

ANNO NONO

GEORGII IV. REGIS.

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CAP. LII.

An Act for erecting a Chapel of Ease at *Killiney* in the Parish of *Monkstown* in the County and Diocese of *Dublin*, and for providing for the due Celebration of Divine Service therein.

[15th *July* 1828.]

WHEREAS the Parish of *Monkstown* in the County and Diocese of *Dublin* has of late Years become very populous, and a considerable Number of Inhabitants reside at *Killiney* in the said Parish, at a Distance of Two Miles and upwards from the Parish Church, which is not sufficiently large to accommodate the increasing Population of said Parish; and the Parishioners dwelling in the Neighbourhood of *Killiney* aforesaid are very much in need of a particular Place of Worship nearer their Homes, to which they may resort for the Service of God, at Morning and Evening Prayers, and for the Administration of the Sacrament of the Lord's Supper: And whereas it will much tend to the Advancement of Religion in the said Neighbourhood if the Want of a proper Place of Worship should be supplied, and a Chapel of Ease be erected for that Purpose upon a convenient Scite: And whereas the Cure of Souls in the Parish of *Monkstown* is in the Perpetual Curate thereof; and the said Curacy is appropriated to the Deanery of the Cathedral of the Holy and Undivided Trinity, commonly called *Christchurch*, in the City of *Dublin*, and the Patronage and Nomination thereof belong to the Dean of the said Cathedral: And whereas the Reverend

Charles Lindsay is the present Ecclesiastical Incumbent or Perpetual Curate of the said Parish: And whereas many Inhabitants of the said Parish have expressed an earnest Desire that said Chapel of Ease should be forthwith erected, and that it is in Contemplation to promote said Design by creating proper and sufficient Funds for the Purpose: And whereas the Most Reverend Father in God *William* Lord Archbishop of *Dublin* and Ordinary of the said Diocese, the Dean of *Christchurch* aforesaid, to whose Patronage and Nomination the said Benefice of *Monkstown* belongs, the said *Charles Lindsay* the present Curate or Ecclesiastical Incumbent thereof, and the Parishioners of the same, have respectively testified their Consent to the erecting of the said Chapel of Ease, and to the Endowment of a Chaplain in manner herein-after provided: And whereas the said Parish of *Monkstown* does not come within the Provisions and Operation of the several Statutes in force in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, for the promoting and regulating the building of Chapels of Ease in the Cases therein provided, and it is necessary to have special Provision for the same; and it is also necessary, for the Purposes aforesaid, that a Piece of Land should be set apart and appropriated in the Vicinity of *Killiney*, as a Scite for the said intended Chapel, and that there should be an Endowed Chaplain of the said Chapel; 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,

Authorizing the Conveyance of Land for erecting a Chapel of Ease in Killiney.

That it shall and may be lawful for any Proprietor of any Ground within the said Parish of *Monkstown*, or any Part thereof, within the ancient Parish of *Killiney*, now forming a Part of the said Parish of *Monkstown*, notwithstanding any such Proprietor may be seised only for an Estate for Life or in Tail therein, to grant and convey to the Perpetual Curate or Minister of the said Parish of *Monkstown*, and his Successors, a sufficient Quantity of Ground, not exceeding One Acre *English* Statute Measure, for the Purpose of building, erecting, and making a Chapel of Ease, with all Buildings necessary thereto, in like Manner and as fully and effectually as Persons are authorized to grant or set out Ground for such or the like Purposes by any Law now in being, such Grant and Conveyance to be in Trust for the Inhabitants of the said Parish for ever; and that the said Perpetual Curate or Minister of the said Parish be and is hereby enabled to take such Grant and Conveyance, the Statute of Mortmain or any other Law to the contrary notwithstanding: Provided always, that if at any Time after the making of the said Grant and Conveyance of the said Ground, and before the building of the said Chapel, it shall be found necessary or convenient to change such Scite of the said intended Chapel, it shall be lawful for the said Perpetual Curate or Minister of the said Parish, with the Consent of the Ordinary of the Diocese, the Dean of *Christchurch*, and the Proprietor who shall or may have granted any Ground for the Scite for the said Chapel, to exchange such Ground so granted as a Scite for the same for any Ground of equal or greater Quantity in the Vicinity of *Killiney* aforesaid; which said Ground so given in exchange shall be conveyed to the said Incumbent for the Purposes aforesaid, and shall be and is hereby vested in the said Incumbent and his Successors, in like

Manner as the Ground originally granted would have been had it remained for the Purposes aforesaid.

When Scite has been chosen and granted, a Chapel of Ease to be erected under the Direction of the Lord Archbishop of Dublin.

II. And be it further enacted, That when and so soon as a proper Scite shall have been chosen and granted, in manner aforesaid, for the Place of the said intended Chapel, that then and as soon thereafter as conveniently may be, it shall and may be lawful for his Grace *William* Lord Archbishop of *Dublin*, or his Successors, Archbishops of *Dublin*, to erect or cause to be erected upon the Ground so given and conveyed for the Purposes aforesaid a Chapel of Ease, with all necessary Accommodations; which Chapel, when built, shall be consecrated, and shall be dependent upon the Mother Church of the said Parish of *Monkstown*, as a Parochial Chapel of Ease annexed to said Church; and it shall and may be lawful to celebrate the Morning and Evening Service of the United Church of *England* and *Ireland*, and to administer the Sacraments of Baptism and the Lord's Supper, and to preach the Word of God therein: Provided always, that nothing in this Act shall be construed to extend so as to endow the said Chapel with any Right, Privilege, or Liberty of a Parochial Church or independent District Chapel, or to authorize the Performance therein of the Service of Confirmation, Matrimony, and Burial of the Dead, or any or either of them, but that all such Services shall continue as before to be solemnized in the Parish Church only.

A Chaplain to be appointed.

III. And be it further enacted, That there shall be a Chaplain of the said Chapel, with constant and perpetual successive Chaplains, to be appointed, constituted, and endowed in manner herein-after provided, for the due Celebration of Divine Service and preaching the Word of God in the said Chapel; which said Chaplain and his Successors shall be subject to the Visitation and Power of the Ordinary of the Diocese, and the Laws and Canons Ecclesiastical, in like Manner as Chaplains with perpetual Succession usually are and of Right ought to be subject.

Endowment of the Chapel.

IV. And whereas it is necessary to make a Provision for the Endowment of the said Chaplaincy, and for the Maintenance of the Chaplain and his Successors; and that the Dean of *Christchurch* aforesaid, to whose Deanery the said Parish of *Monkstown* is appropriate, has proposed and is willing, as far as in him lies, and with the Consent of the Chapter of the said Cathedral, to give certain Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid at *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure, described in a certain Lease bearing Date the Fifteenth Day of *January* in the Year of our Lord One thousand eight hundred and twenty-eight, and made between the Dean of *Christchurch* aforesaid of the one Part, and *Henry Lindsay* Esquire of the other Part, as Part Endowment of the said Chaplaincy, and to settle and convey the same to the Use of the first and other Chaplains thereof in Perpetuity; and *Henry Lindsay*, the Tenant in Possession of the said Land and Tenements, holding of the said Dean under the said Lease, has proposed and is willing to surrender his Lease and Interest in the same to the said Dean; be it therefore enacted, That it shall and may be lawful for the

the said Dean of *Christchurch*, and his Successors, Deans of *Christchurch*, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, the aforesaid Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, situate within the Parish aforesaid, of *Dalkey*, consisting of Twelve Acres One Rood and Eight Perches *English* Statute Measure as aforesaid, and for any other Proprietor of Land within the said Parish of *Monkstown*, notwithstanding such Proprietor may be seised only for an Estate for Life or in Tail therein, at any Time after the passing of this Act, to grant and convey to the said Reverend *Charles Lindsay*, the Incumbent or Perpetual Curate aforesaid, and his Successors, any Quantity of Land within the said Parish of *Monkstown*, or any of the ancient Parishes now forming the Parish of *Monkstown*, not exceeding Eight Acres *English* Statute Measure, in Trust and to and for the sole Use and Benefit of the first and other Chaplains to be constituted and appointed in manner herein-after provided; and that so soon as any Chaplain shall have been duly appointed under the Provisions of this Act, then and from thenceforth the said Lands and Tenements, with their Appurtenances, so granted or to be granted by the said Dean, and any other Proprietor of Ground in said Parish, to the Use of the said Chaplain, and all the Right, Title, and Interest therein of them the said Dean and such Proprietor as aforesaid, shall become vested in Possession in the said Chaplain and his Successors, Chaplains of the said Chaplaincy, for ever, and he and they shall thenceforth stand seised thereof in like Manner as if the said Grant and Conveyance or Grants and Conveyances had been made directly to themselves, any Statute of Mortmain or any other Law to the contrary notwithstanding: Provided, however, that nothing in this Act contained shall be construed to diminish, or in anywise affect, save as aforesaid, the Interest of any Tenant or Tenants of any of the Lands proposed to be conveyed, and now holding the same by virtue of any subsisting Demise under the said Dean or such Proprietor as aforesaid.

Lands to be conveyed to the Chaplain.

V. Provided always, and be it enacted, That in case a Chaplain shall have been duly constituted and appointed, pursuant to the Provisions of this Act, before the said Grants and Conveyances, or either of them, shall have been duly made and carried into Effect, then and in such Case it shall and may be lawful for the said Dean and such other Proprietor, or either of them, to convey the said Lands and Tenements, with their Appurtenances, and other Land, not exceeding Eight Acres *English* Statute Measure, in respect to such Proprietor, to such Chaplain and his Successors, to his and their own sole Use and Benefit; any Statute of Mortmain or other Law to the contrary notwithstanding.

Enabling Chaplain to grant Leases for a Term of Years.

VI. And whereas the Value of the said Lands and Tenements, with their Appurtenances, belonging to the Deanery aforesaid, proposed to be granted and conveyed by the said Dean to the Use and Benefit of the first and other Chaplains aforesaid in Perpetuity, would be much augmented and increased, if the said Chaplain and his Successors, Chaplains of the said Chaplaincy, were empowered by Law to

to grant Leases of the same, so as to bind their Successors for a Term of Years; be it therefore enacted, That it shall be lawful for the said Chaplain and his Successors, when duly constituted and appointed in manner herein-after provided, with the Consent in Writing of the Archbishop of *Dublin* and the Dean of *Christchurch* aforesaid respectively for the Time being, to grant a Lease of said Lands and Tenements, with their Appurtenances, or of any Part thereof, for any Term of Years not exceeding Sixty Years from the Time of the Execution of such Lease, at the full improved yearly Value of said Lands and Tenements with their Appurtenances, without taking any Fine, or any other pecuniary Consideration whatsoever: Provided always, that if any Fine or other pecuniary Consideration should be taken by said Chaplain or his Successors, or if he should grant a Lease of said Lands and Tenements, with their Appurtenances, or any Part thereof, without the Consent in Writing of the said Archbishop of *Dublin* and the said Dean of *Christchurch* respectively for the Time being first had and obtained, in such Case, or in either of such Cases, the said Lease so granted shall be *ipso facto* void, without any Process or Judgment of Law.

Patronage of the Chaplaincy to be in the Perpetual Curate of Monkstown, who shall nominate the Chaplain.

VII. And be it further enacted, That the Patronage of the said Chaplaincy shall be in the Perpetual Curate of *Monkstown*, and his Successors; and that it shall and may be lawful for the said *Charles Lindsay*, the now Perpetual Curate of the said Parish of *Monkstown*, or his Successors, Perpetual Curates of the same, at any Time after the passing of this Act, to nominate to his Grace *William* Lord Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, a fit and proper Person, being a Priest in Holy Orders of the Established Church, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preference with Cure of Souls, to be licensed and appointed to the Chaplaincy of the said Chapel of *Killiney*; and that the said Chaplain, when so nominated, licensed, and appointed, shall be Perpetual Chaplain of said Chaplaincy, and shall officiate as such; and that then and thereafter, and so often as the said Chaplaincy shall become void by the Death, Resignation, or other Removal of any first or other Chaplain filling the same, it shall be lawful for the Perpetual Curate of said Parish of *Monkstown*, and his Successors, to nominate to the Archbishop of *Dublin* for the Time being a fit and proper Person, being a Priest in Holy Orders, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preferment with Cure of Souls, to be licensed and appointed as aforesaid, who shall thereafter and by virtue of such Nomination and Licence forthwith be entitled to officiate as Chaplain, and to take and receive to his own Use all the Fruits, Profits, Rents, and Emoluments whatsoever unto the said Chaplaincy belonging; and that the said Chapel, when built as provided, and the Chaplains thereof for the Time being, shall be for ever subject to the Visitation of the said Archbishop of *Dublin* and his Successors.

In case the Perpetual Curate shall omit to nominate a

VIII. Provided always, and be it enacted, That in case the said Perpetual Curate of *Monkstown* shall omit or neglect, for the Space of Three Calendar Months, to nominate a fit Person to the said Archbishop

Chaplain within a certain Time, the Archbishop of Dublin may.

bishop and his Successors, to be licensed and appointed as aforesaid, that then and in such Case it shall and may be lawful for the said Archbishop of *Dublin*, and his Successors, Archbishops of *Dublin*, to appoint a Chaplain as in a Case of Lapse, and such Chaplain shall be the lawful Successor in the said Chaplaincy: Provided, however, that if any Chaplain shall die, resign, or be removed during any Vacancy of the said Perpetual Cure or Benefice of *Monkstown*, no Time running during such Vacancy shall be counted as a Lapse of the Right of Nomination to such Chaplaincy, or as any Part of the Period of Three Months constituting a Lapse, or as in any Manner defeating or running against the said Right of Patronage of the Incumbent of *Monkstown*, but that such Period of Time shall be counted only during the Plenarty of said Benefice or Appropriate Curacy of *Monkstown*, and begin to run only from the Time when the said Curacy or Benefice of *Monkstown* shall be full of a Curate or Incumbent.

Chaplaincy to be incorporated.

IX. And be it enacted, That the said Chaplain, and his Successors, Chaplains as aforesaid, shall be and they and each of them are and is hereby incorporated and made One Body Politic and Corporate, by the Name of Chaplains of the Chapel of *Killiney* in the Parish of *Monkstown*, and that they and every of them shall be capable to sue and be sued in all Courts and Places in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, and by such Name to take and receive any Lands, Tenements, or Property whatsoever, Real or Personal, not exceeding in the whole the clear yearly Value of Two hundred Pounds, by Gift, Grant, Devise, or otherwise, in Augmentation of the said Endowment, and to the Use and Behoof of them and their Successors for ever; and that the Trustees and Commissioners of the First Fruits of the several Benefices of *Ireland* may grant to the said Chaplain and Chaplains, and any of them in Succession, any Sum of Money out of the Funds vested in them for Public Purposes, either by way of Gift or Loan, for the enabling said Chaplain, or any succeeding Chaplain, to build a House of Residence, and also for the enabling him to purchase any Lands, Tenements, or Hereditaments, as an additional Endowment of the said Chaplaincy; and that the said Trustees and Commissioners may exercise all such Powers and Authority in favour of the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, as they are empowered to do in favour of any Perpetual Curate by any Law now in being; and that all Laws and Statutes now in force in that Part of the United Kingdom called *Ireland*, for and in relation to the Purchase, procuring, building, and improving on Glebes and Glebe Lands to be held, provided, and enjoyed by Perpetual Curates, shall be and are hereby enacted to extend to the said Chaplaincy of the Chapel of *Killiney*, and the Lands, Houses, and Improvements to belong and to be made, erected, and procured by the Chaplains of the said Chaplaincy for the Time being.

Chaplain to reside within the Parish of Monkstown.

X. And be it further enacted, That the said Chaplain, and his Successors, Chaplains of the said Chapel of *Killiney*, shall reside within the Parish of *Monkstown*, and as near as conveniently may be to

to said Chapel when erected, and shall be bound to the Duty of Residence as any Perpetual Curates are by Law bound; and that if any such Chaplain shall at any Time be nominated and licensed or presented to any other Curacy, or presented, instituted, or collated to any Benefice or Ecclesiastical Preferment with Cure of Souls, then and in such Case the said Chaplaincy of the Chapel of *Killiney* aforesaid shall be *ipso facto* void, and the Acceptance of such Curacy, Preferment, or Benefice, shall be held to be and amount to a Resignation of the said Chaplaincy of *Killiney*, to which it shall be thereupon lawful for the Incumbent of *Monkstown* to nominate another fit Person as aforesaid to be licensed by the Archbishop; and in Failure of such Nomination within those Months from such Acceptance, to be counted and computed as aforesaid, it shall be lawful for the Archbishop to appoint the Chaplain as in a Case of Lapse as aforesaid; and such Chaplain, so appointed by the Archbishop, shall be the lawful Successor in the said Chaplaincy.

Commissioners of First Fruits may advance Money for building the Chapel.

XI. And be it further enacted, That it shall and may be lawful for the Trustees and Commissioners of the First Fruits of the Benefice in *Ireland*, to give any Sum of Money which may appear to them proper and sufficient for the building and completing of the said intended Chapel of Ease at *Killiney* aforesaid, and to exercise for that Purpose all such Powers and Authority as are now vested in them, in respect of the building new Churches and Chapels in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Chapel, when completed, to be maintained and repaired at the Expence of the Parish of Monkstown.

XII. And be it further enacted, That the said Chapel of Ease, when built and completed, shall thenceforward be maintained and repaired, and found in all needful Things, at the Expence of the said Parish of *Monkstown*, in like Manner as other Parochial Chapels of Ease are maintained, repaired, and provided by the Laws and Statutes now in being; and that the Ordinary of the Diocese of *Dublin*, in which said Parish of *Monkstown* is situate, and the Minister and Churchwardens of the said Parish, and the Inhabitants of the same in Vestry assembled, shall have and exercise all such Powers, and be subject to all such Duties in respect of said Chapel, as in like Cases Ordinaries, Ministers, Churchwardens, and Vestries exercise or are subject to by any Law now in being, or by any Statute hereafter to be enacted, and particularly under and by virtue of a certain Statute made in the Seventh Year of His present Majesty, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks, in* Ireland. 7 G. 4. c. 72.

Act 2 G. 1. (I.) for Union and Divisions of Parishes.

XIII. 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 (amongst 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 General Acts in all Courts and by all Persons, and that no Fees shall be taken by any Person or Persons for passing any such Act of Parliament: And whereas

Act to be a Public Act, and not to be subject to the Payment of Fees.

whereas it is expedient that the 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 passing the same.

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