

ANNO SEPTIMO

GEORGII IV. REGIS.

****

CAP. LXXIII.

An Act to consolidate the Laws in force in *Ireland* for the Disappropriation of Benefices annexed to Dignities, and for the Appropriation of others in their Stead, and for uniting Benefices with Dignities, and to make further Provisions for the like Purposes. [31st *May* 1826.]

WHEREAS it is desirable that certain Provisions contained in several Acts in force in *Ireland*, relating to the Appropriation or Disappropriation of Benefices, and uniting Benefices with Dignities, should be consolidated and embodied together in one Act; and that certain Powers should be given to the Lord Lieutenant or other Chief Governor or Governors, and His Majesty's Privy Council in *Ireland*, with respect to the Disappropriation of Rectories or Parts of Rectories, and the Rectorial Tithes thereof, belonging to Deans, Archdeacons, Dignitaries, Prebendaries, and Canons of Cathedral Churches, and uniting them to their respective Vicarages: 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 after the passing of this Act, so much and such Parts of several Acts, passed in the Parliament of *Ireland*, shall be repealed, as are herein-after mentioned; that is to say, so much of an Act passed in the Parliament of *Ireland*

So much of recited Acts as relates to the Appropriation, &c. of Benefices

to Dignities repealed, viz. 2 G. 1. (I.) c. 14. s. 1, 2, 5, 6.

Ireland in the Second Year of the Reign of King *George* the First, intituled *An Act for real Union and Division of Parishes*, as relates to the uniting or appropriating of any Benefice or Benefices to any Dignity or Prebend, or as relates to any Dignitary or Prebendary to whose Dignity or Prebend any Benefice shall be united, or as relates to the Disappropriation of any Rectory by the Owner or Proprietor of any Rectory Appropriate, or as relates to the Enrolment of any Appropriations; and also so much of an Act made in the Parliament of *Ireland* in the Tenth Year of the Reign of the said King *George* the First (for explaining and amending the said first-recited Act, and for other Purposes), as relates to the uniting or appropriating of any Benefice or Benefices to any Dignity or Prebend, or to the Consent of His Majesty, His Heirs and Successors, to any such Union; and also so much of another Act passed in the Parliament of *Ireland* in the said Tenth Year of the Reign of the said King *George* the First, intituled *An Act for amending an Act, intituled 'An Act for confirming 'the several Grants made by Her late Majesty of the First Fruits and 'Twentieth Parts, payable out of the Ecclesiastical Benefices in this 'Kingdom; and also for giving the Archbishops and other Ecclesiastical Persons Four Years Time for the Payment of First Fruits, 'and for incorporating the Trustees and Commissioners of the said 'First Fruits,'* as relates to the Payment of First Fruits by appropriated Benefices; and also so much of an Act passed in the Parliament of *Ireland* in the Twenty-first Year of the Reign of King *George* the Second, intituled *An Act for disappropriating Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and for appropriating others in their Stead; and also for the Removal of the Scites of ruined Cathedral Churches*, as relates to the Disappropriation of Benefices belonging to Deans, Archdeacons, Dignitaries, and other Members of Cathedral Churches, and the Appropriation of others in their Stead, and as relates to the Consent of His Majesty, His Heirs and Successors, to the making of any Union, Appropriation, or Disappropriation; and so much and such Parts as aforesaid of the said several Acts respectively are hereby repealed accordingly.

10 G. 1. (I.) c. 6. s. 1, 3.

10 G. 1. (I.) c. 7. s. 4.

21 G. 2. (I.) c. 8. s. 1, 5, 11.

Where Benefices appropriated to Deaneries, &c. are inconveniently situated, Lord Lieutenant, &c. with Consent of the Patron, may disappropriate them, and appropriate others;

II. And be it further enacted, That from and after the passing of this Act, whenever it shall happen that any Dean, Archdeacon, Dignitary, Prebendary, or Canon of any Cathedral Church in *Ireland*, shall have One or more Benefice or Benefices appropriated to any such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, situated at great Distances from such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, or from each other, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of the major Part of His Majesty's Privy Council in *Ireland*, in Council assembled, Six at least assenting, and with the Advice and Approbation of the Archbishop of the Province and Bishop of the Diocese, certified under their Hands and Archiepiscopal or Episcopal Seals, and with the Consent of the King's Majesty, where he shall be Patron, signified in such Manner as hereinafter directed, and with the Consent of all other Patrons, and of all Incumbents, certified under their Hands and Seals respectively, and attested by Two or more credible Witnesses, to disappropriate such

Benefice or Benefices, and to disunite the same from such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and to unite and appropriate to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any other Parish or Parishes, of a Value at least equal to such disappropriated Benefice or Benefices, and which may be contiguous or convenient to each other, or to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and afterwards to unite such disappropriated Benefice or Benefices to such other Parish or Parishes, or to unite such other Parish or Parishes to them, or any of them, as lie convenient for such an Union, or to erect such disappropriated Benefice or Benefices into a separate and distinct Benefice, or into separate and distinct Benefices; saving always to all Deans, Deans and Chapters, Archdeacons, Dignitaries, Prebendaries, and Canons, and all other Incumbents, at the Time of any such Union, Appropriation, or Disappropriation, during their respective Incumbencies, and to all Patrons and Ordinaries, all their respective Rights, Titles, and Interests in and to such united or appropriated or disappropriated Benefices, or to any of them; and saving to any and every Archbishop and Bishop, Register and Schoolmaster, their respective Dues payable out of such Parish so united; saving also to all Tenants who have any Lease or Leases of any Glebes or Tithes belonging to any Part of such Union, or Appropriation or Disappropriation, all their Rights and Interests during their respective Leases.

or may unite such Benefices to other Parishes;

or erect them into separate Benefices.

General Saving of Rights.

III. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent, Advice, Approbation, and Consent of His Majesty's Privy Council, and of such Persons and in such Manner as is herein-before directed, to unite or appropriate any Benefice or Benefices having actual Cure of Souls to a Dignity or Prebend without Cure, or to unite and appropriate any Benefice or Benefices without Cure of Souls to a Dignity or Prebend having actual Cure of Souls annexed; saving to every Dean, Dignitary, Prebendary, and Incumbent, at the Time of such Union or Appropriation, during their respective Incumbency, and to the respective Patrons and Ordinaries, all their Right, Title, and Interest in and to such united or appropriated Benefices; and saving also all Rights to the Dean and Chapter of each Cathedral Church, and to the Prebendary of the Prebend to which any Benefice with Cure of Souls, or without Cure of Souls, shall be united or appropriated.

Lord Lieutenant and Council, &c. may appropriate Benefices with Cure to Dignities without Cure, &c.

General Saving of Rights.

IV. And be it further enacted, That where any of the Deaneries, Archdeaconries, Dignities, Prebends, Canonries, Parishes, or Benefices, to be united or appropriated as aforesaid, shall have several and distinct Patrons, and that the King's Majesty, His Heirs and Successors, is, are, or shall be entitled to the Presentation to any of them, in such Case His Majesty, His Heirs and Successors, shall immediately from and after such Union, upon the then first Vacancy, have the first Presentation of an Incumbent unto such Union, by the Name by which it shall be called in the Instrument erecting the same, and that the Lord Lieutenant or other Chief Governor or Governors, and His Majesty's Privy Council in *Ireland*, with the Advice and Approbation

For determining the Right of Presentation where there are distinct Patrons of the Benefices, &c. united.

probation of the Archbishop of the Province and Bishop of the Diocese, certified in the Manner aforesaid, shall divide and settle the Patronage by Turns afterwards amongst the several Patrons, giving a Right to each of them to present oftener or seldomer, according to the true yearly Value of the respective Parish or Parishes whereof they are Patrons, the Consent of each Patron being first had thereto, and entered in the Instrument erecting such Union, and that such Settlement shall be final and binding to all Patrons, whether Ecclesiastical or Lay Patrons, and to all Parties, for ever.

Owner of Rectory Impropriate shall not, by presenting to Union, disappropriate his Rectory by Implication.

V. Provided always, and be it enacted, That any Owner or Proprietor of any Rectory Impropriate, having the Patronage of the Vicarage of the Church of such Rectory, shall not, by presenting in his Turn a Clerk to any Union, under or by virtue of this Act, be judged in Law to disappropriate his Rectory, unless such Person making such Presentation shall, by express Words contained therein, plainly signify his Design and Intent to make such Disappropriation, and that such Presentation be under the Hand and Seal of the Patron so presenting, attested by Two or more credible Persons; any Law, Statute, or Usage to the contrary notwithstanding.

Lord Lieutenant and Council empowered to disunite the Rectorial Tithes from any Dignity, and to unite them to their Vicarages;

VI. And whereas, in many Places in *Ireland*, Deans, Archdeacons, Dignitaries, Prebendaries, and Canons of Cathedral Churches have One or more Rectory or Rectories, or Part or Parts of One or more Rectory or Rectories or Parishes, and the Rectorial Tithes thereof respectively, annexed and appropriated to One Deanery, Archdeaconry, Dignity, Prebend, or Canonry, within which Rectories there are Vicars endowed, so that such Dean, Archdeacon, Dignitary, Prebendary, or Canon have not the actual Cure of Souls within the said Parishes or Rectories or Part of Rectories so appropriated to their Dignities, the actual Cure being in the respective Vicars: And whereas the Vicarial Tithes of such Parishes as aforesaid, in which there are Vicarages endowed, are often of very inconsiderable Value, and inadequate in many Instances to the suitable Maintenance of their respective Vicars, by whom they are received: And whereas it will be beneficial, that the Rectorial Tithes or the Parts thereof of the said several and respective Parishes or Rectories so as aforesaid appropriated to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, should be disappropriated, disunited, and divested out of such Dean, Archdeacon, Dignitary, Prebendary, or Canon, and vested in the respective Vicars of the said Parishes: Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and His Majesty's Privy Council there, with the Assent, Advice, Approbation, and Consent of all such Persons, and in such Manner as is herein-before mentioned, to disappropriate, disunite, and divest any Rectory or Rectories, or Part or Parts of any Rectory or Rectories, and the Rectorial Tithes thereof, from and out of any such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, and the Dean, Archdeacon, Dignitary, Prebendary, or Canon thereof respectively, and to unite any such Rectory or Rectories to their respective Vicarages, so that each and every of such Rectories, or Parts of Rectories, when so disappropriated,

disappropriated, shall, with its Vicarage, form a distinct Parish or Benefice; and also, in lieu of any Rectory or Rectories, or Part thereof, so disunited, to unite and appropriate to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any Benefice or Benefices, with Cure of Souls, in value at least equal to the Rectory or Rectories, or Part or Parts of such Rectory or Rectories, so then disappropriated from such Deanery, Archdeaconry, Dignity, Prebend, or Canonry; saving always to all Deans, Deans and Chapters, Archdeacons, Dignitaries, Prebendaries, and Canons, and all other Incumbents, at the Time of such Disappropriation or Union respectively, during the respective Incumbencies, and to all Patrons and Ordinaries, all their respective Rights, Titles, and Interests in and to any such disappropriated Rectory or Rectories, or Part or Parts thereof, or to such united Benefices, or to any of them; and saving also to every Archbishop and Bishop, Register and Schoolmaster, their respective Dues, payable out of any and every such Parish, Rectory, or Part thereof, or other Benefice; saving also to all Tenants who have any Lease or Leases of any Glebes or Tithes belonging to any Part of such Disappropriation, Union, Parish, Rectory, or Benefice, all their Right and Interest during their respective Leases.

and to unite other Benefices to the Dignity.

Saving of Rights.

VII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and His Majesty's Privy Council in *Ireland*, if they shall so think fit, with the Assent, Advice, Approbation, and Consent of such Persons, and in such Manner as is hereinbefore mentioned, by the same Instrument and at the same Time that they shall disappropriate any Benefice or Benefices from any Deanery, Archdeaconry, Dignity, Prebend, or Canonry, by virtue of this Act, to disappropriate, disunite, and divest any Rectory or Rectories, or Part or Parts of any Rectory or Rectories, and the Rectorial Tithes thereof, from and out of any such Dean, Archdeacon, Dignitary, Prebendary, or Canon, and reunite them to their respective Vicarages, and to appropriate to such Deanery, Archdeaconry, Dignity, Prebend, or Canonry, any Benefice or Benefices with Cure of Souls; and that in such Case it shall be sufficient, if the Benefice or Benefices so to be appropriated in the Place and Stead of such Rectory or Rectories, or Part or Parts of such Rectory or Rectories so disappropriated, shall be equal in value to the Benefice, or to the Rectory or Part of a Rectory so then disappropriated, or to both together, or to the Benefices or Rectories, or Parts of Rectories, or to all together; any thing in this Act contained to the contrary notwithstanding.

Lord Lieutenant and Council may, by the same Instrument, disunite Benefices or Rectories from Dignities, and unite such Rectories to their Vicarages, and appropriate Benefices to Dignities, in lieu of Disappropriations.

VIII. And be it further enacted, That every such Rectory or Part of a Rectory, when so disappropriated as aforesaid, and united to their respective Vicarages under this Act, shall become, and shall for ever remain, from the Time when such Union shall take effect, in the Gift and at the Disposal of the Patron or Patrons who was or were entitled to the Presentation to such respective Vicarages before and at the Time of such Union; and that every Benefice so to be appropriated as aforesaid to any Deanery, Archdeaconry, Dignity, Prebend, or

Disappropriated Rectories shall be in the same Patronage as the Vicarage;

and appropriated Benefices in the

same Patronage as the Deanery.

or Canonry, shall, from the Time when such Union and Appropriation shall take effect, be and remain in the Gift and at the Disposal of the Patron or Patrons, whether the King's Majesty or any other Person, who at the Time when such Appropriation as aforesaid shall take effect shall be entitled to the Presentation or Appointment to the Deanery, Archdeaconry, Dignity, Prebend, or Canonry, to which such Benefice or Benefices shall be so appropriated.

Lord Lieutenant and Council, &c. may direct the Time and Manner in which Appropriation or Disappropriation shall take effect.

IX. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and His Majesty's Privy Council there, if they shall think proper so to do, with the Advice and Consent of the Archbishop of the Province and Bishop of the Diocese, certified in manner as aforesaid, and with the Consent of the King's Majesty, when he shall be Patron, certified in such Manner as by this Act is directed, and with the Consent of all other Patrons and of all Incumbents, certified under their Hands and Seals respectively, and attested by Two or more credible Witnesses, in and by the Instrument by which any Union or Appropriation, or Disunion or Disappropriation, shall be made by virtue of this Act, to direct, regulate, and appoint the Time or Times when, and the Manner, Conditions, and Regulations in, on, and under which, according to the Consent so given as aforesaid, any such Union or Appropriation, or Disunion or Disappropriation, shall first operate and take effect, whether during the Incumbency of any Dean, Archdeacon, Dignitary, Prebendary, or Canon, or not; and in case no Direction, Regulation, or Appointment shall be expressly made in manner aforesaid, as to the Time or Times when any such Union or Appropriation, or Disunion or Disappropriation, shall first operate and take effect, the same shall not operate or take effect until such Time as the Deanery, Archdeaconry, Dignity, Prebend, or Canonry to which such Union or Appropriation, or Disunion or Disappropriation, shall relate, shall become vacant and destitute of an Incumbent.

If no Time specified, Appropriation, &c. shall not take effect until Vacancy of Dignity.

Dignitary not to be discharged from Residence on Benefice, but shall be subject to Duties, &c. as a Dignitary.

X. Provided always, and be it enacted, That every Dean, Archdeacon, Dignitary, Prebendary, or Canon, to whose Dignity, Prebend, or Canonry any Benefice with Cure of Souls shall be united in pursuance of this Act, shall not be discharged of Residence in the Church united to such Dignity, Prebend, or Canonry, but shall be obliged to such Residence as is required by an Act passed in the Fifth Year of His present Majesty, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices; to restrain Spiritual Persons from carrying on Trade or Merchandize; and for the Support and Maintenance of Stipendiary Curates in* Ireland; and every such Dean, Archdeacon, Dignitary, Prebendary, or Canon shall also be and remain subject, as a Dignitary, Prebendary, or Canon of such Cathedral Church, to all Jurisdictions, Duties, and Penalties, in like Manner as such Dignitary, Prebendary, or Canon was subject to at the Time of making such Union.

The King's Assent, as Patron, may be signified

XI. And be it further enacted, That in all Unions or Appropriations, and in all Disunions or Disappropriations to be made by virtue of this Act, of any Dignities or Benefices, the Patronage whereof is

or shall be in the King's Majesty, His Heirs or Successors, the Consent of the Lord Lieutenant or other Chief Governor or Governors for the Time being, under his or their Hands and Seals, to the making of such Union or Appropriation, or Disunion or Disappropriation, shall be to all Intents and Purposes as good and valid in Law as if the Consent of His Majesty, His Heirs and Successors, were thereunto signified by Letters Patent under the Great Seal of *Ireland*. by the Lord Lieutenant.

XII. And be it further enacted, That where any Benefice or Benefices shall be united or appropriated to any Dignity or Prebend, in pursuance of this Act, and the Incumbent of such Benefice or Benefices shall die, resign or be removed, then the next Incumbent or Person succeeding in the Place of him so dying, resigning or being removed, shall be chargeable with, and shall accordingly pay the First Fruits of such Benefice or Benefices so united and appropriated, as if he were legally collated or instituted and inducted to the same; and to the end that such Incumbent, Dignitary, or Prebendary may be respectively charged with such First Fruits, the Archbishops and Bishops of *Ireland* shall and they are hereby respectively required, each in their respective Dioceses, to make and return to the First Fruits Office a Certificate of the Death, Removal, or Resignation of any such Incumbent or Incumbents of such Benefice or Benefices so united or appropriated, and the Name of the next Incumbent or Person succeeding in the Place of him so dying, resigning, or being removed as aforesaid, within such Time and in such and the same Manner as Certificates are or usually have been made and returned upon the Institution or Collation of Incumbents to Livings or Benefices in *Ireland*. Where Benefice is united to a Dignity, Incumbent, &c. succeeding shall pay the First Fruits. Bishops shall return Certificate of Death, &c. of Incumbent, and the Name of the Successor, &c.

XIII. And be it further enacted, That all and every Union or Appropriation, or Disunion or Disappropriation, which shall be made by virtue of this Act, shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, within Six Calendar Months next after the making thereof, for the Enrolment whereof respectively the Fee of Thirteen Shillings and Four-pence shall be paid, and no more; and that every Instrument under the Hands of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and His Majesty's Privy Council there, testifying any such Union, Appropriation or Disappropriation, shall contain therein a Clause or Proviso that the same shall be enrolled within Six Calendar Months after the Date thereof, or else to be void. Unions, &c. shall be enrolled in Chancery within Six Months, &c.

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