ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

C A P. XLI.

An Act to amend the Laws relating to the Ecclesiastical Unions and Divisions of Parishes in *Ireland*. [14th *August* 1848.]

WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of His late Majesty King *George* the Fourth, intituled *An Act to* 7 & 8 G. 4.
consolidate and amend the Laws in force in Ireland *for Unions and* c. 43.
Divisions of Parishes, and for uniting or disappropriating Parishes or Parts of Parishes, and to make further Provisions with respect to the erecting Chapels of Ease, and making Perpetual Cures, it is among other things 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 of the major Part of His Majesty's Privy Council in Council assembled, Six at least consenting, and with the Advice and Approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Seals, attested by Two or more credible Witnesses subscribing thereunto, to divide old Parishes, or to separate any Parish or Part of a Parish heretofore united, in whatever Manner such Union may have been effected, and to unite Parishes one to another, or any Part of a Parish to another Parish, or Part of a Parish in perpetuity, and to erect such divided or united Parishes or

Parts of Parishes into new Parishes, with all Parochial Rights:" And whereas by the said recited Act it is among other things also enacted, "that when Two or more Churches or Parishes shall be united into One in pursuance of this Act, having formerly had distinct Patrons, in such Cases the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being and Council as aforesaid, with the Advice and Approbation of the respective Archbishop and Bishop in whose Province and Diocese the said Churches were situate, shall divide the Patronage by Turns among the Patrons, giving to each of them a Right to present oftener and 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 and entered in the Instrument for erecting the said Union; and such Settlement or Settlements as aforesaid shall be final and binding to all Patrons, whether Ecclesiastical or Lay Patrons, and to all Parties for ever, reserving always unto every Archbishop and Bishop, Registrars and Schoolmasters, their respective Dues payable out of every such Parish so united: Provided always, that when the King's Majesty, His Heirs and Successors, is or shall be entitled to the Presentation of any of the said Parish Churches so to be united, He and they shall, from and immediately after such Union, upon the first Vacancy, have the first Presentation of an Incumbent unto such united Church, and afterwards, upon the then next Vacancy, the other respective Patrons severally as the Lord Lieutenant or other Chief Governor or Governors and Council aforesaid, with the Advice and Approbation aforesaid, shall direct and appoint, regard being had to the respective Values of the several Parishes so to be united as aforesaid, and so in course respectively in manner aforesaid:" And whereas by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws in force in* Ireland *for Unions and Divisions of Parishes, for the Settlement of the Patronage thereof, and the Celebration of Marriages in the same*, it is amongst other things enacted, that where in pursuance of the said recited Act, or the Act now in recital, Two or more Churches or Parishes shall be united into One, or where any Parish or Part of a Parish, or Parts of Parishes, shall be united to any other Parish or Parishes, or Part of a Parish or Parts of Parishes, in every such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of Her Majesty's Privy Council in *Ireland* as aforesaid, if he and they shall so think fit, and with the Advice and Approbation of the Archbishop and the Bishop in whose Province and Diocese the said Churches, Parishes, Part or Parts of a Parish or Parishes are situate, certified under their Hands and Archiepiscopal and Episcopal Seals, and with the Consent of each Patron or Person, or Body Politic, Corporate, or Collegiate, whose Ecclesiastical Patronage shall be in anywise affected by the Creation of such Union, (every such Consent to be first had and entered in the Instrument for erecting the said Union,) to make and establish such a Settlement or Distribution of the Patronage of such Union, and of the Patronage of all Unions and Parishes from which any Parish or Parishes, or any Part of a Parish or any Parts of Parishes, have been severed in order to create such Union, as in the

8 & 9 Vict. c. 54.

Opinion of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid the Justice of the Case shall require; and every such Settlement or Distribution shall be final and binding to and upon all Patrons, whether Ecclesiastical or Lay Patrons, and to and upon all Parties for ever, reserving always unto every Archbishop and Bishop, Registrar and Schoolmaster, their respective Dues payable out of every such Parish or Part of a Parish so united: Provided always, that in every Case when the Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Settlement or Distribution of Patronage, or to making any Union under this Act, the Consent in that Behalf of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hands and Seals, shall be to all Intents and Purposes as good and valid in Law as if the Consent of Her Majesty, Her Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland*: And whereas it is expedient that greater Facilities should be afforded for the Union and Division of Parishes in the Settlement and Distribution of the Patronage of the Parish Churches affected by such Unions and Divisions; be it therefore enacted by the Queen'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 of the before-recited Acts as relates to or requires the Consent of Patrons shall be and is hereby repealed.

So much of recited Acts as relates to or requires the Consent of Patrons repealed.

II. And be it enacted, That from and after the passing of this Act, when any Division or Union, Divisions or Unions, is or are to be effected under the before-recited Acts or either of them, an Instrument containing the proposed Plan for the Division or Union, Divisions or Unions, marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland* in which such Parish or Parishes or Part of a Parish or Parts of Parishes are situate, and to be annexed to such Instrument, and also for the Settlement or Distribution of the Patronage of all the Parishes and Unions to be altered or created thereby, and having endorsed upon the same the Approbation of the Archbishop or Archbishops entitled to exercise Archiepiscopal Jurisdiction in the Provinces in which the Parishes and Unions to be divided or created are situate, and of each and every Archbishop, Bishop, or other Person or Persons entitled to exercise Episcopal Jurisdiction within any Portion of the said Parishes and Unions, as Diocesans thereof, certified under their Hands as aforesaid, shall be lodged in the Council Office in *Dublin Castle*, and a Copy of the same shall be sent to each of the Patrons, Persons, Bodies Politic, Corporate, or Collegiate, whose Consent is by the aforesaid Acts or either of them rendered necessary to the effecting of the proposed Division or Union, Divisions or Unions, and together with the same a Notice in Writing shall be served upon each of the Parties last aforesaid, calling upon him or them, within Six Weeks after the Date of the Service of the same, to lodge or cause to be lodged in the Council Office in *Dublin Castle* a Statement in Writing of his or their Objections, if any he or they have to make, to the said Instrument or any Part thereof, or to the Settlement or Distribution of Patronage therein mentioned, or any Part thereof; and at

Plans of proposed Divisions or Unions of Parishes to be lodged in Privy Council Office, approved by Archbishops, &c., and Copies to be served on Patrons; Lord Lieutenant and Council to consider such Plans and the Objections of Patrons, and may confirm or alter the proposed Plans.

at the Expiration of the above Period of Six Weeks from the Date of the Service of the last Notice so served the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall take the Matter of such Instrument, and also the Objections which shall have been lodged against the same, if any such there be, into their Consideration, and thereupon it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (Six of the said Privy Council at least consenting, of whom Two at least shall be Members of the Judicial Bench in *Ireland*,) to adopt and confirm the said Instrument, and the Union or Unions, Division or Divisions, and the Settlement or Distribution of Patronage therein made, and to make an Order reciting the said Instrument as lodged in the said Council Office, and confirming the same; or if upon Consideration of the Instrument itself, or of the Objections made thereto in the Manner herein-before prescribed, such Lord Lieutenant or other Chief Governor or Governors and Privy Council should be of opinion that the same ought to be altered in respect of any Particulars therein contained, then such Alteration may be made by them, and the Instrument so altered shall be returned to the Bishop or Bishops and to the Archbishop or Archbishops by whom it was originally approved of as aforesaid; and if the said Instrument so altered be by them sent back to the said Council Office, with their Approbation endorsed thereon as aforesaid, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council, if they shall so think fit, (as before, Six at least consenting,) to make an Order in Council reciting the Instrument as so altered by the Lord Lieutenant or other Chief Governor or Governors in Council, and approved of by the Bishop or Bishops and by the Archbishop or Archbishops as aforesaid, and confirming the same; and such Order in Council, whether confirming the original Instrument or the Instrument so altered as aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever as if the Consent of such Patrons and Persons, and Bodies Politic, Corporate, or Collegiate as aforesaid, had been given and signified thereto in the Form and Manner prescribed in the said recited Acts or either of them, and the said Union or Division duly completed thereunder: Provided always, that at the Meeting of the Privy Council held for the Consideration of the said Instrument, and of the Objections thereto, it shall be lawful for any of the Parties who shall have made such Objections, on giving Three Days Notice to the Clerk of the Privy Council, to be heard before such Privy Council by their Counsel or Agents.

Churches may be erected within Districts to be formed from Portions of Parishes in different Dioceses.

III. And whereas in the said first-recited Act it was enacted, that it might be lawful for the several Archbishops and Bishops of *Ireland*, and their Successors, within their respective Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes, as to the said Archbishops and Bishops respectively and to their Successors should seem proper, in manner therein-after directed: And whereas the said Act did not provide for the forming of such Districts from contiguous Portions of adjoining Parishes in different Dioceses, for which it may in many Instances be reasonable

reasonable and convenient to provide; be it therefore enacted, That it shall and may be lawful for any of the several Archbishops and Bishops of *Ireland*, and their Successors, or other Person or Persons having Episcopal Jurisdiction in contiguous Dioceses, to erect or cause to be erected new Churches or Chapels in convenient Places within Districts to be respectively formed from contiguous Portions of Two or more adjoining Parishes situated in different Dioceses contiguous to each other, as to the said Archbishops and Bishops and their Successors shall seem proper.

Bounds of Districts to be notified to Incumbents and to the Lord Lieutenant in Council.

IV. And be it enacted, That the Bounds for such Districts shall be ascertained by Writing under the Hands and Archiepiscopal and Episcopal Seals, or Hands and Episcopal Seals, of the Archbishop and Bishop or of the Bishops concurring in the Formation of such Districts; and such Writing shall and may set out the Bounds of such District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument in like Manner as herein-before mentioned, and shall be transmitted to the several Incumbents and to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council for the Purposes and to be dealt with in the Manner specified as to the like Instruments in Writing mentioned and described in the said Act herein-before recited in respect to Districts formed in the same Diocese, and shall be entered in the Registry of every Diocese in which such newly created District shall be situated, and shall be enrolled in manner in said Act set forth in respect to the Districts therein mentioned, upon Payments to be made upon such Entry and Enrolment as therein respectively mentioned.

Bishop to exercise Jurisdiction over District, Incumbent, &c.

V. And be it enacted, That the Bishop in whose Diocese the Church or Chapel of such District shall be locally situate shall and may have, use, and exercise all Ecclesiastical and Spiritual Jurisdiction, Powers, and Authorities in and over such District, and the Incumbent or Perpetual Curate and Inhabitants thereof, in the same Manner and as fully and to the same Intent as if the entire of the said District had been erected and formed out of Parishes locally situate within such Diocese; and the said District shall for the Purposes aforesaid be deemed and taken to be within the Limits of such Diocese: Provided always, that nothing herein contained shall render the Incumbent of any Parish a Portion whereof shall be included in such District, or the Emoluments, Rents, or Tithe Rent Charge of such his Benefice, subject to the Jurisdiction of any Bishop, save the Bishop in whose Diocese his Benefice shall be situate, or prejudice or affect his Rights, Privileges, or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed under the Provisions of the said first-recited Act.

Nothing to render Incumbent subject to any other Bishop.

Providing for Exchange of Glebe Lands of disunited Parishes.

VI. And whereas there are united Parishes in *Ireland*, and it may be hereafter expedient on the Death or Removal of the Incumbents of such united Parishes to disunite the same: And whereas in such united

united Parishes Glebe Houses have been or may be built on the Glebe Land of some one of the Parishes forming such united Parishes, pursuant to the Provisions of the Statute Law for that Purpose in force in *Ireland*, and the Incumbents of such united Parishes are or may be entitled, under the Provisions of the same Law, to certain Charges or Sums of Money to be paid to such Incumbents, or their Executors or Administrators, on the Removal or Death of such Incumbents, by their Successors, or the Executors or Administrators of such Successors: And whereas in the event of such united Parishes being hereafter disunited the Glebe Houses so built would be too large and very inconvenient for the Residence of the Incumbent of any One of the Two Parishes theretofore forming such united Parishes: Be it enacted, That from and after the passing of this Act it shall and may be lawful for any such Incumbent of any such united Parishes, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council of *Ireland*, Six at least of said Privy Council assenting, to exchange such Glebe on which such Glebe House may have been built for Lands of equal or greater Value in each or any One of such disunited Parishes whereof he the said Incumbent may be seised or entitled to, in such Manner, with such Consents, and under all such Rules, Restrictions, and Limitations, and with all such Benefits and Advantages, as in the several Acts relating to the Exchange of Glebes in *Ireland* are respectively mentioned: Provided always, that in ascertaining the Value of the Glebe Land so to be exchanged such Price or Value (if any) shall be set upon such Glebe House and other Buildings and Improvements as the Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid shall deem just and reasonable; and that it shall not be lawful for such Incumbent, his Executors or Administrators, to have, take, or claim, of or from any Successor, or the Executors or Administrators of any Successor of such Incumbent, any Charge or Sum of Money to which he the said Incumbent, or his Executors or Administrators, might be entitled by the Statute Law of *Ireland* in respect of any such Glebe House, Building, or Improvements; and that any Certificate granted under the Authority of such Statute Law to such Incumbent shall, from and after such Exchange, be utterly null and void.

Provisions of recited Acts applicable to Districts formed under this Act.

VII. And be it enacted, That all the Provisions in the said Acts herein-before recited applicable to Districts formed thereunder shall, as amended by this Act, be applicable to Districts to be formed under and by virtue of the Provisions of this Act, so far as the same are not inconsistent with the Provisions of this Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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