


ANNO OCTAVO & NONO

# VICTORIÆ REGINÆ.

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## CAP. LIV.

## 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.

[31st *July* 1845.]

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 consolidate and amend the Laws in force in* Ireland *for Unions and Divisions of Parishes, and for uniting or disappropriating appropriate Parishes or Parts of Parishes; and to make further Provision with respect to the erecting Chapels of Ease, and making Perpetual Cures*, it is amongst other things enacted, "that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, with the Assent of the major Part of His Majesty's Privy Council in *Ireland* in Council assembled, Six at least assenting, and with the Advice and Approbation of the Archbishop of the Province and the Bishop of the Diocese, certified under their Hands and Archiepiscopal and Episcopal Seals, with the Consent of the respective Patrons, 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 it is expedient that the said Provision should be extended: Be it therefore enacted by the Queen's most

7 & 8 G. 4. c. 43.

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 it shall be lawful for such Lord Lieutenant or other Chief Governor or Governors, with Assent of the major Part of the Privy Council as aforesaid, in like Manner, and with such Advice, Approbation, and Consent respectively as aforesaid, certified or attested as aforesaid, to unite Parts of One or more Parishes to any other Parish or Parishes or Part or Parts of a Parish or Parishes, and to erect such united Parishes or Part or Parts of a Parish or Parishes, or such Unions, into new Parishes, with all parochial Rights; and all such Unions made under this Act shall be subject to the several Provisions of the said recited Act in respect to Unions made under that Act, save and except so far as the same would be repugnant to this Act: Provided always, that nothing in this Provision contained shall be construed to prejudice the Powers in the said recited Act contained as to Unions or Divisions of Parishes.

The Lord Lieutenant and Privy Council in Ireland, with the Consent of the Archbishop, Bishop, and Patrons, may unite Parts of One or more Parishes to any other Parish or Parishes.

II. And whereas by the said recited Act it is amongst other things also enacted, "that when Two or more Churches or Parishes shall be united into One, in pursuance of the said Act, the same having formerly had distinct Patrons, in such Cases the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and Privy Council, 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 where the Queen's Majesty, Her 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 then 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 it is expedient that further Provision should be made for the Settlement of the Patronage of Ecclesiastical Unions; be it therefore enacted, That where, in pursuance of the said recited Act or this Act, 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

When new Unions are created, the Lord Lieutenant and Council, with the Assent of the Archbishop, Bishop, and Patrons, may make a Settlement of the Patronage.

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 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 where 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 Hand and Seal or Hands and Seals, shall to all Intents and Purposes be 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*.

The Consent of the Crown as Patron may be given by the Lord Lieutenant.

III. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and Privy Council shall by virtue of the Powers in that Behalf in them vested under any Act now in force or under this Act divide old Parishes, or separate any Parish or Part or Parts of a Parish or Parishes heretofore united, and in case the Incumbent of any Union or Parish or Part of a Parish divided or separated shall by virtue of any Law or Statute be entitled to receive from the next Successor of such Incumbent in such Union, Parish or Parishes, or Part thereof, any Sum or Sums of Money on account of any Purchase of or Addition to Glebes, or of any Buildings or Improvements, or of Money paid by such Person to his immediate Predecessor on such Accounts respectively, then and in every such Case it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors and Privy Council to order and direct that such Sum or Sums of Money shall be charged and chargeable, in such Shares and Proportions as they shall think just and reasonable, upon the several Parishes or Part or Parts of Parishes respectively theretofore united; and such Shares and Proportions shall be paid and payable by the several Incumbents of such Parishes respectively, or Part or Parts of Parishes respectively, to such Person and at such Times and in such Manner as the whole of such Sum or Sums of Money would have been payable by virtue of any Law or Statute in force in *Ireland* in case such Division or Separation had not taken place: Provided always, that it shall and may be lawful for every such Incumbent or other Person, or his Representatives, having paid any

In Cases of Divisions of Parishes, &c. Power to apportion Charges for Improvements on Glebes, &c.

any such Share or Proportion in manner aforesaid, to receive and recover from his next and immediate Successor such Part of such Share and Proportion, at such Time, and by such Ways and Means, as if such Share or Proportion had been paid by him to his next and immediate Predecessor by virtue of any Law or Statute in force in *Ireland*, unless there shall be any Provision to the contrary thereof contained in such Order of such Lord Lieutenant or other Chief Governor or Governors and Privy Council as aforesaid, in which last-mentioned Case such Part of such Share or Proportion shall not be recoverable from such Successor.

The Division of the Union of Burnchurch shall, if so ordered by the Lord Lieutenant and Council, take effect forthwith.

IV. And whereas it is expedient, and hath been agreed between and by the Archbishop of *Dublin* and the Bishop of *Leighlin*, *Ferns*, and *Ossory*, and the present Incumbent of the Ecclesiastical Union of *Burnchurch*, herein-after mentioned, situate in the Diocese of *Ossory* and County of *Kilkenny*, (in case the Consent and Approbation of the said Lord Lieutenant or other Chief Governor or Governors and Privy Council should be given thereto,) that the said Union should be divided, and that such Division should be made to take effect forthwith; be it therefore enacted, That every Order or Instrument to be made or executed in pursuance or by virtue of the said Act of the Seventh and Eighth Years of King *George* the Fourth and of this Act, or of any of them, for or in respect of the Division of the said Ecclesiastical Union of *Burnchurch*, or in relation to making any new Union, to be composed wholly or in part of any Part or Parts of such present Union of *Burnchurch*, or in relation to the Ecclesiastical Patronage affected or to be affected by such Division or any such new Union as last aforesaid, shall come into operation and take effect from and immediately after the making or Execution of such Order or Instrument, or at such Time or Times as may be appointed in such Order or Instrument, as fully and effectually, to all Intents and Purposes, as the same would under the said recited Act or this Act come into operation or take effect upon the Decease of the then Incumbent or Incumbents of all and every or any Parish, Parishes, or Part or Parts of a Parish or Parishes affected thereby.

Providing for Celebration of Marriages, until a Parish Church is erected in any disunited or newly erected Parish.

V. And whereas, under the Provisions of the said recited Act, and other Acts for the Dissolution of Unions of Parishes in *Ireland*, certain Parishes have been disunited, and constitute distinct Benefices, in each of which Benefices so disunited a Parish Church has not as yet been built: And whereas, under the Provisions of this present Act, Parishes may be disunited, and new Parishes may be erected in which Churches have not as yet been built; be it therefore enacted, That, until a Parish Church be built in any such disunited or newly erected Parish, Marriages of Parties dwelling therein may be celebrated, according to the Rites of the United Church of *England* and *Ireland*, in the Parish Church of any adjoining Parish.

Alteration of Act.

VI. 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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