



# Irish Church Act 1869

## 1869 CHAPTER 42

### *Constitution and Powers of Commissioners*

#### **3 Appointment of Commissioners.**

The following persons, that is to say, Viscount Monck, Bight Honourable James Anthony Lawson, one of the justices of the Court of Common Pleas in Ireland, and George Alexander Hamilton, Esquire, shall be constituted Commissioners under this Act: they shall hold office during Her Majesty's pleasure, and if any vacancy occurs in the office of any commissioner by death, resignation, or incapacity, or otherwise, Her Majesty may, by warrant under the royal sign manual, appoint some other fit person, being a member of either of the said Churches or of the said United Church, to fill the vacancy. The Commissioners appointed under this Act shall be a body corporate with a common seal, and a capacity to acquire and hold land for the purposes of this Act, and shall be styled " The Commissioners of Church Temporalities in Ireland.

Judicial notice shall be taken by all courts of justice of the corporate seal of the Commissioners, and any order or other instrument purporting to be sealed therewith shall be received as evidence without further proof.

#### **4 Quorum Commissioners.**

Any power or act by this Act vested in or authorized to be done by the Commissioners may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one Commissioner may require his case to be heard by the three Commissioners.

#### **5 Appointment of officers.**

The said Commissioners, herein-after referred to as " the Commissioners," may from time to time, with the consent of the Lord Lieutenant, appoint and remove a secretary, and may appoint and remove such officers, agents, clerks, and messengers as they deem necessary for the purposes of this

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They may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act.

## **6 Salaries and expenses.**

The following sums shall be paid by the Commissioners out of any monies for the time being in their hands in pursuance of this Act:

- (1) To every Commissioner appointed in pursuance of this Act a salary of not exceeding two thousand pounds a year :
- (2) To the secretary, officers, agents, clerks, and messengers appointed, such salaries as the Commissioners may recommend, with the sanction of the Lord Lieutenant, and as the Commissioners of Her Majesty's Treasury may approve:
- (3) To any architect, actuary, surveyor, or other person as aforesaid employed by the Commissioners, such remuneration, on a scale to be approved by the Commissioners of the Treasury, as the Commissioners may think expedient:
- (4) All incidental expenses of carrying this Act into execution, which shall be taken to include the reimbursement to every claimant of all reasonable costs and expenses properly incurred by him in establishing any claim under this Act.

## **7 Powers of Commissioners.**

Subject to such appeal as is herein-after mentioned, the Commissioners shall have full power to decide all questions whatsoever, whether of law or fact, which it may be necessary to decide for the purposes of this Act, and they shall not be subject to be restrained in the due execution of their powers under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any

The Commissioners with respect to the following matters, that is to say,

- (1) Enforcing the attendance of witnesses, after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents;
  - (2) Issuing any commission for the examination of witnesses ;
  - (3) Punishing persons refusing to give evidence or to produce documents, or guilty of contempt in the presence of the Commissioners or any of them sitting in open court;
  - (4) Making or enforcing any order whatever made by them for the purpose of carrying into effect the objects of this Act,
- shall have all such powers, rights, and privileges as are vested in the High Court of Chancery in Ireland for such or the like purposes, and all proceedings before the Commissioners shall in law be deemed to be judicial proceedings before a court of record.

The Commissioners may review and rescind or vary any order or decision previously made by them or any of them; but save as aforesaid, and as herein-after provided, every order or decision of the said Commissioners shall be final.

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## **8 Forms of application, and general rules.**

The Commissioners shall circulate forms of application and directions as to the mode in which applications are to be made to them under this Act.

They shall also from time to time make, and when made may rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act, and giving effect to the provisions : Provided that every such general rule shall be laid before Her Majesty's Privy Council of Ireland, and it shall be lawful for such Privy Council, by order signed by six of the said Privy Council, to confirm, or disallow any such rule, or to alter or amend, and confirm with alteration or amendment, any such rule, or to remit any such rule to the Commissioners for further consideration ; and every such general rule (when the same shall have been confirmed by order of the said Privy Council) shall be enrolled in the High Court of Chancery in Ireland, and when so enrolled shall be binding on the Commissioners in the exercise of their powers, and shall be of the same force and effect as if the same had been enacted by authority of Parliament; provided always, that any rules so confirmed and enrolled as aforesaid may from time to time be rescinded, amended, or altered, as occasion may require, by other rules made by the Commissioners, and confirmed and enrolled in like manner.

All general rules made and enrolled as aforesaid shall be laid before both Houses of Parliament within one month from the enrolment thereof, if Parliament be then sitting, or, if Parliament be not then sitting, within one month from the commencement of the then next session of Parliament.

## **9 Duration of office, and restriction on sitting in Parliament.**

No commissioner and no person appointed to any office by the Commissioners shall hold his office for a longer period than ten years next after the passing of this Act, and thenceforth until the end of the next session of Parliament, and no commissioner appointed under this Act shall during his continuance in office be capable of being elected to or sitting as a member of the House of Commons.