

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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tory shall become void in any Manner whatsoever, upon the Recommendation of the Ecclesiastical Commissioners for *Ireland*, signified by any Instrument under their Corporate Seal, if the said Lord Lieutenant or other Chief Governor or Governors and Council shall so think fit, to order and direct that the Appointment to such Dignity, Office, or Rectory shall be suspended until such Lord Lieutenant or other Chief Governor or Governors and Council shall think fit otherwise to direct; and in the meantime, and for and during such Period as such Dignity, Office, or Rectory shall remain vacant, all and every the Tithes, Glebes, Lands, Rents, Profits, and Emoluments whatsoever belonging or appertaining thereto, and all Arrears of such Tithes, Rents, Profits, and Emoluments which may have accrued due since the same may have become void as aforesaid, shall be vested in and received by the said Ecclesiastical Commissioners, to be by them applied towards the like Purposes as the other Monies and Funds accruing to or vested in them under the Provisions of the said Act; and the said Ecclesiastical Commissioners shall have all and every the like Remedies for the Recovery of such Tithes, Glebes, Rents, Lands, Profits, and Emoluments, and all Arrears thereof, as any Person filling such Dignity, Office, or Rectory might or would have, and shall be for all such Intents and Purposes in the Place and Stead of such Person: Provided always, that in the Case of any such Suspension as aforesaid it shall and may be lawful for the Chapter of any Diocese or Cathedral Church, or Members thereof, to nominate and appoint some fit and proper Person to perform and exercise all such Acts and Duties in relation to the Property of any such Chapter or Cathedral Church or otherwise as might or ought to have been or be performed or exercised by any Successor in such Dignity or Office so suspended if such Successor had been appointed; and such Person so nominated and appointed shall have all such Powers and Authorities, and be subject to all such Liabilities, in relation to the Performance of such Acts and Powers, Spiritual or other Duties, as any such Successor, if duly appointed, would have had or been subject to; and all the Acts of the Persons so appointed shall be of equal Force and Validity as the Acts of any such Successor if so appointed.

Lord Lieutenant and Privy Council empowered to remove Suspension.

II. Provided always, and be it further enacted, That if in any Case it shall seem expedient to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being and His Majesty's Privy Council there, to remove any such Suspension and to give Authority for the Appointment to any Office, Dignity, or Rectory, subject to the Severance therefrom of all and every the Tithes, Glebes, Lands, Rents, Profits, and Emoluments whatsoever appertaining thereto, it shall 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, to remove such Suspension accordingly, on the Condition herein-before contained.

Patronage of suspended Dignity, how to be exercised.

III. Provided also, and be it further enacted, That whenever any Right of Presentation, Nomination, or Appointment to any Vicarage or Perpetual or other Curacy shall be annexed or incident to any Office Dignity, or Rectory, the Appointment to which shall be so

suspended,

suspended, then and in every such Case such Right of Presentation, Nomination, or Appointment shall, upon every Avoidance of such Vicarage or Perpetual Curacy which shall happen during such Suspension, belong to and be exercised by the same Person or Persons, or Body or Bodies Corporate, by whom the Right of Appointment to such Office, Dignity, or Rectory might have been exercised in case the same had not been suspended.

Charges upon suspended Benefices, how to be regulated.

IV. And whereas it is by the said recited Act, amongst other things, enacted, that it shall and may be lawful for the said Commissioners to settle and adjudge the Proportions of Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and the Salaries of the Schoolmasters of the Diocesan Schools, which the Incumbents of any Parish or Parishes divided or augmented pursuant to the Provisions of the said recited Act are respectively to pay: And whereas it is expedient that the said Provision should be extended to other Charges affecting such Parishes; be it therefore enacted, That all Duties, Powers, and Authorities which are imposed upon or vested in the said Commissioners by virtue of the said recited Act and of this Act, or of either of them, touching or concerning the Settlement or Adjudication of the Proportions of such Crown Rents, Port Corn Rents, Pensions, Procurations, Synodals, and Salaries so to be paid as aforesaid, shall extend and be applicable to the Settlement and Adjudication of the Proportions of all other Charges whatever charged upon or payable out of such divided or augmented Parishes to be paid by the several Incumbents thereof respectively after such Division or Augmentation; and such last-mentioned Proportions shall be adjusted and registered in such Manner as in and by the said Act is directed, 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.

The Tithes, &c. of Parishes in which there may be no Vicar or Perpetual Curate may be disappropriated from the Dignities to which they are annexed, in like Manner as the Tithes of Parishes in which there shall be such Vicars or Curates.

V. And whereas the Provisions of the said Act for the Disappropriation of Parishes, or the Tithes or Portions of Tithes and Glebes thereof, from the Dignities to which the same may be united or appropriated, are limited to Cases in which there are Vicars or Curates discharging the Duties of such Parishes; and it is expedient to remove such Limitation; be it therefore enacted, That where there shall not be any Vicar or Curate in any Parish which, or the Tithes or any Portions of the Tithes and Glebes whereof, may be appropriated or united to any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council, if they shall so think fit, 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 such Parish, and all Tithes, Portions of Tithes, or Glebes thereunto belonging, from and out of such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and, if they shall so think fit, to order and direct that such Parish, Tithes or Portions of Tithes, or Glebes, so disunited shall from thence-

thenceforward be united and annexed to any neighbouring Rectory, Vicarage, or Perpetual Curacy, as herein-after mentioned, or shall be and become for ever a separate Benefice and Parish: Provided nevertheless, that in the Rectory, Vicarage, or Perpetual Curacy to which such disappropriated Parish Tithes or Portions of Tithes or Glebes may be united, or in the separate Benefice and Parish into which the said disappropriated Parish, Tithes or Portions of Tithes, or Glebes may be formed, Divine Service shall be constantly and duly celebrated; and if the same shall be made a separate Benefice and Parish, then and in such Case it shall and may be lawful for the King's Majesty, or other Person or Persons, or Body or Bodies Corporate, having the Right of Nomination, Appointment, or Presentation to such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, from Time to Time to present, collate, nominate, and appoint a Clerk to be the Incumbent of such Parish; and such Clerk when duly presented, instituted or collated, and inducted, and his Successors, shall be and become Bodies Politic and Corporate, and shall be perpetually endowed with all the Tithes, Portions of Tithes, and Glebes so belonging to such Parish, and so disappropriated, disunited, and divested as aforesaid, and shall have the actual Cure of Souls of and within the said Parish.

Perpetual Curate of any Parish disunited from Benefice to become Rector of such Parish.

VI. And be it enacted, That where under this or any other Act any Parish in which there shall be any Perpetual Curate endowed shall be disappropriated or disunited from any Ecclesiastical Dignity or Benefice, such Curate shall immediately upon such Disappropriation or Disunion, and by virtue thereof, be and become Rector or Vicar, as the Case may be, of the Parish so disappropriated or disunited; and such Perpetual Curacy shall merge in the said Rectory or Vicarage.

Lord Lieutenant may unite to any adjoining or neighbouring Parish any Rectory, &c. disappropriated from any Dignity.

VII. And be it further enacted, That in any Case in which the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Council shall have Power and Authority under the Provisions of the said recited Act or this Act, and shall think fit, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof, from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Council, if they shall so think fit, to unite and annex to any adjoining or neighbouring Rectory, Vicarage, or Perpetual Curacy as aforesaid, such Rectory, Vicarage, Tithes, or Glebes, or any Part or Parts or Portions thereof respectively, which shall so have been disappropriated, disunited, or divested as aforesaid, together with the actual Cure of Souls within such Rectory or Vicarage, or such Part or Parts thereof as shall be so united or annexed respectively, or within such Place or Places respectively whereof the Tithes or Glebes shall be so united and annexed; and in such Case the said Lord Lieutenant or other Chief Governor or Governors and Council shall direct and regulate the Rotations or Turns in which the Right of Presentation or Nomination to such adjoining or neighbouring Rectory, Vicarage, or Perpetual Cure shall upon any and every future Avoidance thereof belong to or be exercised by and between the King's Majesty, His Heirs and Successors, and by and between

between any other Person or Persons, or Corporation or Corporations, in like Manner as the said Lord Lieutenant or other Chief Governor or Governors and Council are authorized and empowered to do in case any Rectory, Vicarage, Tithes or Portion of Tithes, or Glebes or Portions thereof, has or have been or shall be united to any Vicarage or Perpetual Curacy pursuant to the Provisions of the said recited Act.

The Provisions of 3 & 4 W. 4. c. 37. s. 124. extended to Ministers Money.

VIII. And whereas by the said Act it is made lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Privy Council there, in case of Vacancy, or with the Consent therein mentioned, to disappropriate, disunite, and divest any Rectory, Vicarage, Tithes or Portions of Tithes, or Glebe, from any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and to unite the same to the Vicarages, Perpetual or other Curacies of such Parishes respectively, so as to form a distinct Parish or Benefice; be it enacted, That the said Provision shall extend to Parishes in Towns where Ministers Money is paid, whether there be any Tithe or Glebe belonging thereto or not; and that it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, with the Privy Council there, in case of a Vacancy, or with the Consent of the Dignitary, Prebendary, Canon, or other Ecclesiastical Person having the Cure of Souls in any such Parish in Right of or Appointment to his said Dignity, Prebend, or Canonry, to disunite, disappropriate, and separate such Parish, and the Cure of Souls therein, and the Emoluments belonging thereto, whether consisting of Glebe, Tithes, Ministers Money, or other Payment, from the said Dignity, Prebend, or Canonry, so as to constitute such Parish for ever a separate and distinct Benefice, to be presented to when vacant in the like Manner as the said Dignity, Prebend, or Canonry to which it was attached before such Separation.

Parishes appropriated and becoming vacant, not to be filled up until One Calendar Month after Notice to Commissioners.

IX. Provided always, and be it further enacted, That whensoever after the passing of this Act any Deanery, Archdeaconry, Dignity, Prebend, or Canonry to which any Rectory, Vicarage, Tithes, or Glebes, or any Part or Parts, Portion or Portions thereof respectively, or Ministers Money, or other Payment or Emolument as aforesaid, shall be appropriated or united, and not being in the Gift or Disposition of His Majesty, shall become void, and whensoever after the passing of this Act any Benefice whereof the Patronage or Right of Presentation or Collation shall be in any Archbishop, Bishop, or other Dignitary, and in which Benefice Divine Worship shall not have been celebrated for the Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three, shall become void, then and in either of such Cases it shall not be lawful to fill up such Vacancy or to appoint any Successor or Successors in such Deanery, Archdeaconry, Dignity, Prebend, or Canonry or Benefice, until the Expiration of One Calendar Month after Notice in Writing shall have been given to the said Ecclesiastical Commissioners by the Corporation or Person having the Patronage or Right of Appointment or Election thereunto, of such Vacancy or Avoidance having occurred; and any Election, Appointment, Presentation, Collation, Institution, or Induction which shall be made contrary to the true Intent and Meaning of the said recited Act or of this Act shall be null and void to all Intents and Purposes whatsoever;

whatsoever; and it shall and may be lawful for the said Lord Lieutenant and Council, and for the said Ecclesiastical Commissioners respectively, to exercise all Powers with which they are respectively invested, in relation to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry or Benefice, by the said recited Act or this Act, in such Manner as if the same were absolutely void: Provided always, that the Certificate of the Ordinary that Divine Service has not been celebrated in any such Benefice for Three Years next preceding the First Day of *February* One thousand eight hundred and thirty-three shall be conclusive Evidence of such Fact for all the Purposes of this Act and of the said recited Act.

Lord Lieutenant and Council may apportion Charges on Dignities from which Disappropriations may be made.

X. And be it further enacted, That it shall and may be lawful to and for the said Lord Lieutenant or other Chief Governor or Governors and Council, whenever they shall, by virtue of the Powers in that Behalf in them vested, have disappropriated the Temporalities or any Part of the Temporalities of any Dignity, or shall have divided old Parishes, or separated any Parish or Part of a Parish heretofore united, to make such Order as to them shall seem expedient for the Extinguishment or Payment of any Charge or Charges or of any Part thereof to which such Dignity or Parish or Benefice, or the Person or Persons succeeding to the same, are or may by Law be liable, and to direct to whom, and by whom, and out of what Funds, and in what Sums and Proportions, and at what Time or Times, such Charges or any Part of the same as are to be payable are thereafter to be paid, and by what Means and Proceedings and by and against whom the same are thereafter to be recoverable.

In Cases of Disappropriations, Lord Lieutenant to apportion Dilapidation Charges.

XI. And be it further enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, pursuant to the Provisions of the said recited Act and of this Act, or of either of them, have disappropriated, disunited, or divested from any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry any Rectory, Vicarage, Tithes or Portions of Tithes, or Glebes, or Part or Parts thereof, and in case the Person or the Representatives of the Person upon whose Removal or Death any such Disappropriation, Disunion, or Divestiture shall have been made, shall, by virtue of any Law or Statute, be entitled to receive from the next Successor of such Person in such Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry any Sum or Sums of Money on account of any Purchase of or Addition to Glebes, or of any Buildings or Improvements, or of Money paid by such Person to his immediate Predecessor on such Accounts respectively, then and in every such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such Sum or Sums of Money shall be charged and chargeable in such Shares and Proportions as they shall think just and reasonable upon the several Parishes, Tithes or Portions of Tithes, or Glebes, or Part or Parts thereof respectively theretofore united and appropriated to such Archbishoprick, Bishoprick, Deaconry, Archdeaconry, Dignity, Prebend, or Canonry; and such Shares and Proportions shall be paid and payable by the several Incumbents of such Parishes respectively,

or by the Person or Persons thereafter to be entitled to such Tithes or Portions of Tithes, and Glebes, or Part or Parts thereof respectively, to such Person and at such Times and in such Manner as the Whole of such Sum or Sums of Money would have been payable by virtue of any Law or Statute in force in *Ireland* in case such Disappropriation, Disunion, or Divestiture had not taken place: Provided always, that it shall and may be lawful for every such Incumbent or other Person, or his Representative, having paid any such Share or Proportion in manner aforesaid, to receive and recover from his next and immediate Successor such Part of such Share and Proportion at such Time and by such Ways and Means as if such Share or Proportion had been paid by him to his next and immediate Predecessor by virtue of any Law or Statute in force in *Ireland*.

Ecclesiastical Commissioners may recover Dilapidations from Bishops in the First Column of Schedule (B) annexed to the 3d & 4th W. 4. c. 37. or from their Representatives, in like Manner as a Successor.

XII. And whereas it is by the said recited Act provided, that the said Ecclesiastical Commissioners shall within a certain Period pay to the Executors or Administrators of Doctor *Richard Bourke*, late Bishop of *Waterford*, all and every such Sum of Money as, pursuant to any Statute or Law in force in *Ireland*, could or might have been recovered by such Executors or Administrators against the Successor of the said late Bishop in case such Act had not been made; and it is also by the said Act further provided, that the said Commissioners shall at certain Periods, from and after the 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 the said Act annexed, or the Annexation thereof to any Bishoprick in the Second Column of the said Schedule named, pay to the Person or his Representatives, as the Case may be, by whose Promotion or Death such Vacancy shall have been occasioned, or who shall become the Bishop of any such united Bishopricks, all such Sums of Money as would have been payable by or recoverable against any Successor in such Bishopricks in such First Column named in case the said Act had not been made; but no Provision is made by the said Act enabling the said Ecclesiastical Commissioners to recover for Dilapidations suffered or committed by the said Doctor *Richard Bourke*, or other Bishops as aforesaid; be it therefore enacted, That the said Ecclesiastical Commissioners shall and may recover from the Representatives of the said Doctor *Richard Bourke*, and from the Bishop of each and every Bishoprick in the First Column of the said Schedule named (save and except the Bishopricks of *Ossory* and of *Cork* and *Ross* aforesaid) being or becoming void or united to any other Bishoprick under the Provisions of the said Act, or from the Representatives of such Bishop, all and every such Sums or Sum of Money as the Successor or Successors of such Bishop of *Waterford*, or other Bishop (if such had been appointed), might or could have recovered under any Law or Statute in force in *Ireland* from the Representatives of the said Doctor *Richard Bourke*, or from such other Bishop or his Representatives, for or on account of Dilapidations, in case the said recited Act had not been passed; and that the said Ecclesiastical Commissioners shall have, for ascertaining the Extent of such Dilapidations, and for the Recovery of such Money as may be due on account thereof, all such Remedies as the Successor or Successors of any such Bishop could or might have used if the said recited

Commissioners to have such Means for ascertaining and recovering Amount

of Dilapidations as Successor would have had.

recited Act had not been passed; and it shall be lawful for the said Ecclesiastical Commissioners to deduct from and out of any Money which they are or may be liable under the Provisions of the said recited Act to pay to the Representatives of the said Doctor *Richard Bourke*, or any other such Bishop, his Executors or Administrators, such Sums as are or shall be respectively payable by or recoverable from the Representatives of the said Doctor *Richard Bourke*, or such other Bishop, his Executors or Administrators, for or on account of such Dilapidations, in like Manner as the Successor or Successors of the said Doctor *Richard Bourke*, or any other such Bishop, might have deducted the same under any Law or Statute in force in *Ireland* if the said recited Act had not been passed.

Proceedings already taken for ascertaining or Recovery of Dilapidations to be valid.

XIII. And be it further enacted, That all such Proceedings as may already have been taken by or on behalf of the said Ecclesiastical Commissioners for the ascertaining or Recovery of any Money on account of Dilapidations in or upon the See House, Offices, Lands, or Improvements of the said Bishoprick of *Waterford*, or of any other Bishoprick named in the First Column of the Schedule (B.) to the said recited Act annexed, which may be or have become vacant or united to any other Bishoprick under the Provisions of the said recited Act, are and shall be and be deemed to have been as valid and effectual to all Intents and Purposes as if the same had been taken by or on behalf of the immediate Successor or Successors, lawfully appointed and invested, of the Bishop by whom such Dilapidations may have been committed or suffered.

Commissioners may recover for Dilapidations committed in Ferns and Leighlin and Cloyne.

XIV. And be it enacted, That when and as the Bishopricks of *Ferns* and *Leighlin* and of *Cloyne* respectively shall be united to the Bishopricks of *Ossory* and of *Cork* and *Ross*, the said Ecclesiastical Commissioners shall and may in like Manner, and by all such and the like Means, recover from the Persons or their Representatives by whose Promotion or Death such Vacancy shall have occurred or been occasioned, or who shall become the Bishops of such united Sees, all such Sums as the Successors in such Bishopricks of *Ferns* and *Leighlin* and *Cloyne* respectively would have been entitled to recover for Dilapidations in case this Act had not been made.

See Houses of Bishopricks in the First Column of the said Schedule (B.) shall vest in Bishops of united Bishopricks electing transferred to such See Houses.

XV. And be it further enacted, That whenever pursuant to the Provisions of the said recited Act, and with such Consent as therein required, the See House of any Bishoprick in the First Column of the Schedule (B.) to the said Act annexed shall be or have been chosen to be the See House of any united Bishoprick, such See House, and the Offices, and the Whole or a Part only of the Mensal or Demesne Lands thereto belonging, which are set out as a fair Equivalent for the Whole or a Part only of the surrendered Mensal or Demesne Lands belonging to the Bishoprick in the Second Column of the Schedule (B.), as the Case may be, shall without any Grant or Conveyance whatsoever be divested out of the said Ecclesiastical Commissioners, and become vested in the Bishop of such united Bishoprick, and annexed thereto, and, thereafter continue to be to all Intents and Purposes the See House, Offices, and Mensal or Demesne Lands of such united Bishoprick.

XVI. And

The Title to Lands, &c. now vested in Board of First Fruits shall vest in Ecclesiastical Commissioners.

XVI. And be it enacted, That all Lands, Tenements, and all Estates, Terms, and Interests therein, whether legal or equitable, and all Benefit and Right of Renewal of or in the same, which at the Time of the passing of the said recited Act were or now are vested in the Trustees and Commissioners of First Fruits in *Ireland*, shall be and the same are hereby absolutely transferred to and vested in the said Ecclesiastical Commissioners and their Successors, in like Manner, and upon and for the like Trusts, Intents, and Purposes, as the same were heretofore vested in the said Trustees and Commissioners of First Fruits.

Declaring the Meaning of the Clause of recited Act empowering the Archbishops of Armagh and Dublin to present a Fellow of Trinity College to certain selected Benefices;

XVII. And whereas it is by the said Act provided that upon each and every Avoidance happening after the Period in the said Act mentioned of certain Benefices to be selected from and out of the Benefices belonging to each of the Bishopricks mentioned in the First Column of the Schedule (B.) to the said Act annexed, it shall and may be lawful for the 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, 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: And whereas it is necessary to explain and amend the said herein-before recited Provision; be it therefore enacted and declared to be the Meaning of the said recited Provision, That upon each and every Avoidance of the Benefices selected as aforesaid, happening after the Time in the said Act mentioned, 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; and that if on the Vacancy of any of the said Benefices, so selected as aforesaid, the said Archbishops 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.

as also the Clause providing for Liabilities upon the Bishopricks of Ferns and Cloyne.

XVIII. And whereas it is necessary to explain and amend certain Provisions of the said recited Act in respect of the Bishopricks of *Ferns* and *Leighlin* and *Ossory*, and of *Cloyne* and *Cork* and *Ross*; be it therefore enacted and declared to be the Meaning of the said recited Act, That the said Ecclesiastical Commissioners shall, by such Instalments, to be made in such Manner and at such Periods from and after

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 such Vacancies shall have occurred or been occasioned, 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 the said Act had not been passed; and that 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 the said 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 Bishoprick of *Cork* and *Ross* would have been in case the said 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 Sucessors.

The Bishops of Ferns and Cloyne may recover for Dilapidations from their Predecessor, and for Sums paid by them from their Successor.

XIX. And be it further enacted, That if the now Bishop of *Ferns* and *Leighlin* or the now Bishop of *Cloyne* shall become Bishops respectively of such united Bishopricks respectively, they shall be entitled to recover as Successors for any Dilapidations; and if they shall pay to the Bishop of *Ossory*, or the Bishop of *Cork* and *Ross*, or to his or their respective Representatives, as the Case may be, any Sum or Sums of Money which would have been payable by or recoverable against any Successor in the said Bishopricks, then and in such Case it shall and may be lawful for the Bishop of either of such united Bishopricks respectively to recover from his next immediate Successor the whole of such Sum of Money so by him paid; and such next immediate Successor, and his Successor or Successors respectively, shall and may recover, each against his Successor, such Proportion of such Sum of Money as would have been recoverable in each Case respectively if such next immediate Successor of the now Bishop of *Ferns* and *Leighlin* or of *Cloyne* had been the next immediate Successor lawfully appointed and invested of the now Bishop of *Ossory* or of *Cork* and *Ross*.

Compensation for malicious Injuries to Churches may be recovered either at the next or at the second Assizes after Commission of the Injury.

XX. And be it further enacted, That in case any such wanton and malicious Injury or Damage as in the said recited Act mentioned shall be committed in or to any Church, Chapel, or other Building used for Religious Worship according to the Usage of the United Church of *England* and *Ireland*, 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, pursuant to the Provisions of the said recited Act, for such wanton and malicious Injury or Damage, either at such Period or Periods as in and by the said recited

recited Act for that Purpose provided, or at the Second Assizes to be held after the Commission of such Injury or Damage for the County in which such Church, Chapel, or other Building may be situate; or if in the County of *Dublin*, at the Second Presenting Term; or if in the City of *Dublin*, at the Second Quarter Sessions respectively after the Commission of such Injury, and that all Powers and Provisions contained in the said recited Act, applicable to the suing for or Recovery of such Satisfaction at the next Assizes, Presenting Term, or Quarter Sessions respectively, shall extend and be applicable to the suing for and Recovery of such Satisfaction and Amends at such Second Assizes, Presenting Term, or Quarter Sessions respectively.

Tenant not having a fully renewed Lease may tender to Archbishop, Bishop, &c. the Amount of the Customary Fines, and if declined, Commissioners may ascertain the Amount of Fine which ought to be paid, and upon Payment thereof, Tenant entitled to have a Conveyance.

XXI. And be it further enacted, That in case any Tenant or Lessee, who under the Provisions of the said recited Act is or shall be entitled to apply and agree for, and who shall have applied and agreed for, the Purchase of a perpetual Estate or Interest in any Lands, Tenements, or Hereditaments, shall hold such Lands, Tenements, or Hereditaments by Lease for the Term of Twenty-one Years, whereof less than Twenty Years shall be to come and unexpired, or for the Term of Forty Years, whereof less than Thirty-nine Years shall be to come and unexpired, or for Three Lives, and all the Lives named in such Lease shall not be in being, then and in every such Case it shall and may be lawful for every such Tenant or Lessee to tender to the Archbishop, Bishop, or other Sole Ecclesiastical Corporation, under whom he shall hold such Lands, Tenements, or Hereditaments, or to his or their known Agent or Agents, such Sum or Sums as he shall consider to be the true and just Amount of the Renewal Fine or Fines, and Fees customarily paid or payable for or upon the Renewal of such Lease for such Term or Interest as in and by the said recited Act is required; and in case such Archbishop, Bishop, or other Sole Ecclesiastical Corporation, shall refuse or neglect within a reasonable Time after such Tender to accept such Sum or Sums of Money and execute such Renewal, then and in every such Case it shall and may be lawful for the said Ecclesiastical Commissioners, and they are hereby authorized and required, at the Requisition in Writing of such Tenant or Lessee, to ascertain by the issuing of a Commission or by such other Ways and Means as they shall deem fit and expedient, the Amount of the Renewal Fines usually or customarily paid or payable on and for the Renewal of such Lease, and the Sum which, according to the usual and accustomed Mode of renewing the same, ought to be paid on the Renewal thereof, up to the Day upon and from which the Rent to be reserved by the Deed or Deeds of Conveyance of such Lands and Premises is to begin to accrue due; and such Tenant or Lessee shall, upon Payment to the said Ecclesiastical Commissioners, to and for the Use of such Archbishop, Bishop, or other Sole Ecclesiastical Corporation respectively, of such Sum so ascertained as aforesaid, and of all Rents and Arrears of Rent due upon such Lease, be entitled to have a Conveyance executed of the Fee Simple and Inheritance of and in the said Lands, Tenements, and Hereditaments, in like Manner as if such Lease had been fully renewed for such Term of Years or Lives respectively as in and by the said recited Act is required: Provided always, that no Tenant

No Tenant to be entitled to Perpetuity, unless he pays up his Proportion of Fine for the Period of the Year elapsed from the previous Renewal.

Tenant or Lessee holding any Lands or Premises by Lease for the Term of Twenty-one Years or of Forty Years, whereof less than One Year shall have expired, shall be entitled to have any Deeds of Conveyance of such Lands and Premises made or granted to him or her by virtue of the said recited Act and of this Act, or of either of them, unless, in addition to all Rent and Arrears of Rent due upon and reserved by such Lease, he or she shall have paid and satisfied to the Archbishop, Bishop, or other Ecclesiastical Person under whom he or she shall hold the said Lands and Premises, or to the said Ecclesiastical Commissioners, a proportional Part of the Fine or Fines and Fees usually and accustomarily paid and payable for and upon the Renewal of such Lease, up to and for such Day upon and from which the Rent to be reserved in and by such Deed of Conveyance is to begin to accrue due.

In Cases of inadequate Fines heretofore paid for Renewals, Commissioners empowered to ascertain what ought to have been paid according to the Custom of the Diocese.

XXII. And be it enacted, That whensoever upon any Application for the Purchase of the Fee Simple and Inheritance in any Lands under the Provisions of the said recited Act or this Act, or for the Renewal of any Lease, or the making a new Lease or Demise of any Lands held under the said Ecclesiastical Commissioners, such Commissioners may be authorized and required to ascertain the Amount of any Fine or Fines and Fees theretofore paid or agreed to be paid or customarily paid or payable for Renewal of such Lease, and that such Commissioners shall find that the Fine or Fines and Fees paid during any such Period as in the said Act mentioned, or agreed to be paid or payable for the Renewal of such Lease, have been greatly inadequate as compared with the Fine or Fines and Fees usually paid according to the Custom of the same Diocese or other Spiritual Promotion for or upon the Renewal of Leases or Interests in other Lands within such Diocese or other Spiritual Promotion held by like Tenure and Demise, and that such Commissioners shall have reasonable Cause to conclude that such Inadequacy arose out of any Favour or Community of Interest between the Lessor and Lessee, then and in such Case the Matter shall be referred to Three Arbitrators, to be appointed in manner by the said recited Act provided for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Parties applying for the Purchase of Perpetuities under the said Act; and the Expence of such Arbitration shall be borne by the said Commissioners, or by the other Party, or by both, in such Proportions as such Arbitrators shall direct; and if such Arbitrators shall decide that the Fine or Fines and Fees aforesaid were not greatly inadequate, or that such Inadequacy did not arise out of any Favour or Community of Interest between the Lessor and Lessee, the said Commissioners shall proceed to make their Calculation as by the said Act required upon such Fine or Fines and Fees so paid or agreed to be paid or payable, and in all respects as if no Inadequacy had been alleged to exist; but if the said Arbitrators shall decide that such Fine or Fines and Fees were greatly inadequate, and that such Inadequacy arose out of any Favour or Community of Interest between the Lessor and Lessee, then and in such Case the said Arbitrators, or any Two of them, shall and are hereby authorized and empowered to inquire and ascertain, by actual Survey and Valuation, or by the Examination of Witnesses

upon Oath (which Oath the said Arbitrators are hereby authorized to administer), or by such other Ways and Means as they shall deem fit and expedient, the yearly Value of the Lands, Tenements, and Hereditaments, the Tenant or Lessee whereof shall so have applied for such Renewal or Purchase, and the Fine or Fines and Fees which ought reasonably to have been paid for the Renewal of such Lease or Interest in such Lands in proportion to the yearly Value thereof, according to the Custom of the same Diocese or other Spiritual Promotion, upon the Renewal of Leases or Interests in other Lands and Tenements situate within the same respectively, and held upon the like Tenure and Demise; and the Determination of such Arbitrators, as to the Amount of such Fine or Fines and Fees, shall be conclusive and binding upon all Persons whomsoever; and the Fine or Fines and Fees so ascertained shall be deemed and taken to be for all Purposes of the said recited Act and of this Act the Renewal Fine or Fines and Fees respectively theretofore paid, agreed to be paid or payable, or which ought to have been paid upon the Renewal of the said Lease or Interest in such Lands, Tenements, and Hereditaments, the Tenant or Lessee whereof shall so have applied for such Renewal or Purchase as aforesaid.

Commissioners under this Act to have the same Powers as under former Act.

XXIII. And be it further enacted, That every Commission to be issued by the Ecclesiastical Commissioners for the Purposes of this Act shall issue in the same Manner, and shall be subject to the like Rules and Regulations, and shall have and exercise the like Powers, as in and by the said recited Act is provided with respect to Commissions directed to be issued for inquiring into the Value of Ecclesiastical Benefices.

Provisions for the Purchase of Perpetual Estates, &c. in Lands, &c. held on Lease, repealed.

XXIV. And whereas it is by the said recited Act amongst other Things enacted, that upon such Notification in Writing being given by any such Tenant or Lessee as therein mentioned, that he is ready and willing to purchase the Fee Simple and Inheritance of and in any Lands, Premises, or Hereditaments held by him by virtue of such Lease or Contract as therein mentioned immediately from and under any Archbishoprick, Bishoprick, or other Spiritual Promotion or Dignity pursuant to the Provisions of the said recited Act, it shall and may be lawful for the said Ecclesiastical Commissioners, and they are thereby authorized and required, to ascertain 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 case of Leases for Lives for and during such Period as shall include the Three last previous Occasions of such Renewal; and it is in and by the said recited Act further enacted, that in the Case of Leases for Lives the said Commissioners under the said recited 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 Interest; be it enacted, That from and after the passing of this Act the said recited Provisions, so far as the same relate to the Purchase of Perpetual Estates or Interests in any Lands, Premises, or Hereditaments held by virtue of any Lease or Leases for Lives, be and the same are hereby repealed.

In case a Tenant or Lessee shall apply for the Purchase of a Perpetual Estate in Lands, &c. under a Lease for Lives, Value to be ascertained by Ecclesiastical Commissioners.

XXV. And be it further enacted, That in every Case in which any Tenant or Lessee who under the Provisions of the said recited Act shall be entitled to apply and agree and shall have applied for the Purchase of a Perpetual Estate or Interest in any Lands, Premises, or Hereditaments shall hold such Lands, Premises, or Hereditaments under or by virtue of any Lease for Lives it shall and may be lawful to and for the said Ecclesiastical Commissioners to ascertain by Calculation a Term for Years of equal Value to the subsisting Interest or Term for Lives then in being under such Lease, and thereupon to compute and ascertain in such Manner as to them shall seem just with reference to the Custom of the Archbishoprick, Bishoprick, or other Spiritual Promotion in which such Lands, Tenements, and Hereditaments shall be situate, the annual Sum or Sums of Money which ought to be paid or payable as and for the Fine or Fines and Fees for Renewal of a Lease of the said Lands, Premises, and Hereditaments held for such a Term of Years aforesaid; which Sum or Sums so ascertained, together with and in addition to the annual Rent or Rents theretofore reserved and payable out of the said Lands and Premises under and by virtue of such Lease for Lives, shall be the Amount of the annual Rent to be reserved and made payable in and by the Deed of Conveyance of the said Lands and Premises, to be executed pursuant to the Provisions of the said recited Act and of this Act or of either of them, subject, however, to such Variation, according to the Price of Wheat or Oats, as in and by the said recited Act and this Act provided; and such Amount or Sum so ascertained shall in all Cases of Leases for Lives be inserted in any Certificate to be given, granted, registered, or enrolled pursuant to the Provisions of the said recited Act, instead of the average Renewal Fine theretofore paid or payable on the several Occasions of renewing any such Lease for Lives.

Limiting Costs to Solicitors employed by Commissioners under this Act.

XXVI. And whereas under and by virtue of the said recited Act it is enacted that it shall and may be lawful for the said Commissioners, out of the said Funds therein mentioned, to defray all such incidental Charges and Expences as shall become necessary in the Execution of the several Powers and Trusts by the said Act, or any Act thereafter to be passed, reposed in them: And whereas it is expedient that the Sum to be paid for Costs to the Solicitor or Attorney employed by the said Commissioners should be limited in Amount; be it therefore enacted, That no Sum shall be paid by said Commissioners to any Attorney or Solicitor as and for Costs, Charges, or Expences unless the Amount of such Payment shall first have been approved of by the Lords of the Treasury: Provided always, that no Sum exceeding One thousand Pounds shall be allowed in any One Year by the said Lords of the Treasury as and for the Costs, Charges, or Expences of any such Attorney or Solicitor; and before any such Sum shall be allowed by the said Lords Commissioners of the Treasury on such Account as aforesaid, the Particulars of all such Costs, Charges, and Expences shall be laid before them.

Commissioners, with Sanction of the Treasury, may con-

XXVII. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, to bestow and apply out of any Surplus or Balance which may arise in

any Year, after due Provision made for the several Objects and Purposes to which the Funds accruing to the said Ecclesiastical Commissioners under the Provisions of the said Act of the last Session of Parliament are primarily applicable, such Sums as they shall think proper for and to such charitable Purposes as the Bishops of the several Bishopricks, the Temporalities whereof may now be or hereafter become vested in the said Ecclesiastical Commissioners, may have usually subscribed or contributed towards.

tribute towards such charitable Purposes as Bishops in suppressed Sees were accustomed to do.

XXVIII. And whereas it is expedient that Provision should be made for facilitating the Execution of the Deed or Deeds of Conveyance of Lands and Premises to be purchased pursuant to the said recited Act, where such Lands and Premises are or shall be held under any Archbishop, Bishop, or other Sole Ecclesiastical Corporation; be it therefore enacted, That from and after the passing of this Act, so much of the said recited Act shall be repealed as provides that if such Lands so to be purchased shall, at the Time of such Purchase, belong to or be held under any Archbishop or Bishop, or other Ecclesiastical Person, then and in such Case, on the Production by Tenant or Lessee, as therein mentioned, to the said Archbishop, Bishop, or other Ecclesiastical Person, of such Notice or Certificate, and of such Receipt of the Cashier or Cashiers of the Bank of *Ireland* as therein mentioned, such Archbishop, 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 such annual Rent as therein mentioned; and that if such Archbishop, 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 such Proof being made to the said Commissioners by Affidavit to be sworn before such Persons as therein mentioned, (which Affidavit they are thereby respectively empowered to 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 thereby 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 that 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 the said recited Act; and so much and such Parts of the said recited Act is and are hereby repealed accordingly.

So much of 3 & 4 W. 4. c. 37. repealed as requires Tenant to tender to Archbishop or Bishop Deed of Conveyance, and if such Archbishop or Bishop neglects to execute for Two Months Commissioners to execute in his Name.

XXIX. And

Commissioners empowered to execute Conveyance of Lands in the Name of the Archbishop or Bishop, &c., and Deed to be as valid as if executed by Archbishop, Bishop, &c.

XXIX. And be it further enacted, That in case any Lands, Premises, or Hereditaments, purchased or to be purchased pursuant to the Provisions of the said recited Act and of this Act or either of them, shall at the Time of such Purchase be held under any Archbishop, Bishop, or other Ecclesiastical Person, it shall and may be lawful for the said Ecclesiastical Commissioners, on Production to them of the Receipt of the Cashier or Cashiers of the Bank of *Ireland* for the Amount of the Purchase Money ascertained and payable in respect of such Lands, Premises, or Hereditaments, pursuant to the said recited Act and of this Act, to execute, seal, and deliver, in the Name and in behalf of such Archbishop, Bishop, or other Ecclesiastical Person, a Deed of Conveyance of the Fee Simple and Inheritance of the said Lands, Premises, and Hereditaments, to the Tenant or Lessee thereof, unto and to the Use of such Tenant or Lessee, his Heirs and Assigns, or as he or they shall appoint, subject to such annual Rent as in and by the said recited Act is provided; and the said Ecclesiastical Commissioners shall affix to such Deed or Deeds of Conveyance their Corporate Seal, and shall give at the Foot or on the Back of such Deed or Deeds respectively a Certificate or Certificates, which shall be conclusive Evidence of the Truth of the Matter thereby certified, that such Deed or Deeds has or have been executed pursuant to the Provisions of the said recited Act and of this Act; and such Deed or Deeds shall be in like Form, and shall, when so executed, be as valid and effectual to all Intents and Purposes as if the same had been duly executed pursuant to the said recited Act by such Archbishop, Bishop, or other Ecclesiastical Person, in case this Act had not been passed: Provided always, that the said Ecclesiastical Commissioners shall, One Calendar Month at least before the Execution of such Conveyance, notify, by such Notice in Writing as in and by the said recited Act for that Purpose is directed, to the Archbishop, Bishop, or other Ecclesiastical Person under whom the said Lands and Premises are or shall be held as aforesaid, the Amount of the annual Rent to be thereafter reserved and payable out of the said Lands and Premises, and of the Purchase Money to be paid for the Conveyance thereof, pursuant to the Provisions of the said recited Act.

Commissioners to notify to Archbishop, Bishop, &c. the Terms of Purchase One Calendar Month before Execution of Deed.

Sub-tenants empowered to purchase Perpetuities in Bishops Lands on Default of superior Tenants.

XXX. And whereas in many Cases the Lands, Tenements, and Hereditaments held under Leases from Archbishops, Bishops, or other Ecclesiastical Corporations Sole in *Ireland* have been sub-let to Under-tenants, who are entitled, under Covenants or Contracts, to the Renewal of their Leases from Time to Time as often as the first or immediate Tenants thereof shall obtain Renewals of their Leases from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and by reason of the small Interest of the first or immediate Tenants in such Lands, Tenements, and Hereditaments, or for other Reasons, they may not be desirous to purchase the Fee Simple and Inheritance therein, and it is expedient that in such Cases the Under-tenants thereof should be authorized to purchase the same, subject to the Provisions and Regulations herein-after contained; be it therefore enacted, That it shall and may be lawful to and for any Under-tenant, having any derivative Estate or Interest in any such Lands, Tenements, and Hereditaments by virtue of any Lease containing any

any such Covenant or Contract for the Renewal thereof as aforesaid, either mediately or immediately through or under the first or immediate Tenant thereof, to apply (in the Manner prescribed by the said Act in reference to first or immediate Tenants) for the Purchase of the Fee Simple and Inheritance of and in the Lands, Tenements, and Hereditaments held by such Under-tenant under any such Lease, giving Notice, nevertheless, in Writing of such Application to the first or immediate Tenant of such Lands, Tenements, and Hereditaments, and to all other Tenants thereof (if any) intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole and the Under-tenant making such Application, or to the known Agent or Receiver, Agents or Receivers of such first and other intervening Tenants; and upon the Receipt of such Notice, or at any Time within Twelve Calendar Months thereafter, it shall be lawful as well for such first or immediate as for any other of such intervening Tenants to apply in like Manner for the Purchase of the Fee Simple and Inheritance of and in the same Lands, Tenements, and Hereditaments, and the first or immediate Tenant of such Lands, Tenements, and Hereditaments is hereby empowered to contract or agree for the Purchase thereof accordingly, in the Manner provided by the said Act, or as near thereto as Circumstances will admit, notwithstanding such Lands, Tenements, and Hereditaments shall not constitute the whole of the Lands, Tenements, and Hereditaments held by him under any Lease from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole; and in case such first or immediate Tenant shall neglect or omit to make Application in manner by the said Act directed for the Purchase of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments for the Space of Twelve Calendar Months after such Notice in Writing shall have been given to him, or to his known Agent or Receiver, it shall be lawful for the said Commissioners to treat, contract, or agree with such Under-tenant who may have given such Notice as aforesaid, or with any intervening Tenant who may have made Application within the said Period of Twelve Months, for the absolute Purchase by him of the Fee Simple and Inheritance of and in the same Lands, Tenements, and Hereditaments, upon such and the same Terms and in the same Manner as in the said Act is prescribed for the Purchase of Perpetuities by any first or immediate Tenant, but subject nevertheless (in addition to the Rent thereby directed to be reserved and made payable to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole under whom the same are immediately held) to a perpetual Rent-charge, or as many perpetual Rents-charge as there are Tenants intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and the Under-tenant entering into such Contract for Purchase, such Rent-charge or Rents-charge to be ascertained in manner herein-after mentioned, and to be issuing out of the same Lands, Tenements, and Hereditaments, and to be reserved and made payable to such intervening Tenant or Tenants, his or their Heirs and Assigns for ever: Provided always, that in case more than One of such Under-tenants shall make Application for such Purchase, the Application of the Under-tenant holding directly under such first or immediate Tenant shall be preferred to that of the one next below, and

Purchases by Sub-tenants subject to Rents-charge to superior Tenants.

Sub-tenants Applications for Purchase to have Preference according to Priority.

and so on according to Priority of holding down to the Under-tenant so giving Notice as aforesaid; and the said Commissioners shall convey the said Lands, Tenements, and Hereditaments, so contracted to be purchased, to the Purchaser thereof accordingly, in the Manner and under the Regulations by the said Act provided in relation to the Purchases thereby authorized to be made, subject nevertheless to the additional perpetual Rent-charge or Rents-charge herein-before mentioned; and immediately upon the Execution of such Conveyance the Reversion or respective Reversions then vested in such intervening Tenant or Tenants shall, so far only as respects such Lands, Tenements, and Hereditaments, be absolutely merged and extinguished in the Freehold and Inheritance thereby conveyed to such Purchaser, and the said perpetual Rent-charge or Rents-charge, and the Estate or Interest therein, shall be considered as a Substitute or Substitutes for the Rent and Reversion so merged and extinguished as aforesaid.

Mode of ascertaining Amount of Rent-charge.

XXXI. Provided always, and be it further enacted, That the Amount of the perpetual Rent-charge so to be reserved and made payable to every such intervening Tenant shall be equal to the net annual Income or Profit Rent for the Time being derived by him from the Lands, Tenements, and Hereditaments so purchased by such Under-tenant as aforesaid, such net annual Income or Profit Rent to be ascertained by deducting the Amount or proportional Amount of the annual Rents, Fines, and other Outgoings and Expences payable by such intervening Tenant in respect of such Lands, Tenements, and Hereditaments from the Amount or proportional Amount of the annual Rents, Fines, and other Outgoings and Expences payable to him in respect of such Lands, Tenements, and Hereditaments by the Under-tenant holding the same directly under him; and for the Purpose of ascertaining the said several Particulars the said Commissioners shall have all such Powers and Authorities, and shall take all such Measures, as are respectively given to and directed to be taken by them for the Purpose of ascertaining the several Particulars directed to be inquired into by the said Act; and every such perpetual Rent-charge shall be payable by equal half-yearly Payments on the First Day of *May* and the First Day of *November* in each Year, and shall be recoverable by all the Ways and Means used for the Recovery of Rents in *Ireland*.

Rents-charge shall enure to same Uses as Leasehold Interest.

XXXII. Provided always, and be it further enacted, That where any such intervening Tenant shall not be absolutely entitled to the Leasehold Interest under the Lease by virtue of which he holds, then and in every such Case, notwithstanding the Reservation of the said perpetual Rent-charge to such intervening Tenant, his Heirs and Assigns for ever, the same shall nevertheless enure to such Uses, and upon and for such Trusts, Intents, and Purposes, as will best correspond with the Uses, Trusts, Intents, and Purposes which for the Time being shall be subsisting concerning the said Leasehold Interest, or would be subsisting concerning the same if such Leasehold Interest were still in existence, or as near thereto as the Difference in the Nature of the Interests respectively will permit: Provided always, that every such perpetual Rent-charge shall be subject to such or the like Provisions

Rents-charge subject to Apportion-

Provisions for Apportionment in the Event of a Division of the Lands, Tenements, and Hereditaments for the Time being subject thereto, or to any Part thereof, as are in the said Act provided in relation to the new Rents to be reserved under the said Act, such Apportionment to be applied for and ascertained in the Manner and subject to the Regulations prescribed by the said Act, so far as the same are respectively applicable, or as near thereto as Circumstances will admit.

ment in case of Division of Lands.

XXXIII. And for the Prevention of Doubts as to the Consequences of the Purchase of the Fee Simple and Inheritance in Lands, under the Provisions of the said recited Act and this Act, by any immediate or mesne Tenant, be it hereby declared and enacted to be the Intent and Meaning of the said Act and this Act, That any such immediate or mesne Tenant shall, notwithstanding his Acquisition of the Fee Simple and Inheritance in such Lands, and the Merger of any previously subsisting Term, Estate, or Interest therein, have all such and the like Remedies, by Distress, Re-entry, Action, or otherwise, for the Recovery of the Rents and Duties reserved in any Under-lease by him theretofore made, which he might or would have had in case he had not so acquired such Fee Simple and Inheritance, and as would have been incident to his Reversion in such previously subsisting Term, Estate, or Interest.

Meaning of Act as to immediate or mesne Tenant acquiring the Fee Simple.

XXXIV. And whereas such Purchase of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments by any such Under-tenant will be beneficial to the first and all other Tenants thereof intervening between such Archbishop, Bishop, or other Ecclesiastical Corporation Sole and the Under-tenant or Under-tenants making such Purchase; be it therefore enacted, That whenever such Under-tenant of any Lands, Tenements, and Hereditaments shall have contracted for the Purchase of the Fee Simple and Inheritance thereof in manner aforesaid the said Commissioners are hereby required to ascertain whether any and what Proportion of the Purchase Money on any such Purchase ought to be contributed by such first and other intervening Tenants thereof as aforesaid; and when the said Commissioners shall have ascertained the Proportion or respective Proportions of the Purchase Money to be contributed by such first and other intervening Tenants as aforesaid respectively, it shall and may be lawful to and for the Under-tenant so contracting to purchase as aforesaid, his Heirs, Executors, or Administrators, by Notice in Writing to be given to such first and other intervening Tenant or Tenants, or his or their known Agent or Receiver, Agents or Receivers, to call upon and require such first and other intervening Tenant or Tenants to contribute his or their said Proportion or respective Proportions of such Purchase Money accordingly; and in case any such first or other intervening Tenant shall refuse or neglect to contribute such his Proportion of the said Purchase Money for the Space of Six Calendar Months after such Notice shall have been given to him or his known Agent or Receiver, then and in such Case the said Commissioners shall make a corresponding Deduction from the said perpetual Rentcharge so directed to be reserved to him as aforesaid, such Deduction to be equal to Six Pounds *per Centum per Annum* on the Proportion of the said Purchase Money which he shall be so required to contribute

Where Subtenants purchase, superior Tenants shall contribute towards Purchase Money.

tribute as aforesaid; and the said Commissioners shall cause the Amount of every Rent-charge so reduced to be inserted in or indorsed upon the Conveyance of the said Lands, Tenements, and Hereditaments to such Under-tenant accordingly; and such reduced perpetual Rent-charge shall thenceforth for ever be payable in lieu of the Rent-charge herein-before directed to be reserved to such intervening Tenant respectively, his Heirs or Assigns, as aforesaid: Provided always, that in case any such Tenant or Lessee shall be dissatisfied with the Amount of the Rent-charge or Proportion of the Purchase Money adjudged payable in manner aforesaid to or by him, the Matter shall be referred to Three Arbitrators, one to be appointed by the Tenant to whom the same is adjudged to be payable, and the other by the Tenant proposing to purchase as aforesaid, and the third by the Two Arbitrators so appointed as aforesaid, in manner provided in the said Act for the Appointment of Arbitrators to adjust Differences between the said Commissioners and Tenants or Lessees applying for the Purchase of Perpetuities under that 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 Rent-charge or Proportion of such Purchase Money shall be conclusive and binding upon all Persons whomsoever, and the Expence of such Arbitration shall be borne by such Party as the Arbitrators shall direct.

Differences to be referred to Arbitration.

Mode of ascertaining and apportioning annual Payments to be reserved on Purchases;

XXXV. And be it further enacted, That in case the Lands, Tenements, and Hereditaments proposed to be purchased by any such first or immediate Tenant or by any Under-tenant respectively, as the Case may be, shall be and constitute Part only of the Lands, Tenements, and Hereditaments held under Lease from any Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or under any intermediate Lease, it shall and may be lawful to and for the said Commissioners to ascertain the annual Payment which ought according to the Provisions of the said Act to have been reserved upon the Conveyance of the Fee Simple and Inheritance in the whole of the Lands held under such Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* by such Lease in case the whole of the said Lands had been proposed to be purchased, and having ascertained the Amount thereof the said Ecclesiastical Commissioners shall apportion the Amount of the annual Payment to be reserved to such Archbishop, Bishop, or other Ecclesiastical Corporation Sole for or in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased; and the said Commissioners shall in like Manner ascertain the net annual Income derived by each of the intervening Tenants from the Lands, Tenements, and Hereditaments held by him or them respectively under their respective Leases, and shall apportion with reference thereto the Amount of the annual Rent-charge to be reserved to each of such intervening Tenants for or in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased; and the said Commissioners shall in like Manner ascertain and apportion, with reference to the annual Rents reserved and made payable under and by virtue of such Leases respectively, the annual Payments to be thenceforth made to such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, and to such

and on the Residue of the Lands where the whole are not purchased.

intervening Tenants or Tenant respectively, for and in respect of the Residue and Remainder of the Lands, Tenements, and Hereditaments included in the same Leases respectively; and the said Commissioners shall convey the Fee Simple and Inheritance of and in the said Lands, Tenements, and Hereditaments so proposed to be purchased to the Purchaser thereof, subject only to such annual Payment as shall be so apportioned to be reserved in respect of the Lands, Tenements, and Hereditaments so proposed to be purchased, (and in the Case of a Purchase by an Under-tenant) to the aforesaid perpetual Rent-charge or Rents-charge to the intervening Tenant or Tenants, and to make all such other Apportionments as the Circumstances of the Case shall in their Judgment require; all which Apportionments shall be conclusive and binding on all Parties, and the Payments so apportioned on the Residue and Remainder of the Lands not purchased shall alone be recoverable in lieu of the whole Rents previously reserved by existing Leases, and exactly as if such apportioned Rents had been the reserved Rents for and in respect of such Residue and Remainder of the Lands not purchased.

Provisions for Lands held under the Commissioners.

XXXVI. And be it further enacted, That the Provisions herein contained applicable to Lands, Tenements, and Hereditaments held under any Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* shall extend and be applied to all Lands, Tenements, and Hereditaments now held or hereafter to be held under the Commissioners in the said Act named, by reason of the Suppression of the Sees therein mentioned; and in all Cases in which any Purchase shall be made of Lands, Tenements, and Hereditaments held under the said Commissioners, being Part only of the Lands, Tenements, and Hereditaments included in One Lease, the said Commissioners shall ascertain what Portion of the Fine theretofore payable for the Renewal of such Lease should be paid for or in respect of the Lands not included in such Purchase, and in case any Difference shall arise in regard thereto the same shall be decided by Arbitrators in the Manner in the said Act provided for deciding Questions between the Commissioners and Tenants and Lessees applying for the Purchase of Perpetuities, and the Sum so ascertained shall be thenceforth deemed and taken to be the Amount of Fine payable for Renewal of such Lands, Tenements, and Hereditaments; and the said Commissioners shall thenceforth from Time to Time grant renewed Leases of such Lands, Tenements, and Hereditaments, on Payment of the Amount so ascertained in manner in the said Act provided for the entire Lease, subject nevertheless to be varied in such Manner and under the Circumstances in the said Act mentioned: Provided that the Payments to be reserved to the Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland* shall in all Cases be deemed prior in order of Charge to the Rent-charges hereby authorized to be granted; and where in any Case there shall be more than One Rent-charge reserved for and in respect of the same Lands, by virtue and in pursuance hereof, the said Commissioners shall state in the Conveyance to be executed upon any such Purchase the Order and Priority of the same Charges, which shall be according to the Priority of the several Tenants at the Date of such Purchase, and in case at any Time thereafter any of the said Rents-

Order of Priority of Rent-charges.

charge shall be in arrear the same shall have Priority and be paid in the Order so ascertained.

Where Sub-tenant shall purchase Part of Lands, Lease granted of Remainder to be valid.

XXXVII. Provided always, and be it enacted, That when and so often as any Tenant or Sub-tenant shall have purchased the Fee and Inheritance of Part of the Lands, Tenements, and Hereditaments included in any Lease from any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole in *Ireland*, or the said Ecclesiastical Commissioners, or in any intermediate Lease, any Lease to be thereafter granted by any such Archbishop, Bishop, or other Ecclesiastical Corporation Sole, or the said Ecclesiastical Commissioners, or by any intervening Tenant or Tenants, as the Case may be, of the Residue and Remainder of the same Lands, Tenements, and Hereditaments, reserving only the Proportion of the Rent payable for or in respect of such Residue and Remainder, to be ascertained as aforesaid, shall be as valid in all respects in reference to the Lands included in such Lease as a Lease of the Entirety at the entire Rent would have been, and in all respects have the same Operation, as far as the Lands, Tenements, and Hereditaments comprised therein are concerned, as if a Lease of the Entirety had been made, and all the Statutes applicable to the Renewals of the whole Lease shall apply to such Renewals of the Part only; any Law, Custom, or Statute to the contrary in anywise notwithstanding.

Purchases made under this Act not to be impeached by reason of Imperfection of Notices.

XXXVIII. Provided always, and be it further enacted, That before the Execution of any Conveyance to any Under-tenant or Under-tenants under the Provisions of this Act, he or they shall prove to the Satisfaction of the said Ecclesiastical Commissioners that the Notice or Notices required by this Act have been duly given; and that after the Expiration of One Year from the Completion of any Purchase by any Under-tenant or Under-tenants, under the Provisions of this Act, the same shall not afterwards be impeached or called in question by reason of any such Notice or Notices not having been given as aforesaid, nor by reason of any Imperfection in any such Notice or Notices.

Purchases made under Provisions of recited Act to extend to this Act.

XXXIX. And be it further enacted, That all the Provisions in the said recited Act contained, in relation to the Purchases thereby authorized, and to the Consequences thereof, as well with reference to the Parties immediately interested, and their Rights and Liabilities, as to those having derivative and other Interests, and their Rights and Liabilities, in all other respects whatsoever, shall, so far as the Nature of the Case will admit, extend and be applicable to the Purchases by this Act authorized to be made, and to the Consequences thereof.

Church Estimates to be prepared and transmitted at such Times, and calculated for such Periods, as

XL. And whereas it is by the said recited Act amongst other Things enacted, that the officiating Curate or Minister officiating as Curate of every Parish, Union, 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, on or before the First Day of *June* in each and every Year succeeding the Year One thousand eight hundred and

thirty-three, prepare or cause to be prepared such Estimate containing such Items and Particulars as are in the said Act mentioned, and that 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 *July* in each and every Year succeeding the said Year One thousand eight hundred and thirty-three; and it is by the said recited Act further enacted, that the said Ecclesiastical Commissioners shall pay or cause to be paid on the First Day of *September* in each Year, for the Maintenance of all and every the Person or Persons who at the passing of the said Act was or were or should thereafter be appointed Clerk or Clerks of such Parish, Union, or Chapelry, or Chapel of Ease, as therein mentioned, certain Salaries, or to grant certain Allowances in the said Act mentioned: And whereas it is expedient that the respective Periods for preparing and transmitting such Estimate and for paying such Sums as aforesaid should be left to the Discretion of the said Ecclesiastical Commissioners; be it therefore enacted, That the said Estimates shall be prepared and transmitted at such convenient Times, and shall be made and calculated for such Period, commencing on such Day and ending on such Day in each Year, as the said Ecclesiastical Commissioners shall from Time to Time think fit to direct and signify by Writing under their Corporate Seal to the Person or Persons whose Duty it may be from Time to Time to prepare and transmit the same; and that such Payments on account of Salaries or Maintenance to Clerks heretofore or hereafter to be appointed shall be made at such convenient Time in each Year as the said Commissioners shall appoint and direct; any thing in the said recited Act contained to the contrary hereof notwithstanding.

the Commissioners shall think fit to direct.

XLI. And whereas it was by the said recited Act provided, that all Rates or Assessments upon any Parish, Union, Chapelry, or Place, or the Inhabitants thereof, or any of them, for certain Purposes in the said Act mentioned, and all Proceedings for the making, assessing, applotting, or levying the same, should from and after the Commencement of the said Act wholly cease and determine, and that every Rate, Assessment, or Applotment for any Church Purpose whatsoever should be and be deemed to be by all Courts of Justice totally void as to so much thereof as provides for the Church Purposes, or any of them, in such Act mentioned; and it was also by the said Act provided, that in all Parishes and Places where by virtue of any Law, Statute, or Custom Provision may have been theretofore 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 should from and after the passing of the said Act wholly cease and determine, and future Provision for such Church and other Purposes was made by the said Act from and after the Commencement thereof: And whereas it is necessary, by reason of the said Enactments, that Provision should be made for the Purposes aforesaid for the Period of the Year One thousand eight hundred and thirty-three intervening between the Commencement of the said Act and the *Easter* Week next preceding, and also for all such Charges and Expences incurred previous to the Commencement of the said Act

Ecclesiastical Commissioners empowered to provide for the Purposes heretofore defrayed by Vestry Assessment for Part of the Year 1833.

Act as would or ought to have been defrayed by Vestry Assessment in case the said Act had not been made; be it therefore enacted, That so much of the said recited Act as disables any Vestry called or holden in or for any Parish, Union, Chapelry, or Place, or any Person or Persons, from making, assessing, applotting, or levying any Rate or Assessment for any of the Purposes in the said Act mentioned, and so much of the said Act as authorizes and requires the said Ecclesiastical Commissioners to issue and pay the Sums required for the several Matters and Things by such Act directed to be included in the Estimates to be annually transmitted to the said Commissioners, or as authorized the said Commissioners to make Provision for the Maintenance of any Curate, Lecturer, Clerk, or other Minister or Assistant in the Celebration of Divine Worship, or Attendant or Sexton, in lieu of any Provision by Vestry Assessment or otherwise theretofore made for such Purposes by any Law, Statute, or Custom, shall take effect and be deemed to have taken effect from the Commencement of the *Easter* Week in the said Year One thousand eight hundred and thirty-three, and that any such Rate or Assessment made in such Week, or at any Time after and previous to the Commencement of the said Act, shall be utterly null and void in so far as respects any of the Church Purposes in the said Act mentioned, but no further; and that supplementary Estimates for the said Period intervening between *Easter* Week in the said Year One thousand eight hundred and thirty-three and the Commencement of the said Act shall with all convenient Speed be prepared, certified, and transmitted to the said Commissioners in manner and form by the said Act prescribed in respect of the annual Estimates to be transmitted to the said Commissioners.

Upon Proof that Notice of Appeal against Rates rendered illegal by 7 G. 4. c. 72. has been given, Justices may proceed to hear the same without Recognizances having been entered into.

XLII. And whereas it was by the said recited Act provided, that certain Parts of an Act made in the Parliament of the United Kingdom in the Seventh Year 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, should be and the same were thereby repealed, but Doubts and Difficulties have arisen as to the Mode of obtaining Relief against such Rates and Assessments as have been rendered illegal by such Repeal, by reason of the Recognizances, Notices, and other Formalities made necessary by the said Act of the Seventh Year of His late Majesty King *George* the Fourth in order to constitute an effectual Appeal against any Assessment or Applotment under the said last-mentioned Act, and it is expedient to obviate all such Doubts and Difficulties, and to facilitate the Trial of every such Appeal upon the Merits; be it therefore enacted, That it shall not be necessary for any Person who shall appeal to the Justices of the Peace at the General or Quarter Sessions of the Peace to enter into any Recognizance whatsoever, either by himself or with any Security or Securities, but that the Justices before whom such Appeal shall come on to be tried shall, upon Proof that a Notice in Writing of such Appeal was given to the Incumbent or Curate, or to both, or One of the Churchwardens and Three Householders of the Parish, Chapelry, or Union, Six clear Days at the least before such General or Quarter Sessions, proceed

proceed to hear and determine such Appeal upon the Merits, and to award Costs not exceeding Five Pounds against either Party, as to them shall appear just.

Every Parishioner to vote at Vestries without Distinction.

XLIII. And be it further declared and enacted, That at every Vestry to be hereafter at any Time called or holden in any Parish, Union, or Chapelry, for the Purpose of making any Cess, Rate, Assessment, or Applotment whatsoever, it shall be lawful for every Parishioner, of whatever Religious Persuasion he may be, who shall be chargeable to such Cess, Rate, Assessment, or Applotment in such Parish, Union, or Chapelry, to vote at such Vestry respecting every Matter or Business therein brought forward.

Commissioners enabled to ascertain the Amount of existing Charges on Parishes for Purposes for which Vestry Assessments are now prohibited, and to pay them off.

XLIV. And be it enacted, That it shall be lawful for the said Ecclesiastical Commissioners to inquire into and ascertain the Amount of all such Sums as may have been, at or previous to *Easter* Week in the said Year One thousand eight hundred and thirty-three, charged or chargeable upon any Parish, Union, or Chapelry, for or on account of any Balance of Account, Costs, Damages, or Expences due to any Churchwarden, or to any Clerk or Sexton for his Maintenance, and also the Amount of any Arrears of Vestry Cess accrued due and not collected for the Years One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two with which any Churchwarden may have been charged in his Account, and which he may have paid and cannot recover, and also the Amount of all Sums which any Churchwarden or Person may have paid or for which he may be liable on behalf of any Parish, Union, or Chapelry, for any Purpose now executed, and for which a Vestry Assessment may have been made in the Year One thousand eight hundred and thirty-one or One thousand eight hundred and thirty-two or One thousand eight hundred and thirty-three, not exceeding the Arrears due upon such Assessment; and the said Commissioners, having satisfied themselves of the Amount of all such Sums as aforesaid, shall, in such Manner and to such Extent, and subject to such Regulations as they in their Discretion shall think just and necessary, pay the said Sums to the Persons respectively entitled thereto.

Commissioners of Public Works in Ireland may lend the Ecclesiastical Commissioners a Sum not exceeding 100,000*l.*

XLV. And whereas it is necessary, in order to enable the said Ecclesiastical Commissioners to provide for the Purposes heretofore defrayed by Vestry Assessment according to the Provisions of the said recited Act and this Act, that such Commissioners should be empowered to borrow a Sum of Money by way of Mortgage or Loan on the Credit of the Funds accruing to them under the Provisions of the said Act; be it therefore enacted, That it shall and may be lawful for the Commissioners acting under and in execution of an Act made in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, by and with the Consent and Approbation of the Lords Commissioners of His Majesty's Treasury, to lend and advance to the said Ecclesiastical Commissioners such Sum or Sums of Money, not exceeding in the whole One hundred thousand Pounds, as they shall think proper, to be repaid to the said Commissioners for the Extension and Promotion of Public Works in *Ireland* in such

Manner and at such Times, with Interest for the same, at and after such Rate, not exceeding Four Pounds *per Centum per Annum* on the Sum or Sums so advanced, as the said Commissioners of the Treasury shall direct and require; and all Sums so lent and advanced shall, with the Interest from Time to Time accruing due thereon, be and the same are hereby charged upon all and every the Rents, Issues, and Profits of all Lands, Tenements, or Hereditaments, and the annual Tax and the Proceeds thereof, and all and every Sum or Sums of Money, or Securities for Money, vested in or which shall accrue to the said Ecclesiastical Commissioners and their Successors under and by virtue of the said Act, and all Interest, Dividends, Profits, and Proceeds thereof; and the said Ecclesiastical Commissioners are hereby authorized and required to pay such Sums of Money, and such Interest from Time to Time accruing due thereon, when and as the same shall become due and payable respectively, pursuant to the Order and Direction of the said Commissioners of the Treasury, from and out of the Produce of the said Rents, Issues, and Profits, and the said Tax, and the other Funds vested in or accruing to such Ecclesiastical Commissioners under the said Act, prior and in preference to any other Application thereof.

The recited Act to continue in full Force save as altered by this Act, and both Acts to be construed together.

XLVI. And be it enacted, That the said recited Act of the last Session of Parliament for altering and amending the Laws relating to the Temporalities of the Church in *Ireland* shall continue in full Force and Effect, save and except so far as the same is expressly repealed or altered by this present Act; and that the said recited Act and this Act shall be construed together as One Act to all Intents and Purposes whatsoever.

Act may be altered.

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

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ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

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CAP. XCI.

An Act to continue for One Year, and from thence to the End of the then next Session of Parliament, the several Acts for regulating the Turnpike Roads which will expire during the present or before the End of the next Session of Parliament, and to amend the several Acts regulating the Post Roads, in *Ireland*. [15th *August* 1834.]

WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Ireland* which will expire during the present Session or before the End of the next Session of Parliament should be continued for a limited Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Ireland* which will expire during the present Session or before the End of the next Session of Parliament shall be and the same is and are hereby continued for One Year from the passing of this Act, and until the End of the then next Session of Parliament,

Continuation of Acts.

II. And whereas by an Act of the last Session of Parliament, intituled *An Act to amend the Laws relating to Grand Juries in* Ireland, it was provided that a certain Number of Cess-payers should be

In default of the Attendance of Cess-payers at

Special Sessions under 3 & 4 W. 4. c. 78. the Justices may proceed with the Business.

be associated with the Justices of the Peace at certain Meetings of Special Sessions and Adjournments thereof to be holden at the Times and for the Purposes in the said Act mentioned, and Doubts have arisen as to the Competence of such Justices to proceed in the Business of such Sessions or Adjournment in default of the Attendance of such Cess-payers; for Removal of such Doubts, be it hereby enacted and declared, That the Justice or Justices attending at such Special Sessions or any Adjournment thereof shall, in default of the Attendance of such Cess-payers, have full Power and Authority to do all such Matters and Things as it is by the said Act provided shall or may be done at such Special Sessions or Adjournment thereof respectively.

Grand Jury empowered to make Presentment of Sums necessary to reimburse Supervisor, &c. under certain Conditions.

III. And whereas Doubts have arisen upon the Construction of the said recited Act in respect of the Office or Appointment of Supervisors of Roads in *Ireland*, and by reason thereof certain Supervisors have continued to act, and certain Grand Juries have appointed Persons to be Supervisors of Roads, and it is expedient to remove such Doubts and to prevent the Inconveniences resulting therefrom; be it therefore enacted, That it shall and may be lawful for the Grand Jury of any County, County of a City, or County of a Town where any such Supervisors shall have acted or been appointed as aforesaid, to make Presentment of such Sum or Sums of Money as shall be necessary to reimburse and defray all Sums advanced and laid out by such Supervisor, and for the Payment of any Deputy or Deputies of such Supervisor, provided that an Affidavit made and signed before some Justice of the Peace by such Supervisor shall be laid before the Grand Jury, stating that the Work has been properly executed, together with an Affidavit made and signed in like Manner by the Deputy employed in such Work, stating that the Money has been fairly and honestly expended, and is a reasonable Charge to the best of his Knowledge and Belief, with the Particulars of the Expenditure: Provided always, that on and after the First Day of *January* in the Year One thousand eight hundred and thirty-five all Powers, Duties, and Authorities belonging to the said Office of Supervisor of Roads shall wholly cease and determine, and the said Office shall be and is hereby on and from that Day abolished.

1 & 2 W. 4. c 33.

IV. And whereas, under and by virtue of certain Acts now in force in *Ireland*, the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, are authorized and required, upon the Application of His Majesty's Postmaster General for the Time being, to cause Surveys, Maps, Plans, and Estimates of the several Lines of Post Roads in *Ireland* to be prepared when and as such Postmaster General shall certify to the said Commissioners that the same is necessary or advisable, and such Commissioners are required to cause such Surveys, Maps, Plans, and Estimates, when so prepared, to be laid before the respective Grand Juries at the next Assizes or Presenting Term of each and every County, County of a Town or City, through any Part of which any Line of Road referred to in such Surveys or Maps may pass or be carried; and if such

Grand Juries shall so think fit, they are authorized to present the Roads, and the Alterations thereof pointed out and recommended in any such Survey, and all Sums necessary for laying out, forming, gravelling, fencing, and repairing the same, and for the other Purposes connected therewith: And whereas it is expedient that Provision should be made for the more speedy and effectual Repair of Roads in *Ireland* upon which His Majesty's Mails are carried; be it therefore enacted, That it shall be lawful for the said Commissioners, upon the Application of the said Postmaster General for the Time being, setting forth and describing the Line of any such Road, or the Portion of any such Road, not being a Turnpike Road, which may stand in need of Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause such Road, or such Portion thereof as shall be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet and Wall thereon, to be put forthwith into good and sufficient Repair accordingly under the Superintendence of the County Surveyor; and that upon the Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his or their Warrant or Warrants, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied under the Directions of the said Commissioners in manner aforesaid.

Commissioners of Public Works may, on Application of Postmaster General, and with Consent of Lord Lieutenant, cause Post Roads to be repaired.

V. And be it further enacted, That whenever any such Road or Bridge, or any Portion thereof, shall be put in good and sufficient Repair, under the Direction of the said Commissioners, by virtue of the Provisions of this Act, the Secretary to the said Commissioners shall deliver or cause to be delivered to the Secretary of the Grand Jury of any and every County within which any such Road or Bridge, or any Portion thereof, shall be situate respectively, a Certificate of the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge, or any Portion thereof, and the other Expences aforesaid, within any and every such County respectively, together with an Account of the Items of such Expenditure, attested by the said County Surveyor; and every such Certificate and Account shall at the next or some succeeding Assizes be laid before the Grand Jury of any and every such County respectively; and thereupon it shall and may be lawful to and for the Grand Jury of any and every such County respectively, and any and every such Grand Jury are hereby authorized and required, to make Presentment of the Amount of such Expences as stated in such Certificate to be raised off such County at large; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money until such Presentment for such Expences be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such County respectively, such Treasurer shall pay over the same respectively to the Collector of Excise for the

Amount of Money expended in such Repairs to be certified to the Grand Jury of the County, who shall raise the same by Presentment.

the District in which such Road or Bridge, or Portion thereof, shall be respectively situate, to be by him accounted for as any other Public Monies which may come into his Hands.

Expence of repairing Bridges between Counties to be borne equally.

VI. Provided always, and be it enacted, That where any Bridge which shall be repaired as aforesaid shall be situate partly in one County and partly in another, the Expence of repairing such Bridge shall be borne and defrayed equally between the several Counties, and the Certificates and Presentments by this Act required shall be made and raised accordingly.

Continuation of Act.

VII. And be it enacted, That this Act, in so much as respects the Repair of Roads on the Application of His Majesty's Postmaster General, shall be and remain in force for the Term of One Year from the passing thereof, and until the End of the then next Session of Parliament.

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