CHAPTER 71.

An Act to make provision for the future administration of the Property and the performance of the Duties vested in the Commissioners of Church Temporalities in Ireland. [27th August 1881.]

BE it enacted by the Queen'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, as follows:

Short title.

1. This Act may be cited as the Irish Church Act Amendment Act, 1881.

Dissolution of Church Temporalities Commission.

2. On a day to be fixed by the Lord Lieutenant, by Order in Council, the Corporation of the Commissioners of Church Temporalities in Ireland shall, notwithstanding anything contained in any Expiring Laws Continuance Act, be dissolved. Such order shall not be made unless a corporate body under the title of "the Irish Land Commission," to whom the property vested in the Commissioners of Church Temporalities may be transferred under this Act, has previously been constituted by statute.

Transfer of property and powers. 32 & 33 Vict. c. 42.

On the dissolution of the said Corporation the following provisions shall take effect with relation to the property belonging to them as such Corporation, and with respect to their powers under the Irish Church Act, 1869:

(1.) All lands, tenements, and hereditaments, and every estate and interest therein, and all fixtures and furniture belonging to the Commissioners of Church Temporalities in Ireland in their capacity as such Commissioners, shall, without any conveyance or assignment thereof, be vested in the Irish Land Commission, to be held for the same uses, trusts, and purposes for which the same were held respectively previous to the passing of this Act. The house No. 24, Upper Merrion Street, in the city of Dublin, now occupied as an office by the Commissioners of Church Temporalities, and all fixtures and furniture therein, may be used by the Irish Land Commission for any of the purposes for which the said Land Commission is constituted. The said Irish Land Commission shall be entitled to the benefits of all covenants, conditions, or agreements in relation to the premises so transferred, express or implied, and to maintain all actions, suits, and other proceedings grounded thereon in their own name; and the said Commission shall in like manner be liable to all payments, reservations, covenants, conditions, and agreements, express or implied, in respect of the same premises respectively, as fully as the Commissioners of Church Temporalities in Ireland would have been if this Act had not been passed: Provided always, that nothing herein contained shall affect any action or other proceeding which may have been commenced before the passing of this Act, but the same may proceed, with the like consequences and results, as if this Act had not been passed.

(2.) All moneys, stocks, and securities standing in the name of the Commissioners of Church Temporalities in Ireland in the

books of the Bank of Ireland, shall be entered in or transferred to the name of the Irish Land Commission, and be subject to the same trusts and powers as the same were liable to before the dissolution of the Commissioners of Church Temporalities; and the Governor and Company of the Bank of Ireland, under instructions from the Treasury, are hereby authorised and required to make the aforesaid entry or transfer in their books.

(3.) All records and documents in the possession of the Commissioners of Church Temporalities at the time of their dissolution shall be transferred to the Irish Land Commission, who shall retain such of them as are in their opinion necessary for the management of the property transferred to them under this Act. The Land Commission shall preserve all such records and documents, and shall permit reasonable access to them, and shall from time to time lodge such of them as have ceased to be necessary for the aforesaid purpose in the Public Record Office of Ireland.

(4.) Any obligation, security, or chose in action vested in the Commissioners of Church Temporalities may be proceeded upon by the Irish Land Commission in their own name as the same might have been proceeded upon by the Commissioners of Church Temporalities.

(5.) All the powers, authorities, and duties, rights, titles, and interests, vested in or exercised by the Commissioners of Church Temporalities in Ireland under the Irish Church Act, 1869, or any Act amending the same, and which are in force at the time of the dissolution of the said corporation, shall vest in and devolve upon and be exercised by, the Irish Land Commission, who shall, for the purposes of such Acts, be deemed to be the successors of the Commissioners of Church Temporalities in Ireland.

32 & 33 Vict. c. 42.

Transfer of officers.

3. If any person who has been serving in the office of the Commissioners of Church Temporalities shall be appointed to a situation under the Irish Land Commission, such person shall hold his situation in all respects by the same tenure and on the same conditions as the persons appointed to similar situations under the Irish Land Commission without having served in the office of the Commissioners of Church Temporalities in Ireland, except that no such person who is qualified to receive under the forty-fourth section of the Irish Church Act, 1869, an annual sum on retirement from the service of the Commissioners of Church Temporalities shall forfeit his right under that section by being appointed to a situation under the Irish Land Commission.

Notwithstanding the dissolution before the thirty-first day of December next after the passing of this Act, under the provision in that behalf herein-before contained, of the corporation of the Commissioners of Church Temporalities in Ireland, the Treasury may, if they see fit, direct that the salaries of the said Commissioners, and of all persons employed by them on salary, and not appointed to situations entitling them at the same time to receive salaries under the Irish Land Commission, shall continue, up to the thirty-first day of December next after the passing of

this Act, to be paid out of the property transferred by this Act to the Irish Land Commission.

The annual sum on retirement which any person is qualified to receive under the said forty-fourth section of the Irish Church Act, 1869, shall be ascertained immediately after the passing of this Act, in the manner prescribed by the said section, as if the date of such person's retirement were the thirty-first day of December next after the passing of this Act, and such annual sum shall begin to be paid from that date to the person entitled to receive the same, provided that such person does not receive an appointment under the Irish Land Commission, or any other appointment of which the salary or remuneration is provided out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of moneys voted by Parliament. If any person to whom such an annual sum is payable receives an appointment under the Irish Land Commission, or an appointment of which the salary or remuneration is provided as last aforesaid, the payment of the said annual sum shall be subject to the same conditions as if it were a superannuation allowance or compensation within the meaning of the twentieth section of the Act of the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter twenty-four, and as if the appointment which such person has received were in all respects an appointment in a public department within the meaning of the said section.

Account of church funds.

4. A separate account shall be kept by the Irish Land Commission of the property transferred to them under this Act.

The Irish Land Commission, with the sanction of the Treasury, shall fix, and may from time to time, with the like sanction, vary, the amount of such an annual sum of money as in their judgment shall represent the average annual cost of administering and managing the said property, and the sum fixed by the Irish Land Commission shall be transferred from the account of the said property to the account of the Irish Land Commission, and shall be in full discharge of all payments due to them for the management and administration of the said property during the year in respect of which such transfer shall have been made, and every such sum so transferred shall be accounted for by the Irish Land Commissioners as the Treasury shall from time to time direct.

CHAPTER 72.

An Act to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878.

[27th August 1881.]

WHEREAS it is expedient to amend certain provisions of the Highways and Locomotives (Amendment) Act, 1878, (in this Act referred to as "the principal Act,") so far as such provisions relate to the exemption of certain places from the levying or collection of county rate: 41 & 42 Vict. c. 77.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and