

ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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CAP. LXXXII.

An Act to amend "The Endowment and Augmentation of Small Benefices (*Ireland*) Act, 1860." [5th *July* 1865.]

WHEREAS by an Act passed in the Session of Parliament held in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, intituled "Endowment and Augmentation of Small Benefices Act (*Ireland*), 1860," Provision was made for the Augmentation of Small Benefices, and the Acquisition of Patronage thereby; and it is expedient that further Facilities should be given for the same Purposes, and that Provision should also be made authorizing the Payment of Fees for Church Offices performed in certain Benefices: Be it 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: 23 & 24 Vict. c. 72.

1. This Act may be cited as "Endowment and Augmentation of Small Benefices Act (*Ireland*) Amendment Act, 1865," and shall with the said recited Act, herein-after called the original Act, constitute One Act. Short Title.

2. In

"Church Offices."

2. In the Construction of this Act the Words "Church Offices" shall mean Marriages, Burials, and Churchings.

Patronage, &c. of newly formed Benefice, on Endowment of 700*l.*, may be assigned to Contributor.

3. The Bishop of the Diocese may, at his absolute Discretion, by an Instrument under his Hand and Seal, which shall be filed in the Registry, assign the Right of Patronage of any Benefice formed out of One or more Parishes or Places, and the Nomination of the Incumbent thereof, either in perpetuity or for One or more Nominations, to any Body or Person, or their or his Nominee or Nominees, in consideration of such Body or Person contributing Money or other Property not less in Amount or Value than Seven hundred Pounds, to be invested or secured, according to the Directions of the Ecclesiastical Commissioners for *Ireland*, towards the permanent Endowment of such Benefice, or towards providing a Church or Chapel for the Use of the Inhabitants of the District; and until any such Assignment shall be made, and subject to it when made, the said Right of Patronage and Nomination shall be dealt with according to the Provisions of the Acts of the Fourteenth and Fifteenth Years of the Queen, Chapter Seventy-two, and the Twenty-third and Twenty-fourth Years of the Queen, Chapter Seventy-two.

Certain Provisions of original Act extended to Contracts.

4. The Provisions contained in the original Act or this Act for the Endowment and Assignment of the Advowson, Right of Patronage of or Nomination or Presentation to any Benefice, by the Ecclesiastical Person seised thereof, shall extend to a Contract for the like Purposes, whether entered into before or after such Benefice shall be fully constituted, or before or during the building of a Church for any such Benefice, or previous to or after the Consecration thereof, or previous to or after the Appointment of an Incumbent thereto.

Registration and Effect of Contracts.

5. The Contract shall be by Deed, and be entered in the Registry of the Diocese, and enrolled in the Rolls Office of the High Court of Chancery in *Ireland*, and thereupon such Contract, so far as it is in accordance with the Provisions of the original Act and not repugnant thereto, shall be binding upon the Parties to it, their Heirs, Executors, Administrators, and Successors in Office, and shall without any further Assignment, upon the Fulfilment of the Terms of the Contract and upon the Provisions of the original Act being complied with, absolutely vest the Patronage of the Benefice contracted for in the Nominees of the Person or Persons or Body endowing the same, in such Mode as may be provided by such Contract and be in accordance with the original Act: Provided always, that every such Contract shall, at the Expiration of Six

Years

Years from its Date, be null and void, unless in the meantime the Provisions thereof for the Endowment of the Benefice shall have been fully performed.

Incumbent to have exclusive Cure of Souls.

6. When a Benefice has been endowed and the Patronage thereof vested or assigned under this or the original Act, the Incumbent of such Benefice shall have exclusive Cure of Souls within the same, and where formed out of any other Parish or Place shall not be in anywise subject to the Control or Interference of the Incumbent of the Mother Church of the Parish or Place out of which such Benefice shall be taken.

As to Money given in the Offertory.

7. The Money given in the Offertory of the Church of any Benefice of which the Patronage has been vested or assigned under this or the original Act, shall be disposed of by the Incumbent and Churchwardens of such Church in the same Manner as the Money given at the Offertory in any ancient Parish Church may be disposed of, any Law or Usage for the Payment of the same to a Mother Church notwithstanding.

Fees for Church Offices.

8. The accustomed Fees for the Performance of Church Offices in any Benefice formed out of another Parish or Place the Patronage of which has been acquired under this or the original Act, which would be payable for the like Offices had they been performed in the Mother Church of the Parish or Place out of which such Benefice shall have been taken, shall be payable and be paid to the Incumbent of the Benefice, and the several Laws, Statutes, and Customs in force relating to the Publication of Banns of Matrimony and to the Performance of Church Offices, and the registering thereof, and to the suing for and recovering of Fees, Oblations, or Offerings in respect thereof, shall apply to the Church of such Benefice and the Incumbent thereof.

Application of Fees.

9. Such Fees shall, where the Benefice has been formed out of another Parish or Place, belong to the Incumbent of the Mother Church during his Incumbency; and an Account of such Fees shall be kept by the Incumbent of the Benefice, who is hereby required to receive and every Six Months pay over the same (or such Proportion thereof as shall be payable) to the Incumbent of the Mother Church. And from and after the Avoidance of the original Mother Church next after the Formation of the Benefice such Fees shall belong and be paid to the Incumbent of the Benefice.

Bishop of Diocese to determine

10. Where any such Benefice, the Patronage of which is acquired under this or the original Act, shall be formed out of more Parishes than

Proportion of Fees, &c. in certain Cases.

than One, the Bishop of the Diocese shall, by Writing under his Hand, determine in what Proportion the Fees for Church Offices performed in the Benefice, and directed by this Act to be paid over to the Incumbent of the Mother Church, shall be divided between the Incumbents of such Parishes.

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