

ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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CAP. CIX.

An Act to abolish Compositions for Tithes in *Ireland*, and to substitute Rent-charges in lieu thereof. [15th *August* 1838.]

WHEREAS it is expedient to abolish Compositions for Tithes in *Ireland*, and in lieu thereof to substitute Rent-charges payable by Persons having a perpetual Estate or Interest in the Lands subject thereto, a reasonable Allowance being made for the greater Facility and Security of Collection arising out of such Transfer of Liability from the Occupiers to the Owners of Lands: 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 the Right of all Persons in and to all Tithes or Compositions for Tithes heretofore accrued or at any Time hereafter to accrue due in *Ireland* shall wholly cease and determine; provided that nothing herein contained shall extend to any Arrears of Compositions heretofore accrued due and payable to or by any Person entitled to the Receipt or bound to the Payment of the same by virtue of any such Certificate of Agreement as is mentioned in an Act passed in the Second and Third Year of His late Majesty's Reign, intituled *An Act to amend Three Acts passed respectively in the Fourth, Fifth, and in the Seventh and Eighth Years*

Compositions for Tithes abolished.

Not to extend to Arrears of Compositions Payable by virtue of any Agreement under 2 & 3 W. 4. c. 119,

nor to Compositions for Tithes the Right whereto may be vested in Her Majesty under the Provisions hereof;

nor to those pending Suits.

In case of Discontinuance of Suits.

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;* and provided further, that nothing herein contained shall extend to any Compositions for Tithes the Right whereto may be vested in Her Majesty under the Provisions herein-after following, nor to any Tithes or Composition for Tithes for the Recovery whereof any Suit, Action, or other Proceeding shall have been commenced previous to the Sixteenth Day of *July* in this present Year in any Court of Law or Equity, but that the Plaintiff may either prosecute such Action or other Proceeding, or discontinue or dismiss the same without Payment of Costs, at his Option; and if he shall think fit to discontinue or dismiss the same, and if such Tithes or Compositions for Tithes shall have accrued due 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, or any of them, then and in such Case he shall be entitled to the like Relief as other Persons entitled to Tithes or Compositions for Tithes for those Years may have under the Provisions of this Act.

Not to affect the Provisions of 3 & 4 W. 4. c. 100, except as herein contained.

II. And whereas by an Act made 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 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,*' the Persons from Time to Time entitled to the Receipt of any Composition for Tithes to which the Memorialist who received any Advance under Authority of the said Act was then entitled, or which has been established in lieu of the Tithes to which such Memorialist was entitled, were made liable to the Repayment, by Five annual Instalments, of the Advances so made, and the Persons so from Time to Time liable to the Payment of such Instalments were authorized to recover, together with and in addition to the Compositions payable to them, certain Sums directed by the said Act to be added to and made payable therewith: And whereas Four of the said annual Instalments have accrued due, and the Fifth of such Instalments will fall due on the First Day of *November* in this present Year: And whereas only a small Proportion of the said Instalments so accrued due have been paid, and Proceedings for the Recovery of the same have been from Time to Time suspended by the Authority of Parliament, and it is expedient that Payment of the said Instalments shall be remitted, but only under certain Circumstances, to be shown by the Parties liable to the Payment of such Instalments: And whereas by reason of the herein-before contained Enactment extinguishing the Right of all Persons to Compositions for Tithes it is necessary to make special Provision, saving the Right to such Instalments, and to the Sums so added to the said Compositions, and payable to the Persons liable to such Instalments; be it therefore enacted, That the several Persons who would have been entitled to the Receipt of the said Composition for Tithes if this Act had not

been passed shall be and remain liable to the Queen's Majesty for the Repayment by Instalments of the Advances made under Authority of the herein-before recited Act of the Third and Fourth Year of the Reign of His late Majesty, and that the said herein-before contained Enactment extinguishing the Right to Compositions for Tithes accrued or to accrue due shall not be taken to extend to the Additions by the said Act made to such Compositions, but that the several Sums directed by the said Act to be added to and made payable, together with and in addition to the said Compositions, shall be payable to and recoverable by the Persons who would have been entitled to the said Compositions by and from the Persons who would have been liable to the Payment of such Compositions, if this Act had not been passed, as if such Sums had been by the said Act made separately payable and recoverable as Compositions for Tithes; and that, save as aforesaid, all and every the Provisions in the said Act contained in any way relating to the Recovery of such Instalments and Sums, or enabling any Person liable to the Payment of such Compositions to recover against any Person any Sum whatsoever on account of such Liability, shall, subject to the Provisions hereinafter contained, remain in full Force and Effect as if the Right to the said Compositions were still subsisting.

Persons liable to Payment of Instalments may apply for Remission by Memorial to the Lord Lieutenant, who may refer the same for Investigation, and upon Report thereof remit the whole or Part thereof.

III. And be it enacted, That it shall and may be lawful for any Person liable to the Payment of any of the said Instalments now due and unpaid, or who may be liable to the Payment of any Instalment which shall become due on the First Day of *November* in this present Year, to apply by Memorial to the Lord Lieutenant of *Ireland*, describing the Character in which he may be so liable, and stating what, if any, of the Compositions, together with and in addition to which any Sums were made payable in respect of the Advances repayable by such Instalment under the said recited Act, may at or previous to the passing of this Act, or would at the Time of such Instalments falling due, be, if this Act had not been made, payable by Persons being both the Owners and Occupiers of the Lands charged with such Compositions, and also stating what, if any, of the said Sums so added to such Compositions have been received by the Memorialist, and praying that the Whole or any Part of such Instalment may be remitted; and the said Lord Lieutenant in Council shall refer each such Memorial to such Person or Persons as he may think proper, who shall require the Memorialist to prove before him or them the several Matters and Things stated in such Memorial by such Evidence as the Nature of the Case may admit, and shall investigate the Facts and Circumstances by all such Ways and Means as he or they shall think fit, subject to such Rules and Directions as the said Lord Lieutenant of *Ireland* in Council shall from Time to Time subscribe, and shall report thereon to the said Lord Lieutenant in Council, who shall thereupon have Power and Authority, as hereinafter directed, to remit the Whole or any Part of such Instalment, and the Clerk of the Council shall certify the same to the Commissioners of the Treasury; and if they shall remit the whole of such Instalment, the said Commissioners of the Treasury shall direct Satisfaction thereof to be duly entered and recorded in the proper Office of the Exchequer; and if they shall remit only a Part of such Instalment,

ment, the said Commissioners of the Treasury shall direct Satisfaction of the whole to be duly entered and recorded upon Payment of the Residue of such Instalment.

Person to whom Memorial is referred may examine on Oath and receive Affidavits.

IV. And be it enacted, That it shall be lawful for such Person or Persons to whom any such Memorial may be referred to examine upon Oath or Affirmation (which Oath or Affirmation he or they is or are hereby authorized to administer) any Person willing to be examined touching any Matter or Thing relating to the Subject of such Reference, and also to receive any Affidavit or Deposition in Writing upon Oath or Affirmation made before any Justice of the Peace (and which any such Justice is hereby authorized to administer).

Cases in which Instalments shall not be remitted.

V. Provided always, and be it enacted, That the said Lord Lieutenant in Council shall remit every such Instalment as aforesaid, unless the same shall be found to be due by any Lay Impropriator in respect of Advances made on account of any Tithes or Compositions for Tithes charged upon Lands the Estate and Property of such Impropriator, or unless the Person liable to such Instalment shall be found to have received the Whole or some Part of the Sums so added to the said Compositions, or unless the Whole or some Part of the Sums so added to the said Compositions shall be found to be payable by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions; and in the Two last-mentioned Cases the said Lord Lieutenant and Council shall remit so much but no more of such Instalment as shall be equivalent to the Sums so added to the said Compositions, and which shall not have been received by the Person liable to such Instalment, or shall not be payable by Persons being both the Owners and Occupiers at the same Time of the Lands charged with such Compositions; and the Decision of the said Lord Lieutenant in Council shall be final and conclusive of the Right of any Memorialist to the Remission of the Whole or any Part of any Instalment under this Act.

In case of the Remission of the Whole or Part of any Instalment, the Sums added to the Composition shall be also remitted, unless due by undertaking Landlords or Persons who would be liable to Rent-charge.

VI. And be it enacted, That in any Case where the said Lord Lieutenant in Council shall remit the whole of any such Instalment it shall not be lawful for the Person so relieved from his Liability thereto to sue for or recover any Sum added to the said Compositions in respect of the Advances on account whereof such Instalment was made payable; and in any Case when the said Lord Lieutenant in Council shall remit a Part of any Instalment it shall not be lawful for the Person so relieved to sue for or recover any such Sum so added to the said Compositions from or against any Person other than a Person being both the Owner and Occupier of the Lands charged with the said Composition; and all and every other the Persons liable to the Payment of any Sum added to the said Compositions, or payable in respect of such additional Sums under the Provisions of the said recited Act of the Third and Fourth Year of His late Majesty's Reign on account of Advances thereunder, shall, in the event of the Remission of the Whole or any Part of the Instalment payable on account of such Advances, be and they are hereby exonerated and dis-

discharged from the Payment thereof, without Prejudice nevertheless to any Payment heretofore made under the Provisions of the said recited Act.

All Lands subject to the Payment of Tithe Compositions charged with an annual Sum by way of Rent-charge equal to Three Fourths of such Compositions to be payable by the Party having the first Estate of Inheritance, &c. in such Lands.

VII. And be it enacted, That every Parcel of Land charged with or in respect whereof the said Tithe Compositions or any Applotment or Assessment thereof would have been payable if this Act had not been passed shall be and become severally liable to and charged with the Payment of an annual Sum or Rent-charge equal to Three Fourths of the annual Amount of such Tithe Compositions, and that such Rent-charges shall, except as herein-after excepted, be payable by the Party having in such Lands respectively the first Estate of Inheritance, or other Estate or Interest equivalent to a perpetual Estate or Interest as herein-after defined, under which or derived wherefrom there shall be no such perpetual Estate or Interest, according to the Quantity of such Lands comprised in each such Estate or Interest; provided always, that any Landlord who shall have undertaken the Payment of any Composition for Tithes under the Provisions of the herein-before recited Act of the Second and Third Years of the Reign of His late Majesty shall, for and during the Continuance of his Estate and Interest in the Lands charged with the Rent-charge payable in lieu of such Composition, be liable to the Payment of such Rent-charge, provided he has an Estate not less than an Estate of Inheritance in such Lands; and that such Rent-charges shall take effect from the First Day of *November* last past, and that the first Payment of such Rent-charges shall become due on the First Day of *November* in this present Year, and be then paid by one entire Payment; and that the said Rent-charges accruing due in each succeeding Year shall be payable by Two equal half-yearly Payments, one whereof to become due on the First Day of *May*, and the other on the First Day of *November*, in each such Year: Provided always, that although such Tithe Compositions may have been separately applotted or assessed upon different Portions of such Lands, the Lands comprised in each such Estate or Interest shall be charged with the annual Payment as aforesaid of one entire Sum or Rent-charge equal to Three Fourths of the gross annual Amount of such several Applotments or Assessments: Provided also, that the Amount of such Rent-charges shall be computed on the gross Amount of such Tithe Compositions as stated in the Certificates and Applotment Books thereof respectively, without regard to the Deduction of Fifteen Pounds *per Centum* claimable by Persons undertaking the Payment of such Tithe Compositions under the Provisions of the above-recited Act of the Second and Third Years of His late Majesty's Reign: Provided always, that all Certificates and Applotment Books of such Compositions shall be deemed and taken as valid and effectual for the Purpose of ascertaining the Rent-charges to be paid in lieu thereof, save so far as the same may be varied in pursuance of the Provisions in this Act, in which Case the Rent-charge shall be ascertained by such amended Certificate or Applotment Book.

One entire Sum to be charged on each Estate although Lands separately applotted.

Rent-charges to be computed on the gross Amount.

Ascertaining Rent-charges.

What shall be deemed equivalent to an Estate of Inheritance of perpetual Estate.

VIII. And be it enacted, That any Estate or Interest held under any Deed or Instrument containing any Provision, Contract, or Covenant for the perpetual Renewal thereof, and any Estate or Interest held for any Term of Years, whereof at least One hundred shall be to come

come and unexpired on the Thirtieth Day of *October* in this present Year, and any Estate held by Lease or Demise immediately from and under any Archbishop, Bishop, or other Ecclesiastical Person, in any Lands belonging to the See or other Spiritual Promotion or Dignity of such Archbishop, Bishop, or other Ecclesiastical Person, or under the Ecclesiastical Commissioners for *Ireland*, being Parcel of the Lands vested or which may become vested in them under the Provisions of an Act made in the Third and Fourth Years of the Reign of His late Majesty, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in* Ireland, shall be deemed and taken to be, for all Purposes relating to the said Rent-charges, equivalent to a perpetual Estate or Interest; and that each Tenant in Dower or Tenant by Courtesy, and each Person having, under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise, any Estate for Life or other particular Estate thereby created or limited, out of or in any Estate of Inheritance, or out of or in any such equivalent Estate as hereby defined, shall be, during such his Interest, liable to the Payment of such Rent-charge as fully to all Intents and Purposes as if he were seised of or entitled to the whole Estate in such Inheritance or perpetual Interest.

3 & 4 W. 4. c. 37.

If Leases under the Laws now in force be free of Tithes, the Estate held thereunder shall not be liable to Rent-charge.

On Determination of any Estate chargeable with Rent-charge, the next Estate shall become chargeable.

IX. And be it enacted, That where by the Laws now in force in *Ireland* any Person shall be entitled to hold and occupy under any Lease or Demise the Lands thereby demised free from the Payment of Tithes or Composition of Tithes, he shall not be liable to the Payment of the said Rent-charge, but the Party having in such Lands the first Estate of Inheritance or other equivalent Estate or Interest as before described, expectant or in Reversion, and who would not be entitled to a like Exemption under the Laws aforesaid, shall be liable to such Payment: Provided always, that in case of the Forfeiture, Surrender, or other Determination of any Estate or Interest, the Owner whereof may be liable to the Payment of such Rent-charge as aforesaid, the Party having the first Estate of Inheritance or other equivalent Estate or Interest as before described, in Remainder or Reversion, shall become liable to the said Payment of such Rent-charge: Provided also, that in case of any such Devolution of Interest, no more than the Amount of One Year's Arrear of Rent-charge shall be a Charge on the Lands subject to the Payment of such annual Rent-charge.

If any Person who would have been liable to Tithe Composition hold mediately or immediately under the Person liable to such Rent-charge, the Amount of such Rent-charge may be recovered as Rent from

X. And be it enacted, That whenever any Person who would have been liable to the Payment of any Composition for Tithes if this Act had not been made shall hold the Lands in respect whereof such Composition for Tithes would have been so payable as Lessee or Sub-Lessee under a Person liable to the Payment of such Rent-charge as aforesaid in respect of the same Lands, then and in such Case an annual Sum equal to the Amount of such Rent-charge shall be from Time to Time payable to the Person so liable to the Payment of such Rent-charge by the next immediate Lessee holding under him, such Sum to become first due on the First Day of *November* in this present Year, and to be then payable by one entire Payment, and the like annual Sum thereafter in every succeeding Year, to be payable at such Times and by such quarterly or half-yearly or yearly Payments

ments as the Rent due and payable by such Lessee may be reserved and made payable, and together therewith, and subject to all the like Incidents, in like Manner, to all Intents and Purposes, as if such Sum had been mentioned in the same Lease, Instrument, or Demise, and expressly reserved and made payable thereby; and the Person liable to such Rent-charge as aforesaid shall have such and the like Remedies to enforce Payment of such Sum by Distress, Ejectment, or Re-entry, or by Action of Debt, Covenant, or otherwise, as he may have to enforce Payment of the Rent reserved by such Lease, Instrument, or Demise; and the said next immediate Lessee, in case he himself would not have been liable to the Payment of such Tithe Compositions as aforesaid, shall be in like Manner and by all such and the like Remedies entitled to receive and recover of and from his immediate Sub-Lessee such annual Sum from Time to Time accruing due and payable, and so on, each Lessee recovering from his Sub-Lessee downwards to the Person who would have been primarily liable to the Payment of such Tithe Compositions if this Act had not been made: Provided always, that in the Case of the Land being divided among several Lessees or Sub-Lessees, each of them shall be liable to the Payment of no greater Portion of such annual Sum than may from Time to Time become due and payable in respect of the Land which such Lessee or Sub-Lessee, or any other Person with him jointly, may hold: Provided also, that where any Person would have been liable, under the Provisions of any Law now in force in *Ireland*, to make Payment of any Composition to any Landlord or Person entitled to the Receipt of the same by virtue of any Certificate of Agreement as is mentioned in the herein-before mentioned Act of the Second and Third Year of His late Majesty's Reign, such Person liable to make Payment of such Composition to the Person entitled thereto by virtue of such Certificate shall be deemed to be within the Meaning of this Act the Person primarily liable thereto; and where the Lessee or Occupier of any Lands may be entitled to deduct out of the Rent payable by him to his Landlord the Amount of any Composition, such Landlord shall be deemed to be within the Meaning of this Act the Person primarily liable thereto.

the next Tenant, and so downwards to the Person primarily liable.

XI. And be it enacted, That in any Case where the Effect of any Composition may be by any Law now in force suspended in consequence of any Lease of Tithes, or Agreement in Writing respecting the same, every such Lease or Agreement having such Effect as aforesaid, but none other, shall from and after the passing of this Act wholly cease and determine, but without Prejudice to the Recovery of any Sum heretofore accrued due by virtue thereof; and the Lands which would, if this Act had not been made, have upon the Termination of such Lease or Agreement become subject to the Payment of any Composition for Tithes, shall be and become severally charged with an annual Sum or Rent-charge equal to Three Fourths of the Amount of such Composition, and an annual Sum equal in Amount to such Rent-charge shall become payable to the Persons from Time to Time liable to the Payment of such Rent-charge, and to their Lessees and Sub-Lessees, in like Manner as herein-before provided in Cases where the Effect of such Compositions shall not have been suspended as aforesaid: Provided nevertheless, that if any Payment

Such Leases, &c. of Tithes as have now the Effect of suspending Compositions shall determine, and none other.

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on account of this present Year shall previous to the passing of this Act have accrued due by virtue of or under such Lease or Agreement, the Amount thereof shall be deducted from the Rent-charge accruing due on the First Day of *November* in this present Year, and the Residue only shall be then payable.

Where Leases at Rack Rent have been made, after the Establishment of any Composition in pursuance of 4 G. 4. c. 99. the Rents shall be reduced in proportion to the Difference between such Composition and the Rent-charge payable under this Act.

XII. And whereas by an Act passed in the Fourth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to provide for the Establishment of Compositions for Tithes in* Ireland *for a limited Time*, it was enacted, that whenever under the Provisions of that Act any Composition should be made for Tithes payable in any Parish, every Person who should afterwards set, let, or demise any Land lying within such Parish at a Rack Rent should make such Lease or Demise free from the Payment of Tithes during the Continuance of such Composition; and that in such Case it should be lawful for the Lessee or Occupier of such Land, and every such Lessee or Occupier was thereby required, to pay the Amount of such Composition to the Person entitled thereto; and that it should be lawful for such Lessee or Occupier of such Land to deduct the Amount of all such Payments from Time to Time out of the Amount of Rent payable by such Lessee or Occupier of such Land to his immediate Landlord; and it was further enacted by the said recited Act, that in case such Composition should cease and determine at any Time during the Continuance of such Lease, the Rent reserved in such Lease should be reduced in Amount by a Sum equal to the Amount of such Composition: And whereas in such Cases of Land set, let, or demised at a Rack Rent in any Parish at any Time after the Establishment of a Composition for Tithes therein the Amount of such Composition has by reason of the said recited Enactments been added to and made payable together with and as Part of the Rent, and it is just and reasonable that such Rent should be reduced to the Extent of the Reduction made under this Act in converting the said Composition into a Rent-charge; be it therefore enacted, That in case of any Lease made at a Rack Rent, at any Time after the Establishment of a Composition for Tithes in any Parish, of Lands subject to the Payment of such Composition, the Rent reserved upon and made payable in and by any such Lease shall be reduced by a Sum equal to the Difference between the Amount of the Composition heretofore payable in respect of such Lands and the Amount of the Rent-charge which will under the Provisions of this Act become payable in lieu thereof, and that the Party from Time to Time liable to the Payment of such Rent shall be entitled to deduct the Amount of such Difference accordingly: Provided always, that, subject to such Reduction, such Rent shall remain payable, and the Lessor, his Heirs, Executors, Administrators, and Assigns, shall have the like Remedies for the Recovery thereof as if the said Tithe Compositions were not by this Act determined.

Compositions for Tithes made under 2 & 3 W. 4. c. 119, may be appealed against.

XIII. And whereas in Cases where the said Compositions for Tithes have been established by a sole Commissioner appointed by the Lord Lieutenant, in pursuance of an Act passed 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*,

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*, it is just and expedient, with a view to a final and satisfactory Settlement of the Amount of the said Compositions for Tithes, and the Rent-charges payable in lieu thereof, that Appeals should be allowed within a limited Time against the Certificates of such Compositions where the Amount thereof may have been unduly affected by Fraud or Concealment; be it therefore enacted, That it shall and may be lawful for any Person or Persons in any Parish who would have been, in case this Act had not been made, individually or collectively liable to the Payment of more than One Half of the Amount of the whole Composition established in and for such Parish, whether the several Sums payable by him or them respectively shall be or may have been payable to any Party entitled to the Receipt of any Composition, or to any Landlord who may have taken upon him the Payment of such Composition, at any Time before the First Day of *October* next to appeal to the Lord Lieutenant of *Ireland* in Council in behalf of such Parish against the Certificate of such Composition, in like Manner as by the said Act of the Second and Third Years of His said late Majesty King *William* the Fourth, and the Acts therein recited, an Appeal might have been made by Direction of the Vestry of the Parish within the Time thereby limited, and the Grounds of such Appeal shall be stated in Writing and signed by such Person or Persons, and lodged with the Clerk of the Privy Council before the said First Day of *October*, and in like Manner it shall be lawful for any Person who would have been, in case this Act had not been made, entitled to any Composition for Tithes, before the said First Day of *October*, to appeal to the said Lord Lieutenant in Council against such Certificate in like Manner as by the said last-mentioned Acts such Appeals might have been made within the Time thereby limited; and Notice of every such Appeal shall be posted on the Church Door or usual Place of posting Notices of Application of Grand Jury Presentments in the Barony or Half Barony in which the Parish to which such Application may refer is situate, and once inserted by or on behalf of the Appellant Party in some Newspaper circulating within such Parish within Ten Days next after such Appeal shall have been lodged with the Clerk of the Privy Council: Provided always, that where the Effect of any Composition may have been suspended previous to the passing of this Act by virtue of any Lease or Agreement in Writing, the Owners and Occupiers of any Lands upon which collectively a Sum exceeding One Half of the Amount of such Composition may have been applotted shall be deemed and taken to be qualified within the Meaning of this Act to make such Appeal.

Appeals to be heard in the Manner provided by 2 & 3 W. 4. c. 119.;

XIV. And be it enacted, That every such Appeal shall be heard and determined, and an Order made thereupon for confirming or for decreasing or increasing or modifying the Amount of such Composition, in like Manner as is provided by the said last-mentioned Act with respect to Appeals thereby authorized to be made against such Certificates; and all the Enactments and Provisions contained in the

same Act relating to the Appeals thereby authorized to be made against such Certificates, and the Costs thereof, shall extend and be applied to Appeals authorized by this Act, and the Costs thereof, except so far as the same are repugnant to the Provisions of this Act: Provided always, that no Order shall be made on any such Appeal, otherwise than for confirming the Composition stated in the Certificate, unless it shall be proved that some Fraud, Concealment, Misrepresentation, or Circumvention was practised by or on the Part of some Party interested in such Composition, whereby the Commissioner may have been deceived, or whereby the Knowledge of any Fact or Facts which was or were essential to enable the Commissioner to make a just Decision was withheld from him, and whereby the Amount of such Composition was unduly affected: Provided also, that when an Appeal from any Certificate of Composition has before the passing of this Act been decided upon the Merits by the Lord Lieutenant in Council, or by any Judge of Assize, no further Appeal relating thereto shall be made by virtue of this Act.

but no Order to be made, except for confirming the Composition, unless Fraud, Concealment, or Misrepresentation affecting the Amount of Composition be proved.

XV. And be it enacted, That it shall be lawful for any Person or Persons in any Parish who would have been, in case this Act had not been made, individually or collectively liable to the Payment of more than One Fourth of the Amount of the whole Composition established in and for such Parish, whether the several Sums payable by him or them respectively shall be or may have been payable to any Party entitled to the Receipt of any Composition, or to any Landlord who may have taken upon him the Payment of such Composition, to apply to the said Lord Lieutenant in Council, praying the Amendment of the Applotment of any Composition, and such Application shall be made by Memorial, to be lodged at any Time before the First Day of *October* next with the said Clerk of the Council, and notified by public Advertisement and otherwise, in like Manner as Appeals against Certificates of Compositions; and if by any such Memorial it shall be made to appear to the Satisfaction of the said Lord Lieutenant in Council that any such Applotment of such Composition is defective or unjust, or does not with sufficient Precision ascertain the Lands and Holdings in respect whereof the said Rent-charges will be payable, it shall and may be lawful for the said Lord Lieutenant in Council to direct such Applotment to be amended, and for that Purpose to appoint some One or more skilful Person or Persons, who shall therein have and exercise the like Powers, Privileges, and Authorities, and observe the several Regulations in the said Acts for establishing Compositions of Tithes expressed and contained, but subject nevertheless to such Instructions and Directions as the said Lord Lieutenant in Council shall prescribe for the avoiding any Defect or Uncertainty to which the original Applotment may have been liable; and such amended Applotment shall be returned to the Clerk of the said Council, attested under the Hand of the Person or Persons making the same, and the original Book of Applotment shall be amended under the Direction of the said Lord Lieutenant in Council accordingly; and such amended Book of Applotment shall be in the Place and Stead of the said original Book of Applotment, and be valid and effectual to all Intents

Lord Lieutenant may cause Applotments to be amended.

and Purposes for which the said original Book of Applotment would have been valid and effectual, but in the meantime such original Book shall be in full Force and Effect; and in every Case in which no Applotment shall hitherto have been made it shall be lawful for any such Persons as are herein-before authorized to apply for the Amendment of any Applotment to apply for the making of such Applotment, in like Manner and within the like Period as is herein-before provided with respect to Memorials for the Amendment of any Applotment; and in every such Case it shall and may be lawful for the said Lord Lieutenant in Council to appoint One or more skilful Person or Persons to make such Applotment who shall therein have and exercise the like Powers, Privileges, and Authorities, and observe as far as may be the like Regulations, as are given and directed to be observed by the said Acts for establishing Compositions of Tithes; and the said Lord Lieutenant shall cause to be paid to the Person or Persons employed for the Purposes aforesaid such Remuneration as he shall think reasonable, and the Expences thereof shall be repaid by Grand Jury Presentment on or off the Parish in which such Expences shall have been incurred; and a Certificate of the Amount so expended in respect of each such Parish shall be transmitted under the Hand of one of the joint or assistant Secretaries of the Commissioners of the Treasury to the Treasurer of the County in which such Parish may be situate; and such Treasurer shall insert the Sum specified in such Certificate in his Warrant for the Collection of the Money to be raised and levied off such Parish by Presentment of the Grand Jury at the Assizes next succeeding, and such Sum shall be applotted (if Need be by a separate Applotment) and raised and levied off the Lands liable to Rent-charge in such Parish in like Manner and by the like Ways and Means as if such Sum had been presented by the said Grand Jury at such Assizes to be levied off such Lands, and shall be paid over by the said Treasurer when and as by him received to such Bank or Person and in such Manner as the said Commissioners of the Treasury shall direct.

Power to apply for the making of an Applotment where none shall have been made.

XVI. And forasmuch as the Rent-charges made payable by this Act are charged upon the Lands heretofore subject to the Payment of Compositions for Tithes, it is expedient to make Provisions for the more cheap and convenient Determination of the Liability to such Compositions; be it therefore enacted, That where any Person having any Interest in any Lands whereon any such Composition shall have been applotted shall dispute the Liability of such Lands thereto, by reason of such Land having been Tithe-free, or not rightfully charged with or otherwise not subject to such Tithe Compositions or the Applotment thereof, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Petition of any such Person, in a summary Way to make such Order, allowing or disallowing such Claim of Exemption, or to direct such feigned Issue or Reference to any Master of the Court, or the Chief or Second Remembrancer, or other Proceeding as such Court shall think proper, for the Purpose of ascertaining whether such Lands would have been rightfully charged with Tithe Composition if this Act had not been made, or if such Composition had not been suspended; and if it shall appear to the Court that such Land would not have been rightfully charged with such Composition,

Proceedings where the Liability of Lands to Rent-charge shall be disputed.

Composition, it shall be lawful for the said Court so to declare, and to make such Order for the Amendment of the Certificate and Applotment of such Composition, and of the Entry of such Certificate in the Registry of the Diocese, as to such Court may seem fit; and such Lands shall be exonerated from Rent-charge, or such Rent-charges reduced accordingly: Provided, that in any such Proceeding the Certificate or Applotment of any such Composition shall not be Evidence of the Liability of such Lands to such Composition, or the Applotment thereof.

When Tithe-free Lands have been subjected to Composition such Composition shall be reduced.

XVII. And be it enacted, That where any Lands made subject to the Payment of any Part of a Composition (the Amount of such Composition not having been fixed by Agreement) shall, by virtue of any Decision in Law or Equity, have been or at any Time shall be declared to be exempt from the Payment of Tithes, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Petition of any Person liable to the Payment of Rent-charge in the Parish in which such Lands may be situate, to direct any Master of such Court, or the Chief or Second Remembrancer, to inquire into and ascertain, by Examination of the Commissioner or Commissioners, or Umpire, as the Case may be, by whom such Composition may have been established, or otherwise upon the best Evidence which can be procured, the Sum included in the Amount of such Composition on account of the Tithes of such Land, and the Certificate and Applotment of such Composition; and the Entry of such Certificate in the Registry of the Diocese shall be amended accordingly under the Direction of such Court, and the Rent-charges payable instead of such Composition for Tithes shall be reduced proportionably.

What Prescriptions to be valid in Law in case of Claims of Exemption from Tithes.

XVIII. And be it enacted, That all Prescriptions and Claims of or for any Modus decimandi, or of or to any Exemption from or Discharge of Tithes, shall in all Cases whatever be sustained and be deemed good and valid in Law upon Evidence showing, in Cases of a Claim of Modus decimandi, the Payment or Render of such Modus, and, in Cases of Claim to Exemption or Discharge, the Enjoyment of the Land without Payment or Render of Tithes, Money, or other Matters in lieu thereof, for the full Period of Thirty Years next before the Establishment of a Composition for such Tithes under the Acts for that Purpose made, unless in the Case of a Claim of a Modus decimandi the actual Payment or Render of Tithes in Kind, or of Money or other Thing differing in Amount, Quality, or Quantity from the Modus claimed, or in case of Claim to Exemption or Discharge, unless the Render or Payment of Tithes, or of Money or other Matter in lieu thereof, shall be shown to have taken place at some Time prior to such Thirty Years, or it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing, and if such Proof in support of the Claim of Exemption shall be extended to the full Period of Sixty Years next before the Establishment of such Composition such Claim shall be deemed absolute and indefeasible, unless it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made

or

or given for that Purpose by Deed or Writing; and where the Render of Tithes or Compositions for Tithes might have been, in case this Act had not been made, demanded by any Archbishop, Bishop, Dean, Prebendary, Parson, Vicar, or other Corporation Sole, whether Spiritual or Temporal, or by the said Ecclesiastical Commissioners, then every such Prescription or Claim shall be valid and indefeasible upon Evidence showing such Payment or Render of Modus made or Enjoyment had as is herein-before mentioned, applicable to the Nature of the Claim, for and during the whole Time that Two Persons in succession shall have held the Office or Benefice in respect whereof such Render of Tithes in Kind might have been claimed, and for not less than Three Years after the Appointment and Institution or Induction of a Third Person thereto: Provided always, that if the whole Time of the holding of such Two Persons shall be less than Sixty Years then it shall be necessary to show such Payment or Render of Modus made or such Enjoyment had, not only during the whole of such Time but also during such further Number of Years either before or after such Time, or partly before and partly after, as shall with such Time be sufficient to make up the full Period of Sixty Years, and also for and during the further Period of Three Years after the Appointment and Institution or Induction of a Third Person to the same Office or Benefice, unless it shall be proved that such Payment or Render of Modus was made or such Enjoyment was had by some Consent or Agreement expressly made or given for that Purpose by Deed or Writing.

In what Case Exemption from Tithes allowed.

XIX. And be it enacted, That no Modus, Exemption, or Discharge shall be deemed to be within the Provisions of this Act unless such Modus, Exemption, or Discharge shall be proved to have existed and been acted upon at the Time of or within One Year next before the Establishment of a Composition for the Tithes to which such Claim may relate under the said Acts for that Purpose made.

To what Cases the herein-before contained Provisions shall not extend.

XX. Provided always, and be it enacted, That the Provisions herein-before contained with respect to the Establishment of Claims of or for any Modus or Exemption from or Discharge of Tithes shall not extend to any Case where the Tithes of any Land shall have been demised by Deed for any Term of Life or Number of Years, or where any Composition for Tithes shall have been made by Deed or Writing by the Person or Body Corporate entitled to such Tithes with the Owner or Occupier of the Land for any such Term or Number of Years, and such Demise or Composition shall be subsisting at the Time of the passing of this Act, nor to any Suit for establishing a Claim to Tithes now pending.

Time during which Lands shall be held by Persons entitled to the Tithes thereof, to be excluded in the Computation; as

XXI. Provided also, and be it enacted, That where any Lands or Tenements shall have been held or occupied by any Rector, Vicar, or other Person entitled to the Tithes thereof, or by any Person compounding for Tithes with any such Rector, Vicar, or other Person, whereby the Right to the Tithes of such Lands may have been or may be during any Time in the Occupier thereof or in the Person entitled to the Rent thereof, the whole of every such Time, and

also the Time during which any Person capable of resisting any Claim shall be an Infant, &c.

and Times shall be excluded in the Computation of the several Periods of Time herein-before mentioned: Provided also, that the Time during which any Person otherwise capable of resisting any Claim to any such Exemption or Discharge as aforesaid shall have been an Infant, Idiot, *non compos mentis*, Feme Covert, or Lay Tenant for Life, or during which any Action or Suit shall have been pending, and which shall have been diligently prosecuted until abated by the Death of any Party or Parties thereto, shall be excluded in the Computation of the Periods herein-before mentioned, except only in Cases where the Right or Claim is hereby declared to be absolute and indefeasible.

What it shall be sufficient to allege in Proceedings relating to the Exemption of Lands from Tithe under this Act.

XXII. And be it enacted, That in all Proceedings to be taken after the passing of this Act for the Purpose of determining the Exemption or Discharge of any Lands from Tithes it shall be sufficient to allege that the Modus or Exemption or Discharge claimed was actually exercised and enjoyed for such of the Periods mentioned in this Act as may be applicable to the Case; and any Provision, Exception, Incapacity, Disability, Contract, Agreement, Deed, or Writing herein mentioned, or any other Matter of Fact or Law not inconsistent with the simple Fact of the Exercise and Enjoyment of the Matter claimed, shall be specially alleged and set forth, and shall not be received in Evidence on any general Traverse or Denial of the Matter claimed.

No Presumption allowed in support of a Claim for a less Period than herein mentioned.

XXIII. And be it enacted, That in the several Cases mentioned in and provided for by this Act no Presumption shall be allowed or made in favour or support of any Claim upon Proof of the Exercise or Enjoyment of the Right claimed for any less Period of Time or Number of Years than for such Period or Number mentioned in this Act, as may be applicable to the Case and to the Nature of the Claim.

Rent-charges to whom payable.

XXIV. And be it enacted, That the said Rent-charges shall be payable to and amongst the several Persons who would have been, if this Act had not been made, entitled to Compositions for Tithes arising out of the several Lands charged with such Rent-charges respectively, and in the same Proportions, and vested in such Persons, for the like Estates or Interests, and subject to the like Trusts, Uses, Charges, Payments, Rents, Liens, and Incumbrances of what Kind or Nature soever.

Rent-charges to be deemed Tithes under 1 & 2 Vict. c. 56.

XXV. And be it enacted, That the said Rent-charges shall be deemed and taken to be Tithes within the Meaning of an Act passed in this present Session of Parliament, intituled *An Act for the Relief of the destitute Poor in* Ireland, and that the Persons entitled to the Receipt of such Rent-charges shall be deemed and taken to be Tithe Owners within the Meaning of that Act.

Effect of Certificates of Compositions as to Right of Parties entitled thereto.

XXVI. And whereas Doubts have arisen with respect to the Effect of Certificates for the Composition of Tithes in *Ireland* made under the Authority of the said Acts for establishing such Compositions, as respects the Rights or Titles of Persons having or claiming to have Estates or Interests in the Tithes or Compositions to which such Certificates respectively relate: And whereas the said Rent-

charges will be payable to or divided among the several Persons entitled thereto according to the Proportions of such Compositions payable to them respectively as in such Certificates stated; be it therefore enacted, That no Certificate made under the said Acts or any of them, or which may be amended under the Provisions of this Act, shall, as against any Person claiming any Estate or Interest in Tithes or Composition for Tithes in *Ireland*, and asserting such Claim by any Proceeding at Law or in Equity, be deemed to be Evidence of the Right or Title of any Person in such Certificate described; and that if it shall be decided by any Court of competent Jurisdiction that any Person other than the Person in such Certificate described, or those deriving under such Person, would have been entitled to such Composition or to the Tithes to which the same shall relate, the Person so declared entitled shall be thereupon authorized and entitled to receive the Rent-charge or Proportion thereof accruing due under Authority of this Act, in lieu of the Composition in such Certificate mentioned, as if originally named therein; but until such Decision such Certificate, and all Payments made under the same, shall be good, valid, and effectual against all Persons whatsoever.

Rent-charges how to be recovered.

XXVII. And be it enacted, That the said Rent-charges shall have Priority over all other Charges, Liens, Mortgages, and Incumbrances whatsoever affecting the Lands chargeable therewith, and shall and may be recovered by the Ways and Means herein-after mentioned; (that is to say,) by Bill in Equity, Action of Debt or on the Case, or, if not exceeding Twenty Pounds, by Civil Bill in the Court of the Assistant Barrister or Chairman of the Sessions of the County wherein the Lands charged therewith may be situate, or by Distress, subject to the Provisions herein-after contained.

Several Parties may be included in one Bill in Equity.

XXVIII. And be it enacted, That it shall and may be lawful to include in the same Bill in Equity or in the same Petition all or any Number of the Persons in any one Parish who may make default in Payment of such Rent-charges, in like Manner as might have been done in Suits in Equity for the Recovery of Tithes or Tithe Compositions in lieu of which the said Rent-charges are given, without being liable to any Objection on the Ground of Multifariousness, but with Liberty to any of such Defendants, on Payment of the Demand against such Defendant, and his Proportion of the Costs, to have his Name struck out of the Bill or Petition.

Where Person liable to Payment of Rent-charge shall occupy the Land the Arrear may be distrained for.

XXIX. And be it enacted, That where the Person liable to the Payment of any Rent-charge shall occupy the Land in respect whereof the same may be payable it shall and may be lawful to make any Distress or Distresses for any Arrears of such Rent-charge or Proportion thereof; and such Distress shall be subject in all respects to the like Regulations and attended with the like Privileges and Advantages as are by Law established in respect of any Distress by any Landlord for the Recovery of Rent.

Where Rent-charge in arrear, and the Person liable thereto

XXX. Provided always, and be it enacted, That in all Cases where any Lands charged with the said Rent-charge shall be held or occupied by any Person other than the Person liable under the Provisions of

shall not be in occupation of the Lands charged therewith, or where such Person may not be known, a Court of Equity may order the Rents of such Lands to be received in liquidation of such Rent-charge, &c.

of this Act to the Payment thereof it shall not be lawful to make any Distress upon such Lands, or upon any other Lands, Goods, or Chattels of such Person, for such Rent-charge, but in all such Cases, and also in all Cases where the Person liable to the Payment of such Rent-charge may not be known to the Party entitled to such Rent-charge, and such Rent-charge shall be in arrear and unpaid for the Space of Thirty-one Days after the same shall have become due, it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon Application as herein-after mentioned, and in default of its being shown to such Court that the Person in occupation of such Land is liable to the Payment of such Rent-charge, to appoint a Receiver, or to extend any Receiver already appointed over the said Lands to the Matter of the said Petition, to receive the Rents or such Part of the Rents of the Lands charged with such Rent-charge as shall be sufficient to pay such Rent-charge and all Arrears thereof, until the whole of such Arrears shall be discharged, together with such Fees as shall be appointed by such Court for such Receiver, and also the Costs out of Pocket of such Application, and that out of the Sums so received such Fees and Costs shall be ordered to be paid; and such Order shall be made upon Petition and Affidavit, after reasonable Time given to show Cause; and Notice of the Intention to make such Application shall, Ten Days previous to making the same, be served upon the Person, or the known Attorney, Agent, or Steward of the Person, in receipt of or entitled to such Rents, either by delivering such Notice to the Party personally, or by leaving the same at his usual Place of Residence, or in case such Person be not known, or there be any Difficulty in effecting such Service, then by serving such Notice in such Manner as the Court may, under the Circumstances, think proper to direct; and that the said Receiver shall be empowered by the said Court to recover the said Rents, or so much thereof as may be necessary, by Distress and all such other Remedies as Receivers in any Manner appointed by Courts of Equity in *Ireland* are empowered to recover Rents according to the Rules and Practice of such Courts respectively.

How Rent-charges, &c. to be recovered from Quakers.

XXXI. Provided always, and be it enacted, That in all Cases in which the Party liable to the Payment of any such Rent-charge, or to any such annual Sum as is herein-before made payable to the Party liable to such Rent-charge, or to any Lessee holding mediately or immediately under him, in addition to the Rent payable, to such Party or Lessee, shall be of the Persuasion of the People called Quakers, then the same shall be recoverable in manner herein-after mentioned; (that is to say,) if the Person so liable shall occupy the Land in respect whereof such Rent-charge or annual Sum may be payable, then the same shall be recoverable from such Person by Distress upon the Goods and Chattels of such Person, whether situate on the Premises in respect of which the Distress is made or elsewhere, but nevertheless to the same Amount only and with the same Consequences in all respects as if made on the Premises; and the Goods and Chattels so distrained may be sold, without keeping or impounding the same; but if the Person so liable and being of such Persuasion as aforesaid shall not occupy the Land in respect whereof such Rent-charge or annual Sum may be payable, then the same (without Limit as to the Amount)

Amount) shall be recoverable in such Manner as by an Act of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the more easy Recovery of Tithes*, is expressly or by reference prescribed for the Recovery of Ecclesiastical Demands of or under the Value of Fifty Pounds from Quakers, but with a like Exception in case the actual Title to such Rent-charge or annual Sum, or the Amount thereof, or the Liability or Exemption of the Property to or from the same, shall be *bonâ fide* in question; and in any Case in which the Person so liable shall be of the Persuasion aforesaid, and any other Remedy or Proceeding than herein-before mentioned shall notwithstanding be commenced or prosecuted against him, it shall be lawful for him, or any one on his Behalf, to serve the Party so entitled as aforesaid with a Declaration or Notice in Writing, stating that he possesses such an Estate or Interest as it is by this Act provided shall make the Person having such Estate or Interest liable to such Rent-charge or annual Sum, and that he is of the Persuasion aforesaid; and such other Remedy or Proceeding shall be thereupon forthwith discontinued, and the Costs previously incurred shall be taxed, and the Party who may have taken such Proceeding shall proceed to recover such Rent-charge or annual Sum by Distress, or by such Remedy as in the said recited Act of the Fifth and Sixth Years of the Reign of His late Majesty is provided, according to the Circumstances, and shall be entitled to recover therewith, and as Part thereof, the Costs of such Proceeding so discontinued; and such Notice shall be Evidence of the Liability of the Party by whom or on whose Behalf the same may have been given, and of his being of the Persuasion aforesaid: Provided always, that if upon any such Proceeding a sufficient Distress cannot be found to satisfy the said Rent-charge or Sum and the Costs, if any, together also with the reasonable Costs of Distress, then the other Remedies provided or allowed by this Act may be resorted to in the same Manner as if the Person liable to the Payment were not of the Persuasion of the People called Quakers: Provided always, that in no Case whatever shall any Execution or Decree or Order issue or be made under this Act against the Person or Persons of any Defendant or Defendants being of the Persuasion of the People called Quakers.

5 & 6 W. 4. c. 74.

Rent-charges to be variable in like Manner as Tithe Compositions.

XXXII. And whereas the Compositions for Tithes by this Act abolished are liable to be increased or diminished from Time to Time with reference to the Average Price of Corn as advertized in the *Dublin Gazette* during the preceding Seven Years, and it is just that the said Rent-charges which will by virtue of this Act become payable in lieu of such Compositions, and the Amount whereof is regulated thereby, should be subject to a similar Variation; be it therefore enacted, That it shall and may be lawful for any Three or more Persons in any Parish or Place, each charged with the annual Payment of Three Pounds or upwards in respect of any such Rent-charges, and for any Party entitled to the Receipt of such Rent-charges, or any Proportion thereof respectively, to make Application for the Increase or Diminution of the Composition in lieu whereof such Rent-charges may be payable, at such Periods from Time to Time and in such Manner, as if he or they were liable to the Payment

or entitled to the Receipt of such Composition, he or they might respectively make such Application; and the like Notice of any such Application shall be given, and all such and the like Proceedings had thereupon, as by the Provisions of the said several Acts for establishing Compositions for Tithes in *Ireland* authorized and directed in the Case of Application thereunder; and such Composition shall be increased or diminished, and the Applotment thereof amended, accordingly, and the Rent-charges payable in lieu thereof increased or diminished in like Proportion: Provided that when the Price of any particular Species of Corn shall be stated in the Certificate of such Composition the Justices to whom such Application may be made shall ascertain the Average Price of that Species of Corn from the said Gazette, and such Comparison shall be made between the Price thereof as stated in such Certificate and the Price thereof as so ascertained from the said Gazette during each Period of Seven Years; and provided further, that where the Price of Corn shall not be stated in any such Certificate of Composition the said Justices shall ascertain from the said Gazette the Average Price of Corn for the Period of Years with reference whereto such Composition may have been calculated, and deal therewith as if the same had been originally stated in such Certificate.

Holders of Leases of Tithes, &c. may surrender the same, or compel the Lessors to reduce the Rents.

XXXIII. And be it enacted, That if any Lease or Demise of Tithes or Composition in lieu of Tithes shall be in force and undetermined at the passing of this Act it shall and may be lawful for the Lessee in such Lease, or his Representatives, within Two Calendar Months after the passing of this Act, to surrender such Lease to his immediate Lessor, or his Representative; or it shall be lawful for such Lessee or his Representatives, instead of surrendering such Lease, to serve on such Lessor or his Representatives, within such Period of Two Months, a Notice in Writing requiring him or them to reduce the Rent reserved by such Lease in proportion to the Reduction of the Profits arising thereunder by reason of the Conversion of the Tithe thereby demised, or the Composition established in lieu thereof, into Rent-charge under the Provisions of this Act; and in case such Lessor or his Representatives shall omit or refuse during the Period of One Calendar Month from the Service of such Notice to agree to make the Abatement specified in such Notice, or such other Abatement as shall be satisfactory to the Person serving such Notice, the Matter of such Notice shall be referred to Three Arbitrators, one to be appointed by such Lessee or his Representative, another by such Lessor or his Representatives, and the third by the Two Arbitrators appointed as aforesaid, within Ten Days after Notice in Writing to be given by such Lessee or his Representative for that Purpose; and in case such Lessor or his Representatives shall omit or refuse within Ten Days after the Service of such Notice as last aforesaid to appoint an Arbitrator on his or their Behalf, it shall and may be lawful for such Lessee or Person serving such Notice to apply to the Court of Chancery or Exchequer in *Ireland*, by Petition, stating the Facts, whereupon such Court shall have Power and Authority to nominate and appoint an Arbitrator to act on the Part of such Lessor so omitting or refusing to act as aforesaid, and the Appointment of such Arbitrator shall be equally valid to all Intents and Purposes as if made by

by such Lessor; and in case of the Death or Incapacity, Neglect or Refusal to act of any of the said Arbitrators, another shall be appointed in his Stead by the Party by whom or in whose Behalf he was so appointed, or by the said Arbitrators appointed by the Parties, as the Case may be, within Ten Days next after Notice thereof; and the said Arbitrators, or any Two of them, shall and they are hereby authorized and empowered to inquire and ascertain, by all such Ways and Means as they shall think proper, whether any and what Abatement of the Rent reserved in any such Lease should be made to the Lessee therein named for or on account of the Deduction in the Amount of Tithe recoverable under such Lease arising from the Operation of this Act; and the said Arbitrators, or any Two of them, shall specify in their Award the Amount of the Abatement to be made in the Rent reserved in the said Lease, and the Amount so specified shall be no longer payable or recoverable under such Lease, and such Award shall be of like Force and Effect as a Release of so much of the said Rent as is thereby directed to be abated; and the said Arbitrators shall execute Two Copies of their said Award, one to be delivered to the Lessor in such Lease, or his Representatives, and the other to be deposited in the public Office for registering Memorials of Deeds, Conveyances, and Wills in *Ireland;* and such Arbitrators, or any Two of them, shall have Power and are hereby authorized to award that such Lease shall cease and determine and be surrendered, and the same shall, if they shall so determine, thenceforth cease and determine.

The Residue of the Money applicable to the Relief of the Owners of Tithes under 3 & 4 W. 4. c. 100. shall be applied, together with the Sums arising to Credit of the Account herein-after mentioned, in Payment of the Arrears of Compositions for 1834, 1835, 1836, and 1837. 6 & 7 W. 4. c. 108.

XXXIV. And whereas it was by the herein-before recited Act of the Third and Fourth Years of His late Majesty's Reign enacted, that Exchequer Bills to an Amount not exceeding One Million Pounds in the whole should be issued and applied to the Relief of the Owners of Tithes or Compositions for Tithes in *Ireland* in manner by the said Act directed: And whereas in pursuance thereof Exchequer Bills to the Amount of Six hundred and forty thousand Pounds were so issued and applied: And whereas an Act was passed in the Sixth and Seventh Years of His late Majesty's Reign, intituled *An Act to amend an Act passed in the First and Second Years of His present Majesty, for the Extension and Promotion of Public Works in* Ireland, whereby, after reciting that, over above the Sum required for the Purposes of the said first-recited Act, Exchequer Bills to the Amount of One hundred thousand Pounds, or thereabouts, had been made out and delivered to the Teller of the Exchequer in *Ireland*, it was enacted that such of the said Exchequer Bills as were then in the Possession of the said Teller, not exceeding the said Sum of One hundred thousand Pounds, should be applied to the Purposes of the said Act for the Extension and Promotion of Public Works: And whereas it is expedient to apply the Residue of the said Sum of One Million Pounds now remaining unappropriated, being Two hundred and sixty thousand Pounds, together with the Sums which may have arisen or shall arise in Her Majesty's Exchequer on account of the Instalments payable to the Crown under the Provisions of the said Act of the Third and Fourth Years of His late Majesty's Reign, or this Act, to the Indemnification, in certain Cases, of Persons who may not have received Payment of Compositions

Compositions for Tithes accrued due for the Four Years last past, that is, for any of the Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, and One thousand eight hundred and thirty-seven; be it therefore enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and sixty thousand Pounds, to be applied to the Purposes of this Act, such Exchequer Bills to be made out in the same Manner, or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills.*

Treasury may raise 260,000*l.* by Exchequer Bills in like Manner as is prescribed by 48 G. 3. c. 1.

XXXV. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

XXXVI. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of Her Majesty's Exchequer; and such Exchequer Bills shall be made payable at such Periods and Places as shall be fixed by the said Commissioners of Her Majesty's Treasury, nevertheless so as that all such Bills shall be made payable within Five Years from the Date thereof.

Date of Exchequer Bills.

Interest on them.

Payment of them.

XXXVII. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of any Supplies which may be granted for the Service of the Year in which such Exchequer Bills shall become payable.

Bills to be payable out of Supplies of the Year.

XXXVIII. And be it enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall and may, from and after the respective Days on which the same shall become due and payable, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* and in *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to Her Majesty, Her Heirs and Successors, and also at the Bank of *England*

Bills to be current at the Exchequer after falling due.

and at the Bank of *Ireland* to the Account of Her Majesty's Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act.

Bank of England may advance 260,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

XXXIX. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and for the Governor and Company of the Bank of *Ireland*, to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Two hundred and sixty thousand Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carry-on the War against* France, or in any subsequent Act to the contrary thereof in anywise notwithstanding.

Treasury to apply the Money raised to Purposes of this Act.

XL. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury to cause all such Sums of Money as shall be raised by the Exchequer Bills to be made out in pursuance of this Act, and which Sums they are hereby authorized to raise in such Manner as they shall think proper, to be paid to the Governor and Company of the said Bank of *Ireland*, to be carried and placed to a distinct and separate Account to be opened in the Books of the said Bank of *Ireland* and of Her Majesty's Exchequer, under the Name of "The Tithe Arrear Account;" and it shall be also lawful for the said Commissioners of the Treasury to cause any Monies which may have arisen or which shall arise in the said Exchequer on account of the Instalments payable under the said Act of the Third and Fourth Years of His late Majesty's Reign and this Act to be carried and placed to the same Account; and all the said Monies so arising to the Credit of the said Account shall be paid and issued thereout upon the Warrants of the said Commissioners of the Treasury, or any Three or more of them, to the Persons in such Warrants named, pursuant to the Provisions herein-after contained.

Persons who may not have received Payment of their Compositions for 1834, 1835, 1836, or 1837 shall apply for Relief by Memorial;

XLI. And be it enacted, That it shall and may be lawful for any Person entitled, or who would have been entitled if this Act had not been made, to any Compositions for Tithes accrued and now remaining due and payable in *Ireland* 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 for the Year One thousand eight hundred and thirty-seven, to make Application, at any Time within Two Calendar Months next after the passing of this Act, to the Lord Lieutenant of *Ireland* in Her Majesty's Privy Council there, praying Relief in respect of such Compositions for Tithes; and such Application shall be made by Memorial, with a Sche-

dule thereunto annexed, to be prepared and verified in manner by the said recited Act of the Third and Fourth Years of His late Majesty's Reign directed in respect of Applications for Relief to be made thereunder: Provided that in case of the Death, Illness, Absence, Disability, or Incapacity of any Person entitled to Relief under this Act, it shall be lawful for the personal Representatives, Guardian, Attorney, Steward, or Agent of such Person to make such Application as aforesaid, and that in such Case the Contents of the Memorial and Schedule shall be verified upon Oath by such personal Representatives, Guardian, Attorney, Steward, or Agent, as the Case may be: Provided that it shall not be lawful to include in any such Memorial and Schedule any Compositions for Tithes the Payment whereof may have been agreed for and undertaken by any Person under the herein-before recited Act of the Second and Third Years of His late Majesty's Reign; and provided further, that in the Schedule to be annexed to each such Memorial the Applicant shall specify and distinguish, according to the best of his Knowledge and Belief, the Tithe Compositions to which he shall claim to be or have been so entitled, if any, payable by Persons having, when such Compositions accrued due, such like Estates or Interests in the Lands chargeable with such Compositions respectively as would, under the Provisions herein-before contained, have made the Owners thereof liable to the Payment of the Rent-charges herein-before mentioned if this Act had been in force, and such Rent-charges payable at the Time when such Compositions accrued due; and provided further, that all Compositions included in any such Memorial and Schedule shall be stated according to the original Amount thereof respectively, exclusive of any Addition to such Compositions made under the said recited Act of the Third and Fourth Years of His late Majesty's Reign on account of any Advances made thereunder; and the said Lord Lieutenant and Council shall cause each such Memorial and Schedule to be revised by such Persons and in such Manner, and the several Matters and Things stated in or appearing thereby proved upon such Evidence, as to them shall seem proper; and if they shall so think fit they shall declare the Memorialist entitled to Relief under this Act; and upon and after the Completion of the Proceedings herein-after authorized for the Recovery of the Compositions payable by Persons having such Estates or Interests as herein-before described the said Lord Lieutenant shall certify to the Commissioners of the Treasury the Sum which shall be found due to each such Memorialist, exclusive of any Sums recovered by any such Proceedings as herein-after directed and paid to him: Provided always, that if upon the Revision of any such Memorial and Schedule any Sum claimed therein should appear to have been previously paid or satisfied, or if such Memorial or Schedule should contain any false and wilful Misrepresentation, then and in such Case it shall be lawful for the said Lord Lieutenant to direct such Sum by way of Penalty, not exceeding the Amount of such unfounded Demand or the Item in respect whereof such false and wilful Misrepresentation may have been made, as he shall think proper, to be deducted from and out of any Sum payable to the Memorialist under the Provisions herein-after contained; and he shall certify to the said Commissioners of the Treasury the Sum so to be deducted, and the same shall be deducted accordingly.

such Relief not to extend to Compositions payable by undertaking Landlords.

XLII. And

Upon Application for Relief under this Act Proclamation to be issued, enjoining Payment of Arrears due by such Persons as would be liable to pay Rent-charges under this Act.

XLII. And be it enacted, That whenever any Person making any such Application under this Act shall be declared to be entitled to Relief hereunder the Right in and to all such Compositions for Tithes included in his Memorial and Schedule as may have accrued and remain due from or by Persons having at the Time when such Compositions may have so accrued due such like Estates or Interests in the Lands chargeable therewith respectively as would, under the Provisions herein before contained, have made the Owners thereof liable to the Payment of the Rent-charges herein-before mentioned if this Act had been in force, and such Rent-charge payable at the Time when such Compositions accrued due, shall vest in Her Majesty; and the said Lord Lieutenant shall issue a Proclamation, to be posted on conspicuous Places within the proper Parish (whereof the Publication in the *Dublin Gazette* shall be sufficient Evidence, as also of such Declaration by the Lord Lieutenant in Council), enjoining and requiring all Persons named in the Schedule annexed to each such Memorial, and having such Estates or Interests as aforesaid respectively, to pay to such Bank or Person as the said Lords Commissioners of the Treasury shall appoint to receive the same the several Sums in such Schedule stated to be due and owing by them severally, or so much thereof as they shall respectively admit to be due, and warning all such Persons that in default of their paying the same within One Calendar Month from the Date thereof such Proceedings as are by this Act warranted will be forthwith taken for the Levy and Recovery of the Composition so remaining due and unpaid; and the Cashier of the Bank, or Person authorized to receive such Sums, shall give to every Party making any such Payment a Receipt, which shall be an Acquittance for the Monies therein expressed to have been received; and if for the full Amount in such Schedule stated, or for such lesser Amount in lieu thereof as Her Majesty's Attorney General for *Ireland* shall direct to be received, such Receipt shall be an Acquittance for all Composition for Tithe which might be claimed from such Party by the Person upon whose Application the Proclamation aforesaid may have been issued, or by the Crown in right of such Person under the Provisions of this Act.

Proceedings in case of Default.

Receipt to be given to Parties making Payment which shall be a sufficient Acquittance.

In default of Obedience to Proclamation an Application by Petition to be made to the Court of Chancery or Exchequer, or Assistant Barrister, for an Order against Defaulters for the Sum due.

Court to examine and make Order.

XLIII. And be it enacted, That upon the Expiration of the Time in the said Proclamation limited, and in default of Payment as aforesaid, it shall and may be lawful for the said Attorney General to apply by Petition, either to the Court of Chancery or Exchequer in *Ireland*, or, in any Case where the Sum sought to be recovered shall not exceed Twenty Pounds, then, at the Option of the said Attorney General, to the Court of the Assistant Barrister of the County or Riding where the Person in default shall reside, or if he shall reside in the County of *Dublin*, to the Court of the Chairman of the Sessions of the Peace for the said County, praying the Order of such Court, Assistant Barrister, or Chairman against any Person in default, who shall be named and distinguished in any such Schedule as aforesaid as having such Estate or Interest as herein-before described in the Lands charged with any Composition due and in arrear; and the said Courts shall summarily examine into the Matter of every such Petition, and for that Purpose call before them and examine *vivâ voce* any Person upon Oath, or ascertain the Truth by Interrogatories in Writing

Writing or by Affidavit, and thereupon make such Order or Orders as to such Court shall seem just; and the Costs shall be in the Discretion of the Court as if the Proceeding was between Subject and Subject; and in case any Person against whom any such Order shall be so prayed shall not, by himself or some Attorney or Counsel, attend at the Time appointed for proceeding upon such Petition, and show that he had not when such Composition accrued due such an Estate or Interest as herein-before described in the Lands chargeable with such Composition, the Liability of such Person shall be taken *pro confesso*, and an Order shall be forthwith made as against every such Person for such Amount of Composition as shall be proved to be so due and in arrear in respect of the said Lands; and the Sum expressed in any such Order, and the Costs, shall be taken to be a Debt due to Her Majesty, and recovered accordingly; provided that the like Costs shall be payable on any such Application to any Assistant Barrister or Chairman as on any Proceeding by Civil Bill.

Objection to Petition for Want of Form, &c. not to be received.

XLIV. And be it enacted, That no Objection to any such Petition on account of the Demands thereby sought to be recovered being distinct and multifarious, nor for Want of Parties or Want of Form, shall be received; and no such Petition shall abate on account of the Death of any of the Parties; and in case of any such Death the said Attorney General may proceed against the Representatives of any Person so dying, having first served them with a Notice thereof; and upon its appearing to the Court that such Notice had been given such Court shall inquire into the Matter of such Petition as against the Representative of any Person so dying in the same Manner as against the said Person were he living, and the said Court respectively shall proceed thereon accordingly: Provided always, that at least Fourteen Days before any Proceeding shall be taken under any such Petition as aforesaid a Notice thereof shall be served upon the Person against whom any Order may be thereby prayed.

Deaths of Parties not to abate Petition.

Notice of Proceedings upon Petition to be given.

The Money recovered by these Proceedings to be paid over to the Parties entitled thereto.

XLV. And be it enacted, That all Monies paid, received, or recovered on account of any Tithes or Compositions for Tithes vesting in Her Majesty by virtue of the herein-before contained Provision shall, after deducting the Costs and Charges attendant on the Receipt or Recovery thereof, be, in such Manner as the said Commissioners of the Treasury shall direct, paid over to the respective Parties in whose Right so transferred to the Crown the same may have been received or recovered.

The Expences of the Revision of Memorials and Schedules to be first defrayed out of the Fund in the Exchequer, and the Residue distributed rateably among

XLVI. And be it enacted, That it shall be lawful for the said Commissioners of the Treasury, or any Three or more of them, to order and direct that such Sum or Sums of Money as may be necessary to defray the Expences attendant upon the Revision of the said Memorials and Schedules shall be paid to such Persons, at such Times and in such Manner as they shall think fit, from and out of the Monies accruing to the Credit of the said Account to be kept as herein-before provided at the said Bank of *Ireland* and Exchequer; and the Residue of the Monies arising to the Credit of the said Account shall be applied to the Relief of the several Memorialists who shall be declared to be entitled to Relief under this Act as herein-

before provided; and such Residue shall be distributed rateably amongst them in proportion to, but not exceeding, the Amount of the several Sums found due to them respectively on account of the Arrears of Composition payable in and for the said Years One thousand eight hundred and thirty-four, One thousand eight hundred and thirty-five, One thousand eight hundred and thirty-six, and One thousand eight hundred and thirty-seven, included in the said several Schedules, exclusive of any Sums received or recovered and paid to such Persons under the herein-before contained Provision; and the said Commissioners of the Treasury, or any Three or more of them, shall direct Payment to be made to each such Memorialist accordingly; and the Surplus (if any) shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*. the Memorialists.

XLVII. And whereas certain Sums of Money are now due and accruing due to the Ecclesiastical Commissioners for *Ireland* by reason of Instalments accrued due in the Year One thousand eight hundred and thirty-five and One thousand eight hundred and thirty-six and One thousand eight hundred and thirty-seven, and this present Year, on account of Monies lent and advanced by the Trustees and Commissioners of First Fruits in *Ireland* for the Purposes of building Mansions or Glebe Houses and making other Improvements, or for the Purchase of Houses for the Habitation and Residence of Incumbents of Benefices and their Successors, or for the Purchase of Glebes or Demesne Lands for the Erection of such Glebe Houses or Offices, and which Sums were vested in the said Ecclesiastical Commissioners by the herein-before recited Act passed in the Third and Fourth Years of His late Majesty's Reign: And whereas it is expedient to relieve the Incumbents who have been unable to pay such Instalments for the said Years One thousand eight hundred and thirty-five and One thousand eight hundred and thirty-six and One thousand eight hundred and thirty-seven, and this present Year, from immediate Liability thereto, but so nevertheless that such Sums shall remain charged upon their respective Benefices and Promotions, and upon the Incumbents having or succeeding to the Profits and Emoluments thereof, but that the same shall be repaid by Instalments computed at a reduced Rate; be it therefore enacted, That no Suit or Proceeding shall be taken by or on behalf of Her Majesty, or by or in the Name of the said Ecclesiastical Commissioners, or any other Person, for the Recovery of any such Instalment which may have accrued due on the First Day of *July* One thousand eight hundred and thirty-five, or on the First Day of *July* One thousand eight hundred and thirty-six, or on the First Day of *July* One thousand eight hundred and thirty-seven, or on the First Day of *July* in this present Year, on account of any Monies lent or advanced by the said Trustees and Commissioners of First Fruits for the Purposes aforesaid. Arrears of Instalments of certain Monies advanced by Commissioners of First Fruits, and due 1st July 1835, 1836, 1837, and 1838, not to be sued for.

XLVIII. And be it enacted, That from and after the passing of this Act the respective Sums which shall at such Time be and remain due to the said Ecclesiastical Commissioners on account of any Money lent or advanced by the said Trustees or Commissioners of First Fruits, for the Purposes aforesaid, shall to all Intents and Purposes be deemed and taken Incumbent to pay Money advanced by the Commissioners of First Fruits by yearly Instal-

ments at a reducedRate, commencing 1st July 1839.

taken to be the Sum and Sums originally lent, and which ought to be repaid by Instalments on or before every First Day of *July* in every Year, and that every such Sum shall be repaid to the said Commissioners by annual Instalments at and after the Rate of Three Pounds for every Hundred Pounds so lent and advanced and remaining due and unpaid as aforesaid, and at and after no higher Rate, and that the first of such Instalments shall become due on the First Day of *July* One thousand eight hundred and thirty-nine, and the remaining Instalments on the First Day of *July* in each succeeding Year, until the whole Sum lent and advanced and remaining unpaid as aforesaid shall have been repaid; and that such Instalments shall be payable by the present Incumbent of each Benefice or his Successors, and recoverable by the like Means as now provided by Law for the Recovery of Instalments payable in discharge and on account of Monies lent and advanced by the said Trustees and Commissioners of First Fruits for the Purposes aforesaid, and in all respects according to the like Provisions.

Tithe Composition Acts shall be taken to extend to Her Majesty.

XLIX. And whereas Doubts have arisen how far the several Acts for establishing Compositions for Tithes in *Ireland* extend to Tithes forming Part of the Hereditary Revenues and Possessions of the Crown in *Ireland;* for the Removal of which Doubts be it enacted and declared, That the said Act shall be deemed to extend to the Queen's Majesty, Her Heirs and Successors, as if named therein, and that all Compositions for Tithes belonging or which may have belonged to Her said Majesty are and shall be and be deemed to have been good, valid, and effectual to all Intents and Purposes as any Compositions established in lieu of Tithes belonging to any other Person.

The Provisions of this Act shall extend to Her Majesty.

L. And be it enacted, That all and every the Provisions of this Act shall apply and extend to the said Compositions for Tithes belonging to the Queen's Majesty, and that Rent-charges shall become payable in lieu thereof, and that such Rent-charges shall be collected and recovered and in all other respects managed and dealt with according to the Provisions of the Acts in force relative to the Hereditary Possessions and Land Revenues of the Crown in *Ireland;* and that nothing herein contained shall extend in any respect to alter or repeal the Provisions of any Act or Acts now in force with respect to the Application of the annual Income arising from such Tithes or Compositions, or the Sale thereof, or the Application of the Monies arising from any such Sales, but that such last-mentioned Provisions shall extend and apply to the annual Income arising from the Rent-charges which will become payable in lieu of such Tithes or Compositions under the Provisions of this Act, and to authorize Sales thereof, and to direct the Application of the Monies arising from the Sale of such Rent-charges, according to the Nature thereof respectively, in like Manner as to the annual Income arising from such Tithes and the Monies arising from Sales thereof: Provided always, that nothing in this Act contained shall in any Manner prejudice or affect the Right of Her said Majesty in or to any Quit Rent or other Rent or Payment reserved upon or arising out of any Grant, or payable on account of any Advowsons, Rectories, Vicarages, or other Benefice or Preferment, or Office Spiritual, or Tithes.

Proviso.

LI. And

Clerk of the Peace to furnish a Copy or Extract of the Memorial and Schedule or Return required by 3 & 4 W. 4. c. 100. on Payment of a stated Sum.

LI. And whereas by the said Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth it is enacted that a certified Copy of or Extract from the Memorial and Schedule or Return attached thereto, a Duplicate of which is by that Act required to be lodged with the Clerk of the Peace, shall be sufficient Evidence to all Intents and Purposes of the several Matters and Things therein set forth; be it enacted, That every Clerk of the Peace with whom any such Duplicate, Memorial, and Schedule or Return attached thereto is lodged shall and he is hereby required to furnish a certified Copy of or Extract from the same respectively to any Person requiring the same, on Payment of a Sum not exceeding Three-pence for every Ninety Words contained in such Copy or Extract, and every Sum of Money set forth in such Copy or Extract shall be reckoned only as a single Word.

Notices how to be served.

LII. And be it enacted, That whenever any Notice required to be given by this Act cannot be delivered to the Person to whom such Notice is directed, it shall be sufficient to leave the same at the last or most usual Place of Abode of such Persons, if such Persons shall be in *Ireland*, or if such Person or Persons shall be in any other Part of the United Kingdom, or beyond the Seas, then to publish the same in the *Dublin Gazette;* and in all Cases in which any Notice shall be required to be given to or delivered by or on behalf of Her Majesty, Her Heirs or Successors, under any of the Provisions of this Act, it shall be sufficient if such Notice be given to or delivered by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Person authorized by them to receive or give such Notice on Her Majesty's Behalf.

Persons taking false Oaths, &c. guilty of Perjury.

LIII. And be it enacted, That if any Person who shall make or take any Oath, Affirmation, Affidavit, or Deposition under or in pursuance of this Act, shall therein wilfully or knowingly swear, affirm, depose, or answer falsely, every such Person, being duly convicted thereof, shall incur and suffer such Pains, Penalties, and Disabilities as Persons convicted of wilful and corrupt Perjury are by Law liable to.

Interpretation of Words used in this Act.

LIV. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or Context of the Act shall exclude such Construction, be interpreted as follows; (that is to say,) the Words "Lord Lieutenant of *Ireland*" shall extend to any Lords Justices or other Chief Governor or Governors of *Ireland;* and the Word "Land" shall extend to Manors, Messuages, and other Hereditaments, whether corporeal or incorporeal, and whether Freehold or Copyhold, or of any other Tenure; and the Words "Persons entitled to Compositions for Tithes," or to any "Composition," shall be construed to extend to and include all Ecclesiastical Persons, and Bodies Corporate, Sole, or Aggregate, Lay or Ecclesiastical, or Collegiate, and all Incumbents of Parishes, whether Rectors, Vicars, or Curates, and all Impropriators and Appropriators, and all Persons whom-

whomsoever, being the Owners of or entitled or interested in any Manner whatsoever, at Law or in Equity, whether in their own Right or by virtue of any Order or Process of any Court, as Trustees, Devisees, personal Representatives, Lessees, Sequestrators, Receivers, or otherwise, to any Tithes or Portion or Portions of Tithes, or Composition established in lieu of Tithes, or Portion or Portions of such Composition, or who would have been so entitled to any such Composition if the same had not been suspended by virtue of any Lease or Agreement; and the Word "Person" shall extend to and comprise all and every Bodies Politic and Corporate, Sole and Aggregate, Lay and Ecclesiastical, and Collegiate; and the Words "Compositions for Tithes" shall extend and be applied to any Portion or Portions of a Composition, and to any Tithes or Portion of Tithes, and to any Part of a yearly Payment thereof as well as to a Composition; and the Word "County" shall extend and be applied to any Riding, County of a City, or County of a Town, or City and County, as well as a County at large; and the Word "Parish" shall extend and be applied to any Part of a Parish forming a distinct Benefice, and to extra-parochial Place or Places separately chargeable with any Composition for Tithes, as well as to a Parish; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Act may be altered this Session.

LV. 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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