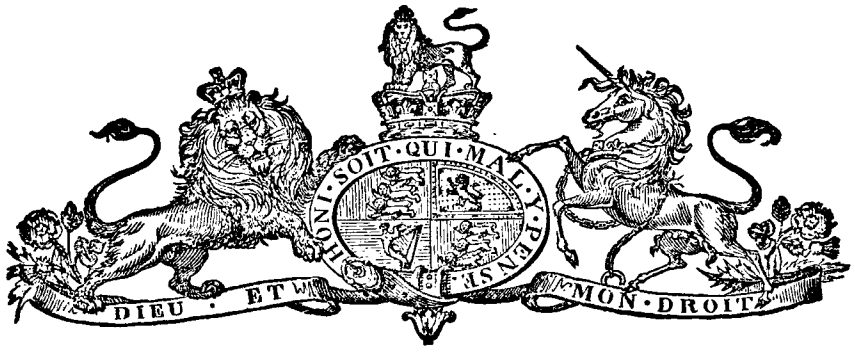


ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LIX.

An Act further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in *Ireland*.

[23d *July* 1858.]

WHEREAS it is expedient further to amend the Laws relating to the Erection and Endowment of Churches and Chapels and Perpetual Curacies in *Ireland*: 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, as follows:

Provisions of 14 & 15 Vict. c. 72. to apply to new or additional Churchyards to existing Churches.

I. The Provisions of the Act passed in the Fourteenth and Fifteenth Years of the Queen, and Chapter Seventy-two, (herein-after called the original Act,) shall be amended by this amending Act in the following respects; that is to say, The Provisions of Sections Twenty-nine and Thirty of the original Act shall be extended so as to enable the Persons and Bodies Corporate therein mentioned to appropriate and set apart any Portion of Land, not exceeding One Plantation Acre, convenient for a new Churchyard or for an Addition to an old Churchyard, in the same Manner, and with the same Effect, and subject to the like Consents and Provisoes, as are prescribed by

 such

such Sections respectively in case a new Parish Church, District Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel, had been or was about to be erected on the Land.

Apportionment of Rent in respect to Lands acquired when held with others under Lease.

II. If any Hereditaments which have been or which may be acquired for the Purposes of the original Act or of this amending Act are or shall be included in a Lease or Underlease with other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the Hereditaments so acquired or to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments acquired or to be acquired; and such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, and to assign or convey the Reversion expectant on such Leasehold Interest in the Hereditaments so to be acquired, or by them or their Successors in Estate in respect of Hereditaments already acquired.

Recovery of apportioned Rent and Enforcement of Covenants.

III. From and after such Apportionment or Exoneration, the Rent or apportioned Rent by such Apportionment or Exoneration expressed to be made payable out of the Hereditaments which have not been or shall not be acquired, and out of the Hereditaments which have been or shall be so acquired respectively, shall thenceforth be recoverable as regards such Hereditaments respectively by the same Remedies by which before such Apportionment or Exoneration the Rent reserved by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised; and all the Covenants, Conditions, and Agreements in such Lease or Underlease contained, as well those relating to Rent as others, so far as regards the Part acquired and the Residue not acquired respectively of the Hereditaments comprised in the Lease or Underlease, shall continue and shall subsist upon and against and with regard to such Part so acquired and such Residue respectively in like Manner as if such Part or Residue only had been comprised in the Lease or Underlease; and in case the Lease or Underlease shall contain Provisions for Renewal upon Payment of a Fine certain, such Provisions for Renewal shall apply to the Part acquired and the Residue not acquired respectively of the Hereditaments comprised in the Lease or Underlease in the same Manner as if such Part or Residue only had been originally comprised in the Lease or Underlease, and the Fine certain to be paid on any Renewal had been the Fine certain which (if any) in the Exoneration or Apportionment shall be expressed to be payable in respect of the same Hereditaments.

IV. The

Where Rent is nominal.

IV. The Two last-mentioned Provisions shall extend to Cases in which no Apportionment of or Exoneration from Rent may take place by reason that no Rent or a nominal Rent only is reserved by the Lease or Underlease.

A measured Mile to mean a Mile measured along the Road.

V. Section Two of the original Act shall be amended and explained in the following respect; that is to say, the Expression "One measured Mile" therein contained shall be understood to mean One Mile measured along the ordinary Road.

For Removal of Doubts as to the Erection and Endowment of Churches and Chapels.

VI. And whereas by the said Second Section of the original Act it is provided that it shall be lawful for any Person seised or possessed of a sufficient Estate for that Purpose to allot or set apart in Fee Simple or Fee Farm any Land not exceeding One Acre Plantation Measure as a Site for a Church or Chapel as therein provided, and Doubts have arisen whether the said Provision extends to and includes the Case of Persons enabled by the Twenty-ninth Section of the said original Act to appropriate and set apart a Portion of Land not exceeding One Acre as and for a Site for a Church or Chapel as therein provided, and it is expedient to remove such Doubts: Be it therefore declared and enacted, That any Person enabled by any Deed or Will, or by the Provisions of the Twenty-ninth Section of the original Act, to set apart One Acre Plantation Measure as and for a Site for a Church or Chapel, shall and may erect and endow a Church or Chapel thereon, or co-operate with any Person or Persons who shall erect or build and endow such Church or Chapel thereon, in like Manner and subject in all respects to the like Restrictions and Regulations as are contained in the said Section in case the Party allotting the Site had been seised of an Estate in Fee Simple or Fee Farm in the said Lands; and the Right of Patronage may be vested in Trustees in the like Manner and with the like Consequences in all respects as by the said Second and following Sections of the original Act is provided.

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