ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

CAP. XXXI.

An Act to amend an Act of His late Majesty King *George* the Second, for the Encouragement of building of Chapels of Ease in *Ireland*. [14th *July* 1836.]

WHEREAS an Act was passed in the First Year of His late Majesty King *George* the Second, intituled, amongst other Things, *An Act to enable Archbishops, Bishops, and other Ecclesiastical Persons and Corporations to grant their Patronage or Right of Presentation or Nomination to small Livings to such Persons as shall augment the same;* wherein several Provisions were made for the Encouragement of building of Chapels of Ease: And whereas it is expedient to afford greater Facilities to the carrying into effect the said Objects proposed by the said Act, and for that Purpose to amend the same; therefore be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for any Person or Persons, Bodies Politic or Corporate, seised or possessed of a sufficient Estate for the Purpose, by and with the Consent of the Archbishop or Bishop of the Diocese, to be signified in Writing under his Hand and Seal, to allot and set apart any Land not exceeding One Plantation Acre, provided the same shall not be within One measured Mile of any other Church or Chapel where the Liturgy and Rites of the United

1 G. 2. (I.)

Any Person may allot, with the Consent of the Bishop, any Land not exceeding One Acre for the Site of a Chapel, not

less than One Mile from Mother Church, unless in a City or Town, &c.

United Church of *England* and *Ireland* as by Law established are used and observed, unless the said Lands shall be within some City or Corporate Town, or within a Town containing Four thousand Persons, or the Suburbs, Liberties, and Precincts of the same; on which said Lands so set apart it shall and may be lawful to and for any Person or Persons, Bodies Politic or Corporate, 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 are to be used and observed, who shall first settle and assure Lands, Tenements, or Hereditaments held in Fee Simple, or for Lives with Covenant for perpetual Renewal thereof, or for a Term of Ninety-nine Years of which Sixty Years at the least shall be then unexpired, free from Incumbrances, and of the clear yearly Value of Fifty Pounds at the least, or Money in any of the Government Funds amounting at the least to One thousand two hundred and fifty Pounds, as a Provision or Maintenance for a Minister to officiate in such Church or Chapel, and his Successors for ever, as a perpetual Endowment of such Church or Chapel: Provided always, that the Land so set apart for building thereon such Church or Chapel, or whereon such Building shall be erected as aforesaid, shall be held in Fee Simple, or for Lives with Covenant for perpetual Renewal thereof, or for a Term of Ninety-nine Years of which not less than Sixty Years shall be unexpired; and provided also, that by the Deed of Endowment thereof One Third at least of the Sittings in such Church or Chapel shall be set apart and appropriated as Free Sittings for ever.

Founders of Chapels may vest the Patronage in Trustees not exceeding Seven in Number.

II. And be it further enacted by the Authority aforesaid, That where any Person or Persons, Bodies Politic or Corporate, shall erect or appropriate as aforesaid and endow, and where Two or more Persons, Bodies Politic or Corporate, shall join in or contribute to the erecting or appropriating as aforesaid and Endowment of any Church or Chapel or Building as aforesaid, in pursuance of this Act, the Minister or Ministers to officiate in such Church or Chapel shall be from Time to Time nominated and appointed by Trustees, who shall not be fewer than Five nor more than Seven in Number, and who shall be Members of the United Church of *England* and *Ireland*, to be for that Purpose named, in the first instance, by the Person or Persons, Bodies Politic or Corporate, so erecting or appropriating and endowing any such Church or Chapel, and that the Vacancies which shall from Time to Time occur in the Number of such Trustees shall be filled up in such Manner and Order as in the Deed of such Endowment shall be settled: Provided that if it should happen that all the Trustees of any such Church or Chapel for the Time being should die without having 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 the said Church or Chapel, with the Consent of the Bishop of the Diocese, to appoint the requisite Number of Trustees by the Deed of Endowment of such Church or Chapel required.

Providing for Failure of Appointment of Trustees.

III. And

If Endowment be invested in Government Funds, Trustees may dispose of same, and invest the Produce in Purchase of Lands, &c.

III. And be it further enacted, That in case such Endowment shall be formed in the whole or in part of Government Funds, it shall be lawful for such Trustees, as they shall think fit, to dispose of such Government Funds, and to invest the Produce thereof in the Purchase of Lands, Tenements, or Hereditaments held in Fee Simple, or for Lives with Covenant for perpetual Renewal, or for long Terms for Years of which at least Sixty Years shall be unexpired, in such Manner and subject to such Restrictions as in said Deed of Endowment shall be for that Purpose provided; and where such Endowment shall be formed in the whole or in part of any Estate or Interest in Lands or Tenements less than a Fee Simple it shall be lawful for such Trustees, as they shall see fit, to purchase any more extended Interest therein, or the Reversion or Inheritance therein, in such Manner and subject to such Restrictions as in the said Deed of Endowment shall be for that Purpose provided.

Bishop may assign a District to a Chapel; and determine whether Baptisms, &c. shall be performed.

IV. And be it further enacted, That the Bishop of the Diocese, with the Consent of the Incumbent, shall assign a particular District to every such Church or Chapel as shall be built or appropriated under the Provisions of this Act, or which has been or shall be built or appropriated under any other Statute, or under and by virtue of any Ecclesiastical Authority, except where from special Circumstances he shall deem it not advisable to assign a District; and such District shall be under the immediate Care of the Minister who shall have been duly licensed to serve such Church or Chapel, so far as regards the Visitation of the Sick and other pastoral Duties: Provided always, that it shall be lawful for the Bishop also to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel or not; and the Bishop shall cause a Description of the Boundaries of the District assigned by him to such Church or Chapel to be registered in the Registry of the Diocese, and shall also cause his Order and Direction in Writing as to all Offices to be performed in any such Church or Chapel to be registered in the Registry of the Diocese.

Trustees to be the true Patrons.

V. And be it further enacted by the Authority aforesaid, That the Trustees to be so nominated and appointed by or in the Manner directed as aforesaid, by any Person or Persons, Bodies Politic or Corporate, who shall build or appropriate and endow any such Church or Chapel as aforesaid, shall from the Time of such Endowment be and be esteemed in Law to be Patron or Patrons of such Church or Chapel; and the Right of Presentation or Nomination thereto shall be and is hereby from thenceforth for ever after vested in the Trustees to be so nominated by or appointed in such Manner as aforesaid, by such Person or Persons, Bodies Politic or Corporate, who shall build or appropriate and endow the same as aforesaid; and that such endowed Church or Chapel shall be for ever after called and known by such Name as the said Founders of such Church or Chapel shall in and by their Deed of Endowment direct and appoint.

VI. And

Appointment to such Chapel to render void any Benefice, &c. previously held, and not to be held with any other.

VI. And be it further enacted, That if any Minister already possessed of any Benefice, Living, or Curacy shall be nominated and appointed to officiate in any such Church or Chapel as aforesaid, and shall accept such Appointment, and be duly licensed thereunto, that then such Benefice, Living, or Curacy shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever, and it shall be lawful for the Archbishop, Bishop, or other Patron to collate or present thereto in like Manner and Form as if the former Incumbent had died; and in case any Minister who shall have been nominated and appointed to officiate in any such Church or Chapel as aforesaid, and who shall have accepted such Appointment, and have been duly licensed thereunto, shall be collated or instituted to any other Benefice, Living, or Curacy, that then the said Appointment of such Minister to officiate in such Church or Chapel as aforesaid shall from thenceforth be and be deemed and adjudged absolutely void to all Intents and Purposes whatsoever, and it shall be lawful for the Trustees for the Time being in the Deed of Endowment of such Church or Chapel named, or subsequently duly appointed as thereby directed, to nominate and appoint another Minister to officiate in such Church or Chapel in like Manner and Form as if the former Minister had died.

Chapelries founded to be Perpetual Cures.

VII. And be it further enacted by the Authority aforesaid, That all Churches or Chapels which shall at any Time hereafter be erected or appropriated and endowed by virtue of this Act shall be and are hereby declared and established to be from the Time of such Endowment Perpetual Cures and Benefices Presentative, and the Ministers, duly admitted and instituted or nominated and licensed thereunto, and their Successors respectively, shall be and shall be esteemed in Law Bodies Politic and Corporate, and shall have perpetual Succession by such Name and Names as in the Grant of such Endowment shall be mentioned, and shall have a legal Capacity, and are hereby enabled to take in Perpetuity to them and their Successors all such Lands, Tenements, and Hereditaments as shall be granted unto them respectively by virtue of this or any other Act, or any Deed or Endowment; any Law or Statute to the contrary notwithstanding.

Lands conveyed for the Site of Chapels not to be subject to Question.

VIII. And be it further enacted, That all Lands and Grounds which shall be granted and conveyed as and for the Sites of such Churches or Chapels as aforesaid, and upon which any such Church or Chapel shall be erected or appropriated as aforesaid, shall become and be and remain absolutely vested in the Trustees for the Time being in the Deed of Endowment of such Church or Chapel named, or subsequently duly appointed as thereby directed, free from all Demands or Claims of any Body Politic or Corporate, or Person or Persons whatever, and without being at any Time subject to any Question as to any Right, Title, or Claim thereto or in any Manner affecting the same.

No Deeds of Grant to be effectual unless enrolled within

IX. And be it further enacted by the Authority aforesaid, That no Deeds of Grant for any Erection, Appropriation, or Endowment to be made in pursuance of this Act shall be good and effectual in Law

Law unless such Deeds be enrolled within Six Months from the Date thereof in His Majesty's Court of Chancery in *Ireland*. Six Months from Date.

X. And be it further enacted by the Authority aforesaid, That all Churches or Chapels endowed by virtue of the Powers given by this Act, and all Ministers and Curates officiating therein, shall be subject to the Visitation and Jurisdiction of the Archbishop or Bishop of the Diocese wherein such Churches or Chapels are situated, to all Intents and Purposes of Law whatsoever. Churches or Chapels endowed by virtue of this Act, &c. subject to Visitation.

XI. And be it further enacted by the Authority aforesaid, That for continuing the Succession in such Perpetual Cures and Benefices, and that the same may be duly and constantly served, in case such endowed Cures or Benefices be suffered to remain void by the Space of Six Months without any Nomination within that Time of a fit Person to serve the same by the Person or Persons having a Right of Nomination thereto to the Archbishop, Bishop, or other Ordinary, within that Time to be licensed for that Purpose, the same shall lapse to the Archbishop, Bishop, or other Ordinary, 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, and the Right of Nomination to such endowed Benefice may be granted or recovered, and the Incumbency thereof may and shall cease and be determined, in like Manner and by the like Methods as the Presentation to or Incumbency in any Vicarage Presentative may now be respectively granted, recovered, and determined; and moreover, in case the Minister of such Church or Chapel shall be absent from his Cure for above the Space of Sixty-one Days in any One Year, without the Licence of the Archbishop, Bishop, or other Ordinary first obtained for that Purpose, such Church or Chapel shall from thenceforth be and be esteemed in Law actually void. If void Six Months without Nomination, the Right to lapse as in Presentative Livings. If Minister absent without Licence more than 61 Days in a Year, Chapel to be void;

XII. And be it further enacted by the Authority aforesaid, That no Lapse shall occur, in case such Church or Chapel becoming void by Want of such Residence of such Incumbent as aforesaid, till Six Months after Notice thereof in Writing given by the Bishop, or other Ordinary to the Person or Persons having Right of Nomination to the same: Provided always, that in case the Person or Persons entitled to nominate to such endowed Benefice shall suffer a Lapse to incur, but shall after present or nominate to the same before any Advantage taken thereof by the Ordinary, Metropolitan, or Crown respectively, such Presentation or Nomination shall be as effectual as if made within Six Months, although so much Time be before elapsed as that the Title by Lapse be vested in the Crown. but no Lapse thereby till Six Months after Notice in Writing by the Ordinary.

XIII. And be it further enacted, That it shall and may be lawful to and for any Person or Persons, Bodies Corporate and Politic, with the Consent of the Bishop of the Diocese and the Incumbent, to erect and build a Chapel of Ease in any Parish, provided the Incumbent shall together with the Bishop of the Diocese give their Consent thereto With Consent of Bishop, &c. Persons may erect Chapel of Ease in any Parish.

thereto by Writing under their respective Hands and Seals, to be deposited in the Registry in the Diocese; and when such Chapel shall have been erected and consecrated the Minister of the Parish in which the same is built shall be from Time to Time and for ever the Minister of said Chapel; provided that wherever there is a Mother Church at which the Minister is bound to officiate, he shall not be required to have Divine Service in said Mother Church and Chapel oftener than once on each *Sunday* or Holiday in each.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.
9