

ANNO SECUNDO

VICTORIÆ REGINÆ.

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CAP. III.

An Act to authorize the immediate Distribution of a Portion of the Fund applicable to the Relief of Persons entitled to certain Arrears of Tithe Compositions under an Act of the last Session of Parliament, to abolish Compositions for Tithes in *Ireland* and to substitute Rent-charges in lieu thereof; and for other Purposes.

[27th *March* 1839.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof,* whereby it was among other things enacted, that Exchequer Bills to an Amount not exceeding Two hundred and sixty thousand Pounds in the whole should be made out and applied, together with the Sums which had arisen or which should arise in Her Majesty's Exchequer on account of certain Instalments payable to the Crown under the Provisions of an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act for the Relief of the Owners of Tithes in* Ireland, *and for the Amendment of an Act passed in the last Session of Parliament, intituled 'An Act to amend Three Acts passed respec-*

1 & 2 Vict. c. 109.

3 & 4 W. 4. c. 100.

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'*tively in the Fourth, Fifth, and in the Seventh and Eighth Years of* '*the Reign of His late Majesty King* George *the Fourth, providing* '*for the Establishment of Compositions for Tithes in* Ireland,' to the Indemnification in certain Cases of Persons who might not have received Payment of Compositions for Tithes in *Ireland* accrued and remaining due and payable for the Four Years then last past; and such Persons were directed to apply for Relief accordingly to the Lord Lieutenant of *Ireland* in Her Majesty's Privy Council there; and every such Application was directed to be made by Memorial, with a Schedule setting out the Particulars of each Claim thereunto attached; and the said Lord Lieutenant in Council was authorized to cause all such Memorials and Schedules to be revised, and the several Matters and Things stated in or appearing thereby proved upon such Evidence as to him and them should seem proper; and it was provided, that the Schedule attached to each Memorial should distinguish such of the Compositions in arrear, if any, as were payable by Persons having, when the same accrued due, such like Estates or Interests in the Lands chargeable therewith as would under the Provisions of the said Act of the last Session of Parliament have made the Owners thereof liable to the Rent-charge substituted for the said Compositions; and the Right to all Arrears of Compositions so due and in arrear from Persons having such Estates or Interests as aforesaid was transferred to and vested in Her Majesty, and Her Attorney General for *Ireland* was directed to take certain Proceedings for the Recovery thereof, and the Amount received or recovered was directed to be paid over to the respective Parties in whose Right so transferred to the Crown the same had been received or recovered; and upon and after the Completion of all such Proceedings the said Lord Lieutenant was authorized to certify to the Commissioners of the Treasury the Sum found due to each Memorialist who should be declared entitled to Relief under the said Act, exclusive of any Sums recovered by the Proceedings aforesaid, and paid to him; and the Sums raised by the Exchequer Bills directed to be made out as herein-before mentioned, and the Sums which had arisen or which should arise in Her Majesty's Exchequer on account of the Instalments herein-before mentioned, were, after deducting the necessary Expences attendant upon the Execution of the said Act, directed to be distributed rateably among the several Memorialists entitled to Relief thereunder in proportion to the Amount of their several Claims: And whereas it has been found that the Proceedings necessary to be taken before the Amount of the several Claims to Relief under the said Act can be precisely ascertained, or the Fund applicable to such Purpose fully realized, will be attended with a Delay which makes it expedient to allow of an immediate partial Distribution of the said Fund: Be it therefore 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, That when and so soon as the said Lord Lieutenant of *Ireland* and Council shall have declared any Memorialist to be entitled to Relief under the said Act in respect of any Compositions for Tithe due or payable to him for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six,

When any Memorialist shall have been declared to be entitled to Relief under 1 & 2 Vict. c. 109. the

six, or One thousand eight hundred and thirty-seven, it shall be lawful for the said Lord Lieutenant to certify to the Commissioners of the Treasury the Sum which shall be found due to such Memorialist, exclusive of any Sum or Sums claimed by him to be due by any Person against whom Proceedings may be had by Her Majesty's Attorney General, as by the said Act directed, and also to certify such Sum as to the said Lord Lieutenant and Council may seem proper to be paid to such Memorialist upon account of his Claim to Relief under the said Act; and it shall be lawful for the said Commissioners of the Treasury to direct Payment to be made to him accordingly from and out of any Monies which shall have arisen to the Credit of the Tithe Arrear Account opened in the Books of the Bank of *Ireland* and of Her Majesty's Exchequer, as directed by the said Act: Provided always, that no greater Sum shall be so advanced to any Memorialist upon account as aforesaid than the proportionate Sum which would be payable to him out of the said Monies if the Claims of all other Memorialists for Relief thereout were allowed; and provided also, that a sufficient Sum shall be reserved out of the said Monies to defray the Expences which may be incurred in carrying the said Act into execution; and provided also, that, in the final Distribution of the Monies applicable to the Relief of Memorialists under the said Act, any Sum which shall have been previously advanced on account to any Memorialist as aforesaid shall be deducted from the proportionate Sum to which he would have been entitled if no such Advance upon account had been made to him.

Lord Lieutenant may certify to the Treasury the Sum due to such Memorialist and the Sum proper to be paid upon account to him; and the Treasury may direct Payment accordingly.

Proviso.

II. And whereas *Elizabeth Gore*, the Widow of the Reverend *John Gore*, late Rector and Vicar of the Parishes of *Marshalstown* and *Aghada* in the Diocese of *Cloyne*, and *Eliza Edwards*, the Widow of the Reverend *Anthony Edwards*, late Rector and Vicar of the Parishes of *Geal* and *Ballysheehane* in the Diocese of *Cashel*, claiming to be entitled as the personal Representatives respectively of their deceased Husbands to Relief under the Provisions of the said Act in respect of certain Compositions for Tithes, and being resident at Places distant from the said Parishes, have been prevented by that and other Circumstances making Application for Relief under the said Act within the Period by the said Act limited for that Purpose, and are by reason of such Delay debarred the Relief afforded by the said Act, and deprived by the Provisions of the said Act of all Remedy for the Recovery of the Compositions to which they may be severally entitled; in consideration whereof and of the special Circumstances of the Case, be it enacted, That it shall and may be lawful for the said *Elizabeth Gore* Widow, and for the said *Eliza Edwards* Widow, at any Time within One Calendar Month next after the passing of this Act, to make Application to the said Lord Lieutenant of *Ireland* in Her Majesty's Privy Council there, praying Relief in respect of any Compositions for Tithes accrued and now remaining due and payable for the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, or One thousand eight hundred and thirty-seven, to them respectively as the personal Representatives of their several deceased Husbands;

The Applications for Relief of Elizabeth Gore, Widow, and Eliza Edwards, Widow, may be received, although the Period limited for receiving Applications has expired.

Husbands; and that such Applications shall be made in the same Manner and in all respects subject to the like Regulations and Directions as by the said Act provided in respect of other Applications for Relief thereunder; and that such Applications shall be dealt with in the same Manner, and all such and the like Proceedings had thereupon, as if such Applications had been made within the Period by the said Act limited; and that the said *Elizabeth Gore* and *Eliza Edwards*, if otherwise entitled thereto, shall receive the like Relief as other Memorialists under the said Act.

In Parishes where a Composition for Tithes has not yet been established, such Composition shall be made, and Rent-charges substituted, as in Cases of Parishes previously compounded.

III. And whereas an Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years of the Reign of His late Majesty King* George *the Fourth, providing for the establishing of Compositions for Tithes in* Ireland, *and to make such Compositions permanent*, whereby, after reciting that it was "expedient that a fixed and permanent Composition in lieu of Tithes should, with a view to the future Commutation thereof, be generally established throughout that Portion of the United Kingdom called *Ireland*," Provision was made authorizing a Composition for Tithes to be established within Three Months next after the passing of the said Act by a sole Commissioner to be for that Purpose nominated by the Lord Lieutenant of *Ireland*, in every Parish or Part of a Parish wherein a Composition should not have been previously made under the Provisions of the Acts theretofore passed for that Purpose: And whereas it has been found that notwithstanding the Provisions of the said Act there are some Parishes and Parts of Parishes wherein no such Composition for Tithes has yet been established, and it is necessary, in order to the Establishment of Rent-charges in such Parishes and Parts of Parishes, pursuant to the Intent of the herein-before recited Act of the last Session of Parliament, that a Composition for the Tithes of such Parishes or Parts of Parishes should be previously made; be it therefore enacted, That it shall and may be lawful for the said Lord Lieutenant of *Ireland*, as soon as conveniently may be after the passing of this Act, to nominate some proper Person to be a Commissioner for the Purpose of establishing a Composition for Tithes in each Parish or Part of a Parish in *Ireland* wherein a Composition for the Tithes thereof has not been heretofore made; and that all and every the Provisions contained in the said Act passed in the Session of Parliament holden in the Second and Third Years of His late Majesty's Reign, with respect to any Person to be appointed a Commissioner for the Purposes of such Act, shall apply to any Person who may be appointed a Commissioner hereunder; and that all and every the like Proceedings shall be had for the Purpose of carrying the said Act into execution in any such Parish or Part of a Parish, and for defraying the Expences attendant thereon, as if Compositions of Tithe had not been abolished by the herein-before recited Act of the last Session of Parliament, so far as may be necessary for the Establishment of a Composition for the Tithes of any such Parish or Part of a Parish, and for the Assessment or Applotment thereof, and the Apportionment of such Composition amongst the Party or Parties entitled to the Tithes

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or any particular Share or Proportion thereof for which such Composition shall be established; and that the like Appeal may be made within the like Period against any such Composition, or against the Assessment or Applotment thereof, and the like Proceedings had upon any such Appeal, as were authorized or directed in the Case of any Composition or Assessment or Applotment thereof heretofore made under the said Act passed in the Session of Parliament holden in the Second and Third Years of His late Majesty's Reign: Provided always, that when and so soon as the Periods limited for such Appeals respectively shall have expired or the same shall have been decided, and such Composition and the Assessment or Applotment thereof shall have been finally established and settled, all and every the Provisions of the said Act passed in the last Session of Parliament shall thereupon be deemed and taken to apply to every such Composition so established by virtue of this Act; and that an annual Sum or Rent-charge equal to Three Fourths of such Compositions shall become payable in like Manner to all Intents and Purposes as in the Case of Compositions established previous to the passing of the said Act of the last Session of Parliament; and every Provision in such Act contained with respect to the Rent-charges established thereby shall apply to the Rent-charges to be established by virtue hereof; and every such Rent-charge established by virtue hereof shall take effect from the First Day of *November* One thousand eight hundred and thirty-seven; and the First Payment thereof shall become due so soon as the Periods limited for the Appeals before mentioned shall have expired or the same shall have been decided, and be then paid by One entire Payment: Provided nevertheless, that if any Payment on account of the Tithes accrued due for the said Year One thousand eight hundred and thirty-seven, or any Render thereof in Kind, shall have been previously made, the Amount or Value thereof shall be deducted from the First Payment of the said Rent-charge.

Certain Provisions of 1 & 2 Vict. c. 109., relative to the Remission of Instalments, amended.

IV. And whereas the said Act of the last Session of Parliament empowered the said Lord Lieutenant in Council to remit the hereinbefore mentioned Instalments payable to Her Majesty under the said recited Act of the Third and Fourth Years of His late Majesty's Reign, under certain Restrictions and Regulations, whereof One was, that where the Whole or some Part of the Sums by the said last-mentioned Act added in respect of the Advances thereunder to any Compositions for Tithes were found to be payable to the Person liable to any such Instalment by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions, such Instalment, or so much thereof as should be equivalent to the said Sums payable by such Persons, should not be remitted; and the said Act provided, that from and against such Persons, being such Owners and Occupiers as aforesaid, the Person liable to any such Instalment might sue for and recover the Sums so added to the said Compositions, and remaining due and in arrear from them, by all the Ways and Means by which Compositions for Tithes might have been recovered if the said Act of the last Session of Parliament had not been passed: And whereas it is expedient to make further Provision for the Relief of the Persons liable to the said Instalments; be it therefore enacted,

That, any thing in the said Act of the last Session of Parliament to the contrary notwithstanding, it shall be lawful for the said Lord Lieutenant in Council to remit the Whole or any Part of any such Instalment as aforesaid, although the Whole or any Part of the said Sums so added to the said Compositions shall be found to be payable to the Person liable to such Instalment by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions; provided, however, that so soon as the Whole or any Part of such Instalment shall be remitted by the said Lord Lieutenant in Council (whereof the Certificate of the Clerk of the Council shall be sufficient Evidence), the Right to all Sums so added to the said Compositions, and remaining due and payable to the Person so relieved from such Instalment or Part thereof, by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions, shall vest in Her Majesty; and that the like Proceedings shall be had for enforcing Payment thereof as are in and by the said Act directed to be taken touching all Compositions for Tithe the Right to which is vested in Her Majesty under or by virtue of the Provisions thereof; and that all Monies so recovered shall be paid into the Bank of *Ireland* to the Credit of the herein-before mentioned "Tithe Arrear Account."

Interpretation of certain Words in this Act.

V. And be it enacted, That the Provision made by the said Act of the last Session of Parliament for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act; and that by the Expression "Owners and Occupiers at the same Time of the Lands charged with Compositions" (wherever such Expression may occur in the said Act or in this Act) shall be understood Persons occupying the Lands charged with such Compositions, and having in the said Lands such like Estates or Interests as would under the Provisions of the said Act have made the Owners thereof liable to the Payment of the Rent-charges mentioned therein if such Act had been in force, and such Rent-charges payable at the Time when such Composition accrued due.

Act may be altered, &c. this Session.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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