ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 108.

An Act for incorporating the Archbiſhop of *Caſhel*, the Biſhop of *Leighlin* and *Ferns*, the Biſhop of *Oſſory*, and the Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, into a Corporation, to be called by the Name of 'The Truſtees of the Aſylum in the City of *Kilkenny*,' founded by *James Switſir* Eſquire, and for enabling them to carry on that charitable and uſeful Inſtitution, according to the Proviſions of a certain Truſt Deed, executed by the ſaid *James Switſir*. [18th *May* 1810.]

Indentures, dated Nov. 1 & 2, 1805.

WHEREAS by Indentures of Leaſe and Releaſe, bearing Date reſpectively the Firſt and Second Days of *November* One thouſand eight hundred and five, and reſpectively made or expreſſed to be made between *James Switſir*, of the City of *Kilkenny*, Eſquire, on the one Part; and the Reverend *Peter Roe*, Miniſter of the Pariſh of *Saint Mary*, in the City of *Kilkenny*, and the Reverend *Bartholomew Pack*, of the City of *Kilkenny*, Clerk, of the other Part; reciting that the ſaid *James Switſir* was poſſeſſed of a Piece of Ground in the City of *Kilkenny*, under and by virtue of a Leaſe for a long Term for Years, whereof many were then to come and unexpired, and that he had lately erected thereon a certain Building as an Aſylum for the Reception of Twenty decent and reſpectable Women in neceſſitous Circumſtances; and reciting that he the ſaid *James Switſir* was ſeiſed in his Demeſne as of Fee of and in the Town and Lands of *Danna* and *Clohogue*, lying and being in the County of *Kilkenny*, and alſo of and in the Town and Lands of *Moneymore*, lying and being

being in the County of *Carlow*; and reciting that, in order to endow the ſaid Aſylum, he the ſaid *James Switſir*, was minded and deſirous to grant and convey the ſaid Piece of Ground in the City of *Kilkenny*, with the Buildings erected thereon, and alſo the ſaid Lands and Premiſes in the Counties of *Kilkenny* and *Carlow*, unto the ſaid *Peter Roe* and *Bartholomew Pack*, and their Heirs, in Truſt, as ſoon as conveniently might be, to apply to and procure from the Parliament of the United Kingdom of *Great Britain* and *Ireland* an Act of Parliament, incorporating the Archbiſhop of *Caſhel*, the Biſhop of *Leighlin* and *Ferns*, the Biſhop of *Oſſory*, and the Dean of *Oſſory*, and their Succeſſors, all for the Time being, and the ſaid *James Switſir*, into a Corporation, to be called by the Name of "The Truſtees of the Aſylum in the City of *Kilkenny* founded by *James Switſir*;" and veſting in the ſaid Truſtees the ſaid Piece of Ground in the City of *Kilkenny*, whereon the ſaid Aſylum was then erected, and alſo the ſaid Lands and Premiſes in the Counties of *Kilkenny* and *Carlow*, for the Purpoſe of maintaining the ſaid Aſylum, but ſubject to and under the Proviſoes, Declarations, and Reſtrictions therein-after mentioned and declared of and concerning the ſame: It is by the ſaid Indenture of Releaſe witneſſed that, for the Ends, Intents, and Purpoſes aforeſaid, and in Conſideration of the Sum of Ten Shillings to the ſaid *James Switſir* paid by the ſaid *Peter Roe* and *Bartholomew Pack*, he the ſaid *James Switſir* did grant, bargain, ſell, alien, releaſe, and confirm unto the ſaid *Peter Roe* and *Bartholomew Pack*, all that and thoſe the Plot of Ground in the City of *Kilkenny*, whereon the ſaid *James Switſir* had lately erected an Aſylum for the Reception of decent and reſpectable Women in neceſſitous Circumſtances; and alſo all that and thoſe the Town and Lands of *Danna* and *Clohogue*, ſituate, lying, and being in the County of *Kilkenny*; and alſo all that and thoſe the Town and Lands of *Moneymore*, ſituate, lying, and being in the County of *Carlow*; and alſo all Houſes, Outhouſes, Edifices, Buildings, Cottages, Barns, Stables, Gardens, Orchards, Yards, Backſides, Lands, Meadows, Paſtures, Heaths, Moors, Marſhes, Waſtes, Waſte Grounds, Feedings, Commons, Common of Paſture, and Turbary, Bogs, Furze, Trees, Woods, and Underwoods, and the Ground and Soil thereof, Mounds, Fences, Hedges, Ditches, Ways, Waters, Watercourſes, Lights, Eaſements, Liberties, Privileges, Profits, Commodities, Emoluments, Advantages, Hereditaments, and Appurtenances whatſoever to the ſaid Plot of Ground, Towns, Lands, Tenements, Hereditaments, and Premiſes thereby granted and releaſed, or intended ſo to be, or any of them, or any Part thereof belonging or in anywiſe appertaining, or with them, or any of them, held, uſed, occupied, or enjoyed, or accepted, reputed, deemed, taken or known, as Part, Parcel, or Member thereof, to hold the ſaid Plot of Ground, Towns, Lands, Tenements, Hereditaments, and all and ſingular other the Premiſes thereby granted and releaſed, or intended ſo to be, and every Part and Parcel thereof, with their and every of their Rights, Members, and Appurtenances, unto the ſaid *Peter Roe* and *Bartholomew Pack*, and their Heirs, to the Uſes, upon the Truſts, for the Intents and Purpoſes, and by, with, under, and ſubject to the Powers, Proviſoes, Declarations and Agreements therein-after limited, expreſſed, declared, and contained, and herein-after mentioned of and concerning the ſame; that is to ſay, in Truſt that they the ſaid *Peter Roe* and *Bartholomew Pack*, and their Heirs, ſhould, with all convenient Speed, apply to and procure from the Parliament of the United Kingdom of *Great Britain* and *Ireland*, an Act of Parliament, incorporating the Archbiſhop of *Caſhel*, the Biſhop of *Leighlin*

Leighlin and *Ferns*, the Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors, all for the Time being, and the ſaid *James Switſir*, into a Corporation, to be called by the Name of "The Truſtees of the Aſylum in the City of *Kilkenny* founded by *James Switſir* Eſquire," and veſting in the ſaid Truſtees the ſaid Piece of Ground in the City of *Kilkenny* whereon the ſaid Aſylum was then erected, and alſo the ſaid Lands and Premiſes in the Counties of *Kilkenny* and *Carlow* therein-before mentioned, for the Purpoſe of maintaining the ſaid Aſylum, under the Terms, Conditions, and Reſtrictions therein-after mentioned: And it is thereby declared, that there ſhould be received into the ſaid Aſylum, from Time to Time, Twenty decent and reſpectable Perſons, the Widows or Daughters of reſpectable Perſons who ſhould have reſided in the County or City of *Kilkenny*, or County of *Carlow*, for Ten Years or more; and that Twelve of the Females who ſhould be received into the ſaid Aſylum ſhould be of the Proteſtant Religion as by Law eſtabliſhed, and the remaining Eight Perſons ſhould be of the Roman Catholic Religion; and that there never ſhould be more than Twenty ſuch Females reſiding in the ſaid Aſylum at any one Time; and it is thereby declared, that the ſaid Truſtees of the ſaid charitable Inſtitution, or any Three of them, ſhould have Power from Time to Time to elect and chooſe the Females who ſhould be received into the ſaid Aſylum, and from Time to Time to remove them upon any improper Conduct; and that no Female ſhould be received into the ſaid Aſylum who ſhould be married at the Time of her Admittance; and if any of them ſhould after Admittance marry, that ſhe ſhould immediately after be removed from the ſaid Aſylum, and another Female ſhould be placed in her Room, and that no Female ſhould be received or admitted as a Reſident in the ſaid Aſylum who ever was a Servant, or the Widow or Daughter or Niece of a Servant; and it is thereby declared, that the ſaid Truſtees of the ſaid Charitable Inſtitution, or any Three of them, ſhould have Power from Time to Time to elect and chooſe ſome Man as a Gatekeeper or Porter of the ſaid Aſylum, who was to be a Proteſtant of the Church of *Ireland* as by Law eſtabliſhed, and from Time to Time to remove ſuch Gatekeeper or Porter upon any improper Conduct; and it is thereby declared, that no Perſon or Perſons (except the ſaid Females, and the ſaid Porter and Gatekeeper) ſhould be allowed to be or remain in the ſaid Aſylum at Night, after the Hour of Nine of the Clock; and that if any Perſon or Perſons ſhould lie or be in the ſaid Aſylum, or in any of the Offices thereto belonging, after the Hour of Nine of the Clock at Night, (except the ſaid Females, and Porter or Gatekeeper) that all the Perſons reſiding in the Houſe where ſuch Perſon or Perſons ſhould lie or be after the Hour aforeſaid, ſhould be immediately diſmiſſed from the ſaid Aſylum, and never afterwards admitted therein; and that none of the ſaid Females ſhould be allowed to keep a Servant except ſuch as ſhould by Infirmity be diſabled from aſſiſting to keep the Houſe they reſide in clean, and doing other domeſtic Buſineſs therein; and that the Porter or Gatekeeper ſhould every Night examine the Apartments of the ſaid Females, and ſee that the Regulations aforeſaid were complied with, and report to the ſaid Truſtees if any Violation was made therein, and that if he ſhould neglect doing ſo he ſhould be diſmiſſed from the ſaid Aſylum; and it is hereby further declared, that the ſaid Truſtees of the ſaid charitable Inſtitution, or any Three of them, ſhould have Power from Time to Time to elect and appoint ſome Clergyman of the Church of *Ireland*, as by Law eſtabliſhed; being a Curate in the Dioceſe of *Oſſory*, to act as Receiver of the Rents of

the ſaid Truſt Eſtates, and to apply the ſame as directed by the ſaid Truſtees, or any Three of them; provided that the Curate of the Pariſh of *Saint Mary*, in the City of *Kilkenny*, ſhould be preferred before any other Curate, to be Receiver, if he ſhould be in all Reſpects a fit and proper Perſon; and it is alſo declared, that the Receiver of the Rents of the ſaid Truſt Eſtates which ſhould be ſo appointed as aforeſaid, ſhould account with the ſaid Truſtees, or any Three of them, on the Firſt Days of *December* and *June* in every Year, or oftener if required by the ſaid Truſtees, or any Three of them, for all Monies received and diſburſed by him, and ſhould, before he be appointed Receiver, give full and adequate Security to the ſaid Truſtees for the faithful Diſcharge of his Duty as Receiver, and that he ſhould attend the ſaid Aſylum as Chaplain, and ſhould, when required by any of the Females reſident there, read Prayers and adminiſter the Holy Sacrament to the ſaid Females; and it is thereby declared, that the ſaid Truſtees ſhould apply the annual Rents, Iſſues, and Profits of the ſaid Truſt Eſtates in the Manner and for the Purpoſes following; that is to ſay, from Time to Time to keep the Buildings erected on the ſaid Piece of Ground for the Reception of the ſaid Twenty Perſons in proper Repair, and in Payment of the Rents and Taxes iſſuing and payable out of the ſaid Truſt Eſtates, and in paying an Inſurance Company for the Inſurance of the ſaid Aſylum againſt Fire, and alſo to pay to each of the ſaid Females reſident in the ſaid Aſylum, and alſo the ſaid Gatekeeper or Porter, the annual Sum of Twenty Pounds Sterling, for ſo long Time as they ſhould reſpectively reſide therein, and ſo in that Proportion annually; and alſo to pay unto the ſaid Curate, who ſhould be appointed Receiver of the Rents of the ſaid Truſt Eſtates, the annual Sum of Thirty Pounds during ſo long Time as he ſhould continue and be Receiver, in Recompence for his Trouble in that Office; and it is thereby declared, that the ſaid Annuities to be paid to the ſaid Female Reſidents, Curate, and Gatekeeper, or Porter, ſhould be paid and payable Half-yearly, on every Tenth Day of *December* and Tenth Day of *June*, and ſo rateably for any leſſer Time; and it is thereby further declared, that if at the End of the Year, at any Time there ſhould be any Redundancy of the yearly Rents, Iſſues, and Profits of the ſaid Truſt Eſtates, after ſuch Application thereof as aforeſaid, that ſuch Redundancy ſhould at every *Chriſtmas* be paid to the ſaid *James Switſir*, and his Aſſigns, for and during the Term of his Life, and from and after his Deceaſe, to and amongſt the ſaid Females, who ſhould then be reſident in the ſaid Aſylum, equally Share and Share alike; and it is thereby declared, that it ſhould and might be lawful to and for the ſaid Truſtees, or any Three or more of them, by Indenture under their Common Seal, to demiſe or leaſe the ſaid Lands, Tenements, Hereditaments and Premiſes, in the Counties of *Kilkenny* and *Carlow*, for any Term or Number of Years not exceeding Twenty-one Years, ſo as upon every ſuch Demiſe or Leaſe there ſhould be reſerved and made payable Half-yearly, during the Continuance of ſuch Leaſe and Leaſes reſpectively, as much Rent as could at the Time of making ſuch Leaſe and Leaſes reſpectively be really and *bonâ fide* gotten for the ſame from a ſolvent Tenant, and ſo as no Fine or other Conſideration ſhould be taken for the ſame, and that every ſuch Demiſe or Leaſe ſhould be made in Poſſeſſion and not in Reverſion; and that all Leaſes made of ſuch Lands, Tenements, or Hereditaments, in any other Manner, ſhould be null and void to all Intents and Purpoſes; and it was further declared, that no other Charity whatſoever ſhould thereafter be blended or incorporated with the

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ſaid Charity, but that the ſame ſhould at all Times thereafter remain ſole and diſtinct from every other Charity; and that the ſaid Truſtees of the ſaid Charity ſhould for ever thereafter be diſabled from accepting, holding, or enjoying any Lands, Tenements, or Hereditaments whatſoever, ſave and except the ſaid Plot of Ground in the City of *Kilkenny*, and the ſaid Lands, Tenements, Hereditaments, and Premiſes in the Counties of *Kilkenny* and *Carlow*, therein-before granted and releaſed, or intended ſo to be, and ſhould be diſabled from accepting, holding, or enjoying any Perſonal Eſtate or Fortune, ſave and except what might be given or granted by the ſaid *James Switſir* to the ſaid Truſtees for the Uſe of the ſaid Aſylum: And whereas the ſaid *James Switſir* is ſince dead, and the ſaid Charity will be of conſiderable Uſe and Advantage to the Public, but cannot be eſtabliſhed without the Authority of Parliament: May it therefore pleaſe Your moſt Excellent Majeſty that it may be enacted; and 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 from and after the paſſing of this Act, the Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, ſhall be, and they the ſaid Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, are hereby declared and adjudged to be one Body Corporate and Politic in Deed and in Law, by the Name of "The Truſtees of the Aſylum of the City of *Kilkenny* founded by *James Switſir* Eſquire," and by Name and Title ſhall have perpetual Succeſſion, and a Common Seal, with Power to change, alter, break, and make new the ſame when and ſo often as they ſhall judge expedient, and by the ſame Name may ſue and be ſued, and implead and be impleaded, and anſwer and be anſwered unto, in all or any Courts or Court of Record or Place of Judicature within the United Kingdom of *Great Britain* and *Ireland*; and that all the Towns, Meſſuages, Lands, Tenements, Plot of Ground, Hereditaments, and all and ſingular other the Premiſes by the Names therein mentioned, or by whatever other Names the ſame have been or are called or known, which by the ſaid Indentures of the Firſt and Second Days of *November* One thouſand eight hundred and five were conveyed, aſſigned, or otherwiſe aſſured by the ſaid *James Switſir* unto and to the Uſe of the ſaid *Peter Roe* and *Bartholomew Pack*, and their Heirs, or expreſſed or intended ſo to be, ſhall immediately, from and after the paſſing of this Act, be veſted in, and the ſame are hereby veſted in the ſaid Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, according to the Nature and Quality of the ſame Hereditaments and Premiſes reſpectively, and the Eſtate, Right, Title or Intereſt of the ſaid *James Switſir* of, in, and to the ſame reſpectively, at the Time of his executing the ſaid Indentures of the Firſt and Second Days of *November* One thouſand eight hundred and five, upon and for the Truſts, Intents, and Purpoſes, and with, under, and ſubject to the Powers, Proviſoes, Declarations and Agreements expreſſed or contained of and concerning the ſame, in and by the ſaid Indenture of Releaſe of the Second Day of *November* One thouſand eight hundred and five; and that the ſaid Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, ſhall by the Name and Stile herein-before mentioned, be able and capable in Law to have, hold,

Truſtees of the Aſylum of Kilkenny.

receive, enjoy, and retain, for the Benefit of the ſaid Inſtitution, the ſaid ſeveral Towns, Meſſuages, Farms, Lands, Tenements, Plot of Ground, Hereditaments, and Premiſes veſted in them the ſaid Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, any Law or Uſage to the contrary in anywiſe notwithſtanding.

Truſtees to make Regulations for the Government of the Truſt.

II. And be it further enacted, That it ſhall be lawful for the ſaid Archbiſhop of *Caſhel*, Biſhop of *Leighlin* and *Ferns*, Biſhop of *Oſſory*, and Dean of *Oſſory*, and their reſpective Succeſſors for the Time being, or the Majority of them, to order and diſpoſe of the Cuſtody of the ſaid Common Seal, and the Uſe and Application of it, and to make ſuch Laws, Conſtitutions and Ordinances for the Government, Regulation, and Management of the ſaid Truſts, and the Officers and Perſons employed in or about the ſame, and reſpecting the Perſons applying to be admitted thereto, and for the Audit of the Accounts of the Corporation, and to revoke or alter the ſame at their Diſcretion, but ſo that the ſame reſpectively be juſt and reaſonable, and not contrary to the Laws and Uſages of *England* or *Ireland*, or the general Scope, true Intent and Meaning of the ſaid Indenture of Releaſe of the Second Day of *November* One thouſand eight hundred and five.

General Saving.

III. Saving always, and reſerving to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to the ſaid *Percy* Biſhop of *Leighlin* and *Ferns*, and his Succeſſors, Biſhops of *Leighlin* and *Ferns*, and to all and every Perſon and Perſons, Bodies Politic and Corporate, other than the ſaid *Bartholomew Pack* and *Peter Roe*, and the ſaid Archbiſhop of *Caſhel*, Biſhop of *Oſſory*, and Dean of *Oſſory*, all ſuch Eſtate, Right, Title, Intereſt, Claim, and Demand whatſoever, into, to, or out of the Lands and Tenements compriſed in the ſaid recited Deed, as they or any of them had or were entitled to, at or before the paſſing of this Act, or could or might have had, in caſe this Act had not been made.

Act to be Evidence.

IV. And be it enacted by the Authority aforeſaid, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and a Copy thereof ſo printed, ſhall be admitted as Evidence thereof, by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1814.