and appointed with respect to the other Funds to be applied for such Purposes.

Commissioners to put Monies out at Interest.

LXII. And be it further enacted, That the said Commissioners under this Act are hereby authorized and empowered from Time to Time, at their Discretion, to lay out at Interest all or any Part of

such Monies as shall at any Time hereafter, by or under the Provisions of this Act, come to or be in their Hands or at their Disposal, in the Purchase of Government or Parliamentary Funds, Stocks, or Securities, and no other, either in *England* or *Ireland*, and from Time to Time change, transfer, or sell out such Stocks, Funds, or Securities, or any Part therof, as they may find necessary or convenient.

Application of all Monies and Funds;

LXIII. And be it further enacted, That all and every the Rents, Issues, and Profits of all Lands, Tenements, or Hereditaments, and the said annual Tax and the Proceeds thereof, and all and every Sum and Sums of Money and Securities for Money, vested in or which shall accrue to or in any Manner come into or be in the Hands, Power, Custody, or Possession, or at the Disposal of the said Commissioners and their Successors, under and by virtue of this Act, and all Interest, Dividends, Profits, and Proceeds thereof, or any Part thereof, (save and except the Properties and Funds respectively bequeathed by Doctor *Hugh Boulter* and Doctor *Richard Robinson*, and heretofore vested in the said Trustees and Commissioners of First Fruits in *Ireland* as herein-before mentioned, and the Interest, Dividends, and Proceeds thereof respectively, and also save and except such other Funds and Properties as may be hereafter bequeathed to or vested in the said Commissioners under this Act, and their Successors, for any special Purposes,) shall be and the same are hereby declared to be applicable, and shall be applied in the Manner and for the Purposes following; (that is to say,) for the providing, in such Manner and Proportions, and subject to such Regulations, as the said Commissioners shall deem fitting, Things necessary for the Celebration of Divine Service in the Church or Chapel of every Parish, Union, Perpetual Curacy, or Chapelry, or Chapel of Ease in *Ireland*, as required and authorized by any Rubric or Canon in force in *England* or *Ireland*, and also for the Payment of the Salaries for Maintenance of the Parish Clerks or Sextons, or the Clerks or Sextons of any Chapelry or Chapel of Ease, and also for defraying such Expences of building, rebuilding, enlarging, or repairing any Church or Chapel, or fencing and maintaining any Churchyard as aforesaid, as have been heretofore defrayed by Vestry Assessment in *Ireland*, and also for supplying such Parts or Proportions of the Expences of providing for the said several Matters aforesaid, and for putting into and keeping in repair Cathedral and Parochial Churches, as the said Commissioners are hereafter directed to contribute for such Purposes: Provided always, that in future such Parish Clerk or Sexton shall and may be appointed by the Minister, and by him removable, with the Consent of the Bishop, for any Misconduct.

Exception.

Commissioners shall contribute to rebuilding and repairing Cathedral and Parochial Churches. 21 G. 2. (I).

LXIV. And be it further enacted, That in all Cases where, under and by virtue of an Act made in the Twenty-first Year of the Reign of King *George* the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches*, any Parochial Church shall have been or shall be made, or shall

shall have become by Usage or Custom, Cathedral and Parochial, and in all Cases where, under and by virtue of an Act made in the Parliament of *Ireland* in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the repairing of Cathedral Churches in Cases where the Parish Churches have been long in Ruins*, any Cathedral Church shall have been or shall be made use of as a Parish Church, it shall and may be lawful for the said Commissioners, and they are hereby required, to contribute to the Repairs of such Cathedral and Parochial Churches, in such Proportion as has been agreed upon by and between the Dean and Chapter, or Chapter, of such Cathedral Church, and by the Protestant Inhabitants of the Parish or Union in which such Church is situate, that the Inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such Cathedral and Parochial Churches; and if it shall happen that no such Agreement as aforesaid shall have been made by and between the Parties aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council thereof, upon the Petition of the Dean and Chapter or of the said Commissioners, finally to adjust and ascertain the Proportions in which such Deans and Chapters, or Chapters, and said Commissioners shall so respectively contribute for the Purposes aforesaid; and the Sums necessary and sufficient for such Purposes shall be from Time to Time apportioned and paid accordingly by the said Deans and Chapters, or Chapters, and said Commissioners respectively, subject however to the Regulations hereafter mentioned with respect to Monies to be expended in such Purposes.

39 G. 3. (I.)

Certain Parts of 7 G. 4. c. 72. repealed.

LXV. And be it further enacted, That from and after the Commencement of this Act, and save as herein-after provided, so much and such Parts of an Act made in the Parliament of the United Kingdom in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens and the Maintenance of Parish Clerks, in* Ireland, as herein-after mentioned, shall be and the same are hereby repealed; (that is to say,) so much and such Parts of the said Act as authorize and enable the Archbishop or Bishop of any Diocese wherein any Church which shall be made Cathedral and Parochial, or any Cathedral Church which shall have been made use of as a Parish Church, under the said recited Acts made in the Twenty-first Year of King *George* the Second, or the Thirty-ninth Year of King *George* the Third, is situate, to adjust and ascertain the Proportions in which the Deans and Chapters and Inhabitants shall respectively contribute as aforesaid to the rebuilding, enlarging, or keeping in repair of such Churches; and also so much and such Parts of the said Act as authorize the making or levying of any Church Rate or Parish Cess or Assessment for any of the following Purposes, namely, the building, rebuilding, enlarging, or repairing of the Church or Chapel of any Parish, Union of Parishes, or Chapelry, or of any Cathedral and Parochial Church, or Cathedral made use of as a Parish Church, the providing Things necessary for the Celebration of Divine Service therein or in any of them, as required and authorized by any Rubric or Canon in force in *England* or *Ireland*, the providing

providing a Salary for the Maintenance of any Parish Clerk or Sexton, or the Clerk of any Chapelry or Chapel of Ease, or the defraying of the Expences of such building, rebuilding, enlarging, or repairing, or other necessary Charges, or any of them, or the taking of any other Proceedings in relation to such Rate, Cess, or Assessment, for any of the foregoing Purposes; and from and after the Commencement of this Act it shall not be lawful for any Vestry called or holden in or for any Parish, Union, or Chapelry, or Place in *Ireland*, or for any Person or Persons, to make or levy any Rate or Assessment for any Church Purposes whatsoever; but all such Rates or Assessments upon any Parish, Union, Chapelry, or Place, or the Inhabitants thereof or any of them, for any of the said Purposes, and all Proceedings for the making, assessing, applotting, or levying the same, shall, from and after the Commencement of this Act, wholly cease and determine; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that every Rate, Assessment, or Applotment for any Church Purpose whatsoever shall be and shall be deemed to be by all Courts of Justice totally void as to so much thereof as provides for the aforesaid Church Purposes or any of them, any thing in the said Act of the Seventh of *George* the Fourth to the contrary notwithstanding; provided that nothing herein contained shall be deemed, taken, or construed to make void the said Rate or Assessment as to so much thereof as shall have been assessed or applotted for any other Purposes.

Loans by Board of First Fruits for building Churches remitted.

LXVI. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful to make, applot, or levy any Rate or Assessment in any Parish, Union, Chapelry, or Place, for the Purpose of repaying, by Instalments or otherwise, any Loan or Loans heretofore made by the Trustees and Commissioners of the First Fruits of Ecclesiastical Benefices in *Ireland*, for the Purpose of building, rebuilding, enlarging, or repairing the Church or Chapel of any such Parish, Union, Chapelry, or Place, but that all Sums so lent and advanced and remaining unpaid shall be and the same are hereby remitted and discharged; and all Obligations to the King's Majesty or otherwise, in the Nature of collateral Securities, for the Repayment of such Advances, shall be deemed and taken to be satisfied; provided that nothing herein contained shall affect or repeal any Provision contained in any Act or Acts heretofore made in order to enforce the due Application of any Sum or Sums of Money so advanced, or the refunding thereof if not so applied.

Yearly Estimate of Expences to be transmitted to Ordinary.

LXVII. And be it further enacted, That from and after the Commencement of this Act the Incumbent, or, in his Absence, the officiating Curate or Minister officiating as Curate of every Parish, Union, or Chapelry, or Perpetual Curacy, in *Ireland*, and the Dean and Chapter, or Chapter, of every such Cathedral and Parochial Church, or Cathedral used as a Parish Church, in *Ireland*, shall and he and they are hereby required, on or before the First Day of *November* in this present Year, and on or before the First Day of *June* in each and every succeeding Year, to prepare or cause to be prepared an Estimate of such Sum or Sums of Money as will be necessary, according to his or their Belief, for the ordinary Repairs of the Church or Chapel of such Parish, Union,

Chapelry, or Perpetual Curacy, or of such Cathedral and Parochial Church, or Cathedral used as aforesaid respectively, for the ensuing Year, and for providing Things necessary for the Celebration of Divine Service in every such Church or Chapel of any such Parish, Union, Chapelry, or Perpetual Curacy, for such ensuing Year, which Estimate shall contain the several Items and Particulars of all the Matters and Things for which such Sum or Sums shall or may be required necessary for such Church or Chapel; and such Estimate shall be transmitted by such Person or Persons whose Duty it is to prepare the same to the Ordinary of the Diocese on or before the First Day of *December* in this present Year, and on or before the First Day of *July* in each and every succeeding Year, together with a Certificate under the Hand or Hands of such Person or Persons, stating that according to his or their Belief the several Matters and Things contained in such Estimate are or will be necessary or proper to be done or executed or provided for the Use of or in the Church or Chapel of such Parish, Union, Chapelry, or Perpetual Curacy, or such Cathedral and Parochial Church, or Cathedral used as aforesaid, as the Case may be, and that the Charges for the same and every of them as contained in such Estimate are reasonable and proper Charges: Provided always, that such Estimate, except in the Case of Cathedral Churches, before it be sent to the Ordinary of the Diocese, shall be first approved of by the Rural Dean of the Deanery in which the Church or Chapel to which such Estimate shall relate shall be locally situate, which Approval shall be certified by Signature affixed to such Estimate.

Bishop or Ordinary to certify.

LXVIII. And be it further enacted, That upon the Receipt of such Estimate and Certificate as aforesaid the Archbishop, Bishop, or other Ordinary of the Diocese wherein such Church or Chapel shall be situate, or in case of the Illness or Absence from *Ireland* of such Archbishop, Bishop, or other Ordinary, or during the Vacancy of the See, then that the Vicar General of such Diocese shall and he and they are hereby required, when such Estimate shall have been approved of by him, to signify his Approbation thereof by certifying such Approbation at the Foot of such Estimate, and to transmit such Estimate, with such Certificate of Approbation thereof, to the said Commissioners, who are hereby required to take the same into their Consideration; and they are hereby authorized and required to grant the Amount required by such Estimate and Certificate for the Purposes aforesaid, or any of them, or such lesser Sum as they in their Discretion shall think fit, and to issue and pay the same to such Person or Persons, in such Manner, and subject to such Regulations as they shall think fit.

Commissioners to grant such Sum as they may think fit.

Payment of Clerks Salaries.

LXIX. And be it further enacted, That the said Commissioners shall pay or cause to be paid on the First Day of *September* in each Year, in such Manner as they shall think fit, for the Maintenance of all and every the Person or Persons who at the passing of this Act shall be Clerk or Clerks of any Parish, Union, or Chapelry, or of any Chapel of Ease, (not being within the County of the City of *Dublin* or the Suburbs thereof,) in which there shall be a Church or Chapel fit for the Celebration of Divine Service according to the Rites and Ceremonies

Ceremonies of the United Churches of *England* and *Ireland*, the following Salaries, so long as such Person or Persons shall be and continue to be such Clerk or Clerks as aforesaid; that is to say, for the Clerk of every such Parish in the Church or Chapel whereof there shall be Divine Service usually celebrated on *Sundays* and Festival Days and also on Two common Days at least in the Week, a Sum not exceeding Twenty Pounds nor less than Ten Pounds, and in all other Cases a Sum not exceeding Ten Pounds nor less than Five Pounds, as and for the Maintenance and Maintenances of every such Clerk respectively for the Year next ensuing, and in satisfaction and lieu of all other Fees, Dues, and Allowances whatever alleged or claimed to be payable to such Parish Clerk under any Usage or Custom.

Salaries of Clerks to be hereafter appointed.

LXX. And be it enacted, That the said Commissioners are hereby authorized and required to grant any Sum or Sums, not exceeding the Sums of Twenty Pounds and Ten Pounds respectively above mentioned, which they in their Discretion shall think fit, as and for the Maintenance of any Person or Persons who shall from and after the passing of this Act be appointed to the Office of such Clerk or Clerks of such Churches or Chapels as aforesaid, and which Salary shall also be in lieu and satisfaction of all other Fees, Dues, and Allowances whatever alleged or claimed to be payable to such Clerk under any Usage or Custom.

Commissioners may advance Money for extraordinary Repairs, &c.

LXXI. And be it further enacted, That if any Church or Chapel of any Parish, or any such Cathedral and Parochial Church, or Cathedral used as a Parish Church, shall, by reason of any accidental Injury or other unforeseen Event, be in immediate Want of any extraordinary Repairs or rebuilding or Expenditure thereon, or if it should become necessary to enlarge any such Church or Chapel, the said Commissioners appointed under this Act, upon the Application of such Dean and Chapter, or Chapter, or of the Incumbent, or in his Absence of the officiating Curate or Minister of such Parish, approved by the Ordinary of the Diocese, shall and may pay and apply such Sum or Sums of Money as they shall think fit and necessary, or as by the Provisions of this Act they are bound to contribute with respect to any such Cathedral and Parochial Church, or Cathedral used as aforesaid, in making or executing such extraordinary Repairs, or rebuilding or enlarging of any such Church or Chapel, or such Cathedral and Parochial Church, or Cathedral used as aforesaid.

Judge or Judges of Assize, &c. may grant Compensation for malicious Injury or Damage to Churches, to be levied by Grand Jury Presentment.

LXXII. And be it further enacted, That if any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland* shall be maliciously or wantonly demolished, pulled down, burned, or set fire to, or in any Manner maliciously or wantonly injured or damaged, it shall and may be lawful for the said Ecclesiastical Commissioners, or any Person or Persons to be by them deputed in that Behalf, by Writing under their Common Seal, to sue for and recover Satisfaction and Amends for such malicious or wanton Demolition, Burning, Firing, or Injury or Damage as aforesaid, at the next Assizes to be held for the County in which such Church, Chapel, or other Building may be situate, or if

if in the County of *Dublin*, at the next Presenting Term, or if in the City of *Dublin*, at the next Quarter Sessions for the said City, by exhibiting to the Judge or Judges of Assize, or to the Court of King's Bench for the said County of *Dublin*, or to the Recorder of the City of *Dublin* if at such Quarter Sessions, a Petition, praying such Satisfaction and Amends as aforesaid, and therein setting forth particularly the Injury or Damage done or committed, and the particular Amount and Nature thereof, by what Number of Persons such Injury or Damage was done or committed, and the Names or Descriptions of such Offenders, so far as the same shall be known to the Petitioners; and the Matter of such Petition shall be inquired into by such Judge or Judges of Assize, or Court of King's Bench, or Recorder, in open Court, in the Presence of the Grand Jury impannelled and sworn at such Assizes or Presenting Term or Sessions, on the Oath of such Person or Persons as may be produced to testify as to the same; and if on Consideration of the Matter such Judge or Judges of Assize, or Recorder, shall be of opinion that such Demolition, Burning, Firing, or other Injury or Damage was wantonly or maliciously done, such Judge or Judges shall inquire into the Amount of such Injury or Damage done or committed as aforesaid; and the said Grand Jury shall thereupon, and they are hereby required, pursuant to the Directions of such Judge or Judges, Court of King's Bench, or Recorder as aforesaid, to present such Sum or Sums of Money as shall appear to be the Amount of the Injury or Damage committed as aforesaid to be raised either on the County, County of a City or Town, Barony, Town or Towns, Parish or Parishes, in or near which such Offence shall have been committed, and in such Proportions as they shall think fit; which Sum or Sums so presented as aforesaid shall be applotted, levied, and raised by such Ways and Means and in such Form or Manner as other public Money presented at the said Assizes, or Presenting Term, or Sessions; and such Monies shall be paid to the said Commissioners, or to the Person or Persons by them deputed as aforesaid, and be by such Commissioners applied to rebuild or repair such Church, Chapel, or other Building, and be for such Purpose expended by such Person or Persons in such Manner and subject to such Regulations and Security for the due Application thereof as they shall think fit: Provided that if any Person or Persons shall find himself, herself, or themselves aggrieved by any Presentment to be made in pursuance of this Act, such Person or Persons, in case the Sum so presented do exceed the Sum of Five Pounds, shall or may, at the said Assizes, or Presenting Term, or Sessions, traverse the same; which Traverse shall be tried at the same or next ensuing Assizes, Presenting Term, or Sessions, as the Judge or Judges who shall allow the same shall think fit; and if on such Traverse the Issue shall be found for the Traverser, such Presentment shall be discharged, otherwise the same shall be final and conclusive to all Persons; and in case the said Issue shall be found against the Traverser, it shall and may be lawful to and for the Judge before whom the same shall be tried, in case he shall see fit, to award the Costs thereof to be paid by the Traverser, to be taxed and certified by the Clerk of the Crown, the Payment whereof may be enforced, if necessary, by a summary Order of His Majesty's Court of King's Bench in *Ireland:* Provided always, that the said Commissioners, or the Person or Persons by

Traverse of Presentment above 5*l.* to be tried at same or next Assizes.

Notice thereof to be given within Ten

by them deputed as aforesaid, or the Rector, Curate, or other officiating Minister, or, in case of Vacancy of the Benefice, any Two Inhabitants of the Parish, within Thirty Days after such Offence shall have been committed, shall give Notice thereof to the High Constable of the Barony and to the Churchwardens of the Parish where such Offence shall have been committed (if such High Constable or Churchwardens shall respectively reside within such Barony and Parish), who are hereby required forthwith to publish the same within such Barony and Parish; and if such High Constable or Churchwardens shall not reside therein as aforesaid, then such Notice shall be given to some Two Inhabitants of such Barony or Parish.

Days after Offence committed.

LXXIII. And be it further enacted, That in all Parishes and Places where, by virtue of any Law, Statute, or Custom, Provision may heretofore have been made, by Vestry or other Assessment, for the Maintenance of any Curate, Lecturer, Clerk, or other Minister or Assistant in the Celebration of Divine Worship, or Attendant or Sexton, such Provision by Vestry or other Assessment shall from and after the passing of this Act wholly cease and determine; and it shall and may be lawful for the said Commissioners under this Act, by and out of the Proceeds of the said annual Tax, and the other Funds as aforesaid by this Act vested in them, to provide for all such Purposes in such Manner and Proportions as to them shall seem fitting.

Any Provision heretofore made by Vestry Assessment for Maintenance of Curates, &c. shall cease, and Commissoners shall provide for same.

LXXIV. Provided always, That it shall be lawful for the said Commissioners, and they are hereby authorized, to appoint such Sum or Sums of Money to be expended under such Rules and Regulations, and Security for ensuring the due Application thereof, as they in their Discretion shall think fit.

Expenditure of such Money to be controuled by Commissioners.

LXXV. And be it further enacted, That every such Incumbent, Dean and Chapter, or Chapter, or other Person or Persons who shall have received from the said Commissioners any Sum or Sums of Money for any of the Purposes herein-before mentioned, shall, within One Year from the Receipt of such Sum or Sums of Money, return and transmit to the said Commissioners a full Statement and Account of the Expenditure of such Sum or Sums of Money, and shall, if required by the said Commissioners, verify the Truth thereof upon Oath, which Oath any Vicar General, Surrogate, Justice of the Peace, Master or Master Extraordinary in Chancery, is and are respectively hereby empowered and required to administer.

Accounts to be furnished to Commissioners.

LXXVI. And be it enacted, That it shall be lawful for the said Commissioners to sue for any Part of any Sum or Sums of Money granted for any of the Purposes aforesaid which may be unapplied or not duly accounted for as herein directed, or any Surplus thereof after the Execution of the said Purposes, by Civil Bill before the Assistant Barrister of the County wherein such Church and Parochial Church or Cathedral used as aforesaid in respect whereof the same may be due shall be situate, provided that such Sum sued for by such

Commissioners may sue for Money unaccounted for or unapplied.

Civil Bill shall not exceed the Sum of Fifty Pounds, and if the same shall exceed the Sum of Fifty Pounds, then by Action in any of His Majesty's superior Courts in *Ireland:* And provided further, that if the Person retaining the same or not duly accounting shall be possessed of any Ecclesiastical Benefice or other Ecclesiastical Emolument, then the said Commissioners shall take Proceedings to recover the same by Process of Sequestration, which Sequestration shall be applied for and issued on the Certificate of the said Commissioners, in the Manner and subject to the Regulations herein-before directed as to Sequestrations in any other Case to be applied for by the said Commissioners.

Commissioners may apply surplus Monies.

LXXVII. And be it further enacted, That when and so soon as in any Year the said Commissioners shall have in their Hands any Surplus or Balance, after due Provision shall have been made for the several Objects and Purposes herein-before mentioned, and not sooner, it shall and may be lawful for the said Commissioners to apply and dispose of such Surplus, or any Part thereof, in such Proportions as to the said Commissioners shall seem fit, for all or any of the Objects herein-after mentioned.

Commissioners may advance Part of Surplus for building Churches in certain Cases.

LXXVIII. And be it enacted, That it shall and may be lawful for the said Commissioners to advance or apply, out of the said surplus Fund and Monies at their Disposal as aforesaid, such Sum or Sums as they shall think fit for the Purpose of building Churches or Chapels of Ease in any Parish or Place in *Ireland*, provided that an Application in Writing shall be made to such Commissioners, through the Bishop of the Diocese, for such Purpose, by at least Twenty of the Inhabitants of such Parish or Place, accompanied by a Plan and Estimate of the Expence of building such Church or Chapel of Ease, and that such Application shall signify the Willingness of the Persons making the same to contribute or procure to be contributed, in such Proportions as may have been mutually agreed upon by them, a Sum not less than One Fifth of the whole Expence as stated in such Estimate, for the Purpose of building such Church or Chapel of Ease; and provided further, that before any Advance for such Purpose shall be made by said Commissioners the several Sums so subscribed or contributed shall be respectively paid or secured to be paid to the said Commissioners, in such Manner as the said Commissioners shall appoint and require, and that for such Purpose the said Commissioners shall and they are hereby enabled to take such Personal or Real Security as to them shall seem proper or necessary; and provided further, that such Commissioners may employ an Architect chosen by themselves to execute such Building, and subject to such Regulations as such Commissioners shall think fit; and provided that if such Sum or Sums of Money shall be paid by Instalments, the last Instalment shall be at least One Fourth Part of the whole Sum granted for such Purpose, and that such Instalment shall not be paid until the said Commissioners shall be satisfied, by the Certificate of a competent Architect, that the building of such Church or Chapel is completed in a sufficient and workmanlike Manner, pursuant to the Plan and Estimate approved as aforesaid, and also by a Certificate from the Ordinary of the Diocese that he,

upon Inspection thereof, is satisfied with the Execution of such Work; and the said Commissioners shall have the like Remedies for the Recovery of any Part of such Sum or Sums received from them for the Purpose of any such Building which shall not have been duly applied for such Purpose, and shall remain over and above after the Execution of such Purpose, as herein-before provided as to Sums granted by said Commissioners for the Purpose of repairing Churches or Chapels; and the Rents or Profits which may arise from the Letting or Sale of Pews and Seats in such Church or Chapel shall be and become vested in such Commissioners, to be employed by them as other Monies which shall come into their Hands under the Provisions of this Act: Provided always, that if it shall appear to the said Commissioners that, from the peculiar Circumstances of any Parish or Place, it is expedient that a Church or Chapel of Ease should be built in such Parish or Place, and that such Application of Twenty Inhabitants as aforesaid, or Contribution of One Fifth of the Expences of building the same as aforesaid, cannot be obtained, it shall and may be lawful for the Commissioners, upon the Application of the Bishop of the Diocese, to advance, if they shall think fit, the necessary Monies out of the Funds at their Disposal, without such Application or Contribution as aforesaid.

Commissioners may assign Pews to Subscribers in consideration of Subscriptions.

LXXIX. Provided nevertheless, and be it enacted, That in consideration of such Subscriptions as aforesaid it shall and may be lawful for such Commissioners to allot and assign such and so many of the Seats and Pews to be erected in said Church or Chapel of Ease as to them shall seem fit or expedient to the Persons who may have or entered into such Subscription as aforesaid, according to such Scheme for the Classification thereof, with regard to the Amount of their several Subscriptions, as shall be proposed by such Subscribers and approved by such Commissioners; and the Pews so assigned to such Subscribers as aforesaid shall be vested in them, and deemed and taken to be Personal Property, and assignable and transmissible as such.

Commissioners may advance Money for building Glebe Houses, &c.

LXXX. And be it further enacted, That it shall and may be in like Manner lawful for the said Commissioners, out of any surplus Funds or Monies at their Disposal, from Time to Time, and in such Proportion as they shall think proper, to lend and advance, upon an Application accompanied by a Plan and Estimate made by the Incumbent of any Benefice or Parish, and approved of by the Bishop of the Diocese, any Sum of Money, not exceeding Two Years net Income of such Benefice or Parish, to be applied to the Purpose of building or improving a Mansion or Glebe House and Offices, or in the Purchase of Houses already built, for the fit and suitable Habitation of such Incumbent and his Successors, or, if the said Commissioners shall so think fit, in the Purchase of Glebe or Demesne Lands fit and convenient for the Erection of such Glebe House and Offices.

Money so advanced to be repaid by Incumbent.

LXXXI. And be it further enacted, That the Incumbent of any such Benefice or Parish to whom any such Money shall be so advanced, or in case of his Death or Removal before the Repayment of the whole

whole Sum so advanced, his Successor or Successors for the Time being, shall and he and they is and are hereby required and bound to repay to the said Commissioners so much of the said Sum as shall become due, by Instalments during their respective Incumbencies, in manner following; that is to say, Four Pounds *per Centum* of the Sum so advanced on the First Day of *July* next after the Expiration of One Year from the Day on which same shall have been so advanced and lent (or within Twenty-one Days after), and Four Pounds *per Centum* more of the Sum advanced on the First Day of *July* in every succeeding Year (or within Twenty-one Days after), until the Sum so advanced shall be wholly repaid.

Who shall not be deemed Successors to such Incumbents.

LXXXII. Provided always, and be it further enacted, That no Person shall be deemed a Successor, so as to be charged by or under this Act, who shall die or be removed within the Space of One Year from the Death or Removal of the Incumbent immediately preceding him.

In what Manner Successors shall be liable.

LXXXIII. Provided also, That no Successor shall in any Case be liable to pay any such Instalment before the First Day of *July* next after he shall have so become a Successor chargeable under this Act, nor to pay any more than One such Instalment on such First Day of *July*, notwithstanding that more than One Year may have intervened between the Death or Removal of the last Incumbent who had become chargeable with the Payment of any Instalment under this Act and such First Day of *July*.

For regulating Payment of Instalments by Successors of Incumbents removed before Receipt of the whole Sum granted.

LXXXIV. Provided also, That in Cases where such last preceding Incumbent shall die or be removed before he shall have received the whole of such Sum so granted by way of Loan, every Person who shall be a Successor of any such Incumbent should be bound and obliged to repay to the said Commissioners appointed under this Act an Instalment at the Rate of Four Pounds *per Centum* for the Sum which shall have been actually so advanced to such Incumbent on account of such Loan (although the whole Amount of such Loan may not have been received by such Incumbent) on the First Day of *July* next after such Person shall have become a Successor chargeable by virtue of this Act; and that no Instalment not actually paid of any such Loan shall be discharged, or be deemed or taken as discharged, by reason of the Neglect or Default of any Incumbent in respect of the Nonpayment of any Instalment which may have become due and payable during his Incumbency, it being the true Intent and Meaning of this Act that Instalments of every such Loan shall continue to be paid until the whole Amount of such Loan shall be actually paid to the said Commissioners.

To enforce Punctuality, the Commissioners to take a Bond to His Majesty, for Payment of Instalments with Interest.

LXXXV. And be it further enacted, That in order to enforce the punctual Payment and Discharge of such Sums as shall be so lent and advanced in pursuance and by virtue of the Provisions of this Act, it shall and may be lawful for the said Commissioners appointed under this Act for the Time being, and they are hereby required, to take and receive, previous to the advancing of any Sum of Money to any such Incumbent, a Bond from such Incumbent, which Bond shall not be subject to any Stamp Duty, binding him, with One or more sufficient Sureties, and

and them, his and their Heirs, Executors, and Administrators, jointly and severally, to the King's most Excellent Majesty, His Heirs and Successors, in a Penalty amounting to Double the Sum advanced, conditioned for the due Application of the Money so to be advanced within Two Years from the Advance, or for refunding to the said Commissioners so much of the said Money as shall not be so applied within such Time, and for the Payment to the said Commissioners of all such Instalments of the said Sum or Sums at the several Times before mentioned as may severally become due during his Incumbency, with legal Interest on such Instalments respectively from the respective Time when each Instalment ought to have been paid until the actual Payment thereof; which Bond shall have the same Force and Effect as Bonds to the King's most Excellent Majesty, and for His Use, have by virtue of an Act passed in *Ireland* in the Twenty-first and Twenty-second Years of the Reign of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of the King's Debts*, and Suits shall and may be prosecuted and carried on upon such Bonds, by the Orders and under the Directions of the said Commissioners, for the Recovery of the Money which shall be due thereon, in such and the same Manner as Suits on Bonds to the King's Majesty may be prosecuted by virtue of the said Act.

Commissioners may at Time of making Advance signify their Intention to require Interest.

LXXXVI. Provided also, That it shall and may be lawful for the said Commissioners, if they shall so think fit, at the Time of making such Advance, to signify their Intention to require Interest, at the lawful Rate or any less Rate, to be paid for the same from the Time of advancing the said Sum, or any other Time, until Repayment thereof; and in such Case the Bond aforesaid shall be framed and Payment made accordingly.

Sums advanced to be a Charge on all the Ecclesiastical Emoluments of the Benefice.

LXXXVII. And be it further enacted, That all and every Sum and Sums of Money so to be advanced by the said Commissioners appointed under this Act to any such Incumbent as aforesaid shall, with or without Interest, as the Case may be, from the Time of advancing any Part thereof, be a Charge on all the Glebe Lands, Tithes, Composition for Tithes, Rents, Moduses, Salaries, Stipends, Fees, Gratuities, and all other Ecclesiastical Emoluments and Profits whatsoever arising or to arise from the Benefice of which such Person or Persons shall be Incumbent as aforesaid; and in case Default shall be made in the due Application of such Advances, or the regular Discharge of any of the said Payments or any Part thereof, on the Days appointed for the Payment thereof, by such Incumbent, or his Successor or Successors, it shall and may be lawful for the said Commissioners to recover the same by Process of Sequestration, and such Sequestration shall be applied for and issued on the Certificate of such Commissioners in the Manner and subject to the Regulations herein-before directed as to Sequestrations in any other Case to be applied for by the said Commissioners.

In default of Repayment, Commissioners may recover the same by Sequestration.

Sum lent to be distinguished in the Certificate.

LXXXVIII. And be it further enacted, That such Sum or Sums of Money as shall be lent or advanced to any such Incumbent by virtue of this Act shall be distinguished and mentioned apart, in the usual Certificate

Certificate to be given by any Archbishop or Bishop by virtue of the Acts now in force to enable an Incumbent who builds to recover against his Successor, from any and every Sum or Sums by any such Incumbent laid out or expended out of his own proper Income in the building of such Glebe House and Offices which would otherwise be allowed by such Certificate; and a separate and distinct Portion of the said Certificate shall be allotted by the said Archbishop or Bishop for ascertaining the Expenditure of the Sum so lent and advanced by the said Commissioners.

In case Incumbent dies before the whole Sum shall be advanced, Successor to receive the Remainder upon like Security.

LXXXIX. And be it further enacted, That in case any such Incumbent shall die or be removed before all the Sums agreed to be advanced by the said Commissioners appointed by virtue of this Act for building or procuring such Glebe House and Offices as aforesaid shall have been actually advanced by the said Commissioners, then and in such Case his Successor shall be entitled and bound to receive the Remainder of the Money so agreed to be advanced, and shall give, in proportion to the Money remaining to be advanced, the like Security that had been given by his Predecessor, by Bond to the King's most Excellent Majesty, the Penalty of which Bond shall be recovered in manner herein-before declared and enacted with respect to the Recovery of the Penalty of the Bond so given by his Predecessor; and the Money so advanced, with or without Interest, as the Case may be, shall also be charged on such Benefice in the same Manner as the Money advanced to such first Incumbent, and recoverable in the like Manner.

Incumbent to keep Buildings insured.

XC. Provided also, and be it further enacted, That the Incumbent for the Time being of such Benefice shall annually, at his own Expence, until the last Instalment of such Sum shall be paid, keep the Buildings on which Money so lent and advanced shall have been expended regularly insured against Fire at some public Insurance Office in *Great Britain* or *Ireland*, to the full Amount at least of the Sum so lent and advanced; and in default thereof it shall be lawful for the Court of Chancery or Exchequer in *Ireland* to sequester the Profits of such Benefice, Parish, Union, Chapelry, or Perpetual Curacy, in like Manner as herein directed as to Sequestrations issued on the Petition of the said Commissioners, until such Insurance shall be made.

Not to extend to obstruct or alter the Laws now in force for building Glebe Houses.

XCI. Provided always, That nothing herein contained shall extend or be construed to extend to limit or restrain the Power by this Act vested in the Commissioners to grant any Sum or Sums of Money gratuitously to any Incumbent or Perpetual Curate for the Purpose herein-after mentioned, whether such Incumbent shall or shall not have received a Loan to be in part applied to the said Purpose, nor to obstruct, annul, make void, or alter the Laws now in force for building, repairing, or improving Glebe Houses, or any of them, save as herein mentioned; but that such Incumbents, in case they shall think proper to proceed under and according to the said Laws, may do so in the same Manner as if this Act had not been made.

XCII. And

XCII. And be it enacted, That where the annual Value of any Benefice or of any Perpetual Curacy, which has not been augmented as herein mentioned, shall not amount to One hundred Pounds *communibus annis*, and there shall be no Glebe House thereon, it shall be lawful for the said Commissioners gratuitously to grant a Sum of One hundred Pounds to the Incumbent thereof, in such Manner as they shall think fit, to enable him the better to carry on the building of a Glebe House thereon, and before such House is begun to be built.

Commissioners may grant 100*l.* gratuitously in certain Cases.

XCIII. And be it further enacted, That it shall and may be lawful for the said Commissioners under this Act, when and as in their Judgment it may be proper, out of such surplus Funds and Monies so as aforesaid from Time to Time remaining in their Hands or at their Disposal, to augment any Benefice with Cure of Souls, Living, or Curacy, Appropriate or Impropriate, or the Maintenance of any Parson, Vicar, Curate, and 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 herein-before mentioned, either by the Purchase of Glebes or other Lands, or Tithes or Compositions 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 Interest or Dividends of the several Monies and Properties hereby 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.

Power of Commissioners to augment Benefices.

XCIV. Provided also, and be it further enacted, That no Augmentation of the Benefice or Maintenance of any such Parson, Vicar, Minister, or Curate as aforesaid shall be made by any of the Ways or Means aforesaid by the said Commissioners, unless there shall be at the Time of such Augmentation (or within Three Years after such Augmentation shall be made, or purchased, or granted as aforesaid,) within such Benefice, Living, or Curacy a Church or Chapel, or other licensed Place of Worship, where Divine Service as aforesaid may and shall be performed, every *Sunday* at the least, by such Parson, Vicar, Curate, or Minister whose Benefice or Maintenance shall be so augmented as aforesaid; and in case such Augmentation by Salary or otherwise shall be made as aforesaid where no such Church or Chapel, or other licensed Place of Worship, shall be, at the Time of such Augmentation being so made or granted as aforesaid, actually built, but the same is to be so made and granted in order to encourage the building or repairing such Church or Chapel, or other licensed Place of Worship, within Three Years as aforesaid, such Augmentation shall, notwithstanding any such Augmentation or Grant as aforesaid, not commence or take place, nor shall any Parson, Vicar, Curate, or Minister be entitled to, or have any Right whatever

No Augmentation, unless there is a Church where Divine Service is performed, or to encourage the building or repairing of one within Three Years after.

whatever to demand or receive, such Salary or Augmentation but from the Time when such Church or Chapel, or other licensed Place of Worship, shall be actually built and fitted for the Performance of such Divine Service as aforesaid.

If Incumbent of augmented Benefice do not reside, Salary to cease.

XCV. And be it further enacted, That if the Incumbent of any Benefice, or any Parson, Vicar, Minister, or Curate, whose Maintenance has been augmented by the Trustees and Commissioners of First Fruits, or which shall be so augmented by the Commissioners under this Act, by the Grant of such annual Salary or otherwise, shall not reside upon such augmented Benefice, Living, or Curacy, or so conveniently as shall be satisfactory to the Bishop of the Diocese, or shall be wilfully absent from the Cure of such Church or Chapel for the Service of which such Augmentation has been or shall be so granted, for any Period exceeding the Space of Sixty-one Days together, or to be accounted at several Times in any One Year, and make his Residence and abiding at any other Place or Places, without such Licence or Exemption as allowed by an Act passed in Fifth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandize, and for the Support and Maintenance of stipendiary Curates, in* Ireland, and unless such Parson, Vicar, Curate, or Minister so to be absent by virtue of such Licence or Exemption shall find and provide a sufficient Person, to be approved of by the Archbishop, Bishop, or other Ordinary of such Diocese, to supply the Cure and perform Divine Service in such Church or Chapel as aforesaid during such Absence; and if there shall be a Discontinuance of the Performance of Divine Service, except for the necessary Repairs, or rebuilding, or enlarging of the said Churches or Chapels, or for other Cause to be approved of by the Archbishop, Bishop, or other Ordinary of the Diocese, and certified to the said Commissioners as aforesaid; then and in any of said Cases such Salary or Augmentation so made or to be made of any such Benefice, Living, or Curacy, and all Right and Title of any such Parson, Vicar, Incumbent, Curate, or Minister to demand or receive such Salary or Augmentation, shall utterly cease and be determined, during his Incumbency only, notwithstanding any such Grant before made thereof; and that such Parson, Vicar, Incumbent, Curate, or Minister shall for ever after be disabled and rendered incapable of having or enjoying such Salary or Augmentation, but that the same shall nevertheless be restored and payable to the next Successor as if the same had not so ceased or been so suspended; and that the said Salary or Augmentation so stopped during the Incumbency of such disabled Person shall be vested in the said Commissioners, to be applied by them to such Uses and Purposes as the same might have been applied to if the same had not been so granted as aforesaid.

5 G. 4. c. 91.

If Incumbent of augmented Benefice take a second, the first to be void.

XCVI. And be it further enacted by the Authority aforesaid, That in case any Incumbent of any such Benefice, Living, or Curacy, or any Parson, Vicar, Curate, or Minister, whose Maintenance shall be augmented by the Grant of such annual Salary or otherwise by the said Commissioners under this Act, or which shall have been

been at any Time heretofore augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, shall accept and take any other Benefice, Living, or Curacy, and be instituted and inducted into the Possession of the same, that then the said Benefice, Living, or Curacy which shall have been so augmented shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever; and that it shall be lawful for the Archbishop, Bishop, or other Patron to collate or present thereto, in like Manner and Form as if the former Incumbent had died or resigned, any Licence, Union, or other Dispensation to the contrary in anywise notwithstanding; and that every Licence, Union, or Dispensation, of what Name or Names, Quality or Qualities soever, obtained contrary to the true Meaning and Intention of this Act, shall be absolutely void and of none effect; and in case any Person already possessed of any Benefice, Living, or Curacy shall be collated or instituted to any of the said Benefices, Livings, or Curacies which have been heretofore augmented as aforesaid by the said Trustees and Commissioners of First Fruits in *Ireland*, or which shall be so augmented by the Commissioners under this Act as aforesaid, every such Collation, Presentation, or Nomination shall be utterly void to all Intents and Purposes whatsoever: Provided always, that no Lapse shall incur upon any Avoidance of any Benefice, Living, or Curacy which shall happen in consequence of this Act, until Six Months after Notice shall be given, in all Cases in which Notice is now by Law required, to the Person or Persons having a Right to present or nominate to the same, by the Archbishop or Bishop of the Diocese, or other Ordinary for the Time being, in Writing under his or their Hand and Archiepiscopal or Episcopal Seal or Seals of Office respectively.

No Lapse without Notice to Patron.

XCVII. And whereas the Provision for augmenting such poor Livings as shall be thought proper by the said Commissioners to be so augmented is intended to extend not only to Parsons, Vicars, and Curates who come in by Presentation or Collation, Institution and Induction, or Licence, but likewise to such Ministers who come in by Donation, or are only stipendiary Preachers or Curates in and of Impropriate or Appropriate Parishes, officiating in any Church or Chapel where the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established shall be used and observed, some of which may happen not to be Corporations nor have a legal Succession, and therefore are incapable of taking a Grant of such perpetual Augmentation by a Salary, or Endowment of such Tithes or Land, as is by this Act intended; and in some Places it might be in the Power of the Impropriator, Donor, Parson, or Vicar to withdraw the Allowance now or heretofore paid to the Minister or Curate serving the Cure, or, in case of a Chapelry, the Incumbent of the Mother Church might refuse to employ a Curate, or permit a Minister duly nominated or licensed to officiate in such augmented Chapel, and might officiate therein himself, and take the Benefit of the Augmentation, though his Living be above the Value of those which are hereby intended to be augmented, and the Maintenance of the Curate or Minister would thus be sunk, instead of being augmented; therefore

Provisions hereof to extend to Donatives and Curates.

Curacies and Chapels augmented to be Perpetual Cures and Benefices.

therefore be it enacted by the Authority aforesaid, That all such Churches, Curacies, or Chapels which shall at any Time hereafter be augmented by the said Commissioners shall be and are hereby declared and established to be, from the Time of such Augmentations, Perpetual Cures and Benefices; and the Ministers duly nominated and licensed thereunto, and their Successors respectively, shall be and be esteemed in Law Bodies Politic and Corporate, and shall have perpetual Succession by such Name and Names as in the Grant of such Augmentation shall be mentioned, and shall have a legal Capacity, and are hereby enabled to take in Perpetuity, to them and their Successors, all such Lands and Tenements and Tithes as shall be granted to or purchased for them by the said Commissioners, or such annual Salaries as shall be so granted pursuant to this Act, any Law or Statute to the contrary notwithstanding; and that the Impropriators or Patrons of any Churches or Donatives of the Benefices so augmented for the Time being, and their Heirs, and the Rectors and Vicars of the Mother Churches whereunto any such augmented Curacy or Chapel doth appertain, and their Successors, shall be and are hereby utterly excluded from having or receiving, directly or indirectly, any Profit or Benefit by such Augmentation, and shall from Time to Time, and at all Times from and after such Augmentation, pay and allow to the Ministers officiating in any Church or Chapel so augmented such annual and other Pensions, Salaries, and Allowances which by ancient Custom or otherwise, of Right and not of Bounty, ought to be by them respectively paid and allowed, and which they might by due Course of Law, before the making of this Act, have been compelled to pay or allow to the respective Ministers officiating here, and such other yearly Sum or Allowance as shall be agreed upon, if any shall be, between the said Commissioners and such Patron or Impropriator upon making the Augmentation; and the same are and shall be hereby perfectly vested in the Ministers officiating in the Church or Chapel of the Benefice so augmented, and their respective Successors.

No Rector or Vicar discharged hereby from Cure of Souls.

XCVIII. Provided always, and be it enacted, That no such Rector or Vicar of such Mother Church, or any other Ecclesiastical Person or Persons having Cure of Souls within the Parish or Place where such Church or Chapel of the Benefice so augmented shall be situate, or his or their Successors, shall be hereby divested or discharged from the same; but the Cure of Souls, with all other Parochial Rights and Duties (such Augmentation and Allowances to the Church or Chapel of the Benefice so augmented as aforesaid only excepted), shall hereafter be and remain in the same Plight and Condition as if such Augmentation had not been made.

If augmented Cure void for Six Months it shall lapse.

XCIX. And for continuing the Succession in such augmented Cures hereby made Perpetual Cures and Benefices, and that the same may be duly and constantly served, be it further enacted by the Authority aforesaid, That in case such augmented Cures be suffered to remain void by the Space of Six Months, without any Nomination within that Time of a fit Person to serve the same, by the Person or Persons having the Right of Nomination thereunto,

to the Bishop or other Ordinary, to be licensed for that Purpose, the same shall lapse to the Bishop or other Ordinary, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in the Case of Presentative Livings and Benefices; and the Right of Nomination to such augmented Cure may be granted or recovered, and the Incumbency thereof may and shall cease and be determined, in the like Manner and by the like Method as the Presentation to or any Incumbency in any Vicarage Presentative may now be respectively granted, recovered, or determined: Provided always, that in case the Person or Persons entitled to nominate to such augmented Cure should suffer Lapse to incur, but shall, before any Advantage taken thereof by the Ordinary, Metropolitan, or Crown respectively, nominate, such Nomination shall be effectual as if made within Six Months, although so much Time be before elapsed as that the Title of Lapse be vested in the Crown.

Nomination before Advantage taken of Lapse, good.

C. And be it further enacted, That all such Donatives which have been augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, or which shall be at any Time hereafter augmented by the Commissioners under this Act, by virtue of the Powers hereby given to them, shall be subject to the Visitation and Jurisdiction of the Bishop of the Diocese wherein such Donative is or shall be, to all Intents and Purposes of Law whatsoever: Provided always, that no Donative shall be augmented without the Consent of the Patron or Patrons in Writing under his or their Hands and Seals first had and obtained.

Donatives to be subject to Visitation.

Consent of Patron necessary to Augmentation.

CI. Provided also, That where the said Commissioners under this Act shall, in pursuance of the Powers given to them by this Act, think it convenient and fitting that any Donative, Curacy, or Chapelry should receive an Augmentation out of the Lands, Tenements, and Hereditaments, or other Funds and Monies, hereby vested in them, it shall and may be lawful to and for the said Commissioners, before they make the said Augmentation, to treat and agree with the Patron of any Donative, Impropriator of any Rectory impropriated without Endowment of any Vicarage, or Parson or Vicar of any Mother Church, as the Case shall happen to be, for a perpetual, yearly, or other Payment or Allowance to the Minister or Curate of such augmented Donative, Curacy, or Chapelry, and his Successors, to be made in all succeeding Times by such Patron, Impropriator, Parson, or Vicar, and his and their Heirs and Successors, and for charging and subjecting the Impropriate Rectory or Mother Church or Vicarage therewith and thereunto in such Manner and with such Remedies for Recovery thereof as shall be thought fit; and such Agreement made with the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice and Consent of Six or more of His Majesty's Privy Council in *Ireland*, testified under their Hands, in Cases where the King's most Excellent Majesty, His Heirs and Successors, are or shall be interested, or with any Bodies Politic or Corporate, or any other Person or Persons, having any Estate or Interest in Possession, Reversion, or Remainder in

Power to Commissioners to agree with Patron for yearly Allowance.

in any such Impropriate Rectory, in his or their own Right, or in Right of their Wives, or in Right of his or their Churches, or with the Guardian or Guardians or Committee or Committees of or acting for any Person or Persons having such Estate or Interest, who at the Time of such Consent shall be respectively Infants, Idiots, or Lunatics, or under any other legal Disability, or with any Parson or Vicar of any Mother Church, shall be respectively good and effectual to all Intents and Purposes in Law, with respect to such Charges, against His Majesty, His Heirs and Successors, or against all or any such Bodies Politic and Corporate, or against the Person or Persons so agreeing, their Wives, Heirs, and Successors respectively, and every of them, and against all and every their Issue, and against every other Person and Persons claiming in Remainder or Reversion after any Estate Tail in the Premises, according to the Form of such Agreement, as fully and in like Manner as if such Agreement had been made by His Majesty, His Heirs and Successors, under His and their Great Seal, and as if such Bodies Politic and Corporate had been free from any Restraint, and as if such other Persons so agreeing had been sole seised in his and their own Right of such Donative, Impropriate Rectory, or Mother Church as aforesaid, at the Time of making such Agreement; and that the Agreements of Guardians or Committees for or on behalf of Infants or Idiots or Lunatics under their Guardianship, or of whom they shall be Committees as aforesaid, shall be as good and effectual to all Intents and Purposes as if the said Infants or Idiots or Lunatics respectively had been of full Age and of sound Mind, and had themselves entered into such Agreement: Provided always, that in case of any such Agreement as aforesaid with any Parson or Vicar, the same shall be with the Approbation and Consent of his Patron and Ordinary; and in case of any such Agreement made with any Person in Right of his Wife, that the Wife may be a Party to the Agreement, and seal and execute the same.

Such Agreement to be with Consent of Patron.

Remedy in Cases of Impropriators refusing to repair Chancels or maintain officiating Clergymen.

CII. And whereas it is expedient to provide a more effectual Remedy in Cases where the Owners of Impropriations or Impropriate Tithes are by Law bound, but nevertheless refuse or neglect, to repair the Chancel of any Church, or maintain an officiating Clergyman, in *Ireland*; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for the said Commissioners, or any Archbishop or Bishop of the Diocese, to present a Petition to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal, or Master of the Rolls, for the Time being, or to the Court of Exchequer, in *Ireland*, praying such Relief as the Nature of the Case may require; and it shall be lawful for the Lord Chancellor, Lord Keeper, and Commissioners for the Custody of the Great Seal, and for the Master of the Rolls, and the Court of Exchequer, in *Ireland*, and they are hereby required, to hear such Petition in a summary Way, and upon Affidavits or such other Evidence as shall be produced upon such Hearing in support of or in answer to such Petition, to determine the same, and to make such Order therein, and with respect to the Costs of such Petition, as to him or them shall seem just, and such Order shall be final

final and conclusive, unless the Party or Parties who shall think himself or themselves aggrieved thereby shall, within One Year from the Time such Order shall have been passed and entered by the proper Officer, have preferred an Appeal from such Decision to the House of Lords, to whom it is hereby enacted and declared that an Appeal shall lie from such Order; and neither such Petitions, nor any Proceedings upon the same or relative thereto, nor the Copies of any such Petitions or Proceedings, shall be subject or liable to the Payment of any Stamp Duty whatever.

Entries of Augmentations and Orders.

CIII. And be it further enacted by the Authority aforesaid, That all Augmentations, Agreements, and Orders made by the said Commissioners in pursuance of this Act shall be carefully examined and entered into a Book to be provided and kept by their Secretary or other Officer or Officers to be by them appointed for such Purpose, and that such Entries, being approved of by the said Commissioners, and attested by them, shall be taken to be as Records; and true Copies thereof or of the said Entries, being proved by One or more credible Witness or Witnesses, shall be deemed, taken, and adjudged to be good and sufficient Evidence in Law touching the Matters and Things therein contained or relating thereto.

Copies to be Evidence.

Power for Commissioners to purchase House and Land for augmented Benefice.

CIV. And be it further enacted, That where any Living, Benefice, Curacy, or Chapelry shall have been augmented by the said Trustees and Commissioners of First Fruits in *Ireland*, or shall be augmented by the Commissioners under this Act, by any of the Ways or Means aforesaid, and there is or shall be no Parsonage or other House suitable for the Residence of the Minister, Curate, Chaplain, or Incumbent, it shall and may be lawful for the Commissioners under this Act, by and with the Approbation and Consent of the Bishop of the Diocese, and they are hereby empowered (in order to promote the Residence of Clergy on their Benefices), to apply and dispose of any surplus Funds or Monies as aforesaid remaining in their Hands or at their Disposal, in such Manner as they shall deem most advisable, in or towards the building, rebuilding, or purchasing a House and other proper Erections within the Parish, Benefice, Curacy, or Chapelry, convenient and suitable for the Residence of the Minister thereof; which House shall for ever thereafter be deemed the Parsonage appertaining to such Living, Benefice, Curacy, or Chapelry, to all Intents and Purposes whatsoever; and also in and towards the purchasing of any Lands not exceeding in the whole Forty Acres, whether being within the local Limits of the said Benefice, Curacy, Living, or Chapelry, or not, but so as that the same be situate convenient to such House so to be built, rebuilt, or purchased as aforesaid, such Land so to be purchased being of Freehold Tenure, or Copyhold of Inheritance, or for Life or Lives, holden of any Manor or Lordship belonging to the same Benefice, Curacy, Living, or Chapelry; and which Lands so purchased shall for ever, from and after the Grant and Conveyance thereof, be and become annexed to and Glebe of such Benefice, Living, Curacy, or Chapelry, to all Intents and Purposes whatsoever, and be holden and enjoyed by such Incumbent and his

Successors accordingly, without any Licence or Writ of Ad quod damnum; and the Whole or any Part or Parts of the said Land which before such Annexation were or was of Copyhold Tenure shall for ever from and after such Annexation become and be of Freehold Tenure; the Statute of Mortmain, or any other Statute or Law, to the contrary notwithstanding; subject nevertheless to the Laws now in force or that may hereafter be in force in *Ireland* for exchanging of Glebes.

Provisions of Act relative to augmenting single Benefices to extend to united Benefices not of the Value of 200*l.*

CV. And whereas Two or more Benefices, Vicarages, or Curacies may be contiguous, and of such small Extent as that One Church may be sufficient for the same, and the Cure thereof may be conveniently attended by the same Parson, Vicar, or Curate; and it may happen that such Benefices, Vicarages, or Curacies are or shall be permanently united, and yet the whole Value of such united Benefices, Vicarages, or Curacies may not amount to the clear yearly Value of Two hundred Pounds, according to the Valuation herein-before mentioned; be it therefore declared and enacted by the Authority aforesaid, That all and every the Clauses and Provisions in this Act relative to the augmenting of single Benefices, Vicarages, or Curacies, or Chapelries, shall extend and be construed to extend to all such united Benefices, Vicarages, and Curacies, when the same do not in the whole amount to the clear yearly Value of Two hundred Pounds as aforesaid.

Commissioners may divide Parishes in certain Cases

CVI. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the said Commissioners under this Act, by Instrument in Writing under their Corporate Seal, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and of His Majesty's Privy Council in *Ireland* in Council assembled (Six at least consenting), and with the Consent of the Archbishop or Bishop of the Diocese, and of the respective Patron or Patrons, certified under his or their Hand and Seal or Hands and Seals, attested by Two or more credible Witnesses subscribing thereunto, to divide any Parish in *Ireland*, the average annual Value whereof shall exceed Eight hundred Pounds, and to separate and disunite from such Parish any Townland, Townlands, District, Parcel or Parcels of Land, and all Tithes, Composition for Tithes, Dues, and Ecclesiastical Emoluments whatsoever, from such Townland, Townlands, District, Parcel or Parcels of Land arising or to arise and payable to the Ecclesiastical Incumbent of such Parish, and thenceforth to annex and unite in Perpetuity, by the same or a different Instrument, any such Townland, Townlands, District, Parcel or Parcels of Land, and all such Tithes, Composition for Tithes, Dues, and Ecclesiastical Emoluments whatsoever therefrom arising or to arise, to any other adjoining Parish or Parishes the annual average Value of which respectively shall not exceed Two hundred Pounds: Provided nevertheless, that the annual Value of any such Parish so divided as aforesaid shall not by such Division be in any Case reduced below the Sum of Three hundred Pounds.

CVII. And

Such Division not to take effect until Death of Incumbent.

CVII. And provided also, and be it enacted, That any such Division of any Parish shall take effect and come into operation upon the Death or Removal of any Person who shall be the Incumbent of any such divided Parish at the Time of the Commencement of this Act or at the Time when such Division shall be made as aforesaid, as the Case may be, and not sooner; and that then and for ever thereafter such Townland, Townlands, District, Parcel or Parcels of Land, and all such Tithe, Composition for Tithe, Dues, and Ecclesiastical Emoluments whatsoever therefrom respectively arising or to arise, shall cease to be or to be deemed a Part or Parts of or annexed to such divided Parish, and shall become and be and be deemed a Part or Parts of or annexed to such augmented Parish or Parishes, to all Intents and Purposes whatsoever.

Commissioners may divide also the Glebe belonging to Parishes so divided.

CVIII. And be it further enacted, That it shall and may be lawful for the said Commissioners, with such Approbation and Consent and in such Manner as are herein-before last mentioned, to divide and separate the Glebe belonging to any such Parish so divided, and to grant a Portion of such Glebe to the Incumbent of such divided Portion of the Parish or of such augmented Parish, as the Case may be, as and for a Glebe for such Parish, subject, however, to the Laws now in force or that may hereafter be in force for the Exchange of Glebes; and that all such Divisions of Glebes shall be good, firm, and valid in Law; and that such Part or Parts of such Glebe as shall be so annexed shall be always deemed and taken to be the Glebe or Glebes of such Parish or Parishes to which the same shall be so annexed; and that the Incumbent or Incumbents of such Parish or Parishes to which the same shall be so annexed shall hold and enjoy such Part or Parts of such divided Glebe, being so annexed, in as full and ample a Manner to all Intents and Purposes as if such Part or Parts of such Glebe had been always held with and enjoyed as the Glebe belonging to such Parish or Parishes to which the same shall be so annexed, any Law or Usage to the contrary notwithstanding.

Guardians, Committees, &c. may consent.

CIX. And be it further enacted, That whenever any Patron of any Parish so to be divided as aforesaid shall happen to be a Minor, Idiot, Lunatic, or Feme Covert, it shall and may be lawful for the Guardian, Committee, or Husband of every such Patron to consent to such Division as aforesaid for such Patron, and to certify his, her, or their Consent under his, her, or their Hand and Seal or Hands and Seals, for such Patron, who shall be bound thereby in such Manner, and the same shall be as valid and effectual, as if he or she had been of full Age, or sound Mind, or Feme Sole, and had expressed such Consent as aforesaid.

Bounds of Parishes to be first ascertained, and Map and Statement of Value transmitted to Lord Lieute-

CX. And be it further enacted, That before any such Division or Augmentation of any Parish or Parishes as last aforesaid shall be made and concluded, the Bounds of such Parish or Parishes shall be ascertained by Instrument in Writing in manner following; (that is to say,) the said Commissioners under this Act, by Instrument in Writing under their Seal, shall and may set out and describe the Bounds of such Parishes, and the several Townlands or other Parcels

or

tenant, who shall confirm or alter same.

or Denominations of Lands which shall be comprised within such Parishes respectively; and a Copy of such Instrument shall, within Fourteen Days from the Date thereof, together with a Map and Survey of the said Parishes respectively, and a Statement of the annual Value of the same, and of such Part or Parts to be so separated and disunited from such divided Parish as aforesaid be transmitted to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, and the Lord Lieutenant or other Chief Governor or Governors in Council shall confirm or alter the Bounds of such Parish or Parishes so set out and described in such Instrument, as the Circumstances of the Case may seem to require, and shall order such Instrument to be altered accordingly: Provided always, that such Instrument so altered by any such Order, or if no Order shall be made thereupon by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council within Six Weeks after the Date of the Transmission of the Copy of such Instrument to the Council Office in *Dublin Castle*, then such Instrument as originally transmitted, shall be entered in the Registry of the Diocese, (for which Entry the Sum of Thirteen Shillings and Four-pence, and no more, shall be paid to the Registrar,) and shall also be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Enrolment the Sum of Thirteen Shillings and Four-pence, and no more, shall be paid, over and above the Expences usually paid to the Clerk for ingrossing the same.

Commissioners shall adjust Proportions of Crown Rents, &c. to be paid by Incumbents of divided Parishes.

CXI. And in order to prevent Disputes which might arise upon the apportioning of any Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and Salaries payable to the Schoolmasters of the Diocesan Schools by the several Incumbents of any such divided or augmented Parish or Parishes; be it enacted, That it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed, to settle and adjudge the Proportions of Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and the Salaries of the said Schoolmasters which the Incumbents of any such divided Parish and such augmented Parish or Parishes are respectively to pay; which Proportion, being so adjusted by an Adjudication in Writing under the Seal of the said Commissioners, and registered in the Register Book of the Bishop of the Diocese wherein such Parishes are situate respectively, shall be the Proportions which the Incumbents of such divided and of such augmented Parishes are respectively to pay, and shall be binding and conclusive upon the said several Incumbents of such divided or augmented Parish or Parishes respectively, and their respective Successors, any Law or Custom to the contrary notwithstanding.

Incumbent of divided Parishes entitled to receive Disbursements from next Successor, as if Parish had not been divided.

CXII. And be it further enacted, That where any Parish shall be divided in manner aforesaid, and that the Incumbent of any such divided Parish shall be entitled to receive any Sum of Money from his next Successor in such Parish, in case the same had not been divided, on account of any Purchase of Glebe, or Addition to the Glebe, or of any Buildings or Improvements made on the Glebe of such Parish, or any Money paid by him to his Predecessor on such Account, according to the Laws in force for that Purpose, such

Incumbent shall have and be entitled to receive from his next Successor in that Part of such divided Parish within which such additional Glebe shall be situate, or on which such Buildings or Improvements shall have been made, the same Sum as he would have been entitled to receive if the said Parish had not been divided, provided that the Sum so to be received shall not exceed Two Years Income of that Part of the Parish; and such Incumbent, having paid such Proportion of the said Money, shall be entitled to receive such Proportion of the Money so to be paid from his Successors, according to the Laws in force for that Purpose, in such Manner as he ought in case such Parish had not been divided; and it shall not be lawful for the said Commissioners to divide any Parish the Incumbent whereof shall be liable to any such Payment in such Manner as that the Sum to be paid by him shall exceed Two Years Income of the divided Part of the Parish in which such Buildings or Improvements shall be situated.

Where Assent of His Majesty is required, Assent of the Lord Lieutenant to be good.

CXIII. Provided always, and be it further enacted, That where the Assent of the King's Majesty, His Heirs or Successors, is to be given to the making of any such Division of any Parish as aforesaid, or to the annexing or uniting a Part or Parts thereof to any adjoining Parish or Parishes as aforesaid, the Assent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being thereto, under his or their Hand and Seal or Hands and Seals, shall to all Intents and Purposes be as good, valid, and effectual in Law as if the Consent of His Majesty, His Heirs or Successors, were thereunto signified by Letters Patent under the Great Seal of *Ireland*: Provided always, that such Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, together with the Instrument making and setting forth such Division as aforesaid, for the Enrolment of which Consent the Sum of Three Shillings and Sixpence, and no more, shall be paid, over and above the Expences usually paid to the Ingrossing Clerk for the same.

Commissioners may pay Compensation to Patrons in certain Cases.

CXIV. And be it further enacted, That where any Person or Persons, other than the Crown, or an Archbishop or Bishop, shall be Patron or Patrons of any Living or Parish so to be divided as aforesaid, or shall be entitled to present a Clerk thereto upon any Vacancy or Turn thereof, it shall and may be lawful for the said Commissioners under this Act, if they shall think fit so to do, out of the surplus Funds remaining in their Hands, upon obtaining the Consent of such Patron or Patrons to such Division of any such Parish as aforesaid, to pay unto such Patron or Patrons such Sum or Sums of Money as the said Commissioners shall think fit as a Compensation for the Diminution of the annual Value of such Living or Parish, so that such Sum or Sums of Money shall in no Case exceed Twelve Years Purchase of the annual Sum by which the Income or annual Value of such divided Parish shall be reduced by means of and in consequence of such Division as aforesaid; and such Sum or Sums of Money shall be and become vested in and settled upon the same Person or Persons, and for and upon the same Uses, Estates, Trusts, and Limitations, and subject to the same Powers, Conditions, Charges,

and Incumbrances, as the Advowson of or Right of Presentation to such divided Parish was vested in, settled upon, or subject to, or would have been vested in, settled upon, or subject to, or as near thereto as the Nature of the Case may admit.

Commissioners may require Compensation in certain Cases.

CXV. And be it further enacted, That where any Person or Persons, other than the Crown, or an Archbishop or Bishop, shall be Patron or Patrons of any Living or Parish so to be augmented by the Annexation thereto of any Part of any such divided Parish, or shall be entitled to present a Clerk thereto upon any Vacancy or Turn thereof, it shall and may be lawful for the said Commissioners under this Act, and they are hereby directed and required, and shall be entitled to demand, take, and receive from such Patron or Patrons of any such augmented Parish or Parishes such Sum or Sums of Money as shall be mutually agreed upon by and between such Commissioners and the respective Patron or Patrons, or, in case of Disagreement between them, shall be fixed and determined by Three Arbitrators, to be chosen in the same Manner as in the Case of Arbitrators appointed for the Settlement of Differences between the said Commissioners and Parties applying for the Purchase of Perpetuities under this Act, and under and subject to the like Regulations, so far as the same are applicable; which Sum or Sums of Money so to be received by the said Commissioners shall be added to the general Funds of the said Commissioners for the Purposes of this Act; and in default of Payment of such Sum or Sums of Money to the said Commissioners within Six Calendar Months after a Demand thereof by Notice in Writing shall have been made and served upon such Patron or Patrons, the said Sum or Sums of Money shall be and become a Charge or Lien on such Advowson or on the Inheritance of the same, and be paid and payable to the said Commissioners, with Interest thereon, in priority to all other Charges or Incumbrances upon such Advowson.

Commissioners may suspend Appointment of Clerk to any Benefice where Divine Worship shall not have been celebrated for Three Years.

CXVI. And be it enacted, That whenever any Benefice whereof the King shall be Patron, or the Right of Presentation or Collation whereto shall be in any Archbishop, Bishop, or other Dignitary, or in any Ecclesiastical Corporation, shall, after the passing of this Act, become void in any Manner whatsoever, and that it shall appear to the Commissioners under this Act, by the Certificate of the Ordinary, that Divine Worship shall not have been celebrated therein for the Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three, then and in such Case it shall be lawful for the said Commissioners, if they shall so think fit, by an Instrument under their Corporate Seal, to direct that the Appointment, Presentation, or Collation of any Clerk to such Benefice shall be suspended until such Commissioners shall think fit by a like Instrument otherwise to direct; and in the meantime, and for and during such Period as such Benefice shall remain vacant, all and every the Tithes, Profits, and Emoluments whatsoever belonging or appertaining thereto, and all Arrears thereof which may have accrued due since the said Benefice may have become void as aforesaid, shall be vested in and received by the said Commissioners under this Act, to be by them applied to the building or repairing of the Church and

Tithes and Profits of such Benefice to vest in Commissioners.

Application of them.

and Glebe House in the said Benefice; and if the Circumstances of such Benefice shall not require such Application of the said Funds, then to be paid into the general Fund under the Administration of the said Commissioners; and the said Commissioners shall have all and every the like Remedies for the Recovery of such Tithes, Profits, and Emoluments, and all Arrears thereof, as any Clerk filling such Benefice might or would have, and shall be for all such Intents and Purposes in the Place and Stead of such a Clerk; and it shall and may be lawful for the said Commissioners and the Archbishop or Bishop associated with them, pursuant to the Provision herein-after contained, in any Case where the Spiritual Wants of any Benefice so unfilled as aforesaid shall appear to require the Appointment of an Officiating Minister, so to declare, and to appoint such moderate Stipend or Salary to be paid to such Officiating Minister as they shall think proper, and thereupon the Bishop of the Diocese shall appoint and license a Curate for the Performance of Ecclesiastical Duties within such Benefice for and during such Period as the same shall remain unfilled; and in case the Spiritual Wants of such Benefice shall not appear to require the Appointment of such Curate, then and in such Case, and for and during such Period as aforesaid, the Cure of Souls, and all and every the occasional Duty or Duties within such Benefice so remaining unfilled as aforesaid, shall be committed to the Incumbent or Officiating Minister of some adjoining Parish, to be remunerated by a moderate Stipend or Salary, in like Manner fixed by the said Commissioners and the Archbishop or Bishop associated with them, such Incumbent or Minister to be nominated and appointed by the Ordinary, and whom such Ordinary is hereby required to nominate and appoint at the Request of the Commissioners under this Act, under such Regulations as he may think fit to make; and the Ordinary shall and is hereby required, when thereunto required by the Commissioners under this Act, to grant such Certificate as aforesaid in all such Cases as aforesaid; and the said Commissioners shall, from and out of the Tithes, Profits, and Emoluments of such Benefice hereby vested in them, pay to the Curate so appointed as aforesaid, or to the Incumbent or Officiating Minister to whom the Cure of Souls and occasional Duty shall have been committed, as the Case may be, such Stipend or Salary as may have been fixed and determined in manner aforesaid.

Authorizing the Appointment of an Officiating Minister in any unfilled Benefice, or the occasional Assistance of the Minister of some adjoining Parish.

CXVII. Provided always, and be it enacted, That whensoever the said Commissioners under this Act shall propose to suspend the Appointment, Presentation, or Collation to any Benefice, under the Power herein-before vested in them, or of removing such Suspension if it shall have taken place, they shall in either of such Cases give Notice of such Intention to the Archbishop or Bishop of the Diocese in which such Benefice shall be situate, unless he happen to be one of the said Commissioners; and such Archbishop or Bishop shall be associated with the said Commissioners in determining upon the Propriety of directing or removing such Suspension as aforesaid, and shall and may vote upon all Questions relating thereto as if he were a Commissioner, and be deemed and taken to be for such Purpose or Purposes

Archbishop or Bishop to be associated with Commissioners in determining upon Suspensions or Removals of Suspensions.

Purposes a Member of the said Corporation of the Ecclesiastical Commissioners of *Ireland*.

Statement to be made of Reasons for such Suspensions.

CXVIII. Provided also, and be it further enacted, That in any Case in which the said Commissioners shall direct that the Appointment, Presentation, or Collation of a Clerk to any Benefice shall be suspended, a full Statement of the Reasons on which such Direction was founded, comprising the several Particulars of the Extent of such Benefice, its annual Value, the Amount of the Population, the Number of Protestants residing within it, the Condition of the Church and Glebe House, if any, and the Quantity of Land belonging to it, shall be entered in a Book to be kept for that Purpose, and preserved among the Records of the Commission.

Certain Monies payable under 5 G. 4. c. 91. to be paid to Commissioners of this Act.

CXIX. And whereas by an Act made in the Parliament of the United Kingdom, in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandize, and for the Support and Maintenance of Stipendiary Curates*, Bishops are authorized and empowered to pay over certain Sums therein mentioned to the Trustees and Commissioners of First Fruits in *Ireland*, for certain Purposes therein also mentioned; be it therefore enacted, That all and every Payment made to the Commissioners of this Act, in the Manner and Form and for the Purposes directed and specified by said recited Act, with respect to Payments to said Trustees and Commissioners of First Fruits, shall be as good, valid, and effectual to all Intents and Purposes; and such Sums, when paid, shall be applied by the Commissioners of this Act for the Purposes in said recited Act mentioned, in the same Manner as if such Payments had been made to the said Trustees and Commissioners of First Fruits, and as if this Act had not been passed.

House purchased by Commissioners to be the House of Residence.

CXX. And whereas the Commissioners under this Act may hereafter purchase Houses not situate within the Parishes for which they are purchased, but so near as to be sufficiently convenient and suitable for the Residence of the Officiating Minister thereof; be it therefore enacted, That such Houses, having been previously approved by the Bishop by Writing under his Hand and Seal, and duly registered in the Registry of the Diocese, shall be deemed Houses of Residence appertaining to such Benefices to all Intents and Purposes whatsoever.

General Powers of Commissioners to do all Acts which Trustees of First Fruits could have done, if not otherwise provided for;

CXXI. And be it further enacted, That it shall and may be lawful for the Commissioners of this Act to lend and advance all and every such Sum and Sums of Money, and to give such Consents, and to do and perform such Acts, Matters, and Things, and on such Securities, and in such Manner and Form respectively, as by any Statute or Law in *Ireland* in force at the passing of this Act the Trustees and Commissioners of First Fruits in *Ireland* might or were empowered or authorized to have lent and advanced, given and done, if this Act had not been passed; all which Securities, Loans, Consents, Acts, Matters, and

Things, when made, entered into, given, and done, respectively shall be valid and effectual to all Intents and Purposes whatsoever, unless it is or shall be enacted or declared to the contrary or otherwise provided for by this Act, or by any other Act hereafter to be made; and that all and every Action or Proceeding for Breaches of Covenant, or otherwise, which has been commenced, or which might at any Time hereafter, if this Act had not been made, have been taken, commenced, and carried on by the said Trustees and Commissioners of First Fruits in *Ireland*, shall and may be commenced, taken, and carried on at any Time hereafter by the Commissioners of this Act, in the Name of their Secretary, as if they had been expressly named in any Deed, Covenant, Agreement, Writing, or Security, or in any Act or Acts of Parliament, on or under or by virtue whereof such Action or Proceeding might have been and shall be so commenced, taken, and carried on; and that all and every Sum and Sums to be recovered in any such Action or Proceeding shall and may be applied and disposed of by the Commissioners of this Act to such of the Purposes hereof as they in their Discretion shall think fit; and that the Commissioners of this Act shall pay, satisfy, and discharge, out of the Funds hereby vested in them, all Debts legally due by said Trustees and Commissioners of First Fruits in *Ireland*, whether for and on account of Salaries due to any of their Officers, Bills of Costs, or otherwise, or any other Account whatsoever, at the passing of this Act, which said Trustees and Commissioners of First Fruits would have been bound to pay if this Act had not been passed; and shall and may perform and execute all and every Covenant, Contract, or Agreement lawfully entered into and made by the said Trustees and Commissioners before the passing of this Act; and shall do and perform all and every Act, Matter, and Thing lawfully covenanted, agreed, or contracted to be done, performed, and executed by or on the Part of said Trustees and Commissioners of First Fruits, and which the said Trustees and Commissioners would have been bound to perform, execute, and do, if this Act had not been passed.

to bring Actions;

to pay Debts;

and to perform Contracts.

CXXII. And be it further enacted, That in case of any Refusal or Neglect of any Archbishop, Bishop, Archdeacon, Dean, Prebendary, Parson, Vicar, Curate, Incumbent, or other Spiritual Person as aforesaid, by whatever Name called, known, or described, or any other Person or Persons whatsoever, to make or cause to be made any of the Returns hereby required or directed to be made to the said Commissioners of this Act, or to do any Act, Matter, or Thing hereby directed or required to be done by them or any of them, it shall be lawful for the Court of King's Bench in *Ireland* to direct a Writ of Mandamus, or any other Writ that may be necessary, to any such Archbishop, Bishop, Archdeacon, Dean, Prebendary, or other Spiritual or other Person as aforesaid, to enforce the making such Returns, or the Performance of such Acts, Matters, and Things, by such Spiritual or other Person as aforesaid, pursuant to this Act.

Mandamus may be directed to Persons making Default.

CXXIII. And be it further enacted, That if any Person, upon Examination on Oath or Affirmation before the said Commissioners

Punishment for Perjury.

of this Act, or the Commissioners to be named and authorized in and by any Commission to be issued in pursuance of this Act, or in any Affidavit, Deposition, or Affirmation before any Judge, Baron of the Exchequer, Vicar General, Surrogate, Master or Master Extraordinary in Chancery, or Justice of the Peace, in any Matter relating to the Execution of this Act, shall wilfully and corruptly give false Evidence, or shall in any such Affidavit, Deposition, or Affirmation wilfully and corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law now or hereafter to be in force in *Ireland* any Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Lord Lieutenant, with Consent of Archbishop, Bishop, Dean, &c., may disunite Rectory, &c. from Archbishoprick, Bishoprick, Deanery, &c.

CXXIV. And whereas several Parishes, or the Tithes or Portions of Tithes and Glebes thereof, are appropriated or united to certain Archbishopricks, Bishopricks, Deaneries, Archdeaconries, Dignities, Prebends, or Canonries; and it is expedient that the same should be disappropriated, disunited, and divested out of such Archbishopricks, Bishopricks, Deaneries, Archdeaconries, Dignities, Prebends, or Canonries, and vested in the respective Vicars or Curates discharging the Duties of the Parishes in which the said Benefices, Tithes, or Portions of Tithes are respectively situate: And whereas the now Deans of *Down* and *Raphoe* freely consent that such Arrangements as aforesaid should be made in respect of their several Deaneries, and the Parishes or Tithes or Portions of Tithes and Glebes appropriated or united thereunto; be it therefore enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and His Majesty's Privy Council there, in the Case of the said Deaneries of *Down* and *Raphoe*, when and as they may so think fit, and in the Case of any and every Archbishoprick, Bishoprick, or other Deanery, or Archdeaconry, Dignity, Prebend, or Canonry, by and with the Consent and Approbation of the Archbishop, Bishop, Dean, Archdeacon, Dignitary, Prebendary, or Canon thereof, or whensoever such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry shall be void, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, from and out of said Deaneries of *Down* and *Raphoe* respectively, or from and out of any Archbishoprick, Bishoprick, or other Deanery or Archdeaconry, Dignity, Prebend, or Canonry, and to unite any such Rectory, Vicarage, Tithes or Portions of Tithes to the Vicarages and Perpetual or other Curacies of such Parishes respectively, so that each such Rectory, Vicarage, Tithes or Portion of Tithes, and Glebes, or Part or Parts thereof, shall, with its respective Vicarage, Perpetual or other Curacy, form a distinct Parish or Benefice: Provided always, that whenever a Vicarage or Perpetual Curacy to which any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, shall have been so united as aforesaid, shall have been previous to such Union augmented either by the Trustees and Commissioners of First Fruits in *Ireland*, or by the said Ecclesiastical Commissioners, and that the whole of the net Income of the Benefice erected by such Union as aforesaid shall exceed the Sum of Two hundred

dred Pounds, that then and in such Case the said Augmentation, or the Portion thereof whereby the whole Income of such Benefice shall exceed the Sum of Two hundred Pounds, shall cease and determine.

In case Bishoprick be reduced below 4,000*l.* Commissioners to make up Deficiency.

CXXV. Provided always, and be it enacted, That in case any Bishoprick shall by such Means as aforesaid be reduced below the annual Value of Four thousand Pounds, the said Commissioners under this Act shall, from and out of the Funds vested in them by this Act, pay to the Bishop of such Bishoprick for the Time being such annual Sum as may be necessary, at the Time of disappropriating the said Tithes or Portions of Tithes or Glebes, to make up such full annual Value of Four thousand Pounds.

Patronage to be exercised by Person having Right of Appointment.

CXXVI. And be it further enacted, That whenever, pursuant to the Provisions aforesaid, any Rectory, Vicarage, Tithes or Portion of Tithes, or Glebe or Portions thereof, shall be united to any Vicarage or Perpetual Curacy, then and in such Case the Right of Presentation to such Rectory, Vicarage, or Perpetual Curacy, in any and every Vacancy thereof happening at any Time after such Disappropriation and Union as aforesaid, shall belong to and be exercised by the King's Majesty, His Heirs or Successors, or by the Archbishop, Bishop, or other Dignitary, or Corporation or Person having the Right of Grant, Nomination, Election, or Appointment to the Dignity, Prebend, or Canonry whereunto such Rectory, Vicarage, Tithes or Portions of Tithes, or Glebe or Portion thereof, had, before such Disappropriation, been united or annexed, and the Dignitary, Corporation, or Person having the previous Right of Presentation to such Rectory, Vicarage, or Perpetual Curacy, in such Turns or Rotation and according to such Manner as the Lord Lieutenant or other Chief Governor or Governors and Privy Council of *Ireland* shall direct.

Archdeacons in Ireland to have same Powers as Archdeacons in England.

CXXVII. And whereas the Duties of Archbishops and Bishops in *Ireland* will be, by the aforesaid Unions and Consolidations of Dioceses, considerably increased: And whereas Doubts have arisen whether Archdeacons in *Ireland* can lawfully exercise the same Powers as may be exercised by Archdeacons in *England;* be it therefore enacted by the Authority aforesaid, That the several Archdeacons in *Ireland* shall have and shall be deemed and taken to have and exercise all such Powers, Rights, Authorities, Privileges, and Jurisdictions within their respective Archdeaconries as any Archdeacons in *England* have or may exercise within their respective Archdeaconries by any Law, Statute, Canon, or general Custom in force in *England.*

Tenants of Bishops Lands enabled to apply for a Perpetuity therein, by Notice to the Commissioners under this Act.

CXXVIII. And whereas it is expedient that the Tenants or Lessees of the Lands of Archbishops or Bishops, and other Sole Ecclesiastical Corporations, in *Ireland,* should be empowered to purchase a perpetual Estate or Interest in such Lands and Premises; be it therefore enacted, That from and after the Commencement of this Act it shall and may be lawful for any Tenant or Tenants, Lessee or Lessees, holding or who shall hold under or by virtue of any Lease or Contract for Term of Twenty-one Years, or for Term of Twenty-one Years

Years or Three Lives, or for Three Lives, or for Term of Forty Years, immediately from and under any Archbishop or Bishop or other Sole Ecclesiastical Corporation in *Ireland*, any Lands, Premises, or Hereditaments belonging to the respective Sees or other Spiritual Promotion or Dignity of any such Archbishop or Bishop or other Sole Ecclesiastical Corporation, to purchase the Fee Simple and Inheritance of and in the said Lands, Premises, and Hereditaments so held by him or them as aforesaid, in the Manner and at the Rate of Purchase Money, and subject to the perpetual annual Rents, and to the Provisoes, Restrictions, Regulations, and Conditions herein-after mentioned; (that is to say,) that it shall and may be lawful for any such Tenant or Lessee, by Notice in Writing under his Hand, to notify to the said Commissioners under this Act, and to such Archbishop or Bishop or other Ecclesiastical Person under whom such Lands, Premises, or Hereditaments are or shall be held, that he, such Tenant or Lessee, is ready and willing to purchase the Fee Simple and Inheritance as aforesaid of and in the said Lands, Premises, or Hereditaments so held by him under such Archbishoprick or Bishoprick or other Spiritual Promotion or Dignity, in the Manner and pursuant to the Provisions of this Act; and that thereupon the said Commissioners shall and may and they are hereby authorized and required to ascertain the annual Rent or Rents now thereby reserved and payable by virtue of such Lease or Contract out of the said Lands and Premises, and the Amount of the Sum or Sums of Money theretofore paid or agreed to be paid as and for the Fine or Fines and Fees for Renewal of any such Lease or Interest of and in the said Lands and Premises, in the Case of Leases usually renewed every or every alternate or every third Year, for and during the Period of Nine Years next preceding the Service of such Notice; and in the Case of Leases usually renewed at longer Intervals, and in the Case of Leases for Lives, for and during such Period as shall include the Three last previous Occasions of such Renewal; and every such Archbishop or Bishop or other Ecclesiastical Person under whom the said Lands and Premises shall be held as aforesaid shall, upon being thereto required by the said Commissioners by Writing, certify to the said Commissioners, by Writing under his Hand and Seal, the Amount of such annual Rent, and every such Fine and Fines and Fees so paid, or agreed to be paid, or usually paid or payable as aforesaid, for and during such Period as aforesaid; and that it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered, if they shall so think fit, or shall be required by Requisition under the Hand and Seal of the said Archbishop or Bishop or other Ecclesiastical Person, or Tenant or Tenants, Lessee or Lessees, to issue a Commission under their Seal to inquire into and ascertain the Amount of such annual Rent and such Renewal Fine or Fines and Fees as aforesaid so paid or payable, or agreed to be paid, or usually paid or payable as aforesaid, for and during the Period aforesaid; which Commission shall issue in the same Manner, and subject to the like Rules and Regulations, with the like Powers, as is and are herein-before provided with respect to Commissions directed to be issued for inquiring into the annual Value of Ecclesiastical Benefices.

CXXIX. Pro-

Commissioners in ascertaining Amount of annual Rent shall not include any Sum added thereto since 16th August 1832.

CXXIX. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby empowered and directed, in each and every Case in which they shall proceed to ascertain the Amount of the annual Rent or Rents reserved and payable out of the Lands and Premises in which the Tenant, Lessee, or Assignee thereof shall be desirous to purchase the Fee Simple and Inheritance as aforesaid, to inquire and ascertain whether any and what Addition has been made to the Rent or Rents reserved and payable to any Archbishop or Bishop or other Ecclesiastical Person out of the said Lands and Premises since the Sixteenth Day of *August* in the Year One thousand eight hundred and thirty-two; and in case it shall appear that the said yearly Rent or Rents has or have been increased since such Period, and that such Increase has been made in consequence of the Change of the Liability to the Payment of the Composition for Tithes, then and in every such Case the said Commissioners shall separate the Sum or Sums which shall so appear to have been added on the aforesaid Account to the yearly Rent or Rents theretofore usually reserved and payable out of such Lands and Premises, and shall not include such additional Sum or Rent in the Rent to be reserved in any Conveyance of such Lands and Premises to be executed by them or him pursuant to this Act; and the said Commissioners shall ascertain, by reference to the Lease or Contract made next before the Reservation of such additional Sum or Rent, the annual and customary Rent or Rents (penal Rents or Sums in the Nature of penal Rents excepted) reserved and payable out of the said Lands and Premises; and such annual and customary Rent or Rents shall be deemed and taken to be the annual Rent reserved and payable out of such Lands and Premises.

Commissioners shall estimate the Average of Renewal Fines, and adding thereto the Rent reserved on Lease, declare the Amount of the new Rent to be reserved.

CXXX. And be it further enacted, That when such Rent or Rents and Fine or Fines and Fees shall have been ascertained by any of the Ways or Means aforesaid, it shall and may be lawful for the said Commissioners appointed under this Act, and they are hereby directed, to take and estimate the yearly Average of the Renewal Fine or Fines theretofore paid or agreed to be paid or payable as aforesaid, which yearly Average of the said Fine or Fines and Fees, when so ascertained as aforesaid, together with and in addition to the yearly Rent or Rents theretofore reserved or made payable in and by such Lease or Contract as aforesaid, shall be the Amount of the annual Rent to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, and his Successors respectively, in and by the Deed of Conveyance herein-after mentioned, subject only to such Approval as herein-after mentioned, and to such Variation as may be made in the Amount thereof according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-after mentioned.

Provision for ascertaining Amount of Renewal Fines in certain Cases.

CXXXI. Provided always, and be it enacted, That whenever it shall appear that such Renewal Fines and Fees have not been regularly paid during any such Period as aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby empowered and directed, by all or any of the Ways or Means aforesaid,

aforesaid, to ascertain the Amount as well of the annual Rent as of the annual or other Renewal Fine or Fines and Fees which have been paid, agreed to be paid, or payable, or which ought to have been paid in respect of the said Lands and Premises for and during such Period as aforesaid, according to the theretofore accustomed Mode of renewing such Lease or Interest, and to take and estimate accordingly the yearly Average of such annual or other Fine or Fines; which said yearly Average of such Renewal Fines, together with and in addition to the said annual Rent or Rents theretofore reserved and payable as aforesaid out of the said Lands and Premises, shall be the Amount of annual Rent to be reserved and made payable in and by the Deed of Conveyance or Demise herein-after mentioned, subject only to such Approval as herein-after mentioned, and subject to Variation according to the Price of Wheat or Oats, as herein-after also provided; and if it shall happen that no Fine or Fines have been paid or payable for renewing any such Lease or Interest as aforesaid for any such Period, or any Part of such Period, preceding the Service of such Notice as aforesaid, that then in every such Case it shall be lawful for the said Commissioners to take and estimate the yearly Average of such Renewal Fines and Fees according to such Proportion of the improved yearly Value as may, by the Custom of the Diocese or other Spiritual Promotion or Dignity under which the said Lands and Premises are held, have determined the Amount of Fines payable in respect of Lands and Premises held thereunder by like Tenure and Demise, (such improved yearly Value to be ascertained by all such Ways and Means as the said Commissioners shall think fit, or by the issuing of a Commission as last aforesaid, and subject to the like Rules and Regulations as such Commission last aforesaid,) or by reference to all the Circumstances of the Case, and to the Amount of the Tenant's beneficial Interest in such Lands and Premises, according to their Discretion, to fix, ascertain, and determine the yearly Average of such Renewal Fines and Fees; which said yearly Average, estimated, ascertained, and determined in any such Way or Manner as aforesaid, shall, together with and in addition to the annual Rent or Rents theretofore reserved and payable out of the said Lands and Premises, be the Amount of annual Rent to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, and his and their Successors respectively, in and by the Deed of Conveyance or Demise herein-after mentioned, subject only to such Approval as herein-after mentioned, and subject to Variation according to the Price of Wheat or Oats as herein-after provided.

Fines to be computed on average Duration of Lives.

CXXXII. Provided, and be it further enacted, That in the Case of Leases for Lives the said Commissioners under this Act shall compute the yearly Average of the Renewal Fines and Fees in such Manner as to them shall seem just with reference to the average Duration of Lives and beneficial Interests.

Notice to be given to Bishop by Commissioners.

CXXXIII. And be it further enacted, That when and so soon as the said annual Rent so to be thereafter reserved and made payable out of the said Lands and Premises to such Archbishop or Bishop or

or other Ecclesiastical Person, and his Successors, shall have been ascertained and determined by the said Commissioners under this Act, by any of the Ways or Means herein-before mentioned, the said Commissioners shall and they are hereby directed to notify by Notice in Writing to the said Archbishop or Bishop or other Ecclesiastical Person under whom the said Lands and Premises are or shall be held as aforesaid, and to the said Tenant or Lessee of the said Lands and Premises who shall have applied to purchase the same as aforesaid, the Amount of the said annual Rent so ascertained to be thereafter reserved as aforesaid, together with the Amount of Purchase Money, to be by the said Commissioners computed as herein-after mentioned and required, to be paid by the said Tenant or Lessee for the Conveyance or Demise of the said Lands and Premises as aforesaid.

Tenants of Lands vested by this Act in the Commissioners to take like Proceedings.

CXXXIV. And be it further enacted, That whenever any Tenant or Tenants, Lessee or Lessees, holding or who shall at any Time hereafter hold immediately from and under the said Commissioners under this Act any Lands, Premises, or Hereditaments heretofore belonging or which shall hereafter belong to any Bishoprick united or hereafter to be united by virtue of this Act to any other Archbishoprick or Bishoprick, and which Lands, Premises, and Hereditaments, or the Reversion thereof, shall have been transferred to and vested in the said Commissioners by virtue of this Act, shall be desirous of purchasing the Fee Simple and Inheritance of and in the said Lands and Premises, such Tenant or Lessee or Lessees may, in such and the like Manner as herein-before mentioned with respect to Lands and Premises held immediately under any Archbishop or Bishop, notify such his or their Desire to the said Commissioners, who shall and may and they are hereby empowered, by all or any of the Ways and Means aforesaid, to ascertain the Amount of the annual Rent to be reserved and made payable in and by the Deed of Conveyance herein-after mentioned, in the same and the like Manner and according to the like Averages and Proportions, and subject to the like Provisions, as are herein-before mentioned and provided with respect to Lands and Premises held immediately from and under any Archbishop or Bishop as aforesaid; which Rent, when so ascertained by the said Commissioners as aforesaid, shall be the Amount of the annual Rent to be reserved and made payable to the said Commissioners and their Successors in and by such Deed of Conveyance, subject only to such Approval as herein-after mentioned, and to such Variation as may be made in the Amount thereof according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-after mentioned; and the Amount of such Rent, when so ascertained as aforesaid, shall thereupon be notified by a Notice in Writing by the said Commissioners to the Tenant or Lessee who shall have applied to purchase the said Lands and Premises as aforesaid, together with the Amount of Purchase Money, to be computed by the said Commissioners as herein-after mentioned, required to be paid by such Tenant or Lessee for or on account of the Deed of Conveyance of the Lands and Premises so held by him as aforesaid.

CXXXV. Pro-

Terms of proposed Purchase of Perpetuities to be subject to Approval of the Lord Lieutenant.

CXXXV. Provided always, That in each and every Case of such Purchase as aforesaid, before such Purchase shall be completed, the said Commissioners shall and they are hereby required to notify in Writing to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being in Council the Terms and Particulars of such proposed Purchase, the Purchase Money to be paid in respect thereof, and the annual Rent to be thereafter reserved from and out of the said Lands and Premises so to be purchased, together with the Amount of the annual Rent and the average annual Fine for Renewal theretofore payable in respect of the said Lands and Premises, and ascertained as aforesaid; and no such Purchase shall be completed until the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council shall signify his Approval thereof.

On ascertaining Amount of Rent to be reserved, the Commissioners shall grant a Certificate to the Tenant, who shall pay Purchase Money into Bank of Ireland, and thereupon a Conveyance to be executed.

CXXXVI. And be it further enacted, That whenever the Amount of the annual Rent so to be thereafter reserved and made payable for and out of the said Lands and Premises to such Archbishop or Bishop, or other Ecclesiastical Person, and his Successors, or to the said Commissioners under this Act, as the Case may be, shall have been ascertained and determined on by any of the Ways and Means aforesaid, it shall and may be lawful for the said Commissioners under this Act, and they are hereby directed, if so required by such Tenant or Lessee, Tenants or Lessees, by Writing under his or their Hand or Hands so to do, to grant to such Tenant or Lessee, Tenants or Lessees, a Certificate under their Seal, stating the Terms of such Purchase, and the Amount of the said Purchase Money to be paid as aforesaid, and of the annual Rent to be reserved and made payable in and by the said Deed or Deeds of Conveyance herein-after mentioned; which Sum so ascertained and mentioned as such Purchase Money in and by the said Certificate such Tenant or Lessee shall (if he shall think fit to complete such Purchase) pay or cause to be paid into the Bank of *Ireland*, to the Credit of the said Commissioners under this Act, under a distinct and separate Account, to be for that Purpose opened in the Books of the said Bank, to be called the Perpetuity Purchase Fund Account, within the Period of Six Calendar Months after the signing of the said Certificate; and thereupon, if the said Lands and Premises so to be purchased shall, previously to such Purchase, have been transferred to and become vested in the said Commissioners by virtue of the Provisions of this Act, then and in such Case, on the Production to the said Commissioners of the Receipt of the Cashier or Cashiers of the said Bank of *Ireland* for the Amount of such Purchase Money mentioned and specified in and by such Certificate, the said Commissioners shall and they are hereby required, in such Manner as herein-before provided as to the Execution of Deeds by them, to execute, seal, and deliver a Deed of Conveyance to such Tenant or Lessee of the Fee Simple and Inheritance of the said Lands and Premises, when the same shall be tendered for Execution by the said Tenant or Lessee, unto and to the Use of such Tenant or Lessee, his Heirs and Assigns, as he or they shall appoint, subject to such annual Rent as aforesaid; and if the said Lands and Premises so to be purchased shall at the Time of such Purchase belong to or be held under any Archbishop or Bishop or other

other Ecclesiastical Person, then and in such Case on the Production by the said Tenant or Lessee to the said Archbishop or Bishop or other Ecclesiastical Person of the said Notice or Certificate so delivered by the said Commissioners as aforesaid, specifying the Amount of such annual Rent to be reserved and made payable in and by the said Deed of Conveyance, and specifying the Amount of Purchase Money to be paid for such Purchase as aforesaid, and upon Production of such Receipt of the said Cashier or Cashiers for such Purchase Money as aforesaid, such Archbishop or Bishop or other Ecclesiastical Person shall and he and they is and are hereby required and directed to execute, seal, and deliver a Deed of Conveyance of the Fee Simple and Inheritance of the said Lands and Premises to such Tenant or Lessee, when the same shall be tendered for Execution, subject to the annual Rent so ascertained as aforesaid; and if such Archbishop or Bishop or other Ecclesiastical Person shall, on the Production of such Notice or Certificate and Receipt as aforesaid, refuse or neglect to execute such Deed of Conveyance when tendered for Execution as aforesaid, for the Space of Two Calendar Months after such Tender shall have been made as aforesaid, then, upon satisfactory Proof being made to the said Commissioners of such Refusal or Neglect, by Affidavit to be sworn before any Judge, Surrogate, Vicar General, Master or Master Extraordinary in Chancery, or Justice of the Peace, which Affidavit or Oath they are hereby respectively empowered to take or administer, or upon Oath of a credible Witness to be examined by the said Commissioners, it shall and may be lawful for the said Commissioners, and they are hereby empowered and required, to execute, seal, and deliver the said Deed or Deeds of Conveyance in the Name of and on behalf of the said Archbishop or Bishop or other Ecclesiastical Person so refusing or neglecting to execute the same as aforesaid, and to affix the Corporate Seal of the said Commissioners to such Deed or Deeds, and to certify the Cause of their so executing the same by Writing at the Foot of or on the Back of the said Deed or Deeds; and such Execution of the said Deed or Deeds by the said Commissioners shall be as valid and effectual, to all Intents and Purposes whatsoever, as if the said Deed or Deeds had been duly executed by the said Archbishop or Bishop or other Ecclesiastical Person, in pursuance of this Act.

Recitals in Deeds of Conveyance conclusive.

CXXXVII. Provided always, and be it further enatced, That the Recitals in any such Deed of Conveyance shall for all Purposes whatever be deemed conclusive Evidence of the Truth of the Facts therein stated.

The average Price of Corn for Ten Years previous to be inserted in the Conveyance.

CXXXVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby directed, at the Request of either Party, to insert or cause to be inserted in each and every the said Deed or Deeds of Conveyance a Statement of the average Price of Wheat or Oats (whichever of the Two they shall consider as the Corn principally grown in the County or District where such Lands are situate) for the Period of Ten Years immediately preceding the First Day of *May* next before the Service of such Notice by such Tenant or Lessee as aforesaid, calculated upon the Returns

advertized in the *Dublin Gazette* during such Period of Ten Years, which average Price the said Commissioners are hereby required and empowered to calculate and ascertain from such Returns as aforesaid.

A Counterpart to be executed and delivered to the Bishop or the Commissioners.

CXXXIX. Provided always, and be it further enacted, That the said Tenant or Lessee so purchasing the Fee Simple and Inheritance of and in such Lands and Premises as aforesaid shall seal and deliver a Counterpart or Counterparts of such Deed or Deeds of Conveyance, one Part whereof shall be delivered to the said Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, to whom respectively the said annual Rent shall be so reserved and made payable as aforesaid.

Deeds to be enrolled, and Certificate registered.

CXL. And provided also, and be it further enacted, That the said Commissioners, or Archbishop or Bishop or other Ecclesiastical Person, as the Case may be, shall, in every Case of such Purchase, cause such Deed or Deeds of Conveyance to be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* (for which Enrolment a Fee of Two Shillings and Sixpence only shall be demanded or paid); and the said Commissioners shall in every such Case cause a Certificate, specifying the Amount of the annual Rent and of the average Renewal Fine theretofore paid or payable on the several Occasions of renewing the Lease in the said Lands or Premises during such Period as aforesaid, to be registered in the Registry of the Diocese wherein the same shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* along with and annexed to the Enrolment of the said Deed or Deeds; an attested and compared Copy of which Certificate, when enrolled in the said Rolls Office as aforesaid, shall be and be deemed and taken to be conclusive Evidence of the Truth of the several Matters and Things therein contained as aforesaid.

Tenants not entitled to Perpetuity unless in Possession of fully renewed Leases, or unless all Renewal Fines are paid;

Arrears of Rent to be also paid up.

CXLI. Provided always, and be it enacted, That no Tenant or Lessee as aforesaid shall be entitled to have any such Conveyance of the Fee Simple and Inheritance made or granted to him or her, of whose Lease, if holding by Lease for the Term of Twenty-one Years, Twenty Years shall not be then to come and unexpired, or if holding by Lease for the Term of Forty Years, whereof Thirty-nine Years shall not be then to come and unexpired, or if holding by Lease for Twenty-one Years or Three Lives, or for Three Lives, all the Lives named wherein shall not be then in being, unless he or she shall, previous to the Execution of such Deed of Conveyance, pay all and every the Renewal Fines customably paid or payable on and for the Renewal of such Lease; nor shall any such Tenant or Lessee be entitled to such Conveyance of the Fee Simple and Inheritance unless all Rent and Arrears of Rent due upon and reserved by such Lease shall have been fully paid and satisfied.

Applications may be made every Seven Years for Variation of

CXLII. And be it further enacted, That it shall and may be lawful for such Archbishop or Bishop or other Ecclesiastical Person to whom, or the Purchaser, his Heirs, Appointees, or Assigns, by whom, the Rent reserved by the said Deed of Conveyance shall be payable, to make

an Application in Writing to the said Commissioners, at any Time within Four Months after the Expiration of Seven Years, to be computed from the First Day of *May* next preceding the Execution of such Deed of Conveyance as aforesaid, and in like Manner at any Time within Four Months after the Expiration of every subsequent Period of Seven Years, such Periods to be computed each from the Termination of the preceding Period, during the Continuance of such Grant as aforesaid, signifying the Desire of such Archbishop or Bishop or other Ecclesiastical Person, Purchaser, his Heirs, Appointees, or Assigns, to have the average Price of Wheat or Oats for the Seven Years preceding inquired of and ascertained, in order that the annual Rent reserved in and made payable by such Deed of Conveyance may be varied or increased or diminished for the ensuing Seven Years, in proportion to such average Price, of which Application due Notice in Writing shall be given to such Archbishop or Bishop or other Ecclesiastical Person, or such Purchaser, his Heirs, Appointees, or Assigns as aforesaid, as the Case may require; and in Cases in which the said Lands and Premises shall have been vested in and transferred to the said Commissioners, or the said annual Rent shall be payable to them, under the Provisions of this Act, then it shall and may be lawful for the said Commissioners, or such Purchaser, his Heirs, Appointees, or Assigns, at the Times and in the Manner hereinbefore mentioned, during the Continuance of such Grant as aforesaid, to cause a Notice to be served, in Cases of any such Notices by the said Commissioners, upon such Purchaser, his Heirs, Appointees, or Assigns, and in case of any such Notice by such Purchaser, his Heirs, Appointees, or Assigns, then upon the said Commissioners, signifying the Desire of the said Commissioners, or of the said Purchaser, his Heirs, Appointees, or Assigns, as the Case may be, that such average Price of Wheat or Oats for the Seven Years preceding the First Day of *May* next before the Service of such Notice may be taken and ascertained as aforesaid; and thereupon in each and every of such Cases it shall and may be lawful for the said Commissioners to ascertain the average Price of Wheat or Oats for the Term of Seven Years next preceding the First Day of *May* next before such Application or the Service of such Notice, and for that Purpose to nominate and appoint a Person to be Arbitrator for ascertaining the same accordingly; and such Arbitrator is hereby authorized and required, from the *Dublin Gazette*, to ascertain the Price of a Barrel of Wheat or Oats upon the Average of such Term of Seven Years preceding, and to state and set forth such average Price by his Report in Writing under his Hand, to be delivered to the said Commissioners; and if it shall appear that the average Price of Wheat (when Wheat shall be taken as the Measure of such Rent), or that the average Price of Oats (when Oats shall be taken as the Measure of such Rent), for such Seven Years preceding, is more or less by One Tenth than the average Price thereof set forth in the Deed or Deeds of Conveyance, then and in such Case the Amount of such annual Rent to be paid out of or in respect of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, shall be increased or diminished by the said Commissioners in such Manner and

new reserved Rent, according to Increase or Decrease in Price of Corn.

and to such Extent that the Amount of such annual Rent payable for and during the next ensuing Seven Years shall bear the like Proportion to the Amount of the annual Rent reserved and made payable out of the said Lands and Premises in such original Deed of Conveyance of the said Lands and Premises as the average Price of Wheat or Oats ascertained at the Time of such Application shall bear to the average Price thereof set forth in such original Deed of Conveyance; and the said Commissioners under this Act shall thereupon, in Cases where the said annual Rent shall be payable to any such Archbishop or Bishop or other Ecclesiastical Person, grant to such Archbishop or Bishop or other Ecclesiastical Person, Purchaser, his Heirs, Appointees, or Assigns, or, in Cases where the said Rent shall be payable to the said Commissioners, shall, for the Purpose of Registry and Enrolment as herein-after mentioned, execute a Certificate under their Seal, setting forth the Amount of such revised or new annual Rent to be paid and payable out of the said Lands and Premises to such Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners, as the Case may be, and cause Notice of or a Copy of the said Certificate to be given to or served upon such Archbishop or Bishop or other Ecclesiastical Person, and the Person or Persons who shall have purchased the Fee Simple and Inheritance of and in the said Lands and Premises, or to the Person or Persons who shall have become possessed of his or their Estate or Interest therein, and shall also cause such Certificate to be registered in the Registry of the Diocese wherein the said Lands and Premises shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the Enrolment of such Deed of Conveyance; and a Copy of such Enrolment, duly compared and attested, shall be conclusive Evidence of the Amount of such revised and new annual Rent; and such revised and new annual Rent shall be paid to and received by such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners respectively, as the Case may be, for Seven Years from and after the First Day of *May* next before the Service of such Notice, and until such revised and new annual Rent shall afterwards, upon a like Application, be again varied and ascertained according to the average Price of Wheat or Oats during the Term of Seven Years then last past; and the several Parties aforesaid are hereby respectively authorized to make such further Application from Time to Time after the Expiration of every Seven Years, during the Continuance of such Grant, in such and the like Manner and Form as herein-before directed with respect to the first Application; and the Costs, Charges, and Expences of every such Application, and of varying and re-ascertaining the Amount of such annual Rent, shall be defrayed by the Person or Persons who shall make such Application as aforesaid; and any such revised and new annual Rent shall, during the Period when it shall be so in force, stand in the Place of the said original annual Rent reserved and made payable out of the said Lands and Premises upon such Purchase or Conveyance of the said Lands and Premises, and shall be paid and recoverable and charged and chargeable upon the said Lands and Premises, and against the Purchaser, his

his Heirs, Appointees, or Assigns, in like Manner as the said original Rent reserved in and by such Deed of Conveyance, and subject to the same Regulations; and the several Clauses and Provisions hereof shall in every such Case apply as fully and effectually to any such revised and new annual Rent, to all Intents and Purposes, as if such revised and new annual Rent were the annual Rent originally reserved upon such Purchase in and by the Deed or Deeds of Conveyance of the said Lands and Premises as aforesaid: Provided always, that the said Rent so reserved by such original Deed of Conveyance shall continue to be used as the Standard, by reference to which, together with the original Price of Wheat or Oats, the Rent is from Time to Time to be varied as aforesaid: Provided also, that in case any such Archbishop or Bishop or other Ecclesiastical Person, Tenant, Assignee, or Owner of such Lands and Premises purchased as aforesaid, who would respectively be entitled to receive or liable to pay such revised or new annual Rent as aforesaid, shall be dissatisfied with or dispute the Amount of the average Price of Corn so ascertained as aforesaid, or the Amount of any such revised and new annual Rent ascertained as aforesaid, it shall be lawful for such Archbishop or Bishop, or other Ecclesiastical Person, Tenant, Assignee, or Owner of such Lands and Premises, within One Calendar Month after being served with such Notice as aforesaid, to apply by Petition to such Court in such Manner and under and subject to such Regulations and Provisions as hereinafter mentioned with respect to Disputes as to the Amount of any Purchase Money, or any Contribution thereto, or in respect thereof, to be paid by any Tenant, and such Court may vary the Amount of such revised and new Rent as the Case may require; and if the Amount of such revised and new annual Rent shall be varied by the said Court, upon such Petition, from the Amount thereof ascertained by the said Commissioners, then the Amount thereof so ascertained and adjudged by the said Court shall be the annual Rent of the said Lands and Premises for such Period as aforesaid, and subject to the Provisions and Regulations aforesaid as to such revised and new annual Rent, and shall be inserted in such Certificate to be registered and enrolled as aforesaid, instead of the revised and new annual Rent ascertained by the said Commissioners as aforesaid, and stand in the Place of the same to all Intents and Purposes; provided that any Party or Person so petitioning, and failing in such Petition, shall pay all the Costs in relation thereto.

Expences of Bishops and Commissioners to be deducted from Purchase Money.

CXLIII. And be it further enacted, That it shall and may be lawful for the said Commissioners under this Act to deduct and be paid, out of the Amount of such Purchase Money paid for the Purchase of the Fee Simple and Inheritance of and in any such Lands and Premises, such Sum or Sums of Money as shall be necessary for defraying the Costs or Expences necessarily or properly incurred by the said Commissioners, or by such Archbishop or Bishop or other Ecclesiastical Person, in and about or in respect of any such Purchase and Conveyance of the Fee Simple and Inheritance of and in the said Lands and Premises; and upon the Production of a Certificate, signed on behalf of the said Commissioners, specifying the Amount of such Costs and Expences incurred by such Archbishop or Bishop

or other Ecclesiastical Person, or the said Commissioners, it shall and may be lawful for the said Governors and Directors of the said Bank of *Ireland* into whose Hands the said Purchase Money shall have been paid as aforesaid, and they are hereby directed, immediately thereupon, without further Order or Inquiry, to pay out of such Purchase Money to the said Commissioners, for defraying all such Costs and Expences, the Amount so specified in such Certificate; which Payment and Certificate shall be received and allowed to such Governors and Directors of the said Bank of *Ireland*, in the Account of such Purchase Money, as a sufficient Discharge and Acquittance for the Amount thereof.

On Application for Purchase of Perpetuities, Applicant to deposit a Sum to defray Expences of ascertaining Terms, and if he decline the Purchase, the Expences to be deducted therefrom.

CXLIV. And be it enacted, That in all Cases of Applications for the Purchase of Perpetuities under this Act, the Applicant shall deposit or secure in such Manner as the said Ecclesiastical Commissioners shall appoint such Sum of Money as the said Commissioners shall think necessary to defray the Expences which the said Commissioners may incur in ascertaining the Terms of the Purchase for which such Application shall be made; and in case such Applicant shall decline completing such Purchase, such Expences as aforesaid shall be deducted from and out of the Money so deposited or secured, and the Surplus, if any, refunded to such Applicant; and in case such Applicant shall complete such Purchase, the whole Sum so deposited or secured shall be refunded, subject nevertheless to such Award as any Arbitrators appointed under this Act shall make in respect of the Expences of such Arbitration.

Rates of Purchase Money.

CXLV. And be it further enacted, That for the Purpose of ascertaining the respective Amount of Purchase Money to be paid by any such Tenant or Lessee as aforesaid for the Purchase of the Fee Simple and Inheritance of and in any such Lands and Premises as aforesaid, the said Commissioners appointed under this Act shall inquire and ascertain, by the issuing of a Commission, with the like Powers and Authorities and subject to the like Regulations as any other Commission to be issued under this Act, or by such other Ways and Means as to them shall seem fit, the full improved yearly Value of the said Lands and Premises, such full and improved annual Value to be taken and estimated according to the usual and accustomed Mode of ascertaining and estimating the same by the Archbishop or Bishop or other Ecclesiastical Corporation Sole in whose Diocese or Dignity or Promotion such Lands and Premises shall be respectively situate, and shall estimate and compute, according to the best of their Knowledge, Skill, and Ability, the Value of the Fee Simple and Inheritance in such Lands and Premises, subject to the annual Rent to be reserved and made payable thereout by the Deed of Conveyance to be executed in manner herein-before appointed; and having estimated and computed the Value of such Fee Simple and Inheritance, subject to such Rent, the said Commissioners shall deduct therefrom Four Pounds *per Centum* on the Amount thereof, and ascertain and declare the Amount of such Value so reduced; and the said Commissioners shall also estimate and compute the Value of the Interest in such Lands and Premises possessed by such Tenant or Tenants, Lessee or Lessees, under his, her, or their then

then subsisting Lease, and shall determine and declare the Difference between the Value reduced by such Per-centage as aforesaid of such Fee Simple and Inheritance, subject to the Rent aforesaid, and the Value of the Interest possessed under such Lease, which Difference shall be the Amount of Purchase Money to be paid by such Tenant or Tenants, Lessee or Lessees, for the Perpetuity to be acquired under this Act; and the said Commissioners shall insert such Amount in the Certificate of the Terms of such Purchase to be by them granted to such Tenant or Lessee as herein-before provided: Provided always, that in case any such Tenant or Lessee shall be dissatisfied with the Amount of Purchase Money adjudged payable in manner aforesaid by the said Commissioners, the Matter shall be referred to Three Arbitrators, one to be appointed by the said Commissioners, another by such Tenant or Lessee, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after Notice in Writing to be given by such Commissioners, Tenant, or Lessee for that Purpose; and in case of the Death or Incapacity, or Refusal to act of any or either of the said Arbitrators, another shall be appointed in his Stead by the Party by whom or in whose Behalf he was so appointed, or by the said Two Arbitrators appointed by the Parties, as the Case may be, within Ten Days next after Notice thereof; and the said Arbitrators, or any Two of them, shall and are hereby authorized and empowered, by actual Survey or Valuation, or by the Examination of Witnesses upon Oath (which Oath the said Arbitrators are hereby empowered to administer), and by such other Ways and Means as they shall think proper, to compute, estimate, and determine, in like Manner as the said Commissioners are herein-before directed, the Amount of Purchase Money payable for the Perpetuity to be acquired under this Act, and to make their Award therein by Writing under their Hands and Seals, or under the Hands and Seals of any Two of them; and such Award shall be binding upon the said Commissioners, and they shall amend accordingly the Certificate of the Terms of the Purchase to be by them granted to such Tenant or Lessee, or grant a new Certificate in lieu thereof; and the Expences of such Arbitration shall be borne by the said Commissioners, or by the said Tenant or Tenants or Lessee or Lessees, as such Arbitrators shall direct.

Remedies for Recovery of reserved Rents.

CXLVI. And be it further enacted, That the said annual Rent so reserved and made payable by any such Tenant or Lessee or Grantee out of or in respect of any such Lands and Premises, in any such Deed or Deeds of Conveyance thereof as aforesaid, and every such revised and new annual Rent as aforesaid, shall be recovered and recoverable by any such Archbishop or Bishop or other Ecclesiastical Person, and his Successors, or by the said Commissioners and their Successors, as the Case may be, by all or any of the Ways, Means, or Remedies which, according to any Law or Statute now in force in *Ireland* or hereafter to be made, is or are or shall be provided for the Recovery of any Rent Service upon any Lease for Life or for Years executed by any Landlord or Person seised in Fee Simple, and subject to all the like Rules and Regulations by Statute or otherwise, any Law, Usage, or Custom to the contrary notwithstanding: Provided always, that if in any Action of Ejectment to be brought on account of the Nonpayment of any such annual

annual Rent, pursuant to the Statutes in force in *Ireland* as to Nonpayment of Rent, Judgment shall be had and given for the Plaintiff in such Action, and Execution shall have been executed, and such Tenant, Lessee, or Grantee who shall have so purchased the Fee Simple and Inheritance as aforesaid of and in such Lands and Premises, his Assignee or Assignees, or the Person or Persons who shall be then entitled to his Estate or Interest therein, shall not, within Six Months from the Time of such Execution executed, do such Act or Acts or take such Proceedings as are or shall be by Law necessary for the Redemption of the said Lands and Premises from the said Judgment and Execution, pursuant to the said Statutes, then and in every such Case it shall and may be lawful for any Tenant, Under-tenant, or Owner of any derivative Lease, Estate, or Interest in the said Lands and Premises, who shall have contributed to the Purchase of the Fee Simple and Inheritance as aforesaid, his Assignee or Assignees, within Nine Months after such Execution executed, to do such Act or Acts or take such Proceedings for the Redemption of the said Lands and Premises from the said Judgment and Execution, and for obtaining Relief in respect of the same, as under the said recited Statutes any Mortgagee of a Lease might do or take for the Redemption of the said Lease, or his Estate or Interest therein, from any Judgment and Execution in any Action of Ejectment for Nonpayment of Rent, pursuant to the said Statutes, and for obtaining Relief in respect of the same, and with the like Effect to all Intents and Purposes; and after such Redemption the Sum or Sums of Money so paid or advanced for or on account of such Redemption, and the Costs thereof, shall be and be deemed a Lien and Charge upon such Estate or Interest of such Tenant or Person so failing or neglecting to pay the same, or to take such Proceedings for such Redemption as aforesaid, and shall be payable, with Interest, to such Person who shall have so paid or advanced such Sum or Sums or obtained such Redemption, or the same shall be recoverable by him (at his Election) from such Person so failing or neglecting as aforesaid, in and by any Action of Debt.

Upon Application of Owner, the Archbishop, &c. may apportion the yearly Rent then charged on Lands on Parts of such Lands only.

CXLVII. And be it further enacted, That it shall and may be lawful for any Owner, his Heirs, Appointees, or Assigns, at any Time after the passing of this Act, upon a Division of the Lands or Premises held by him or them, either by Sale or otherwise (except by Lease or Demise at Rack Rent), to make an Application in Writing to any Archbishop or Bishop or other Ecclesiastical Person under whom he or they shall then hold the said Lands or Premises, or to the Commissioners under this Act in case the said Lands and Premises shall have been vested in and transferred to the said Commissioners, signifying the Desire of such Applicant that the yearly Rent or Rents then charged or to be charged on the said Lands and Premises by such Deed of Conveyance as aforesaid shall be divided and apportioned upon Parts of the said Lands and Premises only; and thereupon in each and every such Case such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, as the Case may be, shall and he or they is and are hereby authorized and required to divide or apportion the Whole

Whole or any Part of the said yearly Rent or Rents as aforesaid in such Manner and Proportions as by such Application may be required, Regard being had to the Security of the several Parts or Proportions of the said yearly Rent or Rents; and in case of any Disagreement in respect of such Apportionment, then the same shall be made by One or more Valuators, to be in all Cases nominated by the said Commissioners; and the Expence of such Apportionment shall be in all Cases defrayed by the Party applying for the same; and such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, or, in case of such Disagreement as aforesaid, such Valuator or Valuators, shall declare what Parts and Proportions of the said yearly Rent or Rents respectively shall in future be severally charged upon any Part or Parts of the said Lands and Premises, and shall state the Names and Denominations, the Number of Acres, and the Metes and Bounds of each Portion, and the Amount of Rent to be reserved and made payable out of each such Portion respectively; and after every such Apportionment the yearly Rents or Sums so apportioned shall be reserved and be made and be payable in such Parts and Proportions, and chargeable only upon such Proportions of the said Lands and Premises as shall be so declared to be liable to the Payment thereof respectively; and in case the said Apportionment shall be made before the Execution of a Conveyance of the Fee Simple and Inheritance, pursuant to this Act, then and in every such Case it shall and may be lawful for such Archbishop or Bishop, or for the said Commissioners, to execute separate Conveyances, in the Manner herein-before directed for executing Conveyances, of each such Part or Proportion of the said Lands and Premises, subject only to the proportionate Rent payable in respect thereof; and in case a Conveyance shall have been made or executed by such Archbishop or Bishop, or the said Commissioners, of the said Lands and Premises, then and in every such Case the said Archbishop or Bishop, or the said Commissioners, shall execute, under his or their respective Seal, a Certificate setting forth the said Apportionment, and the Amount of the Rent to be charged or chargeable upon each Portion of the said Lands and Premises, and shall cause the same to be registered in the Registry of the Diocese wherein the said Lands and Premises shall be situate, and also to be enrolled in the Rolls Office of the High Court of Chancery along with and annexed to the Enrolment of the Deed of Conveyance of such Lands and Premises as aforesaid; and after such Registry and Enrolment of such Certificate the said Lands and Premises shall thenceforward stand and be charged and chargeable with the said yearly Rent or Sums in such Parts and Proportions only and in such Manner as shall be specified in such Certificate; and a Copy of such Enrolment, duly compared and attested, shall be conclusive Evidence of the Amount of Rent with which each respective Portion of the said Lands and Premises stands charged and chargeable.

Lands comprised in new Conveyances to be settled to former Uses.

CXLVIII. And be it further enacted, That immediately upon the Execution of such Deed of Conveyance as aforesaid of the said Lands and Premises, under the Provisions of this Act, the said Lands and Premises in the said Deed of Conveyance mentioned, and the

Estates or Interests thereby so granted, shall thereupon respectively go to and be vested in, settled upon, and enjoyed by the same Person or Persons, for the like Estate, Estates, or Interests, and to and upon the same Uses, Trusts, Intents, and Purposes respectively, (or as near thereto as the Nature of each Case and the Difference of Interest will admit,) as the said Lands and Premises stood settled or limited to, for, or upon, or such of them as at the Time of making such Conveyance shall be existing undetermined and capable of taking effect: Provided always, that the Execution of such Deed of Conveyance as aforesaid shall operate as and be and be deemed to be, to all Intents and Purposes, a Surrender of all and every the then previously subsisting Term or Terms of Years, Estate, or Interest in the said Lands and Premises derived from or under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, as the Case may be; and the same and every of them shall thenceforth cease, determine, and be for ever extinguished.

Tenant acquiring Perpetuity shall renew to inferior Tenants when bound by toties quoties Covenant.

CXLIX. And be it further enacted, That whenever any such Tenant or Lessee who shall have purchased and acquired as aforesaid the Fee Simple and Inheritance of and in such Lands and Premises previously held by him as immediate and superior Tenant under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners appointed under this Act, shall, by virtue of any Lease, Covenant, or Contract theretofore made or entered into, be bound to renew to any other Person or Persons any Lease of any such Lands and Premises, either as often as such Archbishop or Bishop or other Ecclesiastical Person respectively shall renew the Lease of such Lands and Premises to him such immediate superior Tenant, or in any other Manner, then and in every such Case the Conveyance of the Fee Simple as aforesaid of and in the said Lands and Premises as aforesaid to such immediate and superior Tenant (or the Payment from Time to Time of the annual Rent out of the said Lands and Premises to the said Archbishop or Bishop or other Ecclesiastical Person, or to the said Commissioners respectively,) shall (so long as the said Estate or Interest thereby granted shall continue) in all Courts of Law and Equity, and to all Intents and Purposes whatsoever, as to such under Tenant or inferior Tenant, or Person or Persons having any such derivative Estate or Interest, and being entitled to the Benefit of such Covenant or Contract for Renewal, and as to all other derivative Estates or Interests in the said Lands and Premises dependent upon such Covenant, Contract, or Agreement for Renewal, be and be deemed, taken, and construed to be a Renewal by such Archbishop or Bishop or other Ecclesiastical Person, or otherwise, from Time to Time of the Lease of such immediate and superior Tenant, for the Purposes of and within the true Intent and Meaning of such Covenant, Contract, or Agreement for Renewal as aforesaid.

Contribution of inferior Tenants, how ascertained.

CL. And be it further enacted, That when the Fine to be paid upon the Execution of any such Renewal as before mentioned shall have been, by such Covenant, Contract, or Agreement for Renewal, agreed to be a certain or ascertained Proportion of or dependent upon the Amount of the Renewal Fine to be paid by the immediate

immediate superior Tenant of such Lands to such Archbishop or Bishop or other Ecclesiastical Person as aforesaid, then and in such Case, upon and after the Completion of such Purchase of the Fee Simple of and in the said Lands and Premises as aforesaid, the Amount of such Proportion of such Renewal Fine payable by such under or inferior Tenant shall be ascertained by reference to the Amount of the average Renewal Fine payable previously to the said Purchase, as appearing in the Certificate of the said Commissioners appointed under this Act, registered in the Registry of the Diocese, and enrolled in the Rolls Office of the Court of Chancery as aforesaid, ascertaining the Amount of the average Renewal Fine payable by the immediate superior Tenant of the said Lands previously to such Purchase and Sale of the Fee Simple and Inheritance therein as aforesaid, and in no other Manner whatsoever.

Fine for Renewal to be ascertained according to average Price of Wheat or Oats.

CLI. Provided always, and be it further enacted, That such Fine to be paid upon the Execution of any such Renewal as aforesaid shall be subject to such Variation as may be made in the Amount thereof according to the Price of Wheat or Oats in any Period of Seven Years, according to the Provisions herein-before contained, such Variation to be applied for and ascertained in the like Manner, and subject to like Regulations, so far as the same are applicable, as herein-before provided in respect of the Variation of the new Rents to be reserved under this Act.

Persons having derivative Estates shall contribute towards Purchase Money.

CLII. And whereas such Purchase of the Fee Simple and Inheritance of and in such Lands by such immediate superior Tenant of such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, will, pursuant to the Provisions hereof, enure to the Benefit of all Persons having derivative Estates or Interests in the said Lands by virtue of Leases containing Covenants or Contracts for Renewal, and it is just that all Persons having such derivative Interests and claiming the Benefit of the Provisions of this Act should contribute to the Expence of such Purchase; be it therefore enacted, That whenever any such Tenant of such Lands, holding the same immediately from and under such Archbishop or Bishop or other Ecclesiastical Person, or the said Commissioners, shall have purchased the Fee Simple and Inheritance as aforesaid of and in the said Lands and Premises at a certain Rate of Purchase Money as aforesaid, pursuant to the Provisions of this Act, and shall, after completing such Purchase, be bound, under the Provisions of this Act, or otherwise, to renew any Lease or Leases of any of the said Lands and Premises to any under or inferior Tenant, or any other Person or Persons, all and every such Person and Persons having any derivative Estate or Interest in the said Lands and Premises immediately or mediately from, through, or under such immediate superior Tenant who shall have made such Purchase as aforesaid, shall respectively contribute towards the Amount of the Purchase Money thereof, or towards reimbursing and paying of a Proportion of the same, each to his own next immediate Landlord, according to the Value of their respective Interests, in manner following; that is to say, it shall and may be lawful for such immediate superior Tenant who shall have made such Purchase as aforesaid, his Executors and Administrators, by Notice

in

in Writing, to call upon and require all and every such his under or inferior Tenant or Tenants, or Persons holding immediately from or under him, as shall be entitled to any Estate or Interest in any of such Lands and Premises by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal of such Estate or Interest, to contribute respectively towards such Purchase Money in proportion to the Value of his or their respective Estate or Interest in the said Lands and Premises, or any of them; and in like Manner it shall and may be lawful for any such under or inferior Tenant or Person holding the said Lands and Premises, or any of them, upon being served with such Notice requiring from him such Contribution as aforesaid, by Notice in Writing to call upon and require all and every under or inferior Tenant, or Person or Persons holding immediately from or under him respectively any of such Lands and Premises, by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal, to contribute, in proportion to the Value of his or their respective Interest, towards such Sum of Money to be paid as such Contribution as aforesaid by such his or their next immediate Landlord; and so in like Manner every under or inferior Tenant of or Person holding any of such Lands and Premises, upon being so called upon for any such Contribution as aforesaid, may and is hereby empowered, by Service of a Notice in Writing, to require a Contribution in like Manner from any Tenant or Person holding under him or them respectively under by virtue of any Lease or Contract containing any Covenant or Agreement for Renewal.

Disputes between superior Tenants and others, how to be determined.

CLIII. And be it further enacted, That it shall and may be lawful for any such immediate superior Tenant of the said Lands under such Archbishop or Bishop or other Ecclesiastical Persons, or the said Commissioners, as the Case may be, or for any under or inferior Tenant or other Person as aforesaid having or claiming any derivative Estate or Interest in any of the said Lands and Premises immediately or mediately from, through, or under such superior Tenant, under or by virtue of any Lease or Contract containing a Covenant or Agreement for Renewal, in case any Dispute or Difference shall arise between them or any of them respectively as to the Sum of Money to be paid by any such inferior Tenant to any such his next immediate Landlord or the Person from whom he holds the said Lands, or any of them, as and for a Contribution towards such Purchase Money as aforesaid, or towards reimbursing to such his next immediate Landlord or Person from whom he holds as aforesaid a Proportion of the Sums of Money paid or payable by such his next immediate Landlord as and for a Contribution in respect of such Purchase as aforesaid, or in case during the Period of Six Calendar Months from the Service of any such Notice as last aforesaid there shall be an Omission or Neglect by any of such Parties or Persons to agree with respect to any such Contribution, or in case within such Time no Agreement shall be made with respect to the same, or in case any such Dispute shall arise respecting any Mortgage or Sale of any Land or Premises for raising any Contribution Money or Part thereof, or respecting the Variation of any Fine, as herein-after provided, according to the Price of Wheat or Oats, or respecting the Reservation of any additional and increased annual Rent to be reserved

reserved in lieu or stead of any Contribution under the Provisions herein-after contained, in any of such Cases to present a Petition to the High Court of Chancery or Court of Exchequer in *Ireland*, stating the Premises respectively as the Case may be, and praying the proper or necessary Relief in relation to the said Matters; whereupon it shall and may be lawful for such Court, without requiring Proof of any Notice of such Petition being given to or served upon any Person or Persons, to make an Order referring the Matter of such Petition to one of the Masters of the Court of Chancery, or to the Chief Remembrancer of the Court of Exchequer, as the Case may be, directing such Master or Chief Remembrancer to inquire and report concerning the said Matters or any of them, as such Court shall direct; and thereupon it shall and may be lawful for the said Master or Chief Remembrancer, as the Case may be, to summon before him any of the said Parties, or any Person or Persons, and to examine him or them, upon Oath, respecting any of the Matters so referred to him, and upon Appearance of, or Proof of Service of Notice of such Petition and Order upon, any such Person or Persons to be affected by such Petition, to inquire and make his Report concerning the said Matters so referred to him, as in other Cases of References to any such Master or Chief Remembrancer under the Orders of such respective Courts; to which Report of such Master or Chief Remembrancer it shall be lawful for any of the said Parties to the said Petition or to be affected by it to take an Exception or Exceptions as in other Cases of Exceptions taken to any Reports of such Master or Chief Remembrancer; and upon the Hearing of such Report when not excepted to, or upon the Hearing of such Exceptions to such Report when any such shall have been taken thereto, it shall and may be lawful for such Court to make such Order for the Payment of such Sum or Sums of Money by such Person or Persons as shall be found to be chargeable with the same by such Report, or of such Sum or Sums of Money by such Person or Persons as, upon Exceptions taken to such Report, the said Court shall deem to be properly chargeable with the same, to be paid within Three Calendar Months from the Time of Service of such Order of the said Court, in such Manner as such Court shall think fit, or such other Order as the said Court shall think fit; and such Order of such Court shall be final and conclusive, and without any Appeal therefrom; and the said Court may order the Costs of any such Proceedings in relation to the said Petition to be paid by or to any of the said Parties respectively, as the said Court shall think fit, which said Order or Orders shall and may be served either in the Manner herein-after provided, or in such other Manner as the said Court shall think fit to direct: Provided always, that it shall and may be lawful for any such immediate superior Tenant of such Lands and Premises, if he shall so think fit, to make all the Tenants or Persons having or claiming any derivative Estate or Interest in the said Lands, whether immediately or mediately from, through, or under him by virtue of any Covenant for Renewal, Parties to any such Petition, for the Purpose of having all the Sums of Money payable by or chargeable upon all and every of such Persons in respect of any such Contribution simultaneously ascertained.

Persons having derivative Estates, and failing to pay Contribution, shall forfeit Right of Renewal.

CLIV. And be it further enacted, That if any such Person or Persons having or claiming any such derivative Estate or Interest in such Lands and Premises by virtue of any Lease or Contract containing any such Covenant or Agreement for Renewal, having been served with any such Notice calling on him or them for any such Contribution as aforesaid, shall by Writing decline or refuse to take or accept a Renewal of such Estate or Interest, subject to the Provisions of this Act, or who being so served with any such Order of such Court as aforesaid shall neglect or refuse to comply with the Terms of such Order for or during the Period of Three Calendar Months from the Time of the Service of such Order as aforesaid, every such Person so declining or refusing to take or accept such Renewal as aforesaid, or neglecting or refusing to comply with such Order as aforesaid, his or their Heirs, Executors, Administrators, and Assigns, and all other Persons claiming under him, or claiming any Benefit or Interest under any such respective Lease or Contract containing such Covenant or Agreement for Renewal, shall for ever thereafter be barred of and from all Right, Benefit, and Advantage, in Law or Equity, in, of, and from such Covenant or Agreement for Renewal, or to obtain any new Lease of the said Lands and Premises respectively; and every such Person or Persons, his or their Heirs, Executors, Administrators, and Assigns, and all Persons claiming any Benefit of such respective Covenant or Agreement for Renewal, shall be thenceforth for ever barred from all Relief in any Court of Law or Equity in respect of any such Covenant or Agreement for Renewal: Provided always, that any such Order of any such Court as aforesaid shall and may be enforced by any of the Ways or Means by which any Order pronounced by such Court in any Suit in Equity upon a Bill filed may be enforced, save only as against any Person or Persons who, being entitled to any such derivative Estate or Interest as aforesaid, shall have, by Notice in Writing, declined or refused to take or accept any Renewal of such Estate or Interest.

Tenants enabled to mortgage, in order to raise Purchase Money; or to give a Mortgage in lieu of Money.

CLV. And be it further enacted, That whenever it shall happen that any immediate and superior Tenant of such Lands, or any other Tenant or Person having any derivative Estate or Interest in such Lands and Premises immediately or mediately from, through, or under any such immediate superior Tenant of such Lands, (other than and except Tenants at Rack Rent for Years, or from Year to Year, or at Will,) shall be unable or unwilling to pay or advance such Sum or Sums of Money as shall be ascertained, agreed, or adjudged as aforesaid to be payable by any such Person or Persons respectively for or on account of such Purchase Money or Contribution in respect of such Purchase Money as aforesaid, it shall and may be lawful for any of such Persons, in lieu of paying or advancing any such Sum or Sums of Money respectively, or the whole Amount thereof respectively, to grant to the Person or Persons respectively entitled to receive any such Sum or Sums of Money, or to any other Person or Persons who shall be willing to advance such Sum or Sums of Money, a Mortgage of the said Lands and Premises so held or possessed by him or them respectively, or of their respective Estate or Interest therein, (subject nevertheless to such annual Rent as aforesaid,

said, and to any Head Rent payable thereout,) for securing the Payment of such Sum or Sums of Money so to be paid by him or them respectively, with Interest thereon at the Rate of Five Pounds by the One hundred Pounds Sterling for a Year, or for securing the Payment of so much of such Sum or Sums of Money as shall not be paid or advanced; or (for the Purpose of paying and satisfying such Sum or Sums of Money, or raising Money to pay and satisfy the same,) to sell and convey to such Person or Persons respectively entitled to receive such Sum or Sums of Money, or to any other Person or Persons who shall be willing to advance such Sum or Sums of Money upon the Purchase thereof, and to their respective Heirs, Executors, Administrators, and Assigns, such Part or Parts of such Lands and Premises belonging to them respectively, or his or their respective Estate or Interest therein, (subject to such annual Rent as aforesaid, and to any Head Rent payable thereout,) as shall be equivalent in Value to such Sum or Sums of Money so to be paid, or to such Portion thereof as shall not be paid or advanced; and any such Mortgage, Sale, or Conveyance of any such Lands and Premises, or of any Estate or Interest therein, granted, made, or executed in manner and for the Purposes aforesaid, and when the Money (if any) raised thereby shall have been applied to the Purposes aforesaid, shall (subject always to such annual Rent as aforesaid, and to any such Head Rent as aforesaid,) have Priority and Precedence in Law and Equity, as against such granting and executing Party, and all Persons claiming the same Estate or Interest, or claiming from, through, or under or after him, over all other Charges and Incumbrances or Estates affecting the said Lands and Premises so mortgaged, sold, or conveyed, or affecting the Estate and Interest therein of the Person or Persons so granting such Mortgage or executing such Sale or Conveyance; and if any such Mortgage, Sale, or Conveyance shall be made for the Purposes aforesaid by any such immediate and superior Tenant of such Lands, in lieu of Payment of such Purchase Money as aforesaid, the same shall be made or executed to or to the Use of His Majesty, His Heirs and Successors, or to any Commissioners or Persons by him or them appointed, to the Use of His Majesty, His Heirs and Successors: Provided always, that the Title of any of such Lands and Premises, when so mortgaged, sold, or conveyed to His Majesty, His Heirs or Successors, shall not be impeached by reason of any Defect therein whatsoever: Provided also, that if any such Mortgage, Sale, or Conveyance as herein-before mentioned shall have been made or executed to the Person or Persons respectively entitled to receive any such Contribution in respect of any such Purchase Money as aforesaid, the granting, making, and executing the same shall be deemed a sufficient Compliance with any Order of any such Court for Payment of any such Contribution by the Person or Persons making or executing such Mortgage, Sale, or Conveyance as aforesaid, any thing herein contained to the contrary notwithstanding.

Inferior Tenants authorized to bind themselves to pay an increased Rent instead of Contribution

CLVI. And be it further enacted, That whenever any under or inferior Tenant, or Person or Persons having or holding any derivative Estate or Interest immediately or mediately from, through, or under any such immediate and superior Tenant of the said Lands, by virtue of a Lease or Instrument containing a Covenant or Agreement for Renewal,

Renewal, shall be unable or unwilling to pay or advance either the Whole or a certain Portion of such Sum of Money as shall be agreed or ascertained or adjudged as aforesaid to be payable by him or them respectively for such Contribution in respect of such Purchase as aforesaid, it shall and may be lawful for the Tenant or Tenants, Owner or Owners of such derivative Estate or Interest, at his or their Election, (in lieu of paying or advancing such Sum or Sums of Money for such Contribution, and in lieu of mortgaging or selling a Portion of such Lands and Premises, or his Estate or Interest therein as aforesaid,) to bind himself, his Heirs, Executors, Administrators, and Assigns, to pay for such Lands and Premises so held by him, to his next immediate Landlord, or to the Person or Persons from or under whom he immediately holds the same, an additional annual Rent over and above the annual Rent to be otherwise reserved, payable by him or them for or in respect of the said Lands and Premises, such additional annual Rent to be equal in Amount to the annual legal Interest, at the Rate of Six Pounds *per Centum* for a Year, of such Principal Sum of Money as shall be so ascertained or agreed or adjudged to be paid by such Tenant or Owner of such derivative Estate or Interest for or in respect of such Contribution as aforesaid, or of such Part of such Principal Sum as shall not have been paid or advanced; and in such Case it shall and may be lawful for such Tenant or Owner of such derivative Estate or Interest to give to his next immediate Landlord, or the Person or Persons from or under whom he immediately holds the said Lands and Premises, a Notice in Writing, stating such his Election to pay such additional annual Rent as aforesaid, in lieu of paying or advancing the Amount of such Contribution Money or a certain Portion thereof.

Such Rents to be a Charge on Tenant's Interest, but liable to Redemption.

CLVII. Provided always, and be it further enacted, That from the Time of giving such Notice as last aforesaid the said Lands and Premises or Estate and Interest so held by such under or inferior Tenant or Owner of such derivative Estate or Interest, and such under or inferior Tenant or Owner thereof, his Heirs, Executors, Administrators, and Assigns, shall be thenceforth, during the Continuance of such Estate or Interest, or any Renewal thereof, save as herein-after mentioned, charged and chargeable with such additional annual Rent, over and above any other annual Rent payable by him or them to such his or their next immediate Landlord, or to the Person or Persons from or under whom he or they shall hold the said Lands and Premises, such additional annual Rent to be paid at the same Times, in the same Manner, and to such and the same Persons, and to be recoverable by all the Ways, Means, and Remedies, and subject to the same Rules and Regulations, as if the same were Part of and added to such annual Rent as aforesaid before payable, and had been made payable and reserved in and by the Deed or Instrument of Renewal executed or to be executed as aforesaid to such under or inferior Tenant or Owner as aforesaid; the first Gale of such additional Rent to be paid on the first Gale Day for Payment of such other Rent next after the giving of such Notice; provided that the making of such Election, and the giving of such Notice, and the Payment of such additional Rent by such under or inferior Tenant or Owner of such derivative Estate or Interest,

Interest, shall be deemed and taken to be a sufficient Compliance with any Order as herein-before mentioned to be made by the Court of Chancery or Court of Exchequer for the Payment of such Contribution Money as aforesaid by such Tenant or Owner of such derivative Estate or Interest: Provided also, that it shall and may be lawful for such under or inferior Tenant or Owner of such derivative Estate or Interest, having served such Notice as last aforesaid, and being liable to the Payment of such last-mentioned additional Rent, to redeem the Whole or any Portion of such additional Rent, by paying at any Time thereafter to such his next immediate Landlord of the said Lands and Premises, his Executors or Administrators, or Assigns, the Whole or any Portion of such Contribution Money payable in respect of such derivative Estate or Interest, in manner following; (that is to say,) that from such Time when the Whole or a Portion of such Contribution Money shall be so paid as last aforesaid, the Whole or so much of such additional Rent as shall be equivalent to the Interest of such Sum of Money so paid, at the Rate of Six Pounds *per Centum* for a Year, shall cease and determine; and the Owner of such derivative Estate or Interest, and his Assigns, and such Lands and Premises so held by him or them, shall from the Time of such Payment cease to be liable to the Payment of the Whole or of such Portion of the said additional Rent, as the Case may be.

Tenants for Life or other limited Interest shall be first Incumbrancers for Monies advanced by them.

CLVIII. And be it further enacted, That if any Person, who by reason of being possessed of an Estate or Interest in such Lands, shall become liable to pay any Part of such Purchase Money required for the Purchase of the Fee Simple and Inheritance of and in such Lands and Premises, or such Contribution Money in respect of such Purchase as aforesaid, and shall have paid or advanced the same or such Portion thereof as he was liable to pay as aforesaid, shall, by virtue of any Deed, Will, Instrument, Contract, or otherwise, be seised or possessed of or entitled to only a limited Interest as Tenant for Life, or other like limited Interest, in such Lands and Premises, or in such Estate or Interest therein, the Executors and Administrators of any such Tenant for Life or Person having such like limited Interest, having so paid or advanced any such Purchase Money or Contribution Money in respect of such Purchase, shall after his Death, as against all Persons claiming any Charge, Incumbrance, or Estate in or upon such derivative Estate or Interest, be the first Incumbrancer or Incumbrancers upon, and have the first Charge or Lien upon, such Estate or Interest in such Lands and Premises, (saving always such annual Rent as aforesaid payable to such Archbishop or Bishop or other Ecclesiastical Persons, or the said Commissioners, or other Head Rent payable out of the same,) for the Amount of such Sum of Money so paid by him, together with legal Interest thereon from the Time of the Decease of such Tenant for Life or Person having such like limited Interest: Provided nevertheless, that if any Part of such Principal Sum of Money so paid and advanced by such Person shall be repaid or refunded to such Person having such limited Interest, his Executors or Administrators, by any under or inferior Tenant of the said Lands and Premises, by way of Contribution in respect of any such Purchase

under the Provisions thereof, such Charge, Lien, or Incumbrance shall be reduced by the Amount of the Sum so refunded or repaid as aforesaid.

Provision for Cases of incapacitated Persons and those under Disability.

CLIX. And be it further enacted, That for the Purpose of raising such Purchase Money or Contribution Money in respect of such Purchase as aforesaid, it shall and may be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, and all Guilds, Fraternities, and Brotherhoods, whether Corporate or not Corporate, and all Trustees for Charities or other public Purposes, and all Joint Stock Companies, who are or shall be possessed of any Estate or Interest in any such Lands or Premises belonging to the See or other Spiritual Promotion or Dignity of any Archbishop or Bishop, or other Ecclesiastical Persons, and also for any Committee or Curator of any Idiot or Lunatic, or of any Person *non compos mentis*, and for any Guardian of any Infant, or for any Person authorized to act for any incapacitated Person, (which Idiot, Lunatic, *non compos mentis*, Infant, or incapacitated Person shall be possessed of or entitled to any Estate or Interest in any of the said Lands and Premises,) in the same Manner as such Persons might have done if not under any Incapacity, and also for all Trustees of any such Lands and Premises on behalf of the Persons for whom they shall be Trustees, and also for all Persons having a limited Interest in Possession in any of such Lands and Premises as Tenants for Life, or such like limited Estate, to contract or agree respectively as to the Amount of any Purchase Money or Contribution Money in respect of such Purchase to be paid as herein-before mentioned in respect of any such respective Lands and Premises, and to apply to or appear before any of the said Courts as Parties to any such Petition or Proceedings as herein-before mentioned, and to comply with and perform the Orders of any of the said Courts respecting any such Contribution Money or other Matters; and (for the Purpose of performing any such Order, or for raising any such Purchase Money or Contribution Money, or for doing or performing such other Matters or Things as shall in such respective Cases be necessary or proper under the Provisions of this Act) also to make or execute any such Sale or Mortgage of the Whole or a Portion of such respective Lands and Premises, or such respective Interests or Estates therein as shall be necessary or proper in each such Case; and also to agree for or cause to be reserved or recoverable out of such respective Lands and Premises, or such respective Estates or Interests, such additional annual Rent as aforesaid as may be necessary or proper under the Provisions of this Act, in lieu of Payment of any such Contribution Money; and also to make, do, or execute all other Matters, Acts, and Things necessary or proper for the due Performance of any of the said respective Acts, or for complying with the Provisions or executing the Powers hereof in any respect, as to any such Lands, in the same or in like Manner, as nearly as the Nature of each Case will admit, as fully and effectually, to all Intents and Purposes, and subject to all the same Rules and Regulations, as, under the Provisions hereof, any Person of full Age, being solely or absolutely possessed of or entitled for his own Use to any Lease of any such Lands, or any derivative Estate or Interest therein, might or could make, do, or execute the same or any of them

them under the Provisions of this Act; and that whenever in any of the Provisions of this Act relating to any such Lands, in describing any Tenant, Landlord, or other Person, a Word importing the Singular Number or the Masculine Gender only be used, the same shall be understood to include and be applied to several Persons as well as One Person, and Females as well as Males, and to such Bodies Politic, Corporate, or Collegiate as aforesaid, and to such Corporations Aggregate or Sole, Guilds, Fraternities, or Brotherhoods, Corporate or not Corporate, Trustees for Charities or other public Purposes, and Trustees for any Person or Persons, as well as to Individuals; and that the Word "Landlord" shall extend as well to any Person or Persons, Body Corporate, Politic, or Collegiate, or other Body of Persons entitled to receive any Rent out of any of such Lands and Premises, as to Persons usually or legally designated by such Word; and that the Word "Tenant" shall extend as well to any Person or Persons, Body Politic, Corporate, or Collegiate, or other Body of Persons, who shall be bound to pay any Rent out of any of such Lands and Premises, as to Persons usually or legally designated by such Word, unless in any of the foregoing Cases there be something in the Subject or Context repugnant to such Construction.

Definition of Terms in this Act

CLX. And be it further enacted, That while and so long as any Tenant or Tenants, Lessee or Lessees, holding, or who shall at any Time hereafter hold immediately from and under the said Commissioners under this Act, any Lands, Premises, or Hereditaments heretofore belonging or which shall hereafter belong to any Bishoprick united or hereafter to be united to any other Archbishoprick or Bishoprick, and which Lands, Premises, and Hereditaments, or the Reversion thereof, shall have been transferred to and vested in the said Commissioners by virtue of this Act, shall be desirous of holding such Lands, Tenements, and Hereditaments by the like Tenure as the same have been theretofore holden by, and shall from Time to Time, at such Periods as the Lease in such Lands, Tenements, or Hereditaments may have been theretofore usually renewed, or ought to be renewed according to the customary Manner of renewing the same, or within Six Months thereafter, apply for a Renewal of such Lease, the said Commissioners under this Act shall and may accept a Surrender of the then subsisting Lease, and shall and are hereby required to demise anew the Lands, Tenements, or Hereditaments therein contained for such like Term or Interest as may have been granted therein by the Lease so surrendered, reserving by such new Lease the annual Rent or Rents theretofore reserved out of the said Lands, Premises, and Hereditaments by the Lease so surrendered, and receiving for and in consideration of making such new Lease Payment 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 the Renewal of the Lease or Interest in such Lands, Tenements, and Hereditaments, such annual Rent or Rents and average Amount of such Renewal Fines to be ascertained by all such and the like Means as herein-before provided for ascertaining the same in the Case of Applications for the Purchase of Perpetuities under this Act.

For the Renewal of Leases held under Sees whereof the Temporalities may be vested in the Commissioners under this Act.

CLXI. Pro-

Where renewed Leases appear to Commissioners to be of greater or lesser Value, Allowance to be made accordingly. If any Difference arise thereupon, the same shall be referred to Arbitration.

CLXI. Provided always, and be it enacted, That in case the Value of any new Lease or Interest so to be granted as aforesaid shall at any Time appear to the said Commissioners to be increased or diminished in any Manner whatsoever, it shall and may be lawful for the said Commissioners to accept or require such greater or lesser Renewal Fine or Fines as in their Judgment may be just and reasonable with regard to such increased or diminished Value: Provided nevertheless, that if any Difference as to the Increase or Reduction of such average Renewal Fine should arise between the said Commissioners and the Tenant or Tenants, Lessee or Lessees claiming such Renewal, the same shall be referred to the Determination of Three Arbitrators, to be appointed in manner herein-before provided for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under this 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 Increase or Reduction of the said Fine shall be conclusive and binding upon all Persons whomsoever; and the Expence of such Arbitration shall be borne by the said Commissioners, or by the said Tenant or Tenants, or Lessee or Lessees, as such Arbitrators shall direct.

Archbishop, &c. in any Lease made after passing of this Act, shall reserve former annual Rent only, excluding any Sum added thereto since 16th August 1832.

CLXII. And be it further enacted, That it shall and may be lawful for any Archbishop or Bishop, or other Ecclesiastical Person, in any Lease or Demise of any Lands or Premises to be made by him in Right of his See or other Spiritual Promotion, after the passing of this Act, or for the said Commissioners, in any Lease or Demise to be made by them of any Lands and Premises vested in them pursuant to the Provisions of this Act, to separate any additional Rent or Sum reserved in consequence of the Change in the Liability to the Payment of Composition for Tithes in any Lease or Demise of any such Lands and Premises made by him or them since the Sixteenth Day of *August* One thousand eight hundred and thirty-two from the former and customary annual Rent or Rents theretofore reserved and payable out of such Lands and Premises, and to reserve such former and customary annual Rent or Rents in any new Lease or Demise to be made thereof by him or them after the passing of this Act.

No Lease made by any Archbishop, &c. after the passing of this Act shall be deemed a Lease within the Meaning of 2 & 3 W. 4. c. 119. so as to entitle Tenant to hold Lands Tithe-free.

CLXIII. And be it further enacted, That no Lease or Demise of any Lands and Premises to be made by any Archbishop or Bishop, or other Ecclesiastical Person, after the passing of this Act, or by the said Commissioners of any Lands and Premises vested or which may hereafter be vested in them pursuant to this Act, shall be deemed or taken to be a letting, setting, or demising of any Lands and Premises within the Meaning of an Act passed in the Second and Third Years of the Reign of His Majesty King *William* the Fourth, intituled *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 Composition for Tithes in* Ireland, *and to make such Compositions permanent*, so as to entitle the Lessee or Tenant thereof to hold the said Lands and Premises free from the Payment of Tithes or Composition for Tithes.

CLXIV. And

Notices under this Act, how to be served.

CLXIV. And be it further enacted, That whenever any Notice required to be given by this Act, or whenever any Service of any Order or other Proceeding of any Court which shall be required or be necessary for carrying into effect any of the Provisions of this Act, cannot be given or delivered to or cannot be effected upon the Party or Person or Persons to or for whom such Notice is directed or intended, or upon whom such Service is to be effected, it shall be sufficient for the Party or Person obliged to give such Notice or effect such Service to leave such Notice, or a Copy of such Order or Proceeding, at the last or most usual Place of Abode of such Party or Person or Persons to or upon whom such Notice is to be given or Service effected, if the same shall be within *Ireland*, and if the same shall not be within *Ireland*, then to serve such Notice or such Copy upon the Agent or Receiver of the Rents of such Party or Person or Persons, and if such Agent or Receiver cannot be discovered, then it shall be sufficient to publish such Notice, or to give Notice of such Order or Proceeding, by publishing Notice thereof Three Times in the *Dublin Gazette*, and also to give such Notice to or make such Service upon any principal Occupier of any of the said Lands and Premises respectively to which such Notice, Order, or Proceeding shall relate.

Power for Commissioners to examine on Oath.

CLXV. And be it further enacted, That the said Commissioners under this Act shall have Power and Authority, and are hereby empowered and authorized, from Time to Time to administer an Oath to any Person or Persons who shall at any Time give them Information or be examined of or concerning any Matter or Thing relating to the Execution of this Act, or any way concerning the several Powers and Trusts in them hereby reposed, and the due Execution thereof.

Act may be altered.

CLXVI. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be made in this present Session of Parliament.

Schedules to be taken as Part of Act.

CLXVII. And be it further enacted, That the Schedules (A.) and (B.) to this Act annexed shall be deemed and taken to be Part thereof as fully and entirely to all Intents and Purposes as if inserted herein.

SCHEDULES.

SCHEDULE (A.) PART THE FIRST.

Containing the YEARLY TAX to be imposed upon all Benefices, Dignities, and other Spiritual Promotions under the Rank of Bishopricks.

Value of Benefice.		Charge per Cent.			Value of Benefice.		Charge per Cent.		
Exceeding	And not exceeding				Exceeding	And not exceeding			
£	£	£	s.	d.	£	£	£	s.	d.
300	305	2	10	0	755	765	9	10	0
305	315	2	15	0	765	775	9	12	6
315	325	3	0	0	775	785	9	15	0
325	335	3	5	0	785	795	9	17	6
335	345	3	10	0	795	805	10	0	0
345	355	3	15	0	805	815	10	2	6
355	365	4	0	0	815	825	10	5	0
365	375	4	5	0	825	835	10	7	6
375	385	4	10	0	835	845	10	10	0
385	395	4	15	0	845	855	10	12	6
395	405	5	0	0	855	865	10	15	0
405	415	5	2	6	865	875	10	17	6
415	425	5	5	0	875	885	11	0	0
425	435	5	7	6	885	895	11	2	6
435	445	5	10	0	895	905	11	5	0
445	455	5	12	6	905	915	11	7	6
455	465	5	15	0	915	925	11	10	0
465	475	5	17	6	925	935	11	12	6
475	485	6	0	0	935	945	11	15	0
485	495	6	2	6	945	955	11	17	6
495	505	6	5	0	955	965	12	0	0
505	515	6	7	6	965	975	12	2	6
515	525	6	10	0	975	985	12	5	0
525	535	6	12	6	985	995	12	7	6
535	545	6	15	0	995	1,005	12	10	0
545	555	6	17	6	1,005	1,015	12	12	6
555	565	7	0	0	1,015	1,025	12	15	0
565	575	7	2	6	1,025	1,035	12	17	6
575	585	7	5	0	1,035	1,045	13	0	0
585	595	7	7	6	1,045	1,055	13	2	6
595	605	7	10	0	1,055	1,065	13	5	0
605	615	7	12	6	1,065	1,075	13	7	6
615	625	7	15	0	1,075	1,085	13	10	0
625	635	7	17	6	1,085	1,095	13	12	6
635	645	8	0	0	1,095	1,105	13	15	0
645	655	8	2	6	1,105	1,115	13	17	6
655	665	8	5	0	1,115	1,125	14	0	0
665	675	8	7	6	1,125	1,135	14	2	6
675	685	8	10	0	1,135	1,145	14	5	0
685	695	8	12	6	1,145	1,155	14	7	6
695	705	8	15	0	1,155	1,165	14	10	0
705	715	8	17	6	1,165	1,175	14	12	6
715	725	9	0	0	1,175	1,185	14	15	0
725	735	9	2	6	1,185	1,195	14	17	6
735	745	9	5	0	exceeding				
745	755	9	7	6	1,195	- -	15	0	0

No fractional Part of a Pound to be subject to this Per-centage.

SCHEDULE (A.) PART THE SECOND.

Containing the YEARLY TAX to be imposed upon all Archbishopricks and Bishopricks.

YEARLY VALUE.	YEARLY TAX.
Where the yearly Value shall not exceed £4,000 -	£5 per Centum.
Where the yearly Value shall exceed £4,000 and shall not exceed £6,000 - - - - - -	£7 per Centum.
Where the yearly Value shall exceed £6,000 and shall not exceed £8,000 - - - - -	£10 per Centum.
Where the yearly Value shall exceed £8,000 and shall not exceed £10,000 - - - - -	£12 per Centum.
Where the yearly Value shall exceed £10,000 - -	£15 per Centum.

SCHEDULE (B.)

BISHOPRICKS, when and as void, to be united to other Bishopricks or Archbishopricks.	ARCHBISHOPRICKS and BISHOPRICKS to which the Bishopricks becoming void are to be united.
1. Dromore - - -	Down and Connor.
2. Raphoe - - - -	Derry.
3. Clogher - - -	Armagh.
4. Elphin - - -	Kilmore.
5. Killala and Achonry - -	Tuam.
6. Clonfert and Kilmacduagh -	Killaloe and Kilfenora.
7. Kildare - - - -	Dublin and Glandelagh.
8. Ossory - - - -	Ferns and Leighlin.
9. Waterford and Lismore - -	Cashel and Emly.
10. Cork and Ross - - -	Cloyne.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1833.