



ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 123.

An Act for altering and enlarging the Provisions of an Act, passed in the Parliament of *Ireland*, in the Thirty-third Year of His present Majesty, for making and constituting a new Parish, by the Name of The Parish of *Saint George*, on the Ground adjoining the City of *Dublin*, therein described, and for erecting and building a Parish Church therein. [12th July 1806.]

WHEREAS by an Act made in *Ireland*, in the Thirty-third Year of the Reign of His present Majesty, intituled, "An Act
" for making and constituting a new Parish, by the Name of
" The Parish of *Saint George*, on the Ground adjoining the City of
" *Dublin*, therein described, and for erecting and building a Parish
" Church therein;" certain Lands and Grounds, situate, lying, and
being within certain Bounds therein mentioned and described, were declared to be the Lands and Grounds constituting the said Parish of *Saint George*; and certain Parts of the said Lands and Grounds were vested in the Rector of the said Parish for the Time being and his Successors for ever, for the Purposes of building thereon a Parish Church and Vestry-Room, together with necessary Conveniencies thereto, for the Use of
[*Loc. & Per.*] 29 F the

33 G. 3.
c. 53.

the Inhabitants of the said Parish, and for enclosing a Cemetery or Burial Ground: And whereas the Parishioners of the said Parish have proceeded to carry into Execution the several Powers vested in them by the said recited Act, and have duly applied the several Sums of Money received by them, whether by Grants, voluntary Contributions, or by the Cesses with which they are enabled at their several Vestries assembled to rate and assess the several Houses, Offices, and Grounds within the said Parish, for the Purpose of building and erecting the said Church, with a Tower or Steeple and a Vestry House, and for enclosing a Cemetery or Burial Ground, and for providing Ornaments and Utensils, and also a Bell or Bells for the said Church; but such Church is not yet completed: And whereas the said Church might be sooner completed and rendered proper for the Performance of Divine Worship, if the Inhabitants of the said Parish were enabled to borrow and take up at Interest, a certain Sum of Money, on the Credit of the Rates and Cesses to be made by virtue of this Act, and to mortgage such Rates or Cesses for the Repayment of the Money so borrowed, and for the Payment of the Interest; and the several Purposes intended by the said recited Act, might be better carried into Execution if certain of the Provisions thereof were altered and enlarged: May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers, Authorities, Provisions, Clauses, Matters, and Things therein contained (save and except such Parts thereof as are hereby varied, altered, or repealed) shall be as good, valid, and effectual, for carrying this Act into Execution, as if the same had been repeated and re-enacted in this present Act.

Powers of former Act continued, (except where altered or repealed.)

Certain Parts of former Act repealed.

II. And be it further enacted, That so much of the said recited Act as enacts, that it shall and may be lawful to and for the Churchwardens of the said Parish for the Time being, to take and receive all voluntary Contributions which may be given to provide a Fund for the building and completing of the said Church with a Tower or Steeple, and a Vestry House, and for enclosing a Cemetery or Burying Ground for the Use of the said Parish, and also, with the Consent of the Rector or Minister and the Inhabitants of the said Parish, or the greater Part of them assembled at such Vestries or Meetings as shall be appointed for that Purpose, to rate and assess the several Houses, Offices, and Grounds in the said Parish with such Sums as they shall think fit, for and towards building and erecting the said Church with a Tower or Steeple and a Vestry House, and for enclosing a Cemetery or Burying Ground, and for providing Ornaments and Utensils, and also a Bell or Bells, for the said Church, and to levy the same, with the necessary Charges, by Distress and Sale of the Goods of the Parties not paying, in such Manner as Cesses for the Reparation of Churches in this Kingdom are usually levied and recovered, and that the said Churchwardens and their Successors shall apply all such Monies to the Purposes aforesaid, shall be and is hereby declared to be repealed, and null and void, to all Intents and Purposes whatsoever.

III. And

III. And be it further enacted, That *Hans Hamilton, John Claudi-
dius Beresford, Luke White, John Carleton, Samuel Read, General
George Cockburne, General Brownrigge, Colonel Handfield, William Ro-
per, Thomas Read, Robert Frazer, the Reverend Charles Cobbe Beres-
ford, John Geale, John Lynham, Robert Law, Jeremiah Dolier, John
Ball, James Galbraith, John Eccles, Frederick Edward Jones, Paulus
Emilius Singer, Andrew Caldwell, the Reverend Joseph Pratt, Ed-
mund Alexander Weir, Thomas Norman, Luke Norman, Thomas Kingston
James, William Colville, Bartholomew Mazeire, William Cosgrave, Wil-
liam Pemberton, Ebenezer Dix, John Pollock, Archibald Hawkesley, and
John Rutherford*, all of the City of *Dublin*, and their Successors to be
nominated or appointed by virtue of this Act, shall be and they are
hereby declared to be Trustees for building and erecting the said Church
with a Tower or Steeple and a Vestry House, and for enclosing a
Cemetery or Burying Ground, and for providing Ornaments and
Ustensils, and also a Bell or Bells for the said Church, and for
otherwise carrying the said recited Act and this Act into Ex-
ecution.

For appoint-
ing Trustees
to carry the
Acts into
Execution.

IV. And be it further enacted, That no Act of the said Trustees
shall be or be deemed to be good, valid, or effectual, unless the
same be done at some Meeting to be holden in pursuance of this Act
(except as is herein excepted); and that all the Powers and Authorities
by this Act granted to the said Trustees shall and may be exer-
cised from Time to Time by the major Part of them who shall be
present at any Meeting to be holden in pursuance of this Act, the
Number of Trustees present at every such Meeting not being less than
Seven; and all the Orders and Proceedings of the major Part of the
Trustees present at such their several Meetings, shall have the same
Force and Effect as if the same were made or done by all such
Trustees for the Time being (save and except as may be herein ex-
cepted); and at every Meeting of the said Trustees a Chairman shall
and may be appointed; and when and as often as it shall so happen
that there shall be an Equality of Votes at any such Meeting, upon
any Question, (including the Vote of the Chairman,) then and in every
such Case it shall and may be lawful to and for such Chairman to
give the decisive or casting Vote.

No Act of the
Trustees valid
unless at a
Meeting.

Majority em-
powered to
act.

Chairman to
have the cast-
ing Vote.

V. And be it further enacted, That if any One or more of the
said Trustees hereby appointed, (save and except such Persons as are
hereby declared to be Trustees by virtue of their respective Offices,)
or their Successors to be elected in Manner herein mentioned shall
die, refuse or become incapable to act in the Execution of this Act,
or shall cease to be qualified to act as a Trustee or Trustees in the
Execution of this Act, then and in every such Case it shall and may
be lawful to and for the surviving or remaining Trustees from Time
to Time to elect and appoint One other Person to be a Trustee in the
Room of each Trustee so dying, refusing, or being incapable of acting;
and Notice of the Time and Place of the Meeting for every such Elec-
tion shall be signed by the Clerk to the said Trustees for the Time
being, and shall be affixed on the Church Door of the Parish of *Saint
Thomas* in the City of *Dublin*, being the next adjoining Parish, Ten
Days at least before such Meeting; and every Person so elected a new
Trustee

Power to ap-
point new
Trustees.

Trustee as aforesaid, shall be and he is hereby empowered to act in the Execution of this Act, to all Intents and Purposes, in as full and ample a Manner as the Trustee in whose Room or Stead he shall have been so elected.

Trustees may act as Justices except where personally interested.

VI. And be it further enacted, That such of the said Trustees as are or shall be Justices of the Peace, shall and may in their respective Jurisdictions, and they are hereby empowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees, except only in such Cases where they shall be personally interested.

First Meeting of Trustees.

VII. And be it further enacted, That the said Trustees shall meet on the First Tuesday of the Month next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and shall then and there proceed to carry this Act into execution; and in case none of the said Trustees shall attend such Meeting, then and in such Case such Meeting shall be and be deemed to be adjourned to the next Day, (Sunday, Good Friday, Christmas Day, and all Days on which Divine Service is ordered by Authority to be celebrated only excepted, and then to the next Day,) and so *toties quoties*, until a sufficient Number of Trustees shall attend at such Meeting to act in the Execution of this Act, or until a Trustee or Trustees shall attend and adjourn such Meeting; and the said Trustees shall and may at such Meeting, and at their several Meetings to be holden for the Purpose of carrying this Act into execution, from Time to Time adjourn themselves, and appoint their next Meeting to be holden there or at any other Place in the said Parish of *Saint George*, as to the said Trustees shall seem convenient, and at such Time as to them shall seem proper; and if it shall so happen that there shall not appear at any such Meeting a sufficient Number of Trustees to act in the Execution of this Act, the Trustee or Trustees then present, or the Clerk to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day, within Twenty-eight Days then following, to be holden at the same Place, and the said Clerk shall cause Notice thereof to be affixed on the Church Door of the Parish of *Saint Thomas*, in the City of *Dublin*, being the next adjoining Parish, at least Ten Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of this Act, during such Time as he shall hold any Place of Profit under this Act.

Trustees at their Meetings to pay their own Expences.

Meetings on Emergencies.

VIII. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time or Times be thought necessary that a Meeting of the Trustees should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in every such Case the Clerk to the said Trustees (an Order in Writing signed by Three or more of the said Trustees, mentioning the Time and Place and Purpose of such earlier Meeting, being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of the Meeting to be holden on such earlier Day,
in

in Manner before directed; and of the Time and Place which shall be mentioned in the Order of the said Trustees (such Time not being less than Ten Days after such Notice); and all Proceedings of the said Trustees at such earlier Meeting shall be as good and valid as they would have been in case such Trustees had met in pursuance of any Adjournment.

IX. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, nor unless Notice specifying the Revocation or Alteration intended to be made signed by the Clerk to the said Trustees, shall be affixed on the Church Door of the Parish of *Saint Thomas*, in the City of *Dublin*, being the next adjoining Parish, at least Ten Days before such subsequent Meeting, nor unless a Majority of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration; and a greater Number of Trustees shall be present at such subsequent Meeting than were present at the Meeting when such Order, Appointment, or Proceeding was had or made.

No Order to be revoked unless at a Meeting for the Purpose, nor unless a Majority of the Trustees concur.

X. And be it further enacted, That the said Trustees, when assembled at any of their Meetings to be holden in pursuance of this Act, shall, for the several Purposes of the said recited Act and this Act, and of Two other Acts, one made in the Third Year of the Reign of King *George* the Second, intituled, "An Act for better keeping Churches in Repair," and the other made in the Twenty-first and Twenty-second Years of the Reign of His present Majesty, intituled, "An Act to oblige Churchwardens to account pursuant to an Act for the better keeping Churches in Repair, and to make the Cathedral Church of *Ferns* the Parish Church of the Parish of *Ferns*," be and be deemed and taken to be a Vestry of the said Parish.

Trustees assembled at Meetings to be deemed a Vestry of the Parish, under Acts 3d Geo. II. c. 11. and 21st & 22d Geo. III. c. 52.

XI. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, or of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books, being signed by the Chairman of such Meeting, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all the Meetings of the said Trustees, be open and liable to the Inspection of all and every of the said Trustees, and of the Creditors on the Rates hereby granted and made payable; and that any of the said Trustees and Creditors shall and may have and take Copies thereof, paying for every Copy, not exceeding Seventy-two Words, the Sum of Sixpence, and so in proportion for any greater or less Number of Words.

Proceedings to be entered.

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XII. And

Trustees to
appoint Offi-
cers;

and remove
them;

and allow
them Sala-
ries.

Trustees to
take Security
from the
Treasurer,
Officers to
account.

XII. And be it further enacted, That the said Trustees, or any Seven or more of them, may, and they are hereby empowered, by Writing under their Hands, to appoint a Treasurer or Treasurers, Clerk or Clerks, and also such other Officers and Persons for the Execution of this Act, as they the said Trustees shall think proper; and from Time to Time to remove such Officers and Persons respectively as they the said Trustees shall see occasion; and out of the Monies to be received by virtue of this Act, to allow and pay such Salaries, Wages, and Allowances, to the said Officers and other Persons, as the said Trustees shall think reasonable, not exceeding the Sum of Ten Pounds to any One Person; and the said Trustees shall and they are hereby required to take sufficient Security from every such Treasurer and other Officer for the due Execution of his Office, as they shall think proper; and all such Officers so to be appointed shall, under their Hands, at such Time or Times, and in such Manner as the said Trustees shall direct, deliver to the Trustees, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers respectively received by virtue and for the Purposes of this Act, or of the said recited Act made in the Thirty third Year of the Reign of His present Majesty, and how much thereof hath been expended and disbursed, and for what Purpose, together with proper Vouchers for such Payments; and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or to such Person or Persons as they shall appoint to receive the same; and every such Treasurer shall, on the First Tuesday next preceding Easter Tuesday in every Year, or at the First Meeting of the said Trustees then next following (although not thereunto required by the said Trustees) lay his Accounts before the said Trustees, in order that the same may be audited, passed, and allowed by them, if approved of; and all the said Officers so accounting as aforesaid, shall upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) verify their said Accounts; and if any such Officer shall refuse or neglect to make and render or to verify upon Oath any such Account, or to produce and deliver up the Vouchers, relating to the same, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Trustees, or to such Person or Persons as they shall appoint to receive the same, within Twenty-eight Days after being thereunto required by the said Trustees, by Notice in Writing given to or left at the last or usual Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or of the said recited Act made in the Thirty third Year of the Reign of His present Majesty, or give Satisfaction to the said Trustees respecting the same, then and in every such Case, upon Complaint made by the said Trustees, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer so refusing or wilfully neglecting shall be or reside, such Justice may and he is hereby authorized and required to issue a Warrant under his Hand and Seal for the Officer so refusing and neglecting to appear before him; and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony

Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act, or of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, shall remain due from such Officer, such Justice may and he is hereby authorized and required upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer; and if no Goods or Chattels of such Officer can be found sufficient to answer and satisfy the said Money and the Costs and Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justice that such Officer shall have refused or wilfully neglected to render and give such Account, or to verify the same as aforesaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act, or of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, shall be in the Custody or Power of such Officer, and he shall have refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforesaid, then and in each and every such Case such Justice shall commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive) and until he shall deliver up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Trustees; but no such Officer shall be detained or kept in such Common Gaol or House of Correction for want of sufficient Distress, by virtue of this Act, for any longer Space of Time than Six Calendar Months.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Trustees, at any of their Meetings, to contract or agree with any Person or Persons for building and erecting the said Church, with a Tower or Steeple and a Vestry House, and to provide and purchase, or to contract for providing or purchasing Materials for building, erecting, finishing and completing the said Church with a Tower or Steeple and a Vestry House, or any Part or Parts thereof respectively; and for enclosing a Cemetery or Burying Ground, and for providing Ornaments and Utensils, and a Bell or Bells for the said Church, and also for any other Article, Matter, or Thing to be provided by virtue of this Act, or of the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty; and all such Contracts and Agreements, when made and entered into by or between the said Trustees; and any other Person or Persons, shall be reduced into Writing at the Expence of the Parties with whom such Contracts or Agreements shall be made by the said Trustees, and signed by the Parties thereto, and shall be good, valid, and binding, as well upon the said Trustees as upon all other Parties thereto, his, her, and their Executors, Administrators, and Assigns, and the said Trustees shall and may pay or order Payment to be made of the Monies due upon any such Contract or Contracts, Agreement or Agreements, or upon any other Contract or

Trustees empowered to make Contracts.

Contracts to be reduced into Writing.

Contracts

Contracts made or entered into by any Vestry of the said Parish, for the Purpose of carrying into execution the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, to the Person or Persons entitled to receive the same.

Ten Days Notice to be given of Meetings to make Contracts.

Contracts to be entered in a Book for Inspection of Parishioners.

Materials vested in the Trustees, when the new Church is built.

Monies received under Act 33 Geo. III. vested in the Trustees.

XIV. Provided always, That before any such Contract or Contracts shall be entered into, Ten Days Notice at least shall be given in some public Newspaper printed and circulated in the said County of *Dublin*, expressing the Purpose of every such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered and presented to the said Trustees, at a certain Time and Place in such Notice to be mentioned; and Copies of all Contracts made in pursuance of this Act, shall be entered in a Book or Books to be kept for that Purpose, and such Book and Books shall from Time to Time and at all convenient Times be open to the Inspection of all and every Inhabitant and Inhabitants of the said Parish, on Payment of Two Shillings and Sixpence to the Clerk or Person in whose Custody the same shall be.

XV. And be it further enacted, That all the Stones, Bricks, Timber, Iron, Lead, and Materials bought or procured for the several Purposes of the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty, and all the Stones, Bricks, Timber, Iron, Lead, and other Materials bought or procured by the Order of the said Trustees for the several Purposes of the said recited Act, or of this Act, shall belong to and be the Property of, and the same is and are vested in the said Trustees; and it shall and may be lawful to and for the said Trustees to bring or cause to be brought any Action or Actions, or direct the preferring of any Bill or Bills of Indictment (as the Case may require) against any Person or Persons who shall steal, take or carry away, spoil, injure, or destroy the said Church, Tower or Steeple, or Vestry House, Cemetery or Burying Ground, or any Part or Parts thereof, or the Stones, Timber, Iron, and other Materials thereof, hereby vested in them as aforesaid, or any of them, or any Part or Parts thereof; and in all such Actions and Bills of Indictment it shall be and be deemed and taken to be sufficient to state that the said Church, Tower or Steeple, Vestry House, Cemetery or Burying Ground, Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of the Churchwardens of the Parish of *Saint George Dublin*.

XVI. And be it further enacted, That all voluntary Contributions that may have been given for or towards building and erecting the said Church with a Tower or Steeple, and a Vestry House, and for enclosing a Cemetery or Burying Ground, and providing Ornaments and Utensils, and also a Bell or Bells for the said Church, and taken and received by the Churchwardens of the said Parish, and all and every other Sum and Sums of Money whatsoever taken and received by the said Churchwardens by virtue of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, for such

such Purposes, and not disbursed or disposed of in pursuance of the Directions of the said Act, shall be accounted for and paid over by the said Churchwardens to the said Trustees; and all such voluntary Contributions and Sums of Money shall, by the said Trustees, be applied and disposed of for carrying such several Purposes into Execution.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Trustees for the Time being, or any Seven or more of them, and they are hereby authorized and required, in each and every Year until all the Monies to be borrowed, and the Interest thereof, and the Annuities to be granted by virtue of this Act, shall be paid off and discharged, and the several Purposes of this Act carried into Execution, at some Meeting to be holden for that Purpose (of which Meeting, and of the Purpose thereof, Notice in Writing, signed by the Clerk to the said Trustees, shall be affixed on the Church Door of the Parish of *Saint Thomas*, in the City of *Dublin*, being the next adjoining Parish, Ten Days at the least immediately preceding the same respectively) to rate and assess the several Houses, Offices, and Grounds in the said Parish, with such Sum or Sums of Money as they shall think sufficient for the Discharge of the Interest of the Money to be borrowed, and of the Annuities which may be granted under the Authority of this Act, and of the necessary Expences of obtaining and carrying the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty, and this Act, into Execution, and such further Sum as may be deemed expedient towards discharging the Debt which may be incurred under this Act; but no such Rate or Cefs shall in any One Year exceed double the Amount of the Sum or Sums of Money as shall from time to time be allotted, ascertained, and charged for the Rector of the said Parish, on such Houses, Offices, and Grounds respectively, in pursuance of Two Acts made in *Ireland*, One in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, intituled, "An Act for Provision of Ministers in Cities and Corporate Towns, and making the Church of *Saint Andrews*, in the Suburbs of the City of *Dublin*, pre-
servative for ever;" and the other in the Thirteenth and Fourteenth Years of the Keign of His present Majesty, intituled, "An Act for the better and more certain Valuation of Houses in Counties of Cities and Counties of Towns;" and such Rate or Cefs shall first be made after the Expiration of One Calendar Month after the passing of this Act, and shall be raised, levied, collected, and paid by the Churchwarden or Churchwardens of the said Parish to the Treasurer or Treasurers appointed by the said Trustees, and such Rate or Cefs shall be appropriated in paying the Costs, Charges, and Expences of obtaining this Act, and of erecting and building the said Church, with a Tower or Steeple, and a Vestry House, and for enclosing a Cemetrey or Burying Ground, and for providing Ornaments and Utensils, and also a Bell or Bells for the said Church, and in paying the Annuities and Interest of the Money borrowed by virtue of this Act, and in otherwise carrying the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, and this Act, into Execution; and the Overplus of such Rate or Cefs shall from time to time be applied, in Manner by this Act directed, in Discharge of the principal Monies borrowed by virtue of this Act.

Trustees empowered to make Rates.

17th & 18th
Car. II. c. 7.

13th & 14th
Geo. III.

Rates not to
be reduced
without the
Consent of
Creditors.

XVIII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Trustees to reduce the said Rate or Cefs in any One Year to a less Sum than Double the Amount of the Sum or Sums of Money as shall from time to time be allotted, ascertained, and charged for the Rector of the said Parish, in pursuance of the said recited Acts, One made in the Seventeenth and Eighteenth Years of the Reign of King *Charles* the Second, and the other in the Thirteenth and Fourteenth Years of the Reign of His present Majesty, whilst any Sum or Sums of Money to be borrowed by virtue of this Act, and which shall have been borrowed at legal Interest or under on the Credit of the said Rate, shall be due and owing, without the Consent of the Creditor or Creditors entitled to Two-thirds of the Money so due and owing.

Rates to con-
tinue in force
until new
Ones made.

XIX. Provided always, and be it further enacted, That the Rate or Cefs to be made by virtue of this Act, in or for any Year, shall continue in Force, and shall be levied, collected, and received, in or for every subsequent Year until a new Rate or Cefs shall be made, in such and the like Manner as if such Rate or Cefs had been made in or for such subsequent Year or Years.

Churchward-
ens to levy
the Rate,
and account
as directed
by Acts,

3d Geo. II.
c. 11. and
21 & 22
Geo. III.
c. 52.

XX. And be it further enacted, That the Churchwardens of the said Parish and their Successors, shall and they are hereby required to raise, levy, and collect such Rate or Cefs, so made by the said Trustees, at such Time or Times in each and every Year as shall be by the said Trustees ordered and directed by virtue of this Act; and the said Churchwardens and their Successors shall be, and are hereby declared to be subject and liable to the like Rules, Regulations, Pains, Fines, Penalties, Actions, and Indictments, for refusing or neglecting to raise, levy, and collect such Rate or Cefs in Manner aforesaid, or for refusing or neglecting to account and pay over to their Successors the Sum or Sums of Money so raised, levied, or collected by them, to all Intents and Purposes whatsoever, as Churchwardens are subject and liable to for refusing or neglecting to collect Parish Cesses, or refusing or neglecting to account for such Cesses, or to pay over such Cesses to their Successors, in Manner directed by Two several Acts, One made in the Third Year of the Reign of King *George* the Second, intituled, "An Act for the better keeping Churches in Repair;" and the other made in the Twenty-first, and Twenty-second Years of the Reign of His present Majesty, intituled, "An Act to oblige Churchwardens to account, pursuant to an Act for the better keeping Churches in Repair, and to make the Cathedral Church of *Ferns* the Parish Church of the Parish of *Ferns*."

Recovery of
Rates.

XXI. And be it further enacted, That if any Person shall refuse or neglect to pay any Sum or Sums of Money that shall have been rated or assessed on their several Houses, Offices, and Grounds in the said Parish, by the several Vestries, in pursuance of the said recited Act made in the Thirty third Year of the Reign of His present Majesty, for the Space of Ten Days after Demand made thereof in Writing, and delivered to or left at the usual Place of Abode of such Person, signed by any Churchwarden or Churchwardens of the said Parish; or if any Person shall refuse

fuse or neglect to pay the Sum or Sums of Money at which he or she shall be rated or assessed by virtue of this Act, for the Space of Ten Days after the same shall become due and payable as aforesaid, and after Demand in Writing made thereof, and delivered to or left at the usual Place of Abode of such Person, signed by any Churchwarden or Churchwardens of the said Parish; then and in every such Case it shall and may be lawful to and for such Churchwarden or Churchwardens, and he and they is and are hereby authorized and required to recover all and every such Sum and Sums of Money so due and owing by Civil Bill, in the Civil Bill Court for the County of *Dublin*, before the Assistant Barrister, or to levy the same by Distress and Sale of the Goods and Chattels of every Person so refusing or neglecting to pay as aforesaid, by virtue of a Warrant under the Hands and Seals of any Two Justices of the Peace for the said County of *Dublin*, which Warrant such Justices are hereby empowered and required to grant, upon Proof made upon Oath (which Oath the said Justices are hereby empowered and required to administer) before them of such Demand and Nonpayment as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Costs and Charges of such Distress and Sale.

XXII. And be it further enacted, That it shall and may be lawful to and for any Seven or more of the said Trustees from time to time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the Whole the Sum of Fourteen Thousand Pounds, as they shall judge necessary for the several Purposes of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, and this Act, upon the Credit of the said Rate or Cess to be made, levied, and collected by virtue of this Act; and by Writing under their Hands and Seals, to assign all or any Part of the said Rate or Cess to such Person or Persons as shall lend or advance any Money thereon, or to his, her, or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with legal Interest for the same; and the Charges and Expences of such Assignment thereof (to be made as hereafter mentioned) shall be from time to time defrayed by the the said Trustees out of the Monies so borrowed; and every such Assignment shall be in the Words, or to the Effect following:

Power to borrow Money.

WE, Seven of the Trustees appointed by or in pursuance of an Act of Parliament, made in the Forty-sixth Year of the Reign of King GEORGE the Third, intituled [*set forth the Title of this Act*] in consideration of the Sum of _____ advanced and lent by *A. B.* upon the Credit and for the Purposes of the said Act, Do hereby grant and assign unto the said *A. B.* [*or, to his Trustee or Trustees, as the Case may require*] his Executors, Administrators, and Assigns, such Proportion of the Rate or Cess to be raised, levied, and collected by virtue of the said Act, as the said Sum of _____ doth or shall bear to the whole Sum which may at any Time be borrowed or become due and owing, or be charged upon the Credit of the said Rate or Cess, to be had and holden from this Day of _____ until the said Sum of _____ with Interest at _____ *per Centum per Annum* for the same, shall be repaid and satisfied. In Witness whereof we the said Trustees have hereunto set our Hands and Seals, the _____ Day of _____ in the _____ Year

And

And all such Assignments shall be numbered, commencing with Number One, and so proceeding in an arithmetical Progression ascending, whereof the common Excess or Difference shall always be One; and every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payment thereof, and to all Profit and Advantage thereof, according to the true Intent and Meaning of this Act.

Power for
Trustees to
raise Money
by Annuities.

XXIII. And be it further enacted, That in case the said Trustees shall think it advisable or more advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for One Life or Two Lives instead of Assignments as aforesaid, it shall and may be lawful to and for any Seven or more of the said Trustees, and they are hereby authorized and empowered, by Writing under their Hands and Seals, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the Treasurer or Treasurers to the said Trustees, any Sum or Sums of Money for the absolute Purchase of any Annuity or Annuities to be paid and payable during the natural Life or Lives of every such Contributor or Contributors, or the natural Life or Lives of such Person or Persons as shall be nominated by or on the Behalf of such Contributor or Contributors, at the Time of Payment of his, her, or their Contribution or Purchase Money, so that no such Annuity or Annuities do exceed the Rate of Ten Pounds *per Centum per Annum* upon a single Life, except in such Cases where the Person for whose Life any such Annuity shall be granted shall be of the Age of Sixty-two Years or upwards, and the Expence of every such Grant shall be paid by the said Trustees out of the Monies so contributed; and the Grant of every such Annuity or Annuities shall be in the Words, or to the Effect following.

‘ **W**E, Seven of the Trustees appointed by or in pursuance of an
‘ Act of Parliament, made in the Forty-sixth Year of the
‘ Reign of King GEORGE the Third, intituled [*set forth the Title of this*
‘ *Act*] in consideration of the Sum of _____ paid to us by
‘ *A. B.* to *C. D.* Do hereby grant unto the said *A. B.* an Annuity or
‘ yearly Sum of _____ to be paid out of the Rate or Cels
‘ to be raised, levied, and collected by virtue of the said Act, which
‘ Annuity or yearly Sum of _____ shall be paid to the said
‘ *A. B.* or his Assigns, during the Term of his natural Life [*or, as [the*
‘ *Case may be, to the said A. B. his Executors, Administrators, or As-*
‘ *signs, during the natural Life of F. G.] upon the _____ Day of*
‘ _____ in every Year during the natural Life of him the said
‘ _____ at the _____ the first Payment thereof to be made upon the
‘ _____ Day of _____ next ensuing the Date hereof. In Witness
‘ whereof, we the said Trustees have hereunto set our Hands and Seals,
‘ the Day of _____ in the Year _____”

And every such Grant shall be good, valid, and effectual in the Law; and every Annuity so to be granted as aforesaid shall be and is hereby charged upon, and shall be payable and paid by the Treasurer to the said Trustees out of the said Rate or Cels to be raised, levied, and collected by virtue of this Act, according to the Grant of such Annuity.

Trustees shall cause Notice, signed by their Clerk, to be given to or left at the last or usual Place of Abode of the Person or Persons who shall be entitled to the Money to be paid off pursuant to such Ballot, and where there is only One Creditor, to give One Calendar Month's Notice to such Creditor of the Intention of the said Trustees to pay him or her as aforesaid; and every such Notice shall express the Sum to be paid off, together with the Interest due thereon, and that the same will be paid on a Day and a Place to be specified in such Notice, such Day not being sooner than Three Calendar Months after the Day of giving or leaving such Notice as aforesaid; and the Interest of the Principal Money to be so paid off shall, from and after the Day to be so specified, cease and be no longer paid or payable, unless such Money shall be demanded pursuant to such Notice and not paid; but the Principal Money in respect whereof such Notice shall be given, and also the Interest thereof to the Day to be so specified, shall nevertheless be payable on Demand: Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable or require the said Trustees to pay off and discharge any Monies lent on the Credit of the said Rate or Assessment by way of Annuity, until all other the Creditors on the said Rate shall be paid off and discharged, and except the Party or Parties so lending Money by way of Annuity shall agree, or shall have agreed, to accept the Sum or Sums of Money offered or to be offered by the said Trustees, for the Repurchase of such his, her, or their Annuity or Annuities.

Annuity not to be paid off without their Consent.

Power to borrow Money at a lower Interest to discharge Securities at a higher Rate.

XXVI. Provided always, and be it further enacted, That in case the said Trustees can at any Time borrow or take up any Sum or Sums of Money at a lower Rate of Interest than the Assignments or Securities which shall be then in force shall bear, it shall and may be lawful to and for the said Trustees from time to time to charge the said Rate or Cess in Manner aforesaid with such Sum or Sums of Money as they shall think proper, and the Interest thereof at such low Rate as aforesaid, and to pay off and discharge the Assignments or Securities bearing a higher Rate of Interest, according to the Directions and Regulations herein prescribed for paying off Assignments or Securities.

Application of Money borrowed.

XXVII. And be it further enacted, That all the Money which may be borrowed, advanced, or lent as aforesaid, on the Credit of the said Rate or Cess, shall be paid to the Treasurer or Treasurers to the said Trustees, or to such Person or Persons as they shall appoint, and the same shall be applied and disposed of in paying and defraying the Costs, Charges, and Expences of obtaining this Act, and of erecting and building the said Church with a Tower or Steeple, and a Vestry House, and other Expences incident thereto, and for enclosing a Cemetery or Burying Ground, and for providing Ornaments and Utensils, and also a Bell or Bells for the said Church, and in otherwise carrying this Act, and the said Act made in the Thirty-third Year of the Reign of His present Majesty, into Execution.

Declaring in what Name Actions shall be brought.

XXVIII. And be it further enacted, That whenever any Action shall be brought by the Order of the said Trustees against any Person or Persons

Persons by virtue or in pursuance of the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, the same may be brought in the Name of "The Churchwardens of the Parish of *Saint George*;" and whenever any Action shall be brought by the said Trustees against the Churchwardens of the said Parish, the same may be brought in the Name of any One of the said Trustees, on Behalf of the said Trustees; and no such Action shall abate or be discontinued by the Death of the Trustee in whose Name the same shall be brought.

XXIX. Provided always, and be it further enacted, That the Churchwardens of the said Parish, and all and every the said Trustees, shall from time to time and at all Times hereafter be amply and fully indemnified, from and out of the Monies to be raised under this Act, of and from all Costs, Charges, Damages and Expences, which they or any of them shall and may sustain, or be put unto, for or by reason of any Action, Suit, or other Proceedings which may be had, sued, commenced, or prosecuted by or against them, any or either of them, for any Matter or Thing which may be by them respectively legally done in and about the Execution of this Act, nor shall the said Churchwardens, or the said Trustees, or any of them, be personally liable or responsible for any Act, Matter, Deed, or Thing done or executed, or for any Order, Judgment, or Determination made or given by them, or any of them, in or about the Execution of this Act.

Indemnity to Trustees and Churchwardens.

XXX. And be it further enacted, That in all Actions, Prosecutions, Informations, Causes, and Proceedings whatsoever, relating to or concerning the Execution of this Act, no Inhabitant of the said Parish of *Saint George* shall be deemed an incompetent Witness on account of his or her being charged with and liable to pay any Rate or Cels to be raised, levied, and collected by virtue of this Act.

Power for Inhabitants to be Witnesses.

XXXI. And be it further enacted, That all Penalties or Forfeitures by virtue of the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, or by virtue of the Powers thereof imposed (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall be levied and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place where the Offence shall be committed (which Warrant such Justice is hereby empowered to grant upon the Confession of the Party, or upon the Evidence of any credible Witness upon Oath); and the Overplus (if any) of the Money arising by such Distress and Sale, shall be returned upon Demand to the Owner of such Goods and Chattels, after deducting the Costs and Charges of making, keeping, and selling the Distress; and such Penalties and Forfeitures, when recovered (if not hereinbefore directed to be otherwise applied) shall be paid to the Treasurer to the said Trustees, to be applied towards the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal

Recovery of Penalties.

to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place where the Offence shall have been committed, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months nor less than Fourteen Days, unless such Penalties and Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner fully paid and satisfied.

Form of Conviction.

XXXII. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or this Act, or against any Order of Sessions, or any Matter or Thing done in the Execution of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, the Form of Conviction shall be in the Words, or to the Effect following; (that is to say)

'BE Remembered, That on this _____ Day of _____
' in the _____ Year of the Reign
' of _____ A. B. is convicted before
' of His Majesty's Justices of the Peace for the
' of having [as the Offence shall be] and I [or, we] the said
' do adjudge him [her, or them] to forfeit and pay for
' the same the Sum of _____ Given under
' my Hand and Seal [or, our Hands and Seals] the Day and Year
' afore said.'

Appeal.

XXXIII. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Rate or Rates, Cess or Cesses, or any Judgment or Determination, or by any Matter or Thing made, given, or done in pursuance of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County or Place, within which the Matter of Appeal shall arise, next after the Expiration of One Calendar Month from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the Treasurer or Clerk to the said Trustees, and immediately after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with sufficient Sureties conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Determination therein, and to award such Costs to either of the Parties, or otherwise, as they the said Justices shall judge proper; and the said Justices may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; and all such Determinations of the said Justices shall be final, binding, and conclusive to all Parties, to all Intents and Purposes whatsoever.

XXXIV. Provided

XXXIV. Provided always, and be it further enacted, That on any Appeal from any Rate or Cess to be made for the Purposes of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, the Justices at such General or Quarter Sessions shall and may amend the same in such Manner as may be necessary for giving Relief, without quashing or altering such Rate or Cess with respect to other Persons mentioned in the same; but if upon Appeal from the whole Rate or Cess it shall be found necessary to set aside the same, then and in such Case the said Justices shall and may order a new Rate or Cess to be made in the Manner herein directed.

Justices may relieve on Appeal against Rates, without quashing the whole Assessment.

XXXV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be lieved by virtue of the said recited Act, made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity that shall be afterwards done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

Distress not unlawful for Want of Form.

XXXVI. And be it further enacted, That no Order, Verdict, Judgment, or other Proceedings made, touching or concerning the Conviction of any Offender or Offenders against the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be quashed for Want of Form, or removable by *Certiorari*.

XXXVII. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person for any Thing done in pursuance of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff recover in any such Action, if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful to and for the Defendant or Defendants in any such Action, by Leave of the Court after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Plaintiff not to recover without Notice, or after Tender of Amends.

[*Loc. & Per.*]

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XXXVIII. Provided

Limitation of
Actions.

XXXVIII. Provided always, and be further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, or of this Act, after the expiration of Six Calendar Months next after the Fact committed; and every such Action or Suit shall be brought and tried in the County of *Dublin*, and not elsewhere; and if any such Action or Suit shall be brought before Fourteen Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or shall be brought in any other County than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be non-suited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Treble Costs, and shall have such Remedy for recovering the same, as any Defendant hath for Costs of Suit in other Cases by Law.

Public Act.

XXXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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