



ANNO DECIMO

# GEORGII IV. REGIS.

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## *Cap. cxxv.*

An Act to authorize the Endowment of the Church and Vicarage of *Newry*, and for other Purposes relating thereto. [19th June 1829.]

**W**HEREAS the Parish of *Newry*, situate in the Counties of *Down* and *Armagh* in that Part of the United Kingdom called *Ireland*, is of considerable Extent, and contains a numerous and increasing Population, and the existing Parish Church therein is not sufficiently large to accommodate all the Inhabitants of the said Parish : And whereas the Spiritual Duties in the said Parish have been heretofore performed by the Vicar thereof for the Time being, assisted by One Curate ; but from the Increase of the Population of the said Parish it has become necessary that further Assistance should be provided : And whereas the present Provision of the said Vicar is not sufficient for the Maintenance of himself and such Assistant Curate or Curates : And whereas it will much tend to the Advancement of Religion and the Accommodation of the Inhabitants of the said Parish, if a suitable additional Place of Worship be provided and maintained within the same, and a Chaplain or Curate appointed to perform Divine Service therein, and if the Provision for the said Vicar be augmented : And whereas the Right Honourable *Francis* Earl of *Kilmorey* is Lord of the exempt Jurisdiction, and is also Lord of the Manor of *Newry*, and Rector Improprate of the said Parish, and the Vicarage of the said Parish Church is a Benefice in the Patronage of the said Earl : And whereas the Reverend *Charles* Campbell is the present Vicar of the said Parish and Parish Church of

[Local.]

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*Newry* :



*Newry* : And whereas there is in the said Parish an ancient Church, which was, until the present Church was built, the Parish Church, and was called the Church of *Saint Patrick* : And whereas the said *Francis* Earl of *Kilmorey* and several Inhabitants of the said Parish have lately, by voluntary Subscriptions and Gifts, repaired the said Church, which was in a decayed and ruinous Condition, and the same may now be safely used for the Celebration of Divine Service, and is calculated to contain Six hundred Persons : And whereas the said *Francis* Earl of *Kilmorey* is desirous of his own free Will and Accord to grant and create an adequate Endowment for the said Church and Augmentation of the said Vicarage of *Newry*, and that the said old Church should be appropriated as a Chapel of Ease, and to endow the Chaplain thereof : And whereas the Objects aforesaid cannot be effected without the Aid of Parliament : May it therefore please 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 the said old Church of *Saint Patrick*, being the former Parish Church of *Newry* aforesaid, shall be from henceforth a Parochial Chapel of Ease annexed and appendant to the Mother Church of the said Parish of *Newry*, and to be known by the Name of " The Chapel of *Saint Patrick*," and be appropriated for the Use of the Inhabitants of the said Parish ; and that it shall and may be lawful to celebrate the Morning and Evening Service, according to the Liturgy of the United Church of *England* and *Ireland*, and to administer the Sacraments of Baptism and the Lord's Supper, and to perform the Service for the Burial of the Dead, according to the Rites and Ceremonies of the said Church, and to preach the Word of God therein in like Manner as in the Mother Church ; and all Burials therein shall be duly entered in a Register to be provided and kept at such Chapel for that Purpose, in like Manner as Burials in Parish Churches are required to be registered ; and such Register, or an examined Copy or Extract therefrom, shall be received in all Courts of Law and Equity as Evidence of such Burials respectively, in such or the like Manner as the Register of any Burial in any Parish Church is received in Evidence.

Old Church of Saint Patrick to be a Parochial Chapel of Ease, and to be appropriated generally for the Use of the Inhabitants.

Seats in the Chapel.

II. And be it further enacted, That Three Fourths of the Accommodation in the said Chapel shall be left as open free Seats, and the other Fourth shall be allotted by the Churchwardens of the said Parish as closed free Pews and Seats for the Accommodation of the Parishioners of the said Parish, in the same Manner as Pews and Seats in the Parish Church, subject always to the Jurisdiction of the said *Francis* Earl of *Kilmorey*, or the Lord or Lords or Ordinary or Ordinaries of the said exempt Jurisdiction for the Time being : Provided always, that One of such closed Pews or Seats be allotted for the separate Use of the said Lord or Lords or Ordinary or Ordinaries for the Time being as aforesaid, and another of such closed Pews or Seats for the Use of the Chaplain of the said Chapel of Ease for the Time being, and their respective Families.

Chaplain.

III. And be it further enacted, That there shall be a Chaplain of the said Chapel, to be appointed, constituted, and endowed from Time



to Time in manner herein-after provided, for the due Celebration of Divine Service and preaching the Word of God in the said Chapel, and for the other Purposes herein provided; which said Chaplain and his Successors, when appointed as herein-after directed, shall be and remain subject to the Jurisdiction and Power of the Lord for the Time being of the said exempt Jurisdiction, in the Manner herein-after mentioned.

IV. And be it further enacted, That it shall and may be lawful to and for the said *Francis Earl of Kilmorey*, or the Lord or Lords for the Time being of the said exempt Jurisdiction, at any Time after the passing of this Act, to grant and convey to or in Trust for the said Reverend *Charles Campbell* the present Vicar of *Newry*, and his Successors, Vicars aforesaid, such permanent, fit, and adequate Endowment by perpetual Rent Charge, or by the Conveyance of Lands and Tenements, or Tithes, not exceeding at the Time of such Endowment or Conveyance the annual Amount or Value of Two hundred Pounds, for the sole Use and Benefit of the said *Charles Campbell* and his Successors, Vicars of the said Parish, for ever, and a further annual Sum not exceeding One hundred Pounds, for Payment of the Salary of One or more Curate or Curates; to aid and assist him and them in the due Discharge of the Spiritual Duties of the said Parish; which Curate or Curates shall from thence be nominated by the said *Francis Earl of Kilmorey*, or the Lord or Lords of the said Jurisdiction for the Time being, and shall by him or them be licensed as Curate or Curates of the said Parish.

Lord Kilmorey empowered to endow the Vicarage;

V. And be it further enacted, That it shall and may be lawful to and for the said *Francis Earl of Kilmorey*, or the Lord or Lords of the said exempt Jurisdiction as aforesaid, to grant in like Manner unto or in Trust for the said Chaplain of the said Chapel of Ease, when appointed, and his Successors, Chaplains thereof, by like Conveyance of Lands and Tenements, or Tithes, or by the Grant of a perpetual yearly Rent Charge not exceeding at the Time of such Grant the annual Sum of One hundred Pounds, as and for a permanent Endowment, and to and for the Use and Benefit of the said first and other Chaplains to be successively constituted and appointed in and to the said Chapel of Ease of *Saint Patrick*, in manner herein provided; such Endowments to become respectively vested in possession in the said *Charles Campbell* and his Successors, Vicars of *Newry* aforesaid, and in the said Chaplain, when duly appointed, and his Successors, Chaplains of the said Chaplaincy, for ever; any Statutes of Mortmain or other Law to the contrary notwithstanding.

and also the Chapel of Ease.

VI. And be it further enacted, That it shall and may be lawful to and for the said *Francis Earl of Kilmorey*, or the Lord or Lords of the Jurisdiction aforesaid, to allot and appoint by Deed under his or their Hand and Seal a suitable Portion of the said Parish, within which the Spiritual and Ecclesiastical Duties are to be performed by the said Chaplain and his Successors; but in the meantime and until such Allocation or Appointment shall take place, the said Chaplain and his Successors shall aid and assist in the Discharge of the various Spiritual and Ecclesiastical Duties of the said Parish, under the Directions

A District to be appointed for the Chaplain.



Directions and in such Manner as the Vicar of the said Parish for the Time being shall direct and appoint: Provided always, that the said Chaplain, from the Time of his Appointment, and his Successors for the Time being, shall have and take to his and their own Use and Benefit all the Surplice Fees arising in the said Chapel of Ease: Provided always, that any such Grant or Conveyance and Allotment, made pursuant to this Act, shall be enrolled within Six Months from the Date thereof in His Majesty's Court of Chancery in *Ireland*.

Patronage  
to remain  
in Lord  
Kilmorey.

VII. And be it further enacted, That the Patronage of the said Chaplaincy shall be and remain in the said *Francis Earl of Kilmorey*, or the Lord or Lords for the Time being of the said exempt Jurisdiction of *Newry*, who shall have full Power to nominate and appoint a fit and proper Person, being a Priest in Holy Orders of the United Church of *England* and *Ireland* as by Law established, and not being possessed of any other Cure or Benefice, or Ecclesiastical Preferment with Cure of Souls, to be Chaplain of said Chapel of Ease, and that the said Chaplain, when so appointed and licensed, shall be perpetual Chaplain of the said Chaplaincy, and shall officiate as such; and that so upon every future Vacancy by Death, Resignation, Removal, or otherwise, the Lord or Lords of the said exempt Jurisdiction of *Newry* for the Time being shall have full Power, and he and they are hereby required, to nominate and appoint a fit and proper Person as herein-before mentioned, who shall be entitled to officiate as Chaplain, and to take and receive to his own Use all the Fruits, Profits, and Emoluments whatsoever unto the said Chaplaincy belonging.

Power of  
Nomination  
in case of  
Lapse.

VIII. And be it further enacted, That in case the said Office or Place of Minister or Chaplain of the said Chapel of Ease shall at any Time or Times hereafter, after the first Appointment of a Chaplain thereof, be suffered to remain void for the Term or Space of Six Calendar Months, without any Nomination or Presentation thereto by the said *Francis Earl of Kilmorey*, or the Lord or Lords for the Time being of the exempt Jurisdiction of *Newry* aforesaid, during the Term aforesaid, by virtue of this Act, then and in every such Case the Nomination or Presentation of a Minister or Chaplain to the said Chapel of Ease shall lapse to the Bishop of the Diocese within which the said Parish of *Newry* is locally situated for the Time being; and in default of Nomination or Presentation thereto by such Bishop within the further Term or Space of Six Calendar Months, then and in every such Case the Nomination or Presentation of a Minister or Chaplain to such Chapel of Ease shall lapse to the Lord Primate of all *Ireland* aforesaid for the Time being; and in case of Default of a Nomination by such Lord Primate within the further Term of Six Calendar Months, then from such Lord Primate to the Crown, according to the usual Course of Law in Presentative Livings or Benefices; and the Right of Nomination or Presentation of a Minister or Chaplain to the said Chapel of Ease shall and may be recovered, and the Office and Place of Minister or Chaplain thereof shall and may cease and be determined, in like Manner as the Presentation or Incumbency in any Presentative Benefice may now be recovered or cease; and every Person to be nominated and appointed such  
Minister



Minister or Chaplain of the said Chapel of Ease by the Bishop or by the Lord Primate for the Time being in manner aforesaid, under and by virtue of this Act, and duly performing Divine Service therein in manner herein-before directed, shall be entitled to the Stipend or Salary, to be settled and provided to be paid to the Chaplain thereof for such Service by the said Earl of *Kilmorey*, or the Lord or Lords of the said exempt Jurisdiction, under and by virtue and in pursuance of this Act, as herein-before mentioned; and in case such Salary or Stipend shall remain unpaid for the Space of Forty Days next after either of the Days of Payment, to be settled and appointed by the said *Francis* Earl of *Kilmorey*, or the Lord or Lords of the said exempt Jurisdiction for that Purpose, it shall be lawful for such Minister or Chaplain to be so nominated or appointed by the Bishop or the Lord Primate as aforesaid, and his Executors and Administrators, to sue for and recover the same, with full Costs of Suit, from the Trustee or Trustees for the Time being of the Lands, Hereditaments, Monies, Stocks, Funds, or Securities to be charged by the said *Francis* Earl of *Kilmorey*, or the Lord or Lords of the said exempt Jurisdiction, with the Payment thereof, by Action of Debt or on the Case, in any of His Majesty's Courts of Record in *Ireland*, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed.

IX. And be it further enacted, That the said Chaplain, and his Successors, Chaplains as aforesaid, shall be and they and each of them are and is hereby incorporated and made one Body Politic and Corporate, by the Name of The Chaplain of the Chapel of *Saint Patrick* in the Parish of *Newry*, and shall be capable to sue and be sued by such Name, and to take and receive any Lands, Tenements, or Property whatsoever, Real or Personal, not exceeding in the whole the clear yearly Value of One hundred Pounds, by Gift, Grant, Devise, or otherwise, in augmentation of the said Endowment, and to the Use and Behoof of them and their Successors, Chaplains as aforesaid, for ever.

Chaplain to be a Body Corporate, and to sue and be sued, and to be capable of further Endowment.

X. And be it further enacted, That the said Chaplain of the said Chapel of Ease, so appointed, and his Successors, shall hold the said Chaplaincy for Life, subject only to be removed or suspended by the said *Francis* Earl of *Kilmorey*, or the Lord or Lords for the Time being of the said exempt Jurisdiction, for any Offence, the Punishment of which by the Ecclesiastical Laws of this Realm may be, if committed by any Rector or Vicar, Suspension or Deprivation.

Chaplain to be removable.

XI. Provided always, and be it enacted, That in case any Chaplain or his Successors shall be suspended or deprived of his Cure by the Lord or Lords for the Time being of the said exempt Jurisdiction, under or by virtue of the Power so reserved by this Act, such Chaplain and his Successors shall have and be entitled to a Right of Appeal therefrom to the Lord Primate of all *Ireland*, and to have the same Relief as Rectors or Vicars in *Ireland* aforesaid are by the Ecclesiastical Laws of this Realm now entitled to, by Appeal to any Archbishop or Primate from the Sentence of Suspension or Deprivation

Right of Appeal against Removal.



vation of any Bishop within the same; any Power or Right vested in the said Lord or Lords of the said exempt Jurisdiction to the contrary notwithstanding:

Lord Primate may suspend or deprive Chaplain in certain Cases.

XII. Provided also, and be it enacted, That in case the Chaplain for the Time being shall do or commit any Act or Offence, the Punishment of which by the Ecclesiastical Laws of this Realm may be Suspension or Deprivation, and the said Lord or Lords for the Time being of the said exempt Jurisdiction shall not suspend or deprive him, after being required so to do by or on behalf of the Lord Primate of all *Ireland* for the Time being, then and in such Case it shall be lawful for the said Lord Primate for the Time being to suspend or deprive such Chaplain.

Chaplain accepting any other Preferment, Chaplaincy to cease.

XIII. And be it further enacted, That if the Chaplain of the said Chapel of Ease for the Time being, at any Time after his being appointed, shall accept any Ecclesiastical Preferment with Cure of Souls, the Chaplaincy of the said Chapel shall become *ipso facto* vacant, as if he were naturally dead.

Chapel to be repaired and found in all Things needful by Parish Assessment.

XIV. And be it further enacted, That the said Chapel of Ease shall henceforward be maintained and repaired, and all Things needful or usual for the Celebration of Divine Service therein shall be provided at the Expence of the said Parish of *Newry*, at the Time and in like Manner as the Church of *St. Mary's* in *Newry* aforesaid is or can be maintained, repaired, and provided by the Laws and Statutes now in being; and that a Clerk for the said Chapel, and Sexton, shall be nominated and appointed in like Manner, and with such Salary, and the like Remedies for the Recovery thereof, as Parish Clerks or Sextons are appointed and receive and enjoy in Chapels of Ease in *Ireland* by the Laws and Statutes now in force concerning the same; and that the said Earl of *Kilmorey*, or the Lord or Lords of the said exempt and peculiar Jurisdiction, and the Ministers and Churchwardens of the said Parish, and the Inhabitants of same, in Vestry assembled, shall have and exercise all such Powers of Assessment and otherwise, in respect of the said new Mother Church of *Newry*, and of the said Chapel, and the due Celebration of Divine Worship therein, and the Repairs thereof respectively, as in like Cases any Bishops or other Ordinaries, Ministers, Churchwardens, and Vestries exercise by any Law now in being, or by any Statute hereafter to be enacted; and particularly under and by virtue of a certain Statute made in the Seventh Year of His present Majesty's Reign, intituled *An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks in Ireland*, in like Manner as if the same were herein enacted respecting the said Parish of *Newry*, and the Powers and Authorities thereby vested in the Archbishops and Bishops within their respective Jurisdictions, were hereby expressly granted to the Lord or Ordinary of the said exempt and peculiar Jurisdiction.

7 G. 4. c. 72.

XV. Pro-



XV. Provided nevertheless, and be it declared and enacted, That the said Vicarage of the said Parish of *Newry* shall be and remain a Benefice in the Patronage and free Disposition of the said *Francis* Earl of *Kilmorey* and the Lord or Lords of the said exempt Jurisdiction of *Newry* for the Time being, and that the Vicar of *Newry*, the Chaplain, Curates, and other Ecclesiastical Persons within the said exempt Jurisdiction, shall be and continue subject to the Visitation and Jurisdiction of the said *Francis* Earl of *Kilmorey* and the Lord or Lords for the Time being of the said exempt Jurisdiction, and that he and they shall have, use, exercise, and enjoy such and the same Powers, Privileges, Jurisdictions, and Authorities which the Lords of the said exempt and peculiar Jurisdiction of Right ought to have, use, exercise, or enjoy.

Patronage  
of Vicarage  
to remain in  
Lord Kil-  
morey.

XVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and also to the Lord Primate of all *Ireland*, and to any Archbishop, Bishop or Bishops, and their Successors, or other Spiritual or Ecclesiastical Authority, all such Rights, Interests, Privileges, Powers, Duties, or Authorities whatsoever, in or over or relating to the said Parish of *Newry*, or the said exempt Jurisdiction, or the said new Church of *Newry*, or the said Chapel of *Saint Patrick*, or any other Church or Chapel now or which shall at any Time hereafter be erected, built, established, or opened within the said Parish, as they, every or any of them, have had and enjoyed or are entitled to in or over or relating to the same, or as they or any of them might or could have had or enjoyed or would have been entitled to in case this Act had not been made.

Saving of  
Rights.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

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