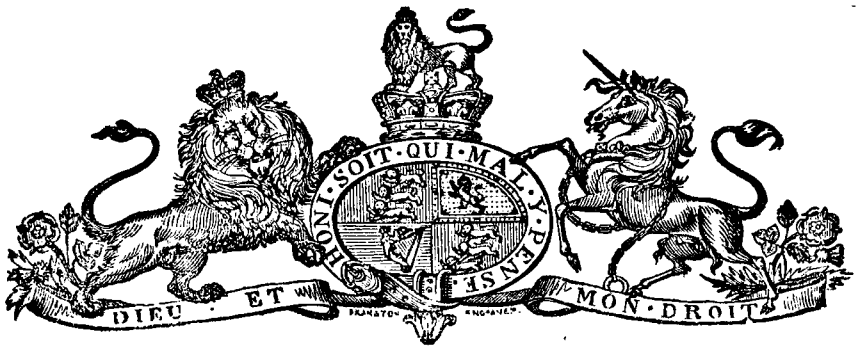



ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## CAP. LXXII.

## An Act to consolidate and amend the Laws relating to the Erection and Endowment of Churches and Chapels and Perpetual Curacies in *Ireland*.

[7th *August* 1851.]

WHEREAS it is expedient to consolidate and amend the Laws relating to the Erection, Endowment, and Constitution of Churches, Proprietary and Parochial Chapelries, and Perpetual Curacies in *Ireland*, and to give further Facilities and Encouragement to well-disposed Persons for the Endowment of same, with competent and permanent Provisions for the Ecclesiastical Persons ministering in same, and to enable such Persons, in certain Cases, to acquire the Patronage of such endowed Churches, Chapelries, or Curacies: 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,

Interpretation of Terms.

I. That in the Construction of this Act the Expression "Bishop" shall comprehend and apply to an Archbishop, when occasion shall require.

With respect to the complete Endowment of Proprietary Chapels, and the Acquisition of the Right of Patronage in consideration thereof, be it enacted as follows:

As to Appropriation of a Site for Erection of Chapel thereon.

II. That it shall be lawful for any Person, Body Politic or Corporate, seised or possessed of a sufficient Estate for that Purpose, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm, or for any Term of Years whereof Sixty Years shall be then unexpired, any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland*, or the Precincts thereof, the said Land not being within One measured Mile of any other Church or Chapel wherein the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are used and observed, unless situate within some City or Corporate Town, or within a Town containing One thousand Inhabitants, or the Suburbs, Liberties, or Precincts thereof, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Land, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed: Provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, or for a Term of Years whereof Sixty Years at the least shall be then unexpired, free from Incumbrance, and of the clear yearly Value of Fifty Pounds at the least, or Money in any of the Government Funds amounting at least to Twelve hundred and fifty Pounds, or a Sum equal thereto partly secured on Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up or purchasing such Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid of a Fund for the Repairs of such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Money and partly in Lands,

Endowment of Provision for Minister,

and for Repairs.

not

not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments, and such Government Securities, shall, unless otherwise provided by the said Deed of Endowment, be vested in the Names of the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel, and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Church or Chapel Wardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Church or Chapel Wardens thereafter to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens or Chapelwardens, and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Endowment of a Church or Chapel already built.

III. That it shall be lawful for any Person or Persons, Body Politic or Corporate, seised or possessed of a sufficient Estate in that Behalf, whether in his or their own Behalf, or in pursuance of any Trust theretofore created by Deed or Will or otherwise, with the Consent in Writing of the Bishop of the Diocese, and also of the Incumbent or Minister of the Church or Chapel or Building herein-after mentioned, and of the Majority of the Trustees for the Time being of such Church or Chapel (if any), by a formal Deed of Endowment thereof executed under his Hand and Seal, or under the Corporate Seal, to settle Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm of the yearly Value of Fifty Pounds at the least, clear of all Outgoings, and free from Incumbrances, or Money in any of the Government Funds or other Public Securities amounting at the least to One thousand two hundred and fifty Pounds, or a Sum equal thereto partly secured by Lands as aforesaid and partly in Money as aforesaid, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel (other than the Parochial Church of the Parish) or Building lawfully licensed and fit for the Celebration of Divine Service in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established shall be used and observed, provided such Building be erected on a Site lawfully held in Fee Simple, Fee Farm, or for a Term of Years of not less than Sixty Years unexpired, and his Successors for ever, and as a perpetual Endowment of such Church or Chapel, together with a Sum equal to Three Pounds in every One hundred Pounds of the original Cost of erecting and fitting up the said Church or Chapel, to be secured upon Lands or Money in the Funds as aforesaid, in aid

aid of the Fund for the Repairs of such Church or Chapel; and also such further annual Sum as may be needed for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid, or partly in Lands and partly in Money, not being less in Amount than Twenty Years Purchase of such Rent or Outgoings:

Proviso as to certain Churches built on Terms originally for 60 Years.

Provided always, that whereas several Buildings have been erected with the view of being duly endowed and constituted Proprietary Churches or Chapels upon Sites holden for Terms of Years originally not less than Sixty Years unexpired at the Time when the said Buildings or Constitutions were undertaken, but by the Efflux of Time pending the Completion of same the said Terms of Years have become reduced to a Period of less than Sixty Years, and in consequence thereof the same are now incapable of being legally endowed and constituted: Be it enacted, That in every such Case the Provisions herein-before contained shall be available notwithstanding the Expiration of any Portion of said Term, being originally a Term of not less than Sixty Years, and although the said Term had not been originally for Ninety-nine Years.

Patronage to be vested in Trustees.

IV. That whenever any such Person, Body Politic or Corporate, shall have erected or appropriated and endowed, or joined in erecting, appropriating, and endowing, any Church or Chapel, or shall have endowed any Church or Chapel or Building already erected, in pursuance of the foregoing Provisions of this Act, whensoever the said Church or Chapel shall have been erected, the said Persons, Bodies Politic and Corporate, together with the Person or Persons in whom the Patronage of such Church or Chapel was theretofore vested, by such Deed of Endowment, executed and enrolled in manner aforesaid, shall vest the Patronage of the said Church or Chapel in Trustees, who shall not be fewer than Five nor more than Seven in Number, and being Members of the United Church of *England* and *Ireland*, to be for that Purpose named in the first instance by the said Person or Persons, Body Politic or Corporate, so erecting or appropriating or endowing such Church or Chapel, or joining in so doing, in manner aforesaid, together with the former Patron or Patrons thereof; and it shall be lawful for the Trustees of any such Church or Chapel receiving any such Endowment as aforesaid, or the major Part of them, by and with the Consent of the Ordinary of the Diocese, signified in manner aforesaid, to enter into any such Consent in and by the said Deed of Endowment as to the Manner and Order of the Nomination and Appointment to such Church or Chapel, and such Consent and Agreement of such Trustees, or the major Part of them, shall be

Trustees of Chapel already built enabled to consent.

valid and effectual to all Intents and Purposes, any Law, Trust, or Direction to the contrary in anywise notwithstanding; and the Nomination of the Minister or Curate of such Church or Chapel shall thereupon be vested in the said Trustees and their Successors for ever, who shall thereupon be the Patrons of such Church or Chapel; and the Vacancies which shall from Time to Time occur in the Number of such Trustees, from Death, Resignation, or Inability to act, shall be filled up in such Manner as by the said Deed of Endowment shall be provided, and in default of any such Provision in such Manner as the Bishop of the Diocese shall under his Hand and Seal direct and appoint; and if it shall happen that all the Trustees of the said Church or Chapel for the Time being shall die without having (in pursuance of any such Power in the said Deed of Endowment contained) appointed any other Trustee or Trustees as their Successors, then and in such Case it shall be lawful for the Minister for the Time being of such Church or Chapel, with the Consent of the Bishop of the Diocese, to appoint the Number of Trustees by the Deed of Endowment required, and in case there shall happen to be no such Minister, it shall be lawful for the Bishop of the Diocese to nominate and appoint the requisite Number of Trustees as aforesaid.

Endowment of Chapels of Ease with Land in Fee Simple.

V. And whereas many pious and well-disposed Persons might be induced to erect and build Chapels more commodious for themselves and their Families in large Parishes, and endow same with a competent Provision for a Minister or Curate to officiate therein, if by Law enabled so to do, and if they were to have the Patronage of such Church or Chapel: Be it enacted, That it shall be lawful for any Person, Body Politic or Corporate, seised of a sufficient Estate for that Purpose, whether in his or their own Behalf or in pursuance of any Trust theretofore created by Deed or Will, by and with the Consent of the Bishop of the Diocese, signified in Writing under his Hand and Seal, to allot or set apart in Fee Simple or Fee Farm any Land, not exceeding One Plantation Acre, within any Parish, City, or Corporate Town in *Ireland* or the Precincts thereof, at any Distance from the Parish Church, on which said Lands so set apart it shall be lawful for any Person, Body Politic or Corporate, with the like Consent of the Bishop of the said Diocese, to erect and build a Church or Chapel, or to appropriate as a Church or Chapel any Building already erected on such Lands, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established shall be used and observed; provided always, that such Person, Body Politic or Corporate, shall first settle and assure (and he and they are hereby authorized and empowered so to do) Lands, Tenements, Tithes, or Hereditaments in Fee Simple or Fee Farm, free from Incumbrance, and of the clear yearly Value

of Fifty Pounds at the least, as a Provision or Maintenance for a Minister or Curate to officiate in any such Church or Chapel, and his Successors for ever, and as a perpetual Endowment for such Church or Chapel, and also such further annual Sum as may be required for the Payment of any Rent or necessary Outgoings chargeable on or payable out of the Premises on which the said Church or Chapel may be erected, and which last-mentioned Sum shall be secured upon such Lands as aforesaid not being less in Amount than Twenty Years Purchase of such Rent or Outgoings, and that such Lands, Tenements, Tithes, or Hereditaments shall, unless otherwise provided by the said Deed of Endowment, be vested in the Incumbent and Churchwardens or Chapelwardens of the said Church or Chapel and their Successors for ever, so soon as they shall be respectively appointed, and in the first instance, and until such Incumbent and Churchwardens shall be constituted and appointed, in the Bishop of the Diocese and his Successors, in trust for the Incumbent and Churchwardens thereof to be appointed, and from and after such Appointment in the said Incumbent and Churchwardens and their Successors for ever; and that such Church or Chapel so erected or appropriated and endowed shall be for ever after called and known by such Name as the Founder or Founders of same shall in and by such Deed of Endowment, with the Consent of the Bishop of the Diocese, signified as aforesaid, direct and appoint.

Parties endowing to have Patronage.

VI. That every such Person, Body Politic or Corporate, who shall so have erected or appropriated and endowed any such Church or Chapel, with such Consent as aforesaid, under the last preceding Provision, shall, from and after the Enrolment of said Deed of Endowment in manner herein-after mentioned, be the true and only Patron of the said Church or Chapel, and the sole Right of Presentation or Nomination thereto shall be for ever after vested in him or them, his or their Heirs or Successors, respectively; and where any Two or more Persons have joined in contributing to the Purchase or Erection and Endowment of any such Church or Chapel, such Person or Persons, or Body Politic or Corporate, their or his Heirs or Successors or Assigns respectively, shall nominate and appoint to such Church or Chapel in such Manner and Order as in and by the Deed of Endowment shall be directed and settled, and in default of any such Direction and Settlement, in such Manner and Order as the Bishop of the Diocese shall determine: Provided always, that it shall be lawful for the said Founder or Founders, at any Time when he or they shall so think fit, to grant and make over the Patronage or Right of Presentation of such Church or Chapel to the Bishop of the Diocese wherein same shall be situate, and his Successors for ever, and such Grant shall be by Deed under Hand and Seal, to be registered

Where several join in erecting and endowing, Patronage as by Deed of Endowment.

registered in the Registry of the Diocese, and enrolled in manner herein-after mentioned.

After Execution, &c. of Deed of Endowment, Rector of Parish exempt from Charge for Support of Minister, &c.

VII. That from and after the Execution and Enrolment of any such Deed of Endowment as aforesaid, with such Consent as aforesaid, of any such Church or Chapel, the Rector or Incumbent of the Parish, and his Successors for ever, shall be thenceforth exempt and exonerated from all Charges or Liability to provide for the Support or Maintenance of the Minister or Incumbent of such Church or Chapel erected, constituted, or endowed as aforesaid, unless such Deed of Endowment, with the Consent of the Rector or Incumbent of the said Parish, signified by his executing or endorsing his Name upon the said Deed, shall otherwise expressly provide.

Power to Trustees to dispose of Government Securities, and invest Produce in Purchase of Lands, &c.

VIII. That it shall be lawful for the said Trustees under any such Deed of Endowment, or the Majority of them, or other Person or Persons in whom said Trust Funds shall be for the Time vested, in case such Endowment shall be formed in the whole or part of Government Funds or other Public Securities, as they shall think fit, to dispose of such Government Funds or Securities, and to invest the Produce thereof in the Purchase of Lands, Tenements, or Hereditaments held in Fee Simple or Fee Farm, in such Manner and subject to such Restrictions as in the said Deed of Endowment may be for that Purpose provided; and where such Endowment shall be formed in the whole or in any Part of any Estate or Interest in Lands, Tenements, or Hereditaments less than a Fee Simple or Fee Farm, it shall be lawful for such Trustees, or the Majority of them, as they shall see fit, to purchase any more extensive Interest therein, or the Reversion or Inheritance therein, in such Manner and subject to such Restrictions as in the Deed of Endowment may be for that Purpose provided.

And with respect to the Erection of Parochial Chapels of Ease by Funds provided by way of Endowment, be it enacted as follows:

Power to erect Parochial Chapels of Ease without Endowment, with Consent of Incumbents.

IX. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent of the Bishop of the Diocese and of the Incumbent of the Parish, under their respective Hands and Seals, to be deposited in the Registry of the said Diocese, to erect or appropriate upon any Site theretofore lawfully appropriated for ever for such Purpose any Building as a Church or Chapel of Ease in the said Parish; and so soon as such Church or Chapel or Building shall have been set apart as such Church or Chapel of Ease, the Incumbent of the Parish shall be for ever, unless and until otherwise lawfully provided, the Minister of said Church or Chapel: Provided always, that wherever

wherever there is a Parish Church at which the said Incumbent is bound to officiate, he shall not be bound to have Divine Service in the said Parish Church and Chapel of Ease respectively oftener than once on each *Sunday* and Holiday in each; and such Parochial Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

As to building Chapels of Ease in large and populous Parishes.

X. That it shall be lawful for any Person or Persons, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese, under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish, City, or Corporate Town in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Protestant Inhabitants cannot conveniently repair thereto, the same being in the latter Case more than Three Miles distant from the Parish Church, measured along the ordinary Road, to erect or set apart any Building already erected as a Chapel of Ease in the said Parish upon any Site then or previously set apart and appropriated to the Use of such Chapel for ever; and such Chapel of Ease shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept.

Incumbent of Parish to nominate Curate for Chapel of Ease.

XI. That so soon as such last-mentioned Chapel of Ease shall be erected or appropriated and set apart for Divine Worship the Incumbent of the Parish shall from Time to Time nominate and appoint a sufficient Curate for every such Chapel, who shall be approved of and licensed by the Bishop of the Diocese, and shall thenceforward constantly perform Divine Service in the said Chapel of Ease whereunto he shall be nominated and licensed as aforesaid.

Power to Bishop to allocate such Salary to Curate as in Cases of other Stipendiary Curates.

XII. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such Parochial Chapel of Ease, to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of other Stipendiary Curates, over and above any permanent Endowment of said Cure granted for the Augmentation of the Maintenance of such Curate, and not exceeding in the whole One hundred and twenty Pounds *per Annum*.

Where Proprietary Church, &c. has been erected and endowed, Bishop em-

XIII. That where any Proprietary Church or Chapel, or any such Chapel of Ease, in which the Liturgy and Rites of the United Churches of *England* and *Ireland* as by Law established are to be used and observed, has been or shall be erected or appropriated and endowed, or it shall be intended, with such Consents as aforesaid,

said, to erect or appropriate and endow any such Church or Chapel or Building, as a Proprietary Church or Chapel, or as a Chapel of Ease, with or without Endowment, and whether under the Provisions of this or any other Act of Parliament, or by any Ecclesiastical Authority, it shall be lawful for the Bishop of the Diocese (and he is hereby required, unless from special Circumstances he shall deem it not advisable so to do,) with the Consent of the Incumbent of the Parish, to assign a particular District to every such Church or Chapel so erected or appropriated or intended so to be, and where the Site of any such Proprietary Church or Chapel, or Chapel of Ease, so erected or appropriated and endowed as aforesaid, or intended so to be, shall be contiguous to Two or more Parishes, whether in the same Diocese or in Two or more contiguous Dioceses in the same Province, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, conjointly, with the Consent of the respective Incumbents, to assign a District to such Church or Chapel or intended Church or Chapel, to be formed from said Parish or from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other, or from a Parish and contiguous Portion of a Parish or Portions of Parishes.

Bishop empowered, with Consent of Incumbent, to assign a particular District to the same.

XIV. That the Bishop of the Diocese in which such District is assigned, or the Bishops of the several contiguous Dioceses from which any District shall be assigned from Portions of contiguous Parishes in different Dioceses, shall cause a Description of the Boundaries of the District assigned by him or them to such Church or Chapel to be registered in the Registry or Registries of the said Diocese or Dioceses, and shall also cause his or their Orders and Directions in Writing as to all the Offices to be performed in any such Church or Chapel to be registered in the Registry or Registries of his or their Dioceses; and every such District when so assigned shall, from and after the setting apart of said Church or Chapel, be under the immediate Care of the Incumbent or Curate who shall be duly licensed to serve such Church or Chapel, so far as regards Visitation of the Sick and other Pastoral Duties; and it shall be lawful for the Bishop of the Diocese, or the Bishops of the several Dioceses, from which the said District shall be formed, to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in such Church or Chapel, or not, and from Time to Time to alter, enlarge, or abridge such Districts as shall become necessary or expedient: Provided always, that nothing herein contained shall be construed to discharge the Incumbent of any such Parish a Portion of which shall be included in any such District, or any other Ecclesiastical Person having

Description of Boundaries of assigned Districts to be registered.

Cure of Souls within the same, or his Successors, from the Cure of Souls or other Parochial Duties in any such District, but the said Cure of Souls shall remain as heretofore.

Churches and Chapels to be under Episcopal Jurisdiction.

XV. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Chapel of Ease erected or appropriated as aforesaid, whether under this or any other Act of Parliament, and the Incumbent or Curate officiating therein, shall be subject to the Visitation and Jurisdiction of the Bishop of the Diocese wherein such Church or Chapel is situate, to all Intents and Purposes whatsoever.

And with respect to the erecting of District Parochial Churches and Chapels by Funds provided by way of Endowment, be it enacted as follows:

As to building District Parochial Churches.

XVI. That it shall be lawful for any Person, Body Politic or Corporate, with the Consent in Writing of the Bishop of the Diocese under his Hand and Seal first had and obtained, to be deposited in the Registry of the Diocese, in any Parish in which the Parish Church is not sufficient to accommodate the Number of Inhabitants that might resort thereto for Divine Worship, or is at such a great Distance that any considerable Number of the Inhabitants cannot conveniently repair thereto, to erect any Building or Buildings, or set apart any Building or Buildings already erected, as a new Church or Chapel upon any Site then or previously set apart and dedicated to the Use of such Church or Chapel for ever, and situated in a convenient Place, and such Church or Chapel shall, until otherwise endowed, be kept in repair in the same Manner as the Parish Church is or ought to be kept: Provided always, that a District shall be previously appropriated and assigned to the said Church or Chapel within said Parish, by the Bishop of the Diocese in which it shall be situate, in manner herein-after mentioned.

As to building District Churches for several Parishes.

XVII. That it shall be lawful for any Person, Body Politic or Corporate, in any Case in which there shall happen to be a District comprising Parts of Two or more adjacent Parishes (whether in the same or in different Dioceses) so far distant from the nearest Church or Chapel in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are used and observed, that the Protestant Inhabitants thereof, or any considerable Number of them, cannot conveniently repair thither for Divine Worship, to erect a Church or Chapel, or appropriate any Church or Chapel or Building already erected upon any Site theretofore lawfully appropriated for ever for that Purpose, in some convenient Place in any One of the said adjacent Parishes: Provided always, that a District



shall

shall be previously appropriated and assigned to the said Church or Chapel, in the Manner herein-after mentioned, from the said adjacent Parishes, being in the same or in different Dioceses, by the Bishop of the Diocese in which the said Parishes shall be situate, or in case they shall be situate in different Dioceses, by the Bishops of the several Dioceses, who shall in the said last-mentioned Case determine which One of the Bishops of the said adjacent Dioceses shall have and exercise Episcopal Jurisdiction over the said District, and the Incumbent or Perpetual Curate thereof, and in case the said Bishops shall not agree therein, the same may be determined by the Lord Lieutenant or other Chief Governor and the Privy Council of *Ireland*.

Power to Bishop to assign Bounds of Parochial Districts.

XVIII. That where it shall be intended to erect or appropriate and endow any such Church or Chapel as a District Parochial Church or Chapel for One Parish or Benefice only, it shall be lawful for the Bishop of the Diocese, by the Instrument herein-after mentioned, to assign a particular District to every such Church or Chapel so to be erected or appropriated as aforesaid; and where it shall be intended to erect or appropriate and endow any such Church or Chapel for a District to be formed out of Two or more Parishes or Benefices, whether in the same Diocese, or in Two or more contiguous Dioceses, it shall be lawful for the Bishop of the Diocese, or Bishops of each and every of the Two or more contiguous Dioceses respectively, concurring in the Formation of such District, conjointly, by the Instrument herein-after mentioned, to assign a District to such Church or Chapel, or intended Church or Chapel, to be formed from contiguous Portions of said Two or more adjacent Parishes, being in the same or in different Dioceses contiguous to each other.

Bounds of Parochial Districts to be ascertained by the Bishop before the same shall be erected, and Copies sent to Incumbent and Lord Lieutenant for Consents.

XIX. That before any such District Parochial Church or Chapel shall be erected in or for any such District the Bounds for such District shall be ascertained by an Instrument in Writing under the Hand and Seal or Hands and Seals of the Bishop of the Diocese, or Bishops of the several Dioceses, concurring in the Formation of such District, and such Writing shall set out the Bounds of such proposed District, and the several Townlands or Parts of Townlands which shall be comprised within any such District, and shall be marked and coloured on a Sheet or Sheets of the Ordnance Survey of *Ireland*, and annexed to such Instrument, and a Copy of such Instrument shall, within Fourteen Days from the Date thereof, be transmitted to the Incumbent of the Parish or the Incumbents of the several Parishes from which said District shall be proposed to be formed, and if he or they shall not consent thereto, a Copy thereof shall be forwarded to the Lord Lieutenant or other Chief Governor of *Ireland* in Council, and the Lord Lieutenant in Council shall in such Case hear

hear and determine any Objection which may be made by or on behalf of such Incumbent or Incumbents or any of them, and shall confirm or alter the same as the Circumstances of the Case may appear to require, and shall order such Instrument to be altered accordingly; and said Instrument, so consented to by the said Incumbent or Incumbents, or so altered by any such Order, or if no Order shall be made thereupon by the Lord Lieutenant or Chief Governor in Council within Six Weeks after the Date of the Transmission of the Copy of such Instrument to the Council Office in *Dublin Castle*, then such Instrument, as originally transmitted, shall be entered in the Registry of the Diocese, or of every Diocese in which such newly created District shall be situated, and for every which Entry the Sum of Two Shillings and Sixpence, and no more, shall be paid to the Register, and shall also be enrolled in the Rolls Office of the Court of Chancery in *Ireland*, for which Enrolment the Sum of Ten Shillings and no more, shall be paid over and above the Expenses usually paid to the Engrossing Clerk for the same; and upon and after the Registry and Enrolment of every such Instrument the District therein set out and described shall be deemed and reputed to be a several and distinct District or Parish for the Purposes of this Act, and for all Purposes whatsoever, and shall be called and known by such Name as shall be given thereto by such Instrument; and Churchwardens shall be chosen and appointed, and with the like Authority, within the said District, as Churchwardens of Parish Churches now by Law are or may be appointed; saving nevertheless to the Rectors or Incumbents of the several Parishes out of which such District Parishes or Cures shall be respectively formed, and their Successors, all their Rights as Rectors or Incumbents of the respective Portions of such Districts, unless otherwise directed by said Instrument.

Power to Bishop to allocate Salary to Curate.

XX. That it shall be lawful for the Bishop of the Diocese, upon the Erection or Appropriation and setting apart of any such District, out of One Benefice or Parish only to allocate such Salary for such Curate to be nominated or appointed and licensed as aforesaid as he is authorized to do in Cases of Stipendiary Curates, over and above any permanent Endowment of the said Cure granted for the Augmentation of the Maintenance of such Curate, not exceeding in the whole One hundred and twenty Pounds *per Annum*, and in case of any District being formed of Portions of Two or more adjacent Parishes, it shall be lawful for the Bishops of the several Dioceses to determine by the Instrument aforesaid the Proportion of Salary which each of the Incumbents of the adjoining Parishes out of which such District has been formed shall pay to the Curate of such District, over and above any permanent Endowment granted for his Support,

Support, if any, and to enforce Payment thereof by Sequestration of the Benefice of any Incumbent neglecting to pay same, or his Proportion thereof, at the Times appointed for the Payment thereof respectively.

As soon as District Parochial Church is erected, &c. Patronage to be vested in Incumbents.

XXI. That so soon as such District Parochial Church shall be erected or appropriated and set apart for Divine Worship the Incumbent of the Parish, or the Incumbents of the several Parishes from which the said District shall be taken, shall be the true and only Patron or Patrons of the said Church, and the Right of Presentation or Nomination thereto shall be from thenceforth for ever vested in such Incumbent or Incumbents, and his and their Successors for ever, and in the Case of any District formed of Portions of Two or more Parishes the Bishop of the Diocese, or the Bishops of the several Dioceses, shall, and he and they are hereby required, by the Instrument aforesaid, to regulate and determine the Manner in which each of such Incumbents shall, on Vacancies of the said Chapelry, nominate to the said Bishop, and also to appoint which of the Incumbents shall first nominate, and the Order in which the several Incumbents of such adjacent Parishes shall, in their Turn, nominate such Curate; and such Incumbent, or the Incumbents whose Turn it shall be, shall from Time to Time nominate and appoint a sufficient Curate for every such Chapelry, who shall be approved of and licensed by the Bishop of the Diocese, or Bishop having Jurisdiction over the said District, and who shall thenceforward constantly perform Divine Service in the said District Parochial Church or Chapel whereunto he shall be nominated and licensed as aforesaid.

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

XXII. That the Bishop of the Diocese under whose Episcopal Jurisdiction such Parochial District and Incumbent or Perpetual Curate shall be placed, or in whose Diocese the entire 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, and, in the former Case, in the same Manner, and as fully and to the same Extent, 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 Rentcharge 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,

Nothing to render Incumbent subject to any Bishop but that of his Diocese.

or Liabilities further or otherwise than the same would have been prejudiced or affected in case such District had been formed exclusively out of his Parish.

Churches and Chapels to be Perpetual Cures capable of Endowment.

XXIII. That every such Proprietary Church or Chapel erected or appropriated or endowed, and every such Parochial Chapel of Ease and District Parochial Church or Chapel erected or appropriated with or without Endowment as aforesaid, and whether under the Provisions of this or any other Act of Parliament, shall be, from and after the Endowment of such Proprietary Church or Chapel, and after the Erection of such Parochial Chapel of Ease and District Parochial Church or Chapel, become and be, a Perpetual Cure and Benefice, by such Name as in the Case of an Endowment shall be mentioned in the Grant of such Endowment, and in default thereof, and in all other Cases, by such Name as by the Founders thereof, with the Consent of the Bishop of the Diocese or District, shall be given, or in default thereof by such Name as the Bishop of the Diocese shall think proper to give it; and the Incumbent or Curate thereof, duly nominated, appointed, and licensed thereto, and his Successors for ever, shall be esteemed to be in Law a Perpetual Curate, to all Intents and Purposes whatsoever, and a Body Politic or Corporate, and shall have perpetual Succession as such, and be capable of receiving to him and his Successors in perpetuity any Endowment in Lands, Tenements, or Hereditaments, Money, or Public Stock or Funds, which may be granted unto him by virtue of this or any other Act, by any Deed of Endowment, or by last Will and Testament.

As to Plurality of Benefices.

XXIV. That if any Ecclesiastical Person already possessed of any Benefice, Curacy, or Preferment shall be nominated and appointed to officiate in any such Proprietary Church or Chapel, Parochial Chapel of Ease, or District Parochial Church or Chapel erected or appropriated or endowed under the Provisions of this or any other Act, and shall accept such Appointment, and be duly licensed thereto, in such Case such Benefice, Curacy, or Preferment shall from thenceforth become absolutely void, and thereupon it shall be lawful for the Patron thereof to collate, nominate, or present thereto as if the former Incumbent or Curate had died; and in case any such Incumbent, Minister, or Curate duly licensed to officiate in any such Church or Chapelry shall be licensed, collated, inducted, or installed into any other Perpetual Curacy, Benefice, or Preferment, that in such Case the said Appointment of any such Person as such Incumbent, Minister, or Curate of such Church or Chapel as aforesaid shall be thenceforth absolutely void, and thereupon it shall be lawful for the Patron or Patrons thereof to nominate and appoint another fit and proper Person to officiate as such Incumbent, Minister, or Curate in such

Church or Chapel, as if the former Incumbent, Minister, or Curate had died: Provided however, that in case any such Proprietary Church or Chapel, or Perpetual Curacy, erected, appropriated, endowed, or augmented under the Provisions of this or any other Act, and being without actual Cure of Souls of any Parish or Parochial District, shall be situated contiguous and convenient to any One or more Benefice or Benefices having no Parochial Church within the same, it shall be lawful for the Bishop of the Diocese, if he shall so think fit, by any Writing under his Hand and Seal, to be registered in the Registry of the Diocese, to license the holding of such Benefice or Benefices together with such Chapelry or Curacy, any Law or Statute to the contrary notwithstanding, but so that the special Reasons for granting such Licence shall be thereby assigned and stated.

As to Non-residence.

XXV. That if the Incumbent, Minister, or Curate of any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be absent from his Cure for above the Space of Sixty-one Days in any One Year, without the Licence of the Bishop of the Diocese having Ecclesiastical Jurisdiction over the said Church or Chapel first had and obtained for that Purpose, such Church or Chapel or Curacy from thenceforth shall be deemed in Law to be actually avoided, and such Incumbent, Minister, or Curate from thenceforth for ever after shall be disabled to hold and enjoy the same: Provided always, that no Lapse shall incur in respect of such Non-residence until Six Months after Notice thereof in Writing given by the Ordinary of the Diocese to the Patron or Patrons having the Right of Nomination in such Case.

Where Chapels, &c. are suffered to remain void for a certain Time, the same to lapse to the Bishop.

XXVI. That in case any such Proprietary Church or Chapel, or Parochial Chapel of Ease, or District Parochial Church or Chapel, or Perpetual Curacy, erected, constituted, or endowed under the Provisions of this or any other Act, shall be suffered to remain void for the Space of Six Calendar Months without any Nomination of a fit and proper Person to serve the same, by the Patron or Patrons thereof, to the Bishop of the Diocese, or the Bishop having Jurisdiction over the said Church or Chapel, the same shall lapse to the said Bishop, and from him to the Metropolitan, and from the Metropolitan to the Crown, according to the Course of Law used in Cases of Presentative Livings and Benefices: Provided always, that in case the said Patron or Patrons shall, after having suffered the said Lapse to incur, afterwards present or nominate to the same before any Advantage taken of the same by the Bishop, Metropolitan,

or

or by the Crown respectively, such Presentation or Nomination shall be as effectual as if made within Six Months, although so much Time has already elapsed as that the Title by Lapse shall have vested in the Crown.

As to Appointment of Chapelwardens.

XXVII. That it shall be lawful to elect, admit, and swear Two fit and proper Persons, being Members of the United Church of *England* and *Ireland*, to act as Chapelwardens in any Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act for the Encouragement of the building of Churches or Chapels in *Ireland*, in the same Manner and at the same Period in every Year as in the Case of Churchwardens of Parochial Churches, One of such Chapelwardens to be named by the Incumbent or Minister, or by the Bishop of the Diocese in case there shall be none, and the other by the Proprietors of Pews in such Church or Chapel, or by the Trustees of the Church or Chapel in the first instance, before the said Pews or One Third thereof shall be let; and such Chapelwardens, when so elected, admitted, and sworn as aforesaid, shall have the like Authority within the said Church or Chapel as Churchwardens in the Case of a Parish Church have, and shall, unless otherwise provided by the Deed of Endowment, take care of the Repairs of the said Church or Chapel and the Management of the Funds thereof, and be competent to recover, by all proper Means and Proceedings, the Pew Rents and other Dues belonging to the said Church or Chapel, and so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Chapelwardens, but may be commenced, prosecuted, and continued in the official Name of the Chapelwardens of such Church or Chapel, describing the same by its usual Name, or by its local Situation: Provided always, that the Office, Powers, and Duties of such Chapelwardens, when selected, admitted, and sworn, shall be continued until Successors shall be chosen and sworn to fill the said Office as aforesaid.

Where no Parish Church, Bishop may require Service to be performed in any licensed Building.

XXVIII. That it shall be lawful for the Bishop of any Diocese in any Parish in which there shall be no Parish Church, or no Church in sufficient Repair for the Purpose of Celebration of Divine Service in any Parish, to license any Place or Places in the said Parish which may appear to him suitable and convenient for the Celebration of Divine Service, and to authorize and enforce the Performance and Celebration thereof in such licensed Place or Places by the Incumbent of said Parish, or his Curate, in the same Manner as if such licensed Place or Places of Worship had been duly consecrated Churches or Parochial Chapels of Ease.

And

And with respect to the providing and Endowment of Sites for Churches and Chapels, be it enacted as follows:

Power to appropriate and set apart Land for the Erection of a Church or Chapel.

XXIX. That it shall be lawful for any Ecclesiastical Person or Corporation for the Time being Owner of any Demesne, Mensal, or Glebe or other Ecclesiastical Lands holden in right of his See, Benefice, Dignity, or Preferment, or in right of their Corporation, by and with the Consent of the Bishop of the Diocese and the Archbishop of the Province in which the said Lands shall be situate, testified under their respective Hands and Seals, and for any Person or Persons whatsoever seised of an Estate in Fee Simple or Fee Tail, or for Life with immediate Remainder to his own Issue, of or in any Lands whereon any new Parish Church, District Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel, or other licensed Building, has been, is being, or is intended to be, and may be conveniently or suitably built, to appropriate and set apart, by his or their Deed duly executed, or in case of any such Person seised in Fee Simple, Fee Tail, or for Life, by last Will and Testament duly executed at least Three Calendar Months before his Decease, such Land or Portion of the said Land as may be convenient for the Erection of such Church or Chapel not exceeding One Acre Plantation Measure, and such Appropriation, provided the Bishop of the Diocese shall assent to and confirm the same by Writing under his Hand and Seal, shall in every such Case be valid and effectual to all Intents and Purposes, and in the Case of such Ecclesiastical Person or Corporation seised in right of his Benefice, Dignity, Preferment, or Corporation, and of such Person seised in Fee Tail, or for Life with Remainder to his Issue, shall be as valid and effectual as if said Lands had been granted by a Person capable of absolutely disposing of same, and such Person or Corporation shall for the Purpose of this Act be deemed to be a Person having a sufficient Estate in that Behalf: Provided always, that every such Grant or Devise made in respect of any Church or Chapel intended to be built shall at the Election of the Grantor or his Representatives, be null and void from and after the Period of Six Years from the Execution of the said Deed, or of the Death of such Testator, unless such Church or Chapel shall have been erected, endowed, or constituted in the meanwhile by lawful Authority.

Power to grant Land for Site of Church or Chapel.

XXX. That it shall be lawful for any Person or Persons whatsoever seised of an Estate in Fee Simple, Fee Tail, or for Life or Lives under any Settlement or Will in his or their own Right, and for the Guardians, Trustees, or Feoffees for charitable and other Uses, and for any Married Woman seised in her own Right, and for Guardians of Minors and Committees of Lunatics and Idiots, with Consent of the Court of Chancery, seised of said Estate as aforesaid,

of or in any Lands whereon any Parochial or District Chapel of Ease or Proprietary Chapel, or other licensed Building in which Divine Service according to the Liturgy and Rites of the Established Church of *England* and *Ireland* has been or shall be lawfully performed, is intended to and may be suitably built, or has been previously built, by Deed duly executed and registered and enrolled in manner herein-after mentioned, to grant in Fee Farm such Portion of Land as may be convenient and necessary (not exceeding One Acre, Plantation Measure,) as and for the Site of said Church or Chapel, and shall and may by such Deed reserve such yearly Rent out of said Land as shall be agreed upon between such Person so granting the same and the Incumbent, Chaplain, or Curate, or Trustees (if any), or the major Part of the said Trustees, of such Church or Chapelry, by and with the Consent of the Bishop of the Diocese in which such Church or Chapelry shall be situate, to be signified by a Certificate in Writing under his Hand and Seal, to be registered in the Registry of the Diocese, or by Indorsement on said Deed of Grant; provided that no such Consent of the said Bishop shall be given unless such Bishop shall be first satisfied that competent Provision has been made towards the perpetual Discharge of the Rent reserved by such Grant.

Title to Site indefeasible.

XXXI. That any Lands or Tenements granted or conveyed for the Site of any such Church or Chapel as aforesaid, and upon which any Church or Chapel has been or shall be erected or appropriated or endowed as aforesaid under the Provisions of this or any other Act, shall, without any Licence in Mortmain, become and remain absolutely vested in the Trustees for the Time being in the said Deed of Endowment of said Church or Chapel or licensed Building named or thereafter duly appointed, and their Successors, or in case there shall be no such Trustees nominated or appointed by such Deed, in the Incumbent or Curate and the Churchwardens or Chapelwardens (if any) of such Church or Chapel, and his and their Successors for ever, and in case there shall be no such Incumbent or Church or Chapel Warden yet appointed, shall be vested in the Bishop of the Diocese and his Successors until such Appointment, free from and discharged of all Demands, Claims, Rights, and Interests in any Person, Body Politic or Corporate whatsoever, including Her Majesty the Queen and Her Successors, but subject nevertheless to the Payment of any Rent that may be reserved thereout, and the Covenants and Conditions under which same are held.

Transfer of Freehold and Leasehold

XXXII. That whenever any Freehold or Leasehold Property has become or hereafter shall become, by any Conveyance, Assignment, or

or Assurance, vested in any Trustee or Trustees of any such Church or Chapel as aforesaid, for the Purpose of maintaining the Celebration of Divine Service in such Church or Chapel, or of Endowment of Provision for the Minister or Curate thereof, or for a Residence for same, or for a Schoolhouse, such Conveyance, Assignment, or Assurance shall not only vest the Freehold or Leasehold Property thereby conveyed or assured in the Party or Parties therein named, but shall also effectually vest such Freehold or Leasehold Property in their Successors in Office for the Time being and the old continuing Trustees, if any, jointly, or if there be no old continuing Trustee, then in such Successors for the Time being lawfully chosen and appointed, wholly upon the like Trusts and with and subject to the same Powers and Provisions as are contained in or referred to in such Conveyance, Assignment, or other Assurance, or in any separate Deed declaring the Trusts thereof, and that without any Transfer, Assignment, Conveyance, or other Assurance whatsoever, anything in such Conveyance, Assignment, or other Assurance, or in any separate Deed or Instrument, to the contrary notwithstanding: Provided always, that in case of any Appointment of a new Trustee or Trustees being made as by Law heretofore was required, the same shall be as valid and effectual to all Intents and Purposes as if this Act had not been passed.

Property to new Trustees without Conveyance.

And with respect to the making and augmenting Provisions for the Support of the Curates of Parochial Chapels of Ease, and District Parochial Churches and Chapels, and Proprietary Churches and Chapels, by way of Endowment, be it enacted as follows:

XXXIII. That it shall be lawful for the Incumbent of any Parish within which any such District Parochial Church or Chapel or Parochial Chapel of Ease shall be or is about to be erected, or from which in part or wholly the District assigned thereto shall have been formed, by any Deed under his Hand and Seal, to endow such District Parochial Church or Chapel or Parochial Chapel of Ease with such a competent Portion of the Glebe or Tithe belonging to the said Parish as shall be agreed upon by the Bishop and Dean and Chapter, if any, of the Diocese in which the said Parish shall be situate, and the Patron of the Benefice to which the said Glebe or Tithe did belong, and the Incumbent of the said Chapelry, if any, such Consent to be testified by their being Parties to and affixing their Seals to such Writing, not exceeding One Sixth Part of the yearly Income of the said Incumbent out of the said Parish, such Writing of Endowment to be registered and enrolled in the Manner herein-after mentioned, and that upon the Grant of such Endowment being registered and enrolled as aforesaid the Incumbent of the said Parish

Endowment of Provision for Parochial Chapel by Incumbent of Parish.

Parish and his Successors for ever shall be thenceforth discharged from Payment of any Salary or Proportion of the Salary of such Curate so endowed as aforesaid.

Endowment of Provision for District Parochial Churches and Chapels of Ease and Proprietary Chapels by Strangers.

XXXIV. That it shall be lawful for any Person under no legal Disability or Incapacity, or Body Politic or Corporate, having an Estate of Inheritance in Fee Simple or Fee Farm in his, her, or their own Right, or in right of their Corporation, in or of any Lands, Tithes, Tenements, or Hereditaments, and by and with the Consent of the Bishop of the Diocese, under his Hand and Seal, and without any Licence of Alienation or in Mortmain, by Deed indented, under Hand and Seal, or under the Corporate Seal, or in case of a private Person by last Will and Testament in Writing duly executed Three Months at least before the Death of such Testator, provided the Bishop of the Diocese shall confirm and approve of the same under his Hand and Seal, to grant, convey, devise, or bequeath Lands, Tithes, Tenements, or Hereditaments, not exceeding the clear yearly Value of One hundred and fifty Pounds, to any Incumbent or Curate officiating in any such Church or Chapel, and his Successors for ever, or to the Bishop of the Diocese and his Successors in trust for such Incumbent or Curate and his Successors for ever, when such Incumbent or Curate shall thereafter be admitted and licensed, or any Sum of Money, or Government or other Stock or Funds, not exceeding Three thousand Pounds, to any such Incumbent or Curate and his Successors for ever, or to any Trustee or Trustees on his Behalf, or to the Trustees of any such Church or Chapel, the same to be invested in Government or Public Securities in the Names of the Trustees of the said Church or Chapel, or, in case there shall be no Trustees, in the Names of the Incumbent or Curate of such Church or Chapel and the Churchwardens or Chapelwardens thereof, as a perpetual Endowment or Augmentation for such District Parochial Church or Chapel, or such Parochial Chapel of Ease, or Proprietary Church or Chapel, then already erected or intended to be thereafter erected and constituted by lawful Authority, or in aid of any Endowment or Provision made or to be made under the Provisions of this or any other Act of Parliament by the Incumbent of the Parish in which the said Church or Chapelry has been or shall be erected, or from which partly or wholly the District assigned thereto has been or shall be assigned, and such Grant or Conveyance, Devise or Bequest, shall be entered in the Registry of the Diocese to which such Church, Chapel, or District shall belong, and such Deed shall be enrolled in the Rolls Office of the High Court of Chancery in *Ireland* in manner herein-after provided; and every such Grant and Conveyance, Devise or Bequest, so made and enrolled and confirmed as aforesaid, shall be valid and effectual in Law to all Intents and Purposes, whether such



Chapel

Chapel or Church shall be vacant or full of an Incumbent at the Time of such Grant or Conveyance: Provided always, that every such Grant or Endowment intended for any Parochial or District or Proprietary Chapelry not then erected or constituted shall, at the Election of the Donor or his Representative, from and after the Expiration of Six Years from the Execution of such Deed or the Death of such Testator, be null and void, unless in the meanwhile such Church or Chapelry shall have been erected and constituted by lawful Authority.

Application of Collections and Pew Rents.

XXXV. That in every such Proprietary Chapel erected, constituted, or endowed under this or any other Act of Parliament, it shall be lawful for the Chapelwardens or Trustees to collect and levy and recover an annual Rent for the Use of the Pews and Sittings in such Church or Chapel from such Persons as shall be willing to take and occupy same, and to apply the said Rents in and towards defraying the necessary Repairs and Insurance of the said Church or Chapel, increasing the Stipend or Salary of the Incumbent or Curate, or in defraying the other incidental Charges and Outgoings appertaining thereto, unless otherwise provided by the Deed of Trust or Endowment thereof: Provided always, that in every such Proprietary Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act of Parliament One Third at least of the Sittings shall be set apart as Free Sittings for ever.

Certain Sittings to be set apart as Free Sittings.

And with respect to the Restoration of Ecclesiastical Property to Rectors and Vicars, be it enacted as follows:

Endowment of Provision for Rectors and Vicars by Restoration of Ecclesiastical Property.

XXXVI. That it shall be lawful for any Person, being under no Disability or Incapacity, or for any Body Politic or Corporate, seised of any Impropriation of any Parsonage, Rectory, Vicarage, or other Ecclesiastical Benefice, or of any Glebe Lands, Tithes, Portions, or other Property heretofore ecclesiastical, of any Estate of Inheritance, in possession, reversion, or remainder, by any Deed duly executed under Hand and Seal, or under the Corporate Seal, or by last Will and Testament duly executed in the Case of a private Person, and without any Licence of Alienation or in Mortmain, to restore, dedicate, devise, or convey the same or any Part thereof to the Rector or Vicar of the Parish in which the said Ecclesiastical Property shall be situate, and his Successors for ever, and in case there shall happen to be no Parson, Rector, or Vicar endowed within the said Parish, to the Bishop of the Diocese and his Successors for ever, in trust to and for the Use of such Minister or Curate as shall serve the Cure in the said Parish until there

shall be a Rector or Vicar there established, and then and thereafter to the sole Use of the Rector or Vicar of the said Parish and his Successors for ever, and thereupon, from and after the Execution of the said Deed, or the Death of such Testator, and the Registry of such Deed or Will in the Manner herein-after provided, the said Rector and Vicar and his Successors, or the said Bishop and his Successors, shall stand and be seised thereof to him and his Successors for ever of an absolute and indefeasible Estate in Fee Simple; and in case there shall be no Parson or Vicar endowed within the said Parish, and there shall be limited and assured as aforesaid a competent Provision in Glebe Lands, Tithes, or other the Premises aforesaid, which shall be in the Judgment of the Bishop of the said Diocese adequate to the Support and Maintenance of a Rector or Vicar to serve the Cure of said Parish, it shall be lawful for the said Bishop to ordain, constitute, and appoint a sufficient Minister to be Rector or Vicar of the said Parish in a perpetual Succession to him and his Successors for ever, and to cause him to be admitted, instituted, and inducted as Parson and Rector or Vicar thereunto, which Ordination, Constitution, and Appointment, Institution and Induction, shall within Six Months thereafter be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, and from and after the Enrolment thereof the said Parson or Vicar so ordained, instituted, and inducted shall be the Parson or Vicar of the said Rectory, Church, and Parish to him and his Successors for ever in perpetual Succession, and shall be seised to him and his Successors for ever of all and every the Parsonage or other Benefice, Appropriation, Glebe Lands, Tithes, and Premises conveyed or devised as aforesaid to the Bishop of the Diocese as aforesaid of an absolute and indefeasible Estate in Fee Simple as Parson and Rector or Vicar of that Church and Parish; and in case such Endowment shall be the sole and only Provision of such Rector or Vicar in right of the same Benefice, or Four Times in yearly Value so much or more as such Rector or Vicar formerly had in right of the said Benefice, in such Case the sole Patronage of such Benefice shall belong to such Donor or Devisor and his Heirs and Successors only, but if the same be only Three Times so much, then such Donor or Devisor, his and their Heirs and Successors, shall have upon the successive Avoidances Three Presentations, and the former Patron One Presentation, and if but twice as much, then said Donor or Devisor, his or their Heirs or Successors, shall have upon the successive Avoidances Two Presentations, and the former Patron One Presentation, and if of equal yearly Value or any greater Value, not amounting to the double Value, then the said Donor or Devisor, his or their Heirs and Successors, with such former Patron, shall present by Turns, whereof the said Donor shall have the first; and, on the other hand,

Patronage in respect of 10&11 Car. 1. c. 2 s. 5.

hand, where the former Endowments of such Benefice shall exceed the yearly Value of said Endowment, under the foregoing Provision, the like Proportion and Order to be holden as to the Right of Presentation thereto, the said Order and Proportion to be determined by Commission to be granted out of the Court of Chancery at the proportionable Charge of the said Donor and former Patron, which being executed and returned into the said Court of Chancery shall be final to all Parties.

And with respect to the Endowment of small Rectories and Vicarages and Perpetual Curacies, and Acquisitions of Patronage thereby, be it enacted as follows:

Endowment of Provision for Rectors, Vicars, and Curates by Lay Property.

XXXVII. That it shall be lawful for any Person or Persons, Body Politic or Corporate, being under no legal Disability or Incapacity, and without any Licence of Alienation or in Mortmain, by and with the Consent of the Ecclesiastical Person or Corporation seised of the Right of Presentation thereof, and of the Bishop of the Diocese, by any Deed under Hand and Seal, or under Seal of such Corporation, to endow any Benefice, Vicarage, or Perpetual Curacy whereof the Advowson or Right of Patronage shall belong to any Ecclesiastical Person or Corporation, and having no Provision or Endowment thereunto belonging of the Value of Fifty Pounds by the Year, with any Lands, Tithes, Tenements, or Hereditaments of the clear yearly Value of Seventy-five Pounds *per Annum*, or with Money in the Government Funds not producing at the Time of the Endowment a greater yearly Income than Seventy-five Pounds, to be invested in the Name of the Bishop of the Diocese and the Rector and Vicar or Curate aforesaid, as a perpetual Provision for the Rector, Vicar, or Curate of such Benefice, Vicarage, or Curacy, and his Successors for ever; and thereupon it shall be lawful for such Ecclesiastical Person or Corporation seised of such Right of Patronage, Nomination, or Presentation as aforesaid to convey and make over the Advowson, Right of Patronage, Presentation, or Nomination of such endowed or augmented Benefice to the Person or Persons so endowing or augmenting the same in manner aforesaid, his or their Heirs or Successors and Assigns for ever, or by Agreement to grant the Right of Presentation upon every alternate or other Vacancy of the said Benefice, Vicarage, or Curacy in proportion to the Amount of the said Endowment as compared with the previous Endowment of the same, or as nearly in such Proportion as Circumstances will admit, which Deed of Endowment and of Conveyance shall be entered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland;* and from and after such Endowment and Conveyance, registered and enrolled as aforesaid, the Person, Body Politic or Corporate,

Corporate, who shall so endow or augment the same, and his Heirs and Successors, shall be the true and only Patron or Patrons of such endowed or augmented Benefice, Vicarage, or Curacy, or shall have the Patronage of such alternate or other Nomination thereto according to the Provisions of said Deed, and where Two or more Persons or Body Corporate or Politic join in making such Endowment or Augmentation of any such Benefice, Vicarage, or Curacy in manner aforesaid, such Person or Corporation respectively shall present or nominate to the said Benefice, Vicarage, or Curacy by Turns in such Manner as by Deed of Endowment shall be mentioned, and in default thereof in such Manner as the Bishop of the Diocese shall determine and appoint, or shall participate in the Patronage upon alternate or other Vacancies, according to the Provisions of the said Deed, or in default of any such Provision according to the Directions of the Bishop.

And with respect to appropriate and impropriate Parishes, and the Disappropriation and Endowment thereof, be it enacted as follows:

Power to Archbishop, &c. to declare appropriate Parishes to be perpetual Cures, &c.

XXXVIII. That it shall be lawful for any Archbishop, Bishop, Dean, Archdeacon, or other Dignitary having any Parish with Cure of Souls appropriate and annexed to his See or Dignity as Part of the Corps thereof, by and with the Consent in the Case of an Archbishop of his Dean and Chapter, and in case of a Bishop with the Consent of the Archbishop of the Province and Dean and Chapter of the Diocese, and in all other Cases with the Consent of the Archbishop of the Province and Bishop and Dean and Chapter of the Diocese, there being Two Thirds at least of such Chapter present, and if there shall be no Dean and Chapter in any of the above Cases, with the Consent, in stead and lieu thereof, of the Archbishop and major Part of the rest of the beneficed Clergy in Synod or at Visitation assembled, testified by any Writing under their Hands and Seals, or being Parties to and affixing their Seals to such Writing as is hereinafter mentioned, to declare, by any Writing under the Hand and Seal of such Ecclesiastical Person, to be deposited in the Registry of the Diocese and of the Province in which such Parish shall be situate, and enrolled in the Rolls Office of the High Court of Chancery, that such appropriate Parish shall be thenceforth deemed or taken to be a Perpetual Cure, and the Incumbent thereof and his Successors, shall be duly licensed and admitted by the Bishop of the Diocese, and be a Body Politic and Corporate, capable of perpetual Succession and of receiving Endowment in that Behalf, and the Right of Nomination to any such Parish or Curacy aforesaid shall be vested in the Ecclesiastical Person or Corporation to whose See, Dignity, or Preferment the said Parish was appropriated, unless and until otherwise endowed under the Provisions herein contained;

and

and the Ecclesiastical Person to whose See, Benefice, or Preferment the said Parish is or was appropriate shall provide for the Minister or Curate officiating in said Church or Chapel such annual Salary and Allowance as of Right ought to be paid and allowed, and which he might have been liable to theretofore: Provided always, that the Cure of Souls and other Parochial or Ecclesiastical Duties in any such Parish shall remain as theretofore.

Endowment by Ecclesiastical Persons of Vicarages appropriate.

XXXIX. That it shall be lawful for any Ecclesiastical Person or Corporation, with the Consents aforesaid, testified in the Manner aforesaid, by any Deed under his Hand and Seal, to be deposited in the Registry of the Diocese and Province, and enrolled in the Rolls Office of the High Court of Chancery, to endow any Parish, Vicarage, or Perpetual Curacy the Church whereof is appropriate to his or their See, Benefice, Dignity, or Preferment, or, having been appropriated thereto, has been or shall be disappropriated therefrom, with a competent Portion of Glebe or Tithes, or both, belonging to such See, Benefice, Dignity, or Preferment in such Parish, or to augment such Endowment as has been already made for the Maintenance and Support of a proper Vicar or Curate and the Performance of Divine Service in such Parish, Vicarage, or Curacy, and that thereupon such Ecclesiastical Person and his Successors shall be thenceforth for ever discharged for the Payment of any Salary to the said Incumbent or Curate so endowed as aforesaid: Provided always, that no such Ecclesiastical Person or his Successors, to whose See, Benefice, or Dignity such Parish was appropriate, shall receive any Benefit or Advantage from such Endowment or Augmentation.

Power to Persons seised of Ecclesiastical Benefices impropriate to present competent Clerks for such Benefices.

XL. That it shall be lawful for any Person or Persons, being under no legal Disability or Incapacity, and for any Body Politic or Corporate, seised of an Estate of Inheritance in possession of any Parsonage, Vicarage, or other Ecclesiastical Benefice impropriate in *Ireland*, by Writing under his Hand and Seal, or under the Corporate Seal, to present to the Bishop of the Diocese in which such Benefice shall be situate a lawful and competent Clerk for such Parsonage, Vicarage, or Benefice, who shall thereupon be admitted, instituted, and inducted into the Church or Benefice, which Presentation, Admission, Institution, and Induction shall be entered and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*; and from and after such Presentation so made and enrolled as aforesaid the said Impropriation shall be for ever dissolved, and the said Rectory, Vicarage, or other Benefice shall thenceforth become presentative for ever by the Donor thereof, his or their Heirs, Successors, and Assigns, in such Manner and Form, and subject to the like

Enactments as to Plurality, Non-residence, and Lapse, as other Churches presentative are.

Registry and Enrolment of Deeds and Wills.

XLI. That every Deed of Endowment or Grant for the Erection, Appropriation, Endowment, or Augmentation of any Church, Chapelry, or Curacy, and every last Will and Testament for the Endowment of the same, and every Deed disappropriating any appropriate or impropriate Rectory, or providing for the Endowment of the same, shall, within Six Months after the Execution of the said Deed or the Death of such Testator, be registered in the Registry of the Diocese of the Bishop having Episcopal Jurisdiction over the same, for every which Registry a Fee of Two Shillings and Sixpence and no more shall be charged; and every such Deed shall within such Time be enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, for which Enrolment the Fee of Ten Shillings, and no greater Sum, shall be charged, in addition to the usual Fees for Ingrossment of same.

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