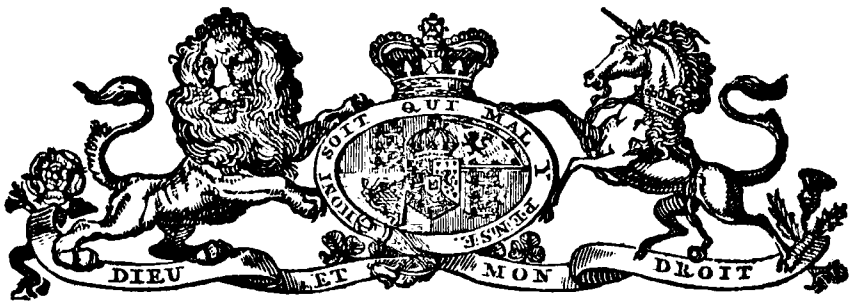


ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

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CAP. XCIX.

An Act to amend Two Acts passed respectively in the Third and Fourth and in the Fourth and Fifth Years of His present Majesty, for altering and amending the Laws relating to the Temporalities of the Church of *Ireland*.

[20th *August* 1836.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland, which Act was amended by another Act passed in the Fourth and Fifth Years of the Reign of His said Majesty: And whereas it is expedient to extend, explain, and amend, in certain respects, the Provisions of the said Acts: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any inferior Tenant or Lessee, holding any Lands, Tenements, or Hereditaments by virtue of any Lease or Contract containing a *toties quoties* Covenant for Renewal, and whose next immediate Landlord has or shall have

3 & 4 W. 4. c. 37.

4 & 5 W. 4. c. 90.

Inferior Tenants may apply to their immediate Land-

lord, having acquired a Perpetuity, for a like Conveyance;

have acquired a perpetual Estate or Interest in such Lands, Tenements, or Hereditaments under the Provisions of the said recited Acts or of this Act, to apply to such next immediate Landlord for a Conveyance of a perpetual Estate and Interest in such Lands, Tenements, or Hereditaments, which Conveyance such next immediate Landlord is hereby required to make and execute to such inferior Tenant, his Heirs and Assigns; provided that such Tenant shall previously have paid or tendered to such Landlord or his known Agent such Sum or Sums of Money as shall be payable by such Tenant as or for Contribution to the Purchase Money paid or secured by such Landlord for the Purchase of a perpetual Estate or Interest in such Lands, Tenements, or Hereditaments, pursuant to the said recited Acts and this Act, together with all Rent, and Fines and Fees for Renewal, and all Arrears thereof, then due and payable by such Tenant by virtue of such Lease or Contract.

such Tenant having previously paid or tendered his Contribution and Arrears of Rent and Fine.

For ascertaining the yearly Rent to be reserved on such Conveyances.

II. And be it enacted, That the yearly Rent to be reserved on every such last-mentioned Conveyance shall be ascertained in manner following; that is to say, when the Fine and Fees payable by such inferior Tenant upon each Renewal of his Interest in such Lands, Tenements, or Hereditaments shall be a fixed and ascertained Sum, then, in the Case of Leases or Interests renewable every Year, the Amount of such Fine and Fees, or, in the Case of Leases renewable at longer Intervals than every Year, the annual average Amount of such Fine and Fees computed as by the said first-recited Act directed for the Purposes of that Act, shall be added to the yearly Rent reserved and made payable by the Lease or Contract under which such Lands, Tenements, or Hereditaments are held by such inferior Tenant; and when the Fine and Fees payable by such inferior Tenant upon every such Renewal as aforesaid shall be a fixed Proportion of or dependent upon the Renewal Fine payable by the immediate superior Tenant of said Lands, Tenements, or Hereditaments, then there shall be added to the yearly Rent reserved upon such Lease or Contract a Sum of Money bearing a like Proportion to the average annual Amount of the Renewal Fine so payable by such immediate superior Tenant, as the same shall have been ascertained by the Ecclesiastical Commissioners for *Ireland* pursuant to the said recited Acts; and such yearly Rent reserved upon such Lease or Contract, together with such Sum of Money so to be added thereto as aforesaid, shall be the future Rent to be reserved on the Conveyance of a perpetual Estate or Interest in such Lands, Tenements, or Hereditaments to such inferior Tenant.

In case of Dispute, or Refusal or Disability on the Part of the Landlord to execute, the Tenant may petition the

III. And be it enacted, That in case of any Dispute or Difference between such inferior Tenant and his next immediate Landlord, or in case such Landlord shall not execute to such Tenant a Conveyance of the Fee Simple and Inheritance of and in such Lands, Tenements, and Hereditaments within One Calendar Month next after the same shall have been duly tendered to him or to his known Agent, or in case such next immediate Landlord shall be an Infant or Lunatic, or shall not be resident in the United Kingdom of *Great Britain* and *Ireland*,

Ireland, then and in every such Case it shall and may be lawful for such inferior Tenant to apply to the Court of Chancery or Court of Exchequer in *Ireland* by Petition setting forth the Facts and Circumstances of the Case; and it shall and may be lawful for such Court to hear such Petition in a summary Manner, and to make such Order thereon as such Court shall think fit, and to appoint a Person to execute such Conveyance to such Tenant in the Name of such Landlord, in case such Landlord shall reside out of the Jurisdiction of such Court or shall labour under any legal Disability, or in case such Court for any other Reason shall think it expedient to appoint such Person; and every such Conveyance so executed shall be valid and effectual to all Intents and Purposes.

Court of Chancery or Court of Exchequer.

Court may determine in a summary Manner, and appoint a Person to convey.

IV. And be it enacted, That it shall and may be lawful for every such next immediate Landlord, and he is hereby authorized and required, although he shall be Tenant for Life or for any other limited Interest of such Lands, Tenements, or Hereditaments, or although he shall labour under any legal Incapacity or Disability (except Infancy or Lunacy), to execute such Conveyance to his next inferior Tenant, subject to the Provisions herein-before contained, and every such Conveyance shall be valid and effectual to all Intents and Purposes.

Tenants for Life and Persons under legal Incapacity (except Infants and Lunatics) may convey.

V. And be it enacted, That in case any Portion of the yearly Rent reserved on such Conveyance of any Lands, Tenements, or Hereditaments shall be a Proportion of or dependent upon the average annual Amount, as ascertained by the said Ecclesiastical Commissioners, of the Renewal Fine payable by the first and immediate Tenant of such Lands, Tenements, or Hereditaments, then and in every such Case such yearly Rent shall be subject to Variation in like Manner and at such Times as the Rents reserved upon the immediate Conveyance of any Lands, Tenements, or Hereditaments by the said Ecclesiastical Commissioners, or by the Archbishop, Bishop, or other sole Ecclesiastical Corporation under whom the said Lands, Tenements, or Hereditaments are held; and all the Provisions in the said recited Acts contained relative to the Variation of such last-mentioned Rents shall be applicable to Rents reserved on Conveyances to be made under the Provisions of this Act, so far as the Nature and Circumstances of each Case will admit.

Rent reserved on such Conveyance to be subject to Variation in certain Cases.

VI. And whereas certain Portions of the Lands belonging to the Sees of *Armagh* and *Clogher* have been or may be conveyed to the *Ulster* Canal Company under or by virtue of an Act of Parliament made and passed in the Eighth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for making and maintaining a navigable Canal from* Lough Erne *in the County of* Fermanagh *to the River* Blackwater *near the Village of* Charlemont *in the County of* Armagh; and of a certain other Act of Parliament made and passed in the Ninth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to amend an Act for making and maintaining a navigable Canal from* Lough Erne *in the County of* Fermanagh *to the River* Blackwater *near the Village of* Charlemont *in the County of* Armagh; and of a certain other Act of Parliament made

6 G. 4. c. cxciii.

9 G. 4. c. xcvi.

10 G. 4. c. cix. 1 & 2 W. 4. c. lvi. 6 W. 4. c. lxxii.

made and passed in the Tenth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act to explain the Acts for making the* Ulster *Canal in the Counties of* Fermanagh *and* Armagh; and of a certain other Act of Parliament made and passed in the First and Second Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend the several Acts for making and maintaining the* Ulster *Canal in the Counties of* Fermanagh *and* Armagh; and of a certain other Act of Parliament made and passed in the present Session of Parliament, intituled *An Act to amend and enlarge the Powers and Provisions of the several Acts for making and maintaining the* Ulster *Canal in the Counties of* Fermanagh, Monaghan, *and* Armagh *in* Ireland; for which Compensation has been already awarded or is provided by said Acts to be awarded to the said Sees of *Armagh* and *Clogher;* be it enacted, That the Ecclesiastical Commissioners, or the Arbitrators, as the Case may be, are hereby authorized and required to make such Abatement in the reserved Rents hereafter to be charged in the Perpetuity sought to be acquired, or in the Rent and Renewal Fine of any Lease sought to be renewed, as to them may appear reasonable and just in proportion to the Value of the Lands so conveyed or which may hereafter be so conveyed to said *Ulster* Canal Company as aforesaid.

Ecclesiastical Commissioners or Arbitrators to make Abatement in the reserved Rents and Renewal Fines of certain Leases.

Reservation of Remedies for Recovery of Rent.

VII. And be it enacted, That every such next immediate Landlord shall and may have all such and the like Remedies for the Recovery of the Rent reserved upon any such Conveyance to his inferior Tenant or Tenants as any Landlord or Lessor now has, or may, can, or shall have by virtue of any Law now or hereafter to be in force in *Ireland* for the Recovery of Rent payable under a Demise by which a Reversion is reserved to or remains in such Landlord or Lessor; and every Person who shall have acquired the Fee Simple or Inheritance in any Lands, Tenements, or Hereditaments pursuant to the Provisions of this Act shall and may have all such and the like Remedies against his Under-tenants as in and by the said recited Acts are provided in Cases of Persons who shall have acquired the Fee Simple and Inheritance of any Lands, Tenements, or Hereditaments under the Provisions of the said recited Acts.

Saving of Provisions of recited Acts as to Under-tenants who shall not apply for Perpetuities.

VIII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to alter or affect the Provisions of the said recited Acts with respect to Renewals to be made to inferior Tenants holding under Leases or Contracts containing *toties quoties* Covenants for Renewal in the Case of any such inferior Tenant who shall not apply to his next immediate Landlord, pursuant to the Provisions of this Act, for a Conveyance of the Fee Simple and Inheritance of and in the Lands, Tenements, or Hereditaments held by him under such next immediate Landlord.

Commissioners may give Certificates of Terms of

IX. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, at any Time after Application shall have been made to them for the Purchase of the Fee Simple and Inheritance of and in any Lands, Tenements,

ments, or Hereditaments pursuant to the said recited Acts or this Act, to cause such Certificate of the Terms of such Purchase, and of the Amount of Purchase Money to be paid on the Completion of such Purchase, and of the annual Rent to be reserved and made payable in and by the Deed or Deeds of Conveyance, as by the said recited Acts they are directed to grant to the Applicant when so required, to be without any Request on his Part delivered to him, together with a Notice in Writing to be annexed to such Certificate requiring such Applicant to complete such Purchase, pursuant to the said recited Acts, within such Time as shall be specified in such Notice, not being less than Six Calendar Months from the Service thereof; and the said Ecclesiastical Commissioners may, if they shall so think fit, cause such Certificate and Notice to be transmitted to such Applicant by Post, addressed to him at his usual Place of Residence, or to his known Agent or Receiver at the usual Place of Residence of such Agent or Receiver, and for the Purposes of this Act such Transmission by the Post to such Applicant, or his known Agent or Receiver, shall be deemed good and sufficient Service of such Certificate and Notice; and if such Applicant shall neglect or refuse to complete such Purchase within Six Calendar Months after the Service of such Certificate and Notice, or within such further Period as shall be specified in such Notice, then and in every such Case such Applicant shall be deemed to have renounced such Purchase, and his Right of Preference thereto; and the said Commissioners shall deduct from the Sum deposited or secured, pursuant to the said recited Acts, by such Person so neglecting or refusing as aforesaid to complete such Purchase, such Sum or Sums of Money as the said Ecclesiastical Commissioners shall find necessary to defray the Expences which they may have incurred in ascertaining the Terms of such Purchase upon his said Application: Provided always, that nothing herein contained shall have the Operation or Effect of interfering with the Right or depriving any Tenant of the Power of calling for and obtaining an Arbitration as provided by the said recited Acts in case he shall be dissatisfied with the Terms of Purchase declared by the said Commissioners; and that in the event of such an Arbitration being called for and proceeded with by the Tenant the said Notice in Writing attached to the Certificate herein-before mentioned shall be set aside, and a new Notice of like Form shall be served on the Tenant by the said Commissioners at any Time after the Award of the Arbitrators who may be chosen shall be declared.

Purchase, and call on Tenants by Notice to complete their Purchases.

Service of Notice.

In case of Failure to complete the Purchase, the Applicant shall be deemed to have renounced his Right thereto.

Reserving to Tenant the Right to call for an Arbitration.

X. And be it enacted, That in every Case in which any Deed has been or shall hereafter be executed, which by the Provisions of the said recited Acts is required to be enrolled, the said Ecclesiastical Commissioners shall cause a Transcript of such Deed, certified under their Seal, to be made upon Parchment, and deposited in the Hands of the Deputy Keeper of the Rolls or other proper Officer of the Rolls Office of the High Court of Chancery in *Ireland*, who upon Receipt thereof shall, without any Fiat or other Order, cause the same to be preserved in the said Rolls Office, and such Transcripts shall be conveniently arranged in Books for the Purpose of Reference and Examination; and every such Transcript so deposited shall be

Deeds shall be enrolled by depositing Transcripts in the Rolls Office.

Transcripts to be arranged in Books for Reference.

Transcripts and Certificates not liable to Stamp Duty. Fee on Enrolment.

and be deemed and taken to be an Enrolment of such Deed to all Intents and Purposes whatsoever: Provided always, that neither such Transcript for Enrolment, nor any Certificate required by the said recited Acts, or either of them, to be given or enrolled, shall be liable to any Stamp Duty whatsoever; and that no Fee shall be demanded or paid for the Enrolment of any Certificate required by Law to be annexed to the Enrolment of any such Deed as aforesaid, in addition to the Fee of Two Shillings and Sixpence payable on Enrolment of such Deed, pursuant to the said first-recited Act.

Searches in Enrolment Books may be made on Payment of a Fee of 2*s*. 6*d*.

XI. And be it enacted, That it shall and may be lawful for any Person whatever to make Searches in such Enrolment Books for the Enrolment or Enrolments of any Deed or Deeds which he shall have Occasion to examine, and every Person making any such Search shall pay for the same (including the Liberty of taking Notes or making Extracts from any Enrolment or Enrolments) a Fee of Two Shillings and Sixpence, and no more, for such Day on which he shall make any such Search.

Provision as to Archbishops, &c. causing Enrolments to be made repealed. Payment of Expences of Transcript and Enrolment.

XII. And be it enacted, That so much of the said first-recited Act as provides that any Archbishop, Bishop, or Person, other than the said Ecclesiastical Commissioners, shall cause any such Deed or Deeds to be enrolled, shall be and the same is hereby repealed; and that the said Ecclesiastical Commissioners shall defray the Costs and Expences of making such Transcript for Enrolment, and of enrolling the same in manner aforesaid, out of the Purchase Money paid for the Purchase of the Fee Simple and Inheritance of and in the Lands, Tenements, or Premises comprised in such Transcript.

If Tenants purchase Lands held by Two or more Leases, a Mortgage may be accepted of the Lands held by any One of them.

XIII. And be it enacted, That if any Tenant or Under-tenant shall be the Purchaser of any Lands, Tenements, or Hereditaments held under or by virtue of Two or more Leases, it shall be lawful for the said Ecclesiastical Commissioners, if in their Discretion they shall so think proper, to accept of a Mortgage on the Lands comprised in any One or more of such Leases for the Purchase Money of the whole, provided that the yearly Value of the Portion or Portions of such Lands so proposed to be mortgaged, clear of all Rents, Charges, and Outgoings whatsoever, shall be at least Three Times the Amount of the yearly Interest payable in respect of such Mortgage.

Forms of Conveyances, Mortgages, &c. to be prepared by the Commissioners.

XIV. And be it enacted, That the said Ecclesiastical Commissioners shall, with all convenient Speed, cause proper Forms of the Conveyances, Mortgages, Leases, and other Documents required for the Purposes of the said Acts and this Act to be prepared, and such Forms shall be authenticated by the Corporate Seal of the said Commissioners, and deposited in their Office, there to be kept and preserved, and such Forms may be used for the Purposes aforesaid, subject to such Exception or Variation as from Time to Time or in any particular Case the said Ecclesiastical Commissioners may find necessary or convenient; and such Forms so authenticated, or such amended Forms in like Manner authenticated, as the said Commissioners shall from Time to Time cause to be prepared,

shall

shall be alike good and effectual as if the same were inserted in this Act; and Copies of all such Forms shall be printed under the Directions of the said Commissioners, and given to any Person demanding the same on Payment of the reasonable Expence of providing the same.

Ecclesiastical Commissioners shall invest the Monies arising in the Perpetuity Fund Account.

XV. And be it enacted, That the said Ecclesiastical Commissioners shall cause all such Monies as may hereafter accrue to their Credit in the Perpetuity Purchase Fund Account mentioned in the said last-recited Act to be invested from Time to Time in such Public Securities as the said Ecclesiastical Commissioners shall think fit; and the said Ecclesiastical Commissioners shall have Power to sell and dispose of the same as Occasion shall arise, and apply the Proceeds thereof, and the Dividends and Interest arising therefrom, to the Purposes authorized and directed by the said last-recited Act.

In Leases of See Houses, &c. Covenants not to sublet, except with Consent of Commissioners, may be inserted, instead of absolute Covenants against subletting.

XVI. And be it enacted, That it shall and may be lawful for the said Ecclesiastical Commissioners, in any Demise or Lease to be made by them, pursuant to the said first-recited Act, of the See House, Offices, and Mensal or Demesne Lands of or belonging to any Archbishoprick or Bishoprick, to cause to be inserted, instead of such Clause or Covenant against assigning or subletting, as by the said Act is required, a Clause or Covenant making void such Demise or Lease in case the Premises thereby demised, or any Part thereof, shall be sublet or assigned without the previous Consent of the said Ecclesiastical Commissioners testified in Writing under their Common Seal; which Consent the said Ecclesiastical Commissioners are hereby authorized and empowered, if they shall so think fit, to give, upon such Terms and subject to such Restrictions or Conditions as they shall deem expedient: Provided always, that such Consent shall not be construed to authorize or empower any Person deriving under the Person to whom the said Ecclesiastical Commissioners shall have given such Consent as aforesaid to assign or sublet the Premises so demised or leased by the said Commissioners, or any Part thereof.

Lessees of See Houses, &c. under Leases already made, may sublet with Consent of Commissioners.

XVII. And be it enacted, That it shall and may be lawful for the Lessee named in any Lease or Demise heretofore made by the said Ecclesiastical Commissioners of any such See House, Offices, Mensal or Demesne Lands, or for the Heirs, Executors, Administrators, or Assigns of such Lessee, by and with the Consent, testified in Writing under their Common Seal, of the said Commissioners, and subject to such Terms, Conditions, and Restrictions as shall be expressed therein, to assign or sublet such See House, Offices, and Lands, or such Part or Parts thereof as shall be specified in such Consent; and that no such Lease or Demise shall be or become void or voidable by reason of such assigning or subletting with such Consent as aforesaid, any thing in such Demise or in the said recited Act contained to the contrary hereof notwithstanding.

Ecclesiastical Commissioners

XVIII. And be it enacted, That whensoever, under the Provisions of the said Acts or this Act, the Appointment, Presentation, or Collation

may make Leases and Renewals of Lands belonging to suspended Dignities or Benefices pending Suspension.

tion to any Dignity, Office, Rectory, or Benefice has been or shall be suspended, the said Ecclesiastical Commissioners shall, for and during such Period as such Dignity, Office, Rectory, or Benefice shall remain vacant, have, and at their Discretion exercise, by and in their own Name and Right, all such Powers of leasing and demising any Lands or Premises whatsoever belonging or appertaining or appropriated to or usually enjoyed with such Dignity, Office, Rectory, or Benefice as, in case no Suspension had taken place, any Person filling the same might have had or exercised; and it shall be lawful for the said Commissioners, in the Case of Lands or Premises demised by Leases customarily renewed from Time to Time, to accept Surrenders of such Leases, and to make new Leases or Renewals of the same respectively, in like Manner to all Intents and Purposes as the said Commissioners are authorized and required to do in respect of any Lands or Premises, at any Time belonging to any Bishoprick, and which may have been transferred to and vested in them by virtue of the said Acts; and that it shall be lawful for the respective Tenants, Lessees, or Under-tenants of any such Lands or Premises, during the Suspension of such Appointment, Presentation, or Collation as aforesaid, to apply to the said Commissioners for the Purchase of a perpetual Estate and Interest of and in any such Lands or Premises, in like Manner as such Tenants, Lessees, or Under-tenants respectively could or might have done, by virtue of the said recited Acts or this Act, in case the Appointment, Collation, or Presentation to such Dignity, Office, Rectory, or Benefice had not been so suspended; and in case of any such Application all such and the like Proceedings shall be had as by the said Acts prescribed in the Case of any Application for the Purchase of the Fee Simple and Inheritance of and in any Lands or Premises at any Time belonging to any Bishoprick, and which may have been transferred to and vested in the said Commissioners by virtue of the said Acts.

Tenants of such Lands may purchase Perpetuities pending Suspension.

In case of Removal of Suspension, all Leases theretofore made to be valid, and the Rents reserved thereon payable to the Persons subsequently appointed and their Successors.

XIX. And be it enacted, That in case of the Removal of any such Suspension as aforesaid, all Leases, Demises, Renewals, or Conveyances theretofore made as aforesaid by the said Ecclesiastical Commissioners shall be and remain valid and binding to all Intents and Purposes whatsoever: Provided that in the Case of the Removal of such Suspension, all Rent, Covenants, and Reservations, made payable by or contained in such Lease, Demise, Renewal, or Conveyance shall, from and after the Time when such Dignity, Office, Rectory, or Benefice shall have been filled, become and be payable to and enure for the Benefit of the Person appointed, collated, or presented to such Dignity, Office, Rectory, or Benefice, and his Successors, who shall have all such and the like Remedies for enforcing Payment or Performance of such Rent, Covenants, and Reservations, as if the same had been expressly made payable to or reserved or covenanted with or by the Person filling such Dignity, Office, Rectory, or Benefice, and his Successors.

The Remedy granted by 3 & 4 W. 4. c. 37. against Impropri-

XX. And whereas it is expedient to make more effectual Provision for enforcing Payment of Stipends or Salaries for the Maintenance of officiating Clergymen in Parishes whereof the Tithes are appropriate or impropriate, and the Owners thereof are bound to maintain

maintain such Clergymen: And whereas by the said recited Act of the Third and Fourth Years of His present Majesty's Reign it was provided, that in any Case where the Owners of Impropriations or Impropriate Tithes are by Law bound, but refuse or neglect, to repair the Chancel of any Church, or to maintain an officiating Minister, it should be lawful for the said Ecclesiastical Commissioners, or for the Archbishop or Bishop of the Diocese, to present a Petition to the Court of Chancery or Exchequer in *Ireland*, praying Relief, and such Courts were authorized and required to hear such Petition in a summary Way, and to make such Order therein as should appear just: And whereas it is expedient to extend the said recited Provisions of the said Act; be it therefore enacted, That the same shall be deemed and taken to extend and shall extend to Cases where the Owners of Appropriations or Appropriate Tithes are by Law bound, but refuse or neglect, to repair the Chancel of any Church or to maintain an officiating Minister, in like Manner and as fully to all Intents and Purposes as to Cases where the Owners of Impropriations or Impropriate Tithes are so bound and so refuse or neglect to repair the Chancel of any Church or to maintain an officiating Minister.

ators refusing to repair Chancels or maintain officiating Clergymen, extended to Cases of Refusal by Appropriators.

XXI. And be it enacted, That in any Case in which any Petition shall be presented pursuant to the said recited Act or this Act for the Repair of any Chancel, or for Recovery of any Stipend or Salary of an officiating Minister, or any Arrears thereof, the Certificate of the Archbishop or Bishop of the Diocese in which the Church or Parish is situate, that such Chancel has been repaired or such Salary usually paid to the officiating Minister of such Parish, or that such Chancel has at any Time been agreed to be repaired or such Salary to be paid by the Owner or Owners of the Impropriation or Appropriation or Appropriate or Impropriate Tithes, as the Case may be, of such Parish, shall be *primâ facie* Evidence of the Liability of such Owner or Owners to pay such Stipend or Salary or repair such Chancel, as the Case may be; and every such Stipend or Salary shall be a Charge upon such Appropriate or Impropriate Tithes, paramount to all other Charges whatsoever.

What is to be deemed Evidence of Liability to pay Stipend or repair Chancels.

XXII. And be it enacted, That it shall and may be lawful for the Court to which any such Petition shall be presented to appoint a Receiver over any such Appropriate or Impropriate Tithes for Payment of any such Repairs, Stipend, or Salary, or Arrears thereof, or to direct that any Receiver already appointed over such Tithes shall pay such Repairs, Stipend, or Salary to the Person entitled to receive the same, in preference and priority to all other Charges whatsoever.

Court may appoint Receiver.

XXIII. And be it enacted, That whensoever the Impropriator or Appropriator or Owner of the Appropriate or Impropriate Tithes of any Parish, not having a Vicar or Curate endowed, shall not maintain an officiating Minister in such Parish, or shall not have agreed to pay a Stipend or Salary for or towards the Maintenance of such officiating Minister, being by Law bound to maintain such Minister, then and in every such Case it shall and may be lawful for the Archbishop or

If Impropriator or Appropriator in any Parish not having a Vicar or Curate endowed shall

not contribute to the Maintenance of an officiating Minister, the Commissioners, on Certificate of the Archbishop, &c., may fix a Stipend to be paid.

Bishop of the Diocese in which such Parish is situate to certify to the Ecclesiastical Commissioners that there is no Vicar endowed, nor any Stipend paid to any Curate, or other Provision made by such Appropriator or Impropriator for the Discharge of the Spiritual Duties of such Parish, and that it is fit and proper that an officiating Minister should be maintained within the same; and thereupon the said Ecclesiastical Commissioners, if they shall deem it expedient so to do, shall fix and ascertain a proper and reasonable Stipend to be paid by the Impropriator or Appropriator or Owner of the Appropriate or Impropriate Tithes of such Parish, having regard to the annual Value of such Impropriate Tithes, and to the Extent of the Duty to be performed in such Parish; and the said Ecclesiastical Commissioners shall cause to be lodged in the Registry of the Diocese in which such Parish shall be situate a Certificate under their Seal of the Amount of the Stipend so ascertained, and shall also transmit to the Owner, or, if more than One, to each of the Owners of the Impropriate or Appropriate Tithes of such Parish a Copy of the said Certificate.

Certificate of the Amount of Stipend to be lodged in the Registry.

Stipend shall be a paramount Charge on the Impropriate Tithes, and shall be payable from the lodging of the Certificate.

Amount not to exceed 10*l.* per Centum on the Value of the Tithes ascertained by Certificate of Composition.

XXIV. And be it enacted, That the Amount of the Stipend so fixed and ascertained as aforesaid shall be a Charge on the Impropriate Tithes of such Parish paramount to all other Charges whatsoever, and shall, from and immediately after the lodging of such Certificate in the Registry of the Diocese, be paid and payable to the officiating Clergyman of such Parish for the Time being by equal Half-yearly Payments; and such officiating Clergyman shall be nominated and appointed from Time to Time in such Manner and subject to such Provisions and Regulations as the Curate of any Curacy augmented by the Trustees and Commissioners of First Fruits pursuant to any Statutes heretofore in force in *Ireland*: Provided always, that the Amount of the Salary so to be fixed and ascertained by the said Ecclesiastical Commissioners shall not exceed Ten Pounds for every Hundred Pounds of the annual Value of the Impropriate or Appropriate Tithes of such Parish, as the same shall have been ascertained by the Certificate of the Commissioners appointed to carry into effect the Composition for Tithes in the said Parish.

Property of Minor Canons and Vicars Choral vested in the Ecclesiastical Commissioners, subject to existing Interests, and for the Maintenance of such Members of such Corporations as have Duties to perform.

XXV. And whereas it appears by the Report of certain Commissioners constituted and appointed by His Majesty for inquiring into Ecclesiastical Revenues and Patronage in *Ireland*, bearing Date the Fifteenth Day of *April* One thousand eight hundred and thirty-four, that there are in certain Cathedral Churches divers subordinate Corporations known by various Names, and that some of such Corporations have dwindled down to a single Individual in each, who appears to be wholly discharged of any Duty whatever, and that some such Offices would long since have become wholly obsolete and extinct but for the Emoluments which still attach and are enjoyed by the Individuals who fill them; be it therefore enacted, That the Right, Title, and Interest in and to all Lands, Tithes, Rents, Profits, and other Emoluments heretofore held and enjoyed by the Vicars Choral of the Cathedral Church of *Saint Patrick's, Cashel*, or by any Corporation of or belonging to any Cathedral Church in *Ireland*, known by the Names of Minor or Petty Canons, Vicars

Vicars Choral, Vicars Choral and Organists, Prebendaries and Vicars, or Vicars and Choirmen, or by any other Name, and whether sole or aggregate, who shall not discharge any Duty, or shall not discharge Duties commensurate with the Extent of their Emoluments, shall, in the Case of the said Vicars Choral of the Cathedral Church of *Saint Patrick's, Cashel*, from and after the passing of this Act, and in the Case of each and every such other Corporation as aforesaid whensoever the Lord Lieutenant in Council shall on the Recommendation of the said Ecclesiastical Commissioners think fit so to direct, vest in the said Ecclesiastical Commissioners, subject nevertheless to all valid Leases, Charges, and Incumbrances now affecting the same, and that the Rents, Issues, and Profits thereof shall be by the said Ecclesiastical Commissioners applied during the Lives of the present Members of such Corporations respectively to their Use, in the same Manner and Proportions as the same may now be enjoyed by or divisible amongst each and every of them; and that on the Demise or Cession of the respective Members of such Corporations adequate Provision be made out of such Rents, Issues, and Profits for the due Maintenance of such and so many of his or their Successors as may in the Judgment of the said Commissioners be required for the effectual Discharge of the Duties, if any, appertaining to the Members of such Corporations respectively, in Cases where such Provision is not made from other Sources; and that the Surplus of such Rents, Issues, and Profits from Time to Time accruing to the said Ecclesiastical Commissioners shall be carried to the general Fund under the Administration of the said Commissioners, who shall have all and every the like Powers of leasing and demising the Lands and Tithes so vesting in them as such Corporations may now respectively have, and be in all respects subject to such and the like Restrictions and Conditions.

For removing Doubts as to the Provisions of the recited Act respecting the Precentorship of Christ Church, Dublin.

XXVI. And whereas by the herein-before recited Act passed in the Fourth and Fifth Years of His Majesty's Reign the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and His Majesty's Privy Council there, are empowered, on the Recommendation of the said Ecclesiastical Commissioners, to order and direct that the Appointment to any Ecclesiastical Dignity or Office under the Rank of an Archbishoprick or Bishoprick, the Person holding which shall not have actual Cure of Souls within any Parish appropriated thereto, shall be suspended upon the next Avoidance until such Lord Lieutenant and Council shall think fit otherwise to direct, and that for and during such Period as such Dignity or Office 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 whereas Doubts have arisen whether the Provisions of the said Act apply to the Case of the Precentorship of the Church of the Holy and Undivided Trinity, otherwise called *Christ Church*, in *Dublin*, now vacant, by reason of the Cure of Souls

Souls in certain Parishes belonging in contemplation of Law to the said Precentor, although in fact such Cure has not been served by the Occupant of such Dignity, nor by any resident Curate employed at a sufficient Stipend: And whereas it is expedient to remove such Doubts, and also further to explain the said Act; be it therefore enacted, That the herein-before recited Provisions of the said Act shall be taken to extend to the said Precentorship, and also to all Dignities or Offices the Occupants whereof, although having in contemplation of Law Cure of Souls, habitual or actual, in any Parish or Parishes appropriated or in anywise belonging thereto, shall not for Three Years next preceding the First Day of *January* last have continuously served the Cure of Souls in such Parish or Parishes, either personally or by a Curate licensed thereto, or in case the Appointment, Presentation, or Collation of any Clerk to such Parish or Parishes shall have been suspended or hereafter shall be suspended under and by virtue of the said recited Act of the Third and Fourth Years of His present Majesty's Reign; and also that the said Provisions of the said Act shall be taken to extend to all such Offices of or belonging to Cathedral Churches as in the said Act mentioned, although the same may not be Ecclesiastical Offices nor held by Ecclesiastical Persons, and also to all Cases where Tithes may have been held or enjoyed by the Occupants of such Dignities or Offices, though not in Law appropriated to them, and also to Cases where Lands only, or Land as well as Tithes, may have been so held and enjoyed or appropriated, or where the same may be under Lease: Provided always, that if it shall appear to the said Ecclesiastical Commissioners that there are any Curates, perpetual or stipendiary, serving the Cure of Souls within any Parish appropriated to any such Dignity or Office, and that the Stipends allowed to such Curates are insufficient, then and in such Case it shall be lawful for the said Ecclesiastical Commissioners, from and out of the Profits or Emoluments of the Parish so appropriated, to allow such Stipend to any such Curate, not exceeding One hundred Pounds *per Annum*, as they may think necessary with regard to the Duties to be by him discharged.

Proviso.

Provisions of recited Acts explained in respect of Tithes, &c. disappropriated from Dignities, &c.

XXVII. And whereas by the said recited Act of the Third and Fourth Years of His present Majesty's Reign, as the same is amended by the said Act of the Fourth and Fifth Years of His Majesty's Reign, Authority is given to the said Lord Lieutenant or other Chief Governor or Governors, and Council, on the next Avoidance of any Archbishoprick, Bishoprick, Deanery, Archdeanery, Dignity, Prebend, or Canonry, or with the Consent of the Incumbent thereof, to disappropriate, disunite, and divest from and out of the same any Rectory, Vicarage, Tithes or Portion of Tithes, and Glebes or Part or Parts thereof, and to unite any such Rectory, Vicarage, Tithes or Portion of Tithes, or Glebes or Part thereof, to the Vicarages or perpetual or other Curacies of such Parishes respectively, or to any adjoining or neighbouring Rectory, Vicarage, or Curacy, or to erect the same into a distinct Parish or Benefice: And whereas Difficulties have arisen in carrying the Provisions of the said Acts into effect by reason of the Existence of Leases of Tithes or Portions of Tithes and Lands, sometimes included in one and the same Demise, and sometimes situate in or arising out of several Parishes, and Doubts have arisen

arisen whether the said Provisions extend to Mensal or Demesne Lands; for Remedy whereof be it enacted, That the said Provisions shall be deemed and taken to extend to and comprise all and every Tithes or Portions of Tithes, whether under Lease or otherwise, and all Lands, Mensal, Demesne, or otherwise, belonging or appertaining or anywise held or enjoyed in right of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, whether such Tithes or Lands shall arise out of or be situate in One or more Parishes.

In case disappropriated Lands, &c. cannot be conveniently united to a neighbouring Vicarage or Curacy, or that such Vicarage or Curacy is already sufficiently endowed, the Lands, &c. disappropriated shall be transferred to the Ecclesiastical Commissioners, and be by them carried to the general Fund under their Administration.

XXVIII. And be it enacted, That in any Case where the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit, in the Exercise of the Powers conferred upon them by the said Acts and this Act, to disappropriate, disunite, and divest from and out of any Archbishoprick, Bishoprick, Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any Rectory, Vicarage, Tithes or Portion of Tithes, or Lands or Part or Parts thereof, which by reason of the Existence of any such Leases as aforesaid, or for any other Reason, cannot be conveniently appropriated or united to any adjoining or neighbouring Rectory, Vicarage, or Curacy, or in case such Rectories, Vicarages, or Curacies may be already sufficiently endowed, it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors and Council to order that such Rectory, Vicarage, Tithes or Portion of Tithes, or Land or Part or Parts thereof, so disappropriated, disunited, and divested as aforesaid, shall be transferred to the said Ecclesiastical Commissioners; and the Right and Interest in and to the same, and all Arrears thereof, shall thereupon vest in the said Ecclesiastical Commissioners, and be by them carried to the general Fund under their Administration, but charged with and subject nevertheless to the Payment of such annual or periodical Sum or Sums of Money, if any, as the said Lord Lieutenant or other Chief Governor or Governors and Council shall think fit to direct to be paid to any Rector, Vicar, or Curate, their or his Successors, whose Rectory, Vicarage, or Curacy he and they shall deem not to be sufficiently endowed, or which he and they may think fit to erect, and to which, under the Provisions of the said Acts, any such disappropriated Rectory, Vicarage, Tithes or Portions of Tithes, or Lands, might have been appropriated and united.

Commissioners shall have like Power of making Leases, &c. in disappropriated Lands, &c. as in those belonging to suspended Dignities.

XXIX. And be it enacted, That the said Ecclesiastical Commissioners shall have all such and the like Powers of making or renewing Leases, or of conveying a perpetual Estate or Interest of and in any Lands or Premises which may become vested in them by virtue of any such Disappropriation Order as aforesaid, as herein-before conferred upon them in respect of any Lands or Premises which may become vested in them by virtue of any such Suspension Order as herein-before mentioned; and all and every the Provisions herein-before contained in respect of such Lands or Premises as may be vested in the said Commissioners by any such Suspension Order, and the making Leases and Renewals and Conveyances thereof, shall apply and extend to Lands or Premises vested in them by any such Disappropriation Order, and the making Leases, Renewals, and Conveyances thereof.

Ecclesiastical Commissioners not to grant a perpetual Estate to any Tenant now holding by Lease any Tithes appropriated to certain Ecclesiastical Dignities.

XXX. Whereas by reason of the Insufficiency of the Endowment of the Vicarages in several Parishes the Rectorial Tithes whereof are appropriated to Archbishopricks, Bishopricks, and other Ecclesiastical Dignities, Prebends, and Canonries in *Ireland*, by reason whereof it has become necessary from Time to Time to unite Two or more of such Vicarages into One Benefice, to the Disadvantage of the Spiritual Interests and Concerns of such Vicarages respectively; be it therefore enacted, That from and after the passing of this Act it shall not be lawful for the said Ecclesiastical Commissioners acting in pursuance of the Provisions of said recited Acts, in the Name and on the Behalf of any Archbishop, Bishop, Dignitary, Prebendary, or Canon, to grant a perpetual Estate or Interest to any Tenant now holding or who may hereafter hold any Tithes or Compositions for Tithes appropriated to such Archbishopricks, Bishopricks, Dignities, Prebends, or Canonries, under or by virtue of any Lease or Contract.

After the next Avoidance of any such Dignity, the Commissioners may declare that the Lease shall not be renewed; and, upon Application of the Tenant to accept the Value in Money, may estimate the Value thereof.

XXXI. And be it further enacted, That at any Time from and after the next Avoidance of any Archbishoprick, Bishoprick, Dignity, Prebend, or Canonry as aforesaid, in which it may be deemed expedient so to do, it shall and may be lawful for the said Ecclesiastical Commissioners, in case any Tithes or Compositions for Tithes shall be disappropriated therefrom, by Instrument under their Common Seal to declare that the Lease or Contract by which such Tithes or Compositions for Tithes are now or hereafter may be held shall not be renewed; and in order to prevent any Loss or Damage to the Tenant or Tenants now holding or who may hereafter hold such Tithes or Compositions for Tithes by virtue of such Lease or Contract, by reason of the same not being capable of being renewed as heretofore, it shall and may be lawful for the said Commissioners, upon the Application of any such Tenant or Tenants declaring his or their Readiness to accept the Value in Money of his or their Estate or Interest in such Lease or Contract as if the same were still capable of Renewal, to estimate and compute the Value thereof accordingly; and in case such Tenant or Tenants shall think fit to accept the same, he or they shall thereupon convey his Estate and Interest in such Lease or Contract to the said Ecclesiastical Commissioners, and such Tithes or Compositions for Tithes shall thereupon be freed and discharged from all Debts, Liabilities, and Incumbrances of such Tenant or Tenants, or of any Person or Persons deriving under him, her, or them, or of any Person or Persons under whom he, she, or they may derive: Provided nevertheless, that the Purchase Money for such Estate and Interest shall become subject and liable to all such and the like Engagements, Liabilities, Uses, Trusts, Intents, and Purposes as may affect the Estate or Interest of such Tenant or Tenants in the Lease or Contract of said Tithes or Compositions for Tithes, and shall be paid to such Tenant or Tenants on his making out Title thereunto; and if he, she, or they shall not make out a sufficient Title thereto such Purchase Money shall be paid into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery in *Ireland*, and to the Credit of the Matter, upon an Order for that Purpose to be obtained upon Petition in a summary Way, and shall be disposed of by such Court by Order in like Manner to be obtained, as may be just.

Proviso.

XXXII. And

After Conveyance, the Interest of such Tenant to vest in the Commissioners.

XXXII. And be it further enacted, That from and after the Conveyance of the Estate or Interest of every such Tenant or Tenants in and to such Tithes or Compositions for Tithes to the said Ecclesiastical Commissioners as aforesaid, the same shall be and remain for ever vested in the said Ecclesiastical Commissioners, and be by them applied, as and when the same shall be received, in the first instance in Liquidation and Discharge of the Purchase Money and Expences incurred by them in the Purchase thereof, with legal Interest, until the same shall be fully and entirely paid off, and from thenceforward in the Augmentation of small Benefices under the Provisions of the said recited Acts.

An annual Sum of 1,500*l.* to be paid to Dr. Kyle, Bishop of Cork and Ross and Cloyne, in order to make his present Revenue equal to that he had before the Union of the Sees.

XXXIII. And whereas, by and under the Provisions of the said recited Act of the Third and Fourth Years of His present Majesty's Reign, the Bishoprick of *Cork* and *Ross* has become united to the Bishoprick of *Cloyne*, and Doctor *Samuel Kyle* being at the Time of the passing of the said Act, and at the Time when the said Bishopricks became united as aforesaid, Bishop of *Cork* and *Ross*, has become and now is Bishop of the said united Bishopricks of *Cork* and *Ross* and *Cloyne*: And whereas upon such Union as aforesaid all and singular the Lands, Tenements, and Hereditaments, with all and singular the Tithes, Rents, and Emoluments appertaining or belonging to the said Bishoprick of *Cork* and *Ross*, were by virtue of the said Act transferred to and vested in the said Ecclesiastical Commissioners, saving and excepting the See House and Offices and Mensal and Demesne Lands to the said Bishoprick of *Cork* and *Ross* belonging, which became thereafter by the said Act the See House and Offices and Mensal or Demesne Lands of the said united Bishopricks of *Cork* and *Ross* and *Cloyne*, and the said Doctor *Samuel Kyle* became possessed of and entitled to the Revenues of the said Bishoprick of *Cloyne*, saving and excepting to the See House and Mensal or Demesne Lands thereunto belonging, which the said Ecclesiastical Commissioners were authorized to let or demise for such Rent or Fine as they should think fit: And whereas the said Ecclesiastical Commissioners are authorized and required by the said Act, out of the Revenues of the said Bishoprick of *Cork* and *Ross* so vested in them as aforesaid, to make good to the said Doctor *Samuel Kyle* the Sum or Sums of Money, if any, whereby the Revenues of the said Bishoprick of *Cloyne* shall fall short of the Revenues of the said Bishoprick of *Cork* and *Ross*: And whereas the Revenues of the said respective Bishopricks, being in great Measure dependent on Fines paid on the Renewal of Leases, are liable to Uncertainty and Variation, and an annual Valuation of the said several Bishopricks would be troublesome and inconvenient: And whereas it has been found, upon a Comparison of the relative average Value of the said several Bishopricks, that the Revenues of the said Bishoprick of *Cloyne* fall short of the Revenues of the said Bishoprick of *Cork* and *Ross* by the annual Sum of One thousand five hundred Pounds, or thereabouts, and the said Doctor *Samuel Kyle* consents to receive such annual Sum of One thousand five hundred Pounds in full Acquittance and Discharge of the Payment which the said Ecclesiastical Commissioners ought to make to him under the Provisions of the said Act; be it therefore enacted, That the said annual Sum of One thousand five hundred Pounds shall be deemed and

and taken to be the Sum whereby the Revenues of the said Bishoprick of *Cloyne* fall short of the Revenues of the said Bishoprick of *Cork* and *Ross*, and that the said Ecclesiastical Commissioners shall pay to the said Doctor *Samuel Kyle*, in each and every Year during his Incumbency of the said united Bishopricks of *Cork* and *Ross* and *Cloyne*, the said annual Sum of One thousand five hundred Pounds, commencing from the Fourteenth Day of *September* One thousand eight hundred and thirty-five, and that the first Payment thereof shall be made on the Fourteenth Day of *September* in this current Year One thousand eight hundred and thirty-six, by one entire Payment, and that the future Payments thereof shall be made by equal Moieties, one Moiety on the Fourteenth Day of *March*, and the other Moiety on the Fourteenth Day of *September*, in each and every succeeding Year during the Incumbency of the said Doctor *Samuel Kyle* in the said united Bishopricks: Provided always, that the said annual Payment shall be apportioned so and in such Manner that on the Demise or Translation of the said Doctor *Samuel Kyle*, or other Determination of his said Incumbency, the said Ecclesiastical Commissioners shall pay to him, or his Executors, Administrators, or Assigns, a Proportion of such annual Sum according to the Time which shall have elapsed from the Commencement or last Period of Payment thereof respectively (as the Case may be), including the Day of the Demise or Translation of the said Doctor *Samuel Kyle*, or other Determination of his said Incumbency in the said united Bishopricks: Provided also, that the Income of the present Bishop of *Cork* and *Ross* and *Cloyne* during his Incumbency be free from the Tax chargeable under the Provisions of the said recited Act of the Third and Fourth Years of the Reign of His present Majesty.

Provision of 4 & 5 W. 4. c. 90. relating to Costs of Solicitor explained.

XXXIV. And whereas it is provided by the said Act of the Fourth and Fifth Years of the Reign of His present Majesty that no Sum shall be paid by the said Ecclesiastical 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, and that no Sum exceeding One thousand Pounds shall be allowed in any One Year by the Lords of the Treasury as and for the Costs, Charges, or Expences of any such Attorney or Solicitor, and that 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 and Expences shall be laid before them: And whereas it is necessary to explain the said hereinbefore recited Provision; be it therefore hereby enacted and declared to be the Intent and Meaning of the said Act, That no Sum exceeding One thousand Pounds shall be allowed in any One Year for the personal Services of any such Attorney or Solicitor, but that no Disbursements nor Expences actually and properly made or incurred by such Attorney or Solicitor in and about the Affairs and Business of the said Ecclesiastical Commissioners, and by their Authority and Direction, shall be deemed or taken to be included in the said Sum of One thousand Pounds, or form Part thereof.

Former Acts, save as altered, to be

XXXV. And be it further enacted, That the said several recited Acts of Parliament shall continue in full Force and Effect, save and except

except so far as they or either of them are or is expressly repealed or altered by this Act, and that the said recited Acts and this Act shall be construed and taken together as One Act to all Intents and Purposes; and that this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present Session of Parliament.

construed together with this Act.

Act may be altered this Session.

XXXVI. And whereas it is enacted by the said first-recited Act, that in all Cases where, under and by virtue of an Act made in the Twenty-first of the Reign of King *George* the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead, and also for the Removal of the Sites of ruined Cathedral Churches*, any Parochial Church shall have been or shall be made or shall become by Usage or Custom Cathedral and Parochial, and in all Cases where, under and by virtue of an Act made in the Parliament of *Ireland* in the Thirty-ninth Year of the Reign of King *George* the Third, intituled *An Act for the repairing of Cathedral Churches in Cases where the Parish Churches have been long in Ruins*, any Cathedral Church shall have been or shall be made use of as a Parish Church, it shall and may be lawful for the said Commissioners and they are thereby required to contribute to the Repairs of such Cathedral and Parochial Churches in such Proportion as has been agreed upon by and between the Dean and Chapter or Chapters of such Cathedral Church and by the Protestant Inhabitants of the Parish or Union in which such Church is situate, that the Inhabitants thereof should contribute to the rebuilding, enlarging, and putting into and keeping in repair of such Cathedral and Parochial Churches; and if it shall happen that no such Agreement as aforesaid shall have been made by and between the Parties aforesaid, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and the Privy Council thereof, upon Petition of the Dean and Chapter or of the said Commissioners, finally to adjust and ascertain the Proportions in which such Deans and Chapters or Chapters and said Commissioners shall so respectively contribute for the Purposes aforesaid; and the Sums necessary and sufficient for such Purposes shall be from Time to Time apportioned and paid accordingly by the said Deans and Chapters and the said Commissioners respectively: And whereas it is just and reasonable that such Deans and Chapters should in certain Cases be relieved in the whole or in part from the Burthen of contributing to the Repairs of such Cathedral Churches; be it therefore enacted, That in case there shall be no Economy Fund or Chapter or other Property appropriated to the Purpose of rebuilding, enlarging, and putting into and keeping in repair of any such Cathedral Church, or no such Economy Fund, Chapter or other Property adequate or sufficient for such Purpose, it shall and may be lawful for the said Ecclesiastical Commissioners, if they shall so think fit, by Writing under their Seal to certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council that there is no such Economy Fund, Chapter or other Property appropriated to the Purpose of repairing such Cathedral Church, or no such Fund or Property adequate and sufficient for such Purpose, and that it is just and reasonable that the said Commissioners should defray the whole

Providing for the Repairs of Cathedral Churches.

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of the Sums necessary for such Purpose, or that the said Commissioners and the Dean and Chapter or Chapter should contribute for such Purpose in such Proportions as shall in such Writing be specified; and in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and the Privy Council thereof shall signify his and their Approval of the Matters specified in such Certificate, then and in such Case it shall and may be lawful for the said Commissioners and they are hereby authorized and required from Time to Time to pay the whole of the Sums necessary for such Purpose as aforesaid, or such Proportion thereof as shall be specified in such Certificate, subject to such Regulations as in the said recited Acts and this Act or any or either of them are contained with respect to Monies to be expended for such Purposes: Provided always, that such Dean and Chapter or Chapter shall from Time to Time contribute for such Purpose as aforesaid such Proportion as shall be specified in such Certificate as just and reasonable to be contributed by such Dean and Chapter or Chapter.

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