ANNO QUINTO

GEORGII IV. REGIS.

CAP. LXXXI.

An Act for separating the Parish or Vicarage of *Bray* from the Parish of *Kilternan*, and for uniting the said Parish of *Kilternan* with the Parish of *Kilgobban*, situate in the Barony of *Rathdown* and County of *Dublin*, in *Ireland*.

[17th *June* 1824.]

WHEREAS the Parish of *Kilternan*, in the County and Diocese of *Dublin*, has been episcopally united to and forms a Part of the Parish or Union of *Bray* in the County of *Wicklow*, and is situated at a considerable and inconvenient Distance; the nearest Part being Four Miles, and other Parts Six Miles, from the Parish Church of *Bray*, the only Church of the said Union; and it is therefore expedient that the said Parish should be separated and disunited from the Parish or Vicarage of *Bray*: And whereas the said Parish of *Kilternan* adjoins to the Parish of *Kilgobban*, in the County and Diocese of *Dublin*, and the Glebe Lands and Glebe House of the Perpetual Curate or Minister of the said Parish of *Kilgobban* are situated within the Bounds and Limits of the said Parish of *Kilternan*: And whereas there is not any Church in the said Parish of *Kilternan*, and the Church of the said Parish of *Kilgobban* is small and inconvenient, and much out of Repair, and wholly incapable of accommodating the Protestant Inhabitants of the Parish of *Kilgobban*, and cannot be enlarged or repaired by reason of the Decay of its

Parish of Kilternan united with the Parish of Bray.

 Walls,

Walls, and of its local Situation; and the Inhabitants of the said Parish of *Kilgobban*, comprehending a poor and mountainous District, are unable to contribute to the rebuilding of the said Church of *Kilgobban*: And whereas the respective Inhabitants of the said Parishes of *Kilternan* and *Kilgobban*, with the Consent and Approbation of His Grace the now Lord Archbishop of *Dublin* and Bishop of *Glandelough*, the Patron of the said Parish or Vicarage of *Kilternan*; the Honourable and Reverend *Charles Knox*, the Incumbent of the said Parish or Union of *Bray*; the Reverend *Henry Kearney*, Perpetual Curate of the said Parish or Cure of *Kilgobban*; and the Venerable *John Torrens*, the Archdeacon of *Dublin*, who is entitled in right of his Archdeaconry to nominate the Perpetual Curate of the said Parish of *Kilgobban*, are desirous that the said Parishes of *Kilternan* and *Kilgobban* should be united and made One entire Parish, to be called "The Parish of *Kilternan*;" and that a new Church shall be forthwith erected and built on the Glebe Lands aforesaid, convenient to and capable of accommodating the Inhabitants of the said Parishes of *Kilternan* and *Kilgobban*; the said *Henry Kearney*, the present Curate of *Kilgobban*, and the said Archdeacon of *Dublin*, first conveying a sufficient Quantity of the said Glebe Land for the Scite of a Church and Churchyard to the Churchwardens of the said Parish to be called the Parish of *Kilternan*, and their Successors, Churchwardens for ever, of the said Parish, for the Use of the said Parish: And whereas the Trustees and Commissioners of the First Fruits of the several Benefices in *Ireland* have lately granted the Sum of Nine hundred Pounds for building a Church in the said Parish of *Kilternan*, wherein there has not been any Church for the Performance of Divine Worship for upwards of Twenty Years last past: And whereas *Elizabeth Anderson* and *Susan Anderson*, Spinsters, have proposed and agreed to grant and convey to the Vicar or Incumbent of the said Parish, to be called "The Parish of *Kilternan*," for ever, for the Use of the said Vicar or Incumbent and his Successors, other Ground equal in Quality and Quantity to that which may be so assigned and allowed for the Scite of the said intended new Church: And whereas by reason that the said Parish or Curacy of *Kilgobban* is not a presentative Benefice, the perpetual Union of the said last-mentioned Parish or Cure, with the said Vicarage or Parish of *Kilternan*, cannot be effected without the Aid and Authority of Parliament: For that Purpose be it therefore 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 from and immediately after the First Day of *July* next, the said Parish of *Kilternan* shall be for ever separated and disunited from the said Parish, or Union, or Vicarage of *Bray*, and that the said Two Parishes of *Kilternan* and *Kilgobban* shall be for ever thereafter united and be and become One entire Parish or Vicarage and Presentative Benefice, to be called "The Parish of *Kilternan*;" and that the Reverend *Henry Kearney*, the present Curate or Incumbent of the said Parish of *Kilgobban*, shall be the First and Modern Incumbent or Vicar of the said hereby created Union or Parish of *Kilternan*, without any Presentation, Admission, Institution, or Induction, or any other Act or Title whatsoever other than this present Act; and that the present Churchwardens

Union of the Parishes of Kilternan and Kilgobban desired, by the Inhabitants, with a new Church.

Parish of Kilternan shall be disunited from Bray, and united with Kilgobban into One Parish, to be called 'Kilternan,' of which the present Incumbent of Kilgobban shall be Vicar.

wardens of the said Parish of *Kilgobban* shall be the First Churchwardens of the said hereby created Union or Parish of *Kilternan*, as fully as if they had been duly elected as such by the Inhabitants of the said United Parishes in Vestry duly assembled. and the Churchwardens of Kilgobban shall be Churchwardens.

II. And be it further enacted, That it shall and may be lawful for the Archdeacon of *Dublin*, and the said present Curate or Incumbent of the now Parish of *Kilgobban*, to convey without Licence or Mortmain, to the Churchwardens of the said hereby created Union or Parish of *Kilternan*, and to their Successors for ever, such Part of the Glebe Land now belonging to the said Parish of *Kilgobban* as may be necessary for the Scite of a Church and of a Churchyard, for the said hereby created Union or Parish of *Kilternan*, not exceeding in the whole One-half Acre of Ground; and the same, when so conveyed, shall be vested in the said Churchwardens and their Successors for ever, for the Purposes of this Act. Archdeacon of Dublin and Incumbent of Kilgobban empowered to convey a Piece of Glebe for the Church and Churchyard.

III. Provided always, That the said *Elizabeth Anderson* and *Susan Anderson*, their Heirs and Assigns, shall first grant and convey to the said Vicar or Incumbent of the said hereby created Union or Parish of *Kilternan* and his Successors, a Piece of Land adjoining to the said Glebe Lands equal in Quantity to the Piece of Land so as aforesaid to be allocated for the Scite of the said intended Church or Churchyard, for the Use of the Incumbent, from Time to Time for the Time being, of the said hereby created Union or Parish of *Kilternan*, and his Successors for ever; and it shall be lawful for the Vicar or Incumbent of the said Parish of *Kilternan* and his Successors, to have and to hold the said Piece of Land so to be granted and conveyed, any Statute or Mortmain, or any Law, Usage, or Custom to the contrary notwithstanding, freed and discharged from the Payment of all Rent whatsoever, save and except that such Land so granted and conveyed shall be held and deemed and taken as a Part and Parcel of all such Glebe Lands as aforesaid, and shall in common therewith be liable and subject to all and every such Rent, Covenants, and Clauses, as such Glebe Lands are now liable and subject to, as if the same had been originally a Part of such Glebe Lands, and not further or otherwise. Provided a like Quantity is added to the Glebe by the Proprietor of the Estate from which former Glebe was taken.

IV. And be it further enacted, That the said Church, when built, together with the Churchyard, shall be consecrated, and shall be and shall be deemed and taken for ever to be the Parish Church of the said hereby created Union or Parish of *Kilternan*, to all Intents and Purposes whatsoever, and shall be called "The Parish Church of *Kilternan*;" and the old Churchyard and Place where the said old Church of *Kilgobban* stands shall, at the Charge of the Parishioners of the said hereby created Union or Parish of *Kilternan*, be fenced in and preserved from profane or common Uses. New Church shall be consecrated, and old Churchyard be fenced from Profanation.

V. And whereas the Right of Patronage and Presentation to the Vicarage or Parish of *Kilternan* hath heretofore of Right belonged to the Archbishop of *Dublin* and Bishop of *Glandelough* and his Successors, in Right of his Archbishoprick; and the Right of Nomination or Presentation to the Perpetual Curacy or Parish of *Kilgobban* aforesaid, Right of Patronage to new Parish or Benefice of Kilternan, viz. the First Turn to Arch-

bishop of Dublin and Bishop of Glandelough, and Second and Third to Archdeacon of Dublin, and so continually.

said, hath heretofore of Right belonged to the Archdeacon of *Dublin* and his Successors; and it is therefore proper and necessary to settle and ascertain how and by which of them the said Archbishop and Archdeacon, and how often and in what Turns, the Patronage and Right of Presentation to the said hereby created Union or Parish of *Kilternan* should henceforth be by them exercised and enjoyed: And whereas the Tithes and Profits payable and arising to the Curate of *Kilgobban* are of considerably greater Value than the Tithes and Profits issuing and payable out of the Vicarage of *Kilternan*; be it therefore enacted, That from and after the First Day of *July* next, the Archbishop of *Dublin* and Bishop of *Glandelough*, and his Successors, Archbishops of *Dublin* and Bishops of *Glandelough* for ever, shall have One Turn of Presentation to the said hereby created Union or Parish of *Kilternan*, out of every Three Turns; that is to say, the said Archbishop of *Dublin* and Bishop of *Glandelough*, and his Successors, Archbishops of *Dublin* and Bishops of *Glandelough*, shall present a Vicar or Incumbent to the said Church of *Kilternan* on the first Vacancy that shall occur after the First Day of *July* next; and afterwards, on the Two Vacancies which shall next occur, that is, on the Second and Third Vacancies, the said Archdeacon and his Successors for the Time being shall present to the said United Church, and so on for ever thereafter.

Churchwardens of Bray may levy Arrears of Church Rates now due on Parish of Kilternan.

VI. Provided always, and be it enacted, That it shall and may be lawful for the Churchwardens of the Parish of *Bray*, at any Time after the First Day of *July* next, to collect, sue for, levy, recover, and receive all Church Cesses and Rates which shall have been duly assessed and applotted on the said Parish of *Kilternan* at any Time before the passing of this Act, and which shall remain due and unpaid at the Time of the passing of this Act, in like Manner, and with all such Powers and Authorities, as if this Act had not been made; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

This Act a Public Act, pursuant to Irish Act 2 G. 1.

VII. And whereas by an Act made in the Parliament of *Ireland*, in the Second Year of the Reign of King *George* the First, intituled *An Act for the real Union and Division of Parishes*, it is (among other Things) enacted, that all Acts of Parliament for the uniting or disuniting of particular Parishes or Parts of Parishes, or erecting particular Churches, shall be deemed as Public and General Acts in all Courts, and by all Persons; and that no Fees shall be paid or taken by any Person or Persons for passing any such Act of Parliament: And whereas it is expedient that a like Provision should be made in this Case; be it therefore enacted, That this present Act is and shall be deemed a Public and General Act, and shall be judicially taken Notice of as such in all Courts, and by all Judges, Justices, and others, without being specially pleaded; and that no Fees shall be paid or taken by any Person or Persons for the passing the same.

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