



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.



Cap. 181.

An Act to enable the Dean of the Cathedral Church of the Holy and Undivided Trinity, *Dublin*, to accept Surrenders and grant Leases of certain Lands, called the *Dean's Grange*, in the County of *Dublin*, and to remove Doubts respecting the Validity of Leases heretofore made thereof.

[15th June 1811.]

WHEREAS the Dean of the Cathedral Church of the Holy and Undivided Trinity in *Dublin* is, in Right of the said Deanery, seised and possessed of a considerable Tract of Land, called *The Grange of Clonkeen*, otherwise called *The Dean's Grange*, containing between Five and Six hundred Acres, situate in the County of *Dublin*, and about Five Miles from the City of *Dublin*, the Entirety of which was formerly the Demesne or Mensal Lands belonging to the Dean of the said Cathedral: And whereas by an Act made by the Parliament of *Ireland*, of the Tenth and Eleventh Years of the Reign of His Majesty King *Charles* the Second, intituled, *An Act for Preservation of the Inheritance, Rights, and Profits of Lands belonging to the Church and Persons Ecclesiastical*, it was enacted, That it should and might be lawful unto and for all and every the Archbishops, Bishops, Deans, Deans and Chapters, Arch-deacons, Prebendaries, and other Dignitaries Ecclesiastical, by their Writings, indented as therein described, from Time to Time to demise any the Lands

10 & 11 C. 2.
(Irish Act)
recited.

[*Loc. & Per.*]

47 C

or

or other the Hereditaments belonging to their respective Churches, (the Dwelling Houses for the most Part of Forty Years then last past used for any of their respective Habitations, and the Demesne Lands thereunto belonging, and therewithal during the said Time commonly used and occupied as the Demesnes of the said Houses, only excepted), unto any Person or Persons, for and during the Term of One and twenty Years from the Time of making thereof, whereof, or any Part whereof, there should be no other Lease or Estate then in being, which should not expire or be ended and determined within the Space of One Year then next coming; upon which Lease and Leases should be reserved, and continued due and payable unto the said Lessors and their Successors, during the said Estate and Term of One and twenty Years, so much yearly Rent or Profits, or more, at the Peril of the Lessees who should take the same, as the Moiety of the true Value of the said Lands or other Hereditaments (*communibus annis*) at or immediately before the Time of the making of such Lease, should amount unto; in which Leases, or any of them, should be contained no Power, Liberty or Privilege for such Lessees, or their Assignees, to commit Waste, or be dispunishable of Waste: And whereas by an Act made by the Parliament of *Ireland*, in the Thirty-second Year of the Reign of His present Majesty, intituled, *An Act to enable the Dean of the Cathedral Church of the Holy and Undivided Trinity in Dublin to demise Part of his Mensal Lands*, Authority was given to the Archbishop of *Dublin* and his Successors, to grant a Commission to certain Commissioners therein named, empowering them, or any Three of them, to view the Mensal Lands belonging to the said Deanery, and cause a Survey to be taken, and a Map to be made thereof, and in such Map to distinguish and set out such Part and Parcel of the said Lands as to them should appear fit and sufficient, (not less than One hundred and twenty-six Acres, Plantation Measure, in the Whole,) as and for a Demesne for the Dean of the said Church and his Successors for the Time being; and the said Commissioners were by the said Act required carefully to inspect and enquire into the Nature and Quality of all the said Mensal Lands, except the Part to be distinguished in such Map, and set apart for a Demesne as aforesaid; and to estimate and ascertain the true and real yearly Value thereof, by the Acre, at the Time of the Execution of the said Commission, according to the best of their Skill and Knowledge, and to certify the same under their Hands and Seals, to the said Archbishop or his Successors for the Time being; and Power was given by the said Act to the said Archbishop and his Successors, by Writing under the Archiepiscopal Seal of the said Diocese, to set out and settle, as a proper Demesne for the said Dean, the Lands by the said Commissioners in Manner aforesaid distinguished and set apart for that Purpose, and to cause a Map thereof to be made and affixed to such Writing; and it was by the said Act further enacted, that it should and might be lawful to and for the said Dean and his Successors to demise the remaining Part of the said Mensal Lands, for any Term not exceeding Twenty-one Years from the Time of making such Demise; provided that a Rent not less than the full yearly Value of the Lands so to be demised, as ascertained and set out in the Manner aforesaid, without any Fine, should be always reserved to the said Dean and his Successors upon every such Demise; and that no new Lease or Demise of any Part of the said Lands should be thereafter made, whereof there should be any other Lease or Estate in being which should not expire within the Space of One Year then next ensuing, but that

32 G. 3.
(Irish Act)
recited.

that all and every Lease or Leases made contrary to the true Intent and Meaning of the said Act, should be utterly void to all Intents and Purposes whatsoever: And whereas *Robert*, then Archbishop of *Dublin*, in pursuance of the said recited Act, issued a Commission under his Archiepiscopal Seal, bearing Date the Twenty-ninth Day of *May* One thousand seven hundred and ninety-two, directed to the Commissioners in the said Act named: And whereas by another Act, made by the Parliament of *Ireland*, in the Thirty-fifth Year of His present Majesty, intituled, *An Act to explain and amend an Act passed in the Tenth and Eleventh Years of the Reign of King Charles the First, intituled, 'An Act for Preservation of the Inheritance, Rights, and Profits of Lands belonging to the Church and Parsons Ecclesiastical,'* it is enacted, that it should and might be lawful to and for Archbishops, Bishops, Deans, Deans and Chapters, Archdeacons, Prebendaries, and other Dignitaries Ecclesiastical, Parsons, Vicars, and likewise Masters and Governors and Fellows of Colleges, and Masters and Guardians of Hospitals, from Time to Time, to accept of a Surrender or Surrenders of any Lease or Leases of any Lands or Hereditaments, and thereupon to demise such Lands or other Hereditaments belonging to their respective Sees, Churches, Colleges and Hospitals, (the Dwelling Houses used for any their respective Habitations and Demesne Lands thereunto belonging, and therewith used and occupied as the Demesne of their said Houses, only excepted), unto the Person or Persons, in such Manner and Form as by the therein recited Act of the Tenth and Eleventh of King *Charles* the First, or any other Act or Acts then in force, they were enabled to do; notwithstanding that upon such Lease and Leases there should not be reserved and continued due and payable unto the Lessors and their Successors, during the Term of Twenty-one Years, so much yearly Rents or Profits, or more, as the Moiety of the true Value of the Lands or other Hereditaments, *communibus annis*, at or immediately before the Time of making such Leases should amount unto: And whereas subsequently to the passing of the said last recited Act, Three of the Commissioners named in the said recited Act of the Thirty-second Year of the Reign of His present Majesty, and in the Commission issued in pursuance thereof, made their Return to the said Commission, under their Hands and Seals, bearing Date the Sixteenth Day of *March* One thousand seven hundred and ninety-six, and therein referred to a Map of the said Mensal Lands; and, by their said Return, certified that they had viewed and inspected the said Demesne or Mensal Lands, and had enquired into the Nature and Quality of all the said Lands, except the Part distinguished in said Map, and set apart for a Demesne; and that they estimated and ascertained the yearly Value thereof, at the several yearly acreable Sums therein mentioned, amounting in the Whole to the yearly Sum of Eight hundred and sixty-nine Pounds Five Shillings and Ten-pence: And whereas the said *Robert* Lord Archbishop of *Dublin*, did, by Writing under his Archiepiscopal Seal, bearing Date the Ninth Day of *June* One thousand seven hundred and ninety-six, set out and settle, as a proper Demesne for the said Dean and his Successors, One hundred and twenty-six Acres of the said Mensal Lands, distinguished and set out by the said Commissioners for that Purpose, and also distinguished in a Map to the said Writing annexed: And whereas the Right Reverend *George Lewis*, then Dean of the said Cathedral Church, did, after the said Demesne Lands had been so set out and settled as aforesaid, grant Leases of all the said Lands (save and except such Part thereof as had been set apart as

Commission,
29th May,
1792.

35 G. 3.
(Irish Act)
recited.

Return made
by Commis-
sioners, 16th
March 1796.

Demesne set
out by Arch-
bishop of
Dublin.

Demesne

Doubts as to
Validity of
Leases and
Surrenders.

Expediency
of removing
Doubts.

Demesne Lands), which said Leases are set forth in the Schedule hereunto annexed, and the Rents reserved to the said Dean and his Successors, by the said several Leases, amount to a greater yearly Sum than the Sum returned by the said Commissioners as the yearly Value of said Lands: And whereas under the Provisions of the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty, Archbishops, Bishops, Deans, and other Ecclesiastical and Corporate Bodies, are empowered to accept of Surrenders of any Leases of their Lands and Hereditaments, and to demise the same, (except their Demesne Lands), yet Doubts have been entertained whether, if Surrenders were made and accepted of, the said Leases so granted by the said *George Lewis* of the said Lands as aforesaid, and new Leases granted thereof, such Leases would be considered valid and effectual in the Law; and Doubts have been also entertained with respect to the Validity of the said several Leases made by the said late Dean as aforesaid, and great Injury has arisen to all the said Parties by reason of such Doubts: And whereas it would be of great Benefit and Advantage to the Dean of the said Cathedral Church and his Successors, and to the said several Tenants and Lessees of the said Lands, to remove said Doubts, and that the said Dean and his Successors should be enabled to accept of Surrenders of Leases of the same Lands, and to demise the same in the Manner herein-after mentioned; but the same cannot be effected without the Aid and Authority of Parliament; wherefore Your Majesty's most dutiful and loyal Subject, *Charles Lord Bishop of Kildare*, the Dean of the said Cathedral Church of the Holy and Undivided Trinity, *Dublin*, by and on Behalf of himself and his Successors, doth most humbly beseech Your Majesty; and Your Majesty's most dutiful and loyal Subjects *Alexander Crookshank*, of the City of *Dublin*, Esquire, late One of the Justices of His Majesty's Court of Common-Pleas in *Ireland*; *Beresford Burston*, of the said City, Esquire, One of His Majesty's Counsel at Law for that Part of the United Kingdom called *Ireland*; *John Beatty*, of the said City, Doctor of Physic; *Anne Sherry*, of the *Dean's Grange*, in the County of *Dublin*, Widow; *John Creathorn*, of *Monkstown*, in the said County, Esquire; *Ignatius Cusack*, of the *Dean's Grange*, in said County, Esquire; *Henry Darley*, of *Stillorgan*, in said County, Brewer; *William Hall*, of *Stillorgan* aforesaid, Gentleman; *Charles Frizell*, of *Holles Street*, in the City of *Dublin*, Esquire, and *Peter Tannam* and *Alice Dowling*, do most humbly beseech Your 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 all Leases made by the said *George Lewis*, late Dean of the said Cathedral Church, of the said Lands and Hereditaments, in the said recited Act of the Thirty-second Year of His Majesty's Reign mentioned, or any Part thereof, to any Person or Person since the passing of the said last-mentioned Act, and also all Renewals heretofore made by the said late Dean, of all or any such Leases, shall be deemed valid and

Dean em-
powered to
accept Sur-
renders of
Leases, and to
grant new
Leases.

II. And be it further enacted by the Authority aforesaid, That from and immediately after the passing of this Act, it shall and may be lawful to and for the said Dean of the said Cathedral Church of the Holy and Undivided Trinity, *Dublin*, and his Successors, Deans of the said Cathedral Church, from Time to Time to accept of a Surrender or Surrenders

renders of each and every, or any of the Lease or Leases heretofore made and now outstanding, or which shall hereafter be made, of all or any Part of the said Lands and Hereditaments, (more particularly described and comprised in the said Schedule to this Act annexed), with their and every of their Appurtenances, and thereupon to demise and lease the same, or any Part or Parts thereof; unto any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years from the Time of making such Lease or Leases, provided that a yearly Rent, not less than the Rent which hath been heretofore reserved and made payable by the said Leases, so as aforesaid made by the said late Dean of the said Lands and Hereditaments, shall always be reserved and continued due and payable unto the said Dean and his Successors, upon every such Demise during the Continuance thereof; any Thing in the said recited Act of the Thirty-second Year of the Reign of His present Majesty to the contrary thereof in anywise notwithstanding.

III. Saving always to the King's most Excellent Majesty, His Heirs and Successors, to his Grace the Lord Archbishop of *Dublin*, and his Successors, and to all and every other Person and Persons, Bodies Politick and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (save and except the said *Charles* Lord Bishop of *Kildare*, Dean of the Cathedral Church of the Holy and Undivided Trinity, *Dublin*, and his Successors, Deans of the said Cathedral Church; and also save and except the said *Alexander Crookshank*, *Beresford Burston*, *John Beatty*, *Anne Sherry*, *John Creathorn*, *Ignatius Cusack*, *Henry Darley*, *William Hall*, *Charles Frizell*, and *Peter Tannam*, and *Alice Dowling*, and their respective Executors, Administrators, and Assigns, so far only as his and their respective Estates and Interests are affected, or intended to be affected by this Act), all such Estate, Right, Title, and Interest, Claim, and Demand whatsoever, of, in, to, or out of the said Lands and Hereditaments, as they, every, or any of them had before the passing of this Act, or could or might have had in case this Act had not been made.

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

Act to be
printed by
the King's
Printer.

The SCHEDULE to which the annexed Act refers.

Leasees in Original Leases.	Present Tenants.	Quantity of Land demised.			Rents reserved.		
		A.	R.	P.	£	s.	d.
Alexander Crookshank -	Alexander Crookshank -	9	3	2	17	0	0
Beresford Burston -	Beresford Burston -	32	1	30	55	10	0
Rev. Edward Beatty -	Dr. John Beatty -	39	0	25	108	0	0
Anne Sherry -	Anne Sherry -	6	0	7	16	10	0
William Hall -	William Hall -	25	0	38	44	10	0
Two { Ignatius Cufack } Leases { Same - - }	Same - - -	65	1	8	150	0	0
George Darley -	Henry Darley -	30	3	27	55	10	0
John Creathorn -	John Creathorn -	64	2	26	119	10	0
Charles Frizell -	Charles Frizell -	50	3	1	142	13	0
Mary Tannam (now deceased)	{ Peter Tannam and Alice } Dowling - - }	6	0	0	15	0	0
					£ 880 3 0		

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.