



ANNO VICESIMO PRIMO & VICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. 10.

An Act to amend an Act of the Parliament of *Ireland*, passed in the Eleventh and Twelfth Years of the Reign of King *George* the Third, intituled *An Act for vesting the Estate of the Right Reverend Father in God Doctor John Stearne, late Lord Bishop of Clogher, deceased, in Trustees, in trust for carrying the charitable and other Bequests of his Will into execution.*

[2d August 1858.]

WHEREAS by an Act of the Parliament of *Ireland*, passed in the Eleventh and Twelfth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for vesting the Estate of the Right Reverend Father in God Doctor John Stearne, late Lord Bishop of Clogher, deceased, in Trustees, in trust for carrying the charitable and other Bequests of his Will into execution*, after reciting, amongst other things, that the said *John Stearne*, late Lord Bishop of *Clogher*, deceased, being at the Time of his Death seised of considerable Real Estates in the Counties of *Armagh*, *Monaghan*, and *Dublin*, did, on or about the Thirteenth Day of *May* One thousand seven hundred and

Irish Act,
11 & 12 G. 3.
recites Will,
&c. of
Dr. Stearne.

[*Private.*]

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forty-one, duly make and publish his last Will and Testament in Writing, touching his Real Estates in the Counties of *Armagh* and *Monaghan*, and afterwards duly made Three Codicils, dated respectively as therein mentioned, all or some of which relate to his said Real Estates in the said Counties of *Armagh* and *Monaghan*, and also the said Real Estate in the County of *Dublin*, and thereby gave and bequeathed the same to certain Persons therein mentioned as Trustees, to the end that they, their Heirs and Assigns, might receive all the Issues and Profits thereof, and all Arrears of Rent which should be due thereout at his Death, and apply the same principally to divers charitable Uses and Purposes in his said Will and Codicils mentioned; and further reciting, that the said Bishop of *Clogher* died in the Month of *June* One thousand seven hundred and forty-five without revoking his said Will or Codicils; and that *Richard Vincent*, One of the Trustees and Executors therein named and appointed, solely proved said Will and Codicils in the proper Court of Prerogative, and took upon him the Execution thereof, all the other Executors having declined the Execution or any of the Trusts before mentioned; and further reciting, that the said several Trustees died without having appointed any Trustee or Trustees, and without having conveyed the Premises so vested in them to any other Person or Persons, pursuant to the true Intent and Meaning of the said Will, after the Deaths of the said other Trustees; and further reciting, that the several charitable and pious Intentions of the said Lord Bishop of *Clogher* had not been carried into execution, as all the said Trustees named in the Will of the said Doctor *John Stearne* were long since dead, and that there were no Trustees then legally authorized to act in the Trust created by his said Will and Codicils, and that the Minority and other accidental legal Disability of the Heir of the surviving Trustee in the said Will and Codicils of the said Doctor *John Stearne* named might thereafter much impede, if not frustrate, the pious Intentions of the said Doctor *John Stearne*, it was enacted, that from and after the First Day of *May* One thousand seven hundred and seventy-two there should be a Corporation, to continue for ever, for the Execution of the said last Will and Codicils of the said Right Reverend Doctor *John Stearne*, late Lord Bishop of *Clogher*, deceased, as far as relates to his Real Estate, which Corporation should consist of the several Persons therein-after named; (that is to say,) his Grace the Lord Primate of *Ireland* for the Time being, the Lord Bishop of *Clogher* for the Time being, the Right Honourable the Lord Chancellor or Keeper of the Great Seal for the Time being, the Lord Chief Justice of the King's Bench, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Court of Exchequer, the Provost of *Trinity College*, the Prebendary of *Tynan* in the Diocese of *Armagh* for the Time being, the Vicar of *Donagh* in the Diocese of *Clogher* for the Time being, the Right Honourable *Thomas Lord Dartry*, the Right Honourable *Edmund Sexton Perry* Esquire,

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Esquire, Sir *Capel Molyneux* Baronet, *John Rotten* Esquire, the Reverend *John Maxwell* Doctor in Divinity, Archdeacon of *Clogher*, and *John Putland*, of the City of *Dublin*, Esquire; and it was thereby further enacted, that the said Trustees and their Successors should have Power and Authority, and were thereby authorized, to meet together from Time to Time and as often as there should be Occasion; and the said Trustees and their Successors, or the major Part of them so assembled, Three of them at least being so assembled, whereof the Lord Primate or the Lord Bishop of *Clogher* to be always One, should have Power to make such reasonable Orders and Regulations for the better Management of the said Charities and the carrying the testamentary Dispositions of the said Doctor *John Stearne* into execution as should be thought necessary and convenient, and to do various other Acts in discharge of the Trusts of and connected with the said Charity, as in the said Act particularly mentioned or set forth; and it was thereby further enacted by the Authority aforesaid that all and singular the Lands, Tenements, and Hereditaments by the Will or Codicils of the said Doctor *John Stearne* devised to the Trustees therein named should for ever thereafter remain vested in the said Corporation and its Successors, upon the several Trusts and for the Purposes in the said Will and Codicils or some of them mentioned, inalienable, and without the said Corporation being capable of forfeiting, selling, or otherwise disposing of the same, save that it should and might be lawful to and for the said Trustees and their Successors, for that Purpose duly assembled, or the major Part of them being so assembled, Five of the said Trustees at least being present at every such Assembly, of which the said Lord Primate or the said Lord Bishop of *Clogher* to be always One, from Time to Time, by Indenture under their Common Seal, to demise or lease any Lands, Tenements, or Hereditaments vested in them in pursuance of said Act, or any Part or Parcel thereof, for any Term or Number of Years not exceeding the Term of Thirty-one Years, so as upon every such Demise or Lease there be reserved and made payable half-yearly to the said Trustees and their Successors during the said Term as much Rent as could at the Time of making the said Lease *bonâ fide* be got for the same from a solvent Tenant, and so as no Fine, Income, or other Consideration be taken for the same, and that every such Demise or Lease be made in possession and not in reversion: And whereas the said *John Stearne* Lord Bishop of *Clogher* by his said Will ordered that One hundred Pounds *per Annum* should be applied by his said Trustees towards the binding out Apprentices Five Children of deceased Clergymen to some Trade, and to give any Sum, not exceeding Twenty Pounds, as an Apprentice Fee to any one of them: And whereas owing to the Change in the Value of Money and in the Usages of social Life and other Circumstances it has not been possible to carry into execution so much of the said Will as relates to the Bequest of the Funds for apprenticing the Children of deceased Clergymen

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Clergymen to Trades; and although there have been abundant Funds for that Purpose, yet only Two Opportunities have offered during a Space of Seventy-two Years for fulfilling the Desire and Direction of the said Lord Bishop of *Clogher* in that particular respect; and accordingly, the said Sum of One hundred Pounds *per Annum* not having been so applied as aforesaid, Accumulations have taken place in the Funds of the said Corporation, which are applicable to the Purposes of the said Charity; and there is now vested in Government New Three *per Cent.* Stock, transferable in the Books of the Governor and Company of the Bank of *Ireland*, in an Account therein entitled "Trustees of *Stearne's Charities*, incorporated by Act of Parliament," the Sum of Six thousand two hundred and seventy-three Pounds Five Shillings and Twopence, and a Cash Balance in Bank exceeding the Sum of Seven hundred Pounds: And whereas in pursuance of an Act of Parliament passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter and amend the Laws relating to the Temporalities of the Church in Ireland*, the Bishopric of *Clogher* has, since the Avoidance thereof by the Death of Lord *Robert Ponsonby Tottenham*, late Lord Bishop of *Clogher*, become united to the Archbishopric of *Armagh*; and in consequence thereof and of the unavoidable Absence of the said Lord Primate in Attendance on and Performance of his Parliamentary and other Duties, it hath been at Times found impracticable to procure Meetings of the said Trustees competent to carry into execution all the Trusts of the said Will: And whereas the present Trustees under the said Will and the said first herein-before recited Act are his Grace the Lord Primate of all *Ireland*, the Right Honourable the Lord Chancellor of *Ireland*, the Lord Chief Justice of the Court of Queen's Bench in *Dublin*, the Lord Chief Justice of the Court of Common Pleas in *Dublin*, the Lord Chief Baron of the Court of Exchequer in *Dublin*, the Provost of *Trinity College, Dublin*, the Prebendary of *Tynan* in the Diocese of *Armagh*, and the Vicar of *Donagh* in the said Diocese of *Clogher*: And whereas the said Trustees on the Twenty-second Day of *April* in the Year of our Lord One thousand eight hundred and fifty-seven preferred their Petition to the Right Honourable the Lord High Chancellor of *Ireland*, setting forth and praying that it might be referred to One of the Masters of the said Court to devise and settle a Scheme for the future Regulation of the said Charity, in the Matter in the said Petition particularly referred to, so as as nearly as possible to carry out the Intention of the Testator in such Manner as would be consistent with the altered Circumstances of the Property, the Change in the Value of Money and in the Habits and Circumstances of the intended Objects of the Charity; and also to inquire and report whether it would be proper that any Portion of the Funds accumulated, then in the Hands of the Trustees, and which had necessarily partly accumulated by reason of the Nonfulfilment of the

Intention

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c. 37.
(Public.)

Petition to
Court of
Chancery,
dated 22d
April 1857,
for a Scheme
for Regula-
tion of
Charity.

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Intention of the Testator in respect of the apprenticing of the Children of deceased Clergymen, should be appropriated towards the carrying out of such Scheme as the Master might approve of; and that the Trustees might be at liberty to appear before the Master, and also to suggest a Scheme for the Purposes in the said Petition stated; and that the Master might report whether it would be for the Benefit of the before-mentioned Charity that any and what Steps should be taken to have the Clause in the said Act herein-before recited altered or amended, with respect to the Meeting of the Trustees, and to substitute some other proper Person or Persons for the Bishop of *Clogher* as a necessary constituent Member of the Meetings, so as to enable the Trustees to hold complete Corporation Meetings more regularly and whenever the Members thereof should deem it necessary for the Interest of the Charity so to do, and that the Petitioners might have such further Relief as to his Lordship should seem meet; whereupon all Parties concerned were ordered to attend on the Matter of the said Petition, and thereof to have due Notice, and Counsel with the Petitioners and Counsel with the Attorney General, on the Third and Sixth Days of *June* One thousand eight hundred and fifty-seven, attending and consenting, it was ordered by the Right Honourable the Master of the Rolls that the Petitioners should be at liberty to take the necessary Proceedings to obtain an Act of Parliament for the Amendment of the *Irish* Statute of the Eleventh and Twelfth Years of *George* the Third, intituled *An Act for vesting the Estates of the Right Reverend Father in God Doctor John Stearne, late Lord Bishop of Clogher, deceased, in Trustees, in trust for carrying the charitable and other Bequests of his Will into execution*; and the Court thereby declared the Petitioners entitled to their Costs of the said Petition and of the Order thereon, and all proper and necessary Proceedings thereunder, out of the Trust Funds: And whereas on the Sixteenth Day of *February* last, upon the Application of Counsel on Part of the said Trustees, it was ordered by the Right Honourable the Master of the Rolls (amongst other things) that it should be referred to *Edward Litton* Esquire, One of the Masters of the said Court, to inquire and report whether it would be for the Benefit of the Charity and in furtherance of the Will of the Testator that the Application for an Act of Parliament, directed by the Order of Court of the Sixth Day of *June* One thousand eight hundred and fifty-seven, should embrace all or which of the Objects in the Draft proposed Bill stated and set forth: And, whereas *Edward Litton* Esquire, the Master of the said Court, to whom the Matter was referred, by his Report dated the Eleventh Day of *March* One thousand eight hundred and fifty-eight, (after finding and reporting the aforesaid Acts of Parliament, Bequests of the Testator, and the several other Documents, Facts, Events, Matters, and Things aforesaid as herein-before recited,) certified that it would

Order of Court for Application to Parliament.

Further Order, dated 16th Feb. 1858.

Reference to Master.

Master's Report, dated 11th March 1858.

[*Private.*]

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Stearne's Charities Act, 1858.

be for the Benefit of the Charity and in furtherance of the Will of the Testator that the intended Application to Parliament should embrace all the Objects following; (to wit,) Firstly, that Provision should be made to obviate the Inconvenience arising from the present Necessity for the Presence of the Lord Primate at the Meetings of the Trustees; secondly, that in order to secure more regular and constant Meetings of Trustees an Addition should be made to the Number of such Trustees; and thirdly, that Provision should be made for extending the Benefit provided by the said Testator *John Stearne*, late Lord Bishop of *Clogher*, for the Children of deceased Clergymen, by enabling the Trustees of his said Will to apply to such Objects a larger annual Sum out of the said Trust Funds vested in them as aforesaid, and also by enabling them, in Cases where it shall seem to them advisable so to do, to apply such Sum or any Part thereof to the Education or Advancement in Life of the Children of Clergymen, instead of applying the same for the Purpose of binding them out as Apprentices; and that he had endorsed his Name on the proposed Bill in testimony of his Approval of the several Provisions therein contained: And whereas by an Order of the Right Honourable the Master of the Rolls made in the said Matter, bearing Date the Fifteenth Day of *April* One thousand eight hundred and fifty-eight, it was ordered that the said Report of the said Master should be confirmed: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, *John George* Lord Primate of all *Ireland* and *William Maclean* Prebendary of *Tynan*, most humbly beseech Your Majesty that it may be enacted; and 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:

Appoint-
ment of new
Trustees.

I. From and after the passing of this Act the Right Honourable and Right Reverend *Joseph Henderson* Lord Bishop of *Meath*, the Right Reverend *Marcus Gervais* Lord Bishop of *Kilmore*, the Honourable and Very Reverend *Henry Pakenham* Dean of the Cathedral Church of *Saint Patrick's, Dublin*, the Venerable the Archdeacon of *Dublin*, the Venerable *John Whitley Stokes* Archdeacon of the Diocese of *Armagh*, and the Venerable *John Abraham Russell* Archdeacon of the said Diocese of *Clogher*, and their several and respective Successors for the Time being in the said Bishoprics, Deanery, and Archdeaconries, shall be and they are hereby respectively added as Members of the Corporate Body of the Trustees of the Charities of Doctor *John Stearne*, late Lord Bishop of *Clogher*, deceased; and from and after the passing of this Act His Grace the Lord Primate of all *Ireland*, the Right Honourable the Lord Chancellor or Keeper of the Great Seal

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Seal in *Ireland*, the Right Reverend the Lord Bishop of *Meath*, the Right Reverend the Lord Bishop of *Kilmore*, the Lord Chief Justice of the Queen's Bench, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, the Provost of *Trinity College*, the Dean of the Cathedral Church of *Saint Patrick's, Dublin*, the Archdeacon of *Dublin*, the Archdeacon of *Armagh*, the Archdeacon of *Clogher*, the Prebendary of *Tynan* in the Diocese of *Armagh*, and the Vicar of *Donagh* in the Diocese of *Clogher*, all for the Time being, and their several and respective Successors for the Time being, and also (if and when the See of *Clogher* shall cease to be united to the Archbishopric of *Armagh*) the Right Reverend the Lord Bishop of *Clogher* for the Time being, shall be a Corporation, to continue for ever, for the Execution of the Trusts of the Will and Codicils of the said Right Reverend *John Stearne*, late Lord Bishop of *Clogher*, so far as relates to his Real Estates, subject to the Provisions herein-after contained; and that the said Corporation shall be called by the Name of "The Trustees of the Charities of Doctor *John Stearne*, late Lord Bishop of *Clogher*, deceased," and shall be enabled to plead and sue and be sued and impleaded by that Name, and shall use the Common Seal now used by the Corporation constituted by the Act herein-before recited, and shall hold, exercise, and enjoy all the Powers and Authorities given, either by the said Doctor *John Stearne* or by Law, to the said Trustees of his said Will and Codicils.

II. It shall and may be lawful for the said Trustees and their Successors to meet together from Time to Time and as often as there shall be Occasion; and the said Trustees and their Successors, or the major Part of them so assembled, Three of them at least being present, (of whom the Lord Primate of all *Ireland*, the Lord Bishop of *Meath*, or the Lord Bishop of *Kilmore* for the Time being, or (if and when the See of *Clogher* shall cease to be united to the Archbishopric of *Armagh*) the Right Reverend the Lord Bishop of *Clogher* for the Time being, shall always be One,) shall have Power to make such reasonable Orders and Regulations for the better Management of the said Charities and the carrying the Testamentary Dispositions of the said Doctor *John Stearne* into execution as shall be thought necessary and convenient, and to revoke or alter such Orders or Regulations, and to do all other Acts in the Discharge of the Trusts of the said Act of Parliament herein-before recited, as varied by this Act, as in and by the said recited Act the Trustees therein named were empowered to do and execute.

Provision
for Meeting
of Trustees,
and their
Powers.

III. It shall be lawful for the said Trustees and their Successors, out of the Cash standing in Bank to their Credit and out of the said

Application
of Cash
Balance and
Sum Income from
Stock.

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Sum of Six thousand two hundred and seventy-three Pounds Five Shillings and Twopence Government New Three *per Cent.* Stock, to pay all necessary and proper Costs, Charges, and Expenses attending the said Proceedings in the Court of Chancery in *Ireland*, and preliminary thereto, and also attending the passing of this Act and the Proceedings in respect thereof, and the Balance (if any) of the said Cash shall be invested in Government Stocks, Funds, or Securities, or in Lands, subject to the Approval of the Court of Chancery, and the Balance of the said Stock may either be continued invested on such present Security, or may be invested in other Government Stocks, Funds, or Securities, or in Lands, subject to the Approval of the Court of Chancery, and the Trustees shall stand possessed of such Stocks, Funds, Securities, and Lands for the Purposes of the Trust as herein-after provided,

Extension
of Benefit of
Trust for
Children of
Clergy.

IV. Subject to the Payment in Sterling Money of the United Kingdom of *Great Britain* and *Ireland* of the other annual charitable Bequests particularly specified in the said Will, it shall be lawful for the said Trustees and their Successors, and they are hereby required, to apply the Dividends, Interest, and annual Produce of all the aforesaid Government Stocks, Funds, or Securities, and also such annual Sums out of the Rents and Profits of the Trust Estates as will, with the said Dividends, Interest, and annual Produce, make up the total Sum of Four hundred Pounds of such Sterling Money as aforesaid in each Year, in or towards educating, apprenticing, or otherwise advancing in Life the Children (Male or Female, in the Discretion of the said Trustees and their Successors,) of Clergymen of the United Church of *England* and *Ireland* as by Law established, whether such Clergymen be living or dead: Provided always, that in every Selection of such Children a Preference shall be given to Children one or both of whose Parents shall be dead at the Time of such Selection; and that not more than Fifty Pounds of such Sterling Money as aforesaid shall be applied for the Benefit of the same Child in any One Year, but so nevertheless that the said Trustees and their Successors may, for the Purpose of the Education of any such Child, permit the same Child to continue a Recipient of the said Charity for so many Years, not exceeding Seven Years in the whole, either successive or at Intervals, as they may think fit: Provided always, that in case any Child after the Expiration of that Term shall, from unusual Abilities or Acquirements, be in the Judgment of the Trustees a fit Person to receive further Assistance for the Purpose of enabling him to complete his Education at any University, and there shall be surplus Funds in any Year at the Disposal of the Trustees after satisfying all Charges on account of the specific Bequests herein-before mentioned, and the Four hundred Pounds applied as aforesaid disposable for such Purpose, then

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then and in such Case it shall be lawful for the said Trustees to pay to such Person from such surplus Funds any Sum not exceeding Fifty Pounds in any Year up to the Time of his attaining the Age of Twenty-one Years.

V. All and singular the Lands, Tenements, and Hereditaments by the Will and Codicils of the said Doctor *John Stearne* devised to the Trustees therein named shall from and after the passing of this Act be and remain vested in the said Corporation hereby constituted, upon the several Trusts and for the Purposes in the said Will and Codicils mentioned, save so far as the same are hereby altered or enlarged, or as the same shall or may be hereafter altered by any Decree or Order of the High Court of Chancery in *Ireland*, inalienable, and without the said Corporation being capable of forfeiting, selling, or otherwise disposing of the same; save that it shall and may be lawful to and for the said Trustees and their Successors, for that Purpose duly assembled, or the major Part of them being so assembled, Five of the said Trustees at least being present at every such Assembly (of whom the Lord Primate, the Lord Bishop of *Meath*, or the Lord Bishop of *Kilmore* for the Time being, or (if and when the See of *Clogher* shall cease to be united to the Archbishopric of *Armagh*) the Right Reverend the Lord Bishop of *Clogher* for the Time being shall be always One,) from Time to Time, by Indenture under their Common Seal, to demise any Lands, Tenements, or Hereditaments vested in them in pursuance of this Act, for any Term of Years, not exceeding the Term of Thirty-one Years, so as upon every such Demise there be reserved and made payable half-yearly to the said Trustees and their Successors, during the said Term, as much Rent as can at the Time of making the said Demise *bonâ fide* be got for the same from a solvent Tenant, and so as no Fine or other Consideration be taken for the same, and that every such Demise be made in possession, and not in reversion.

Vesting
Lands, &c.
in the Trust
as now con-
stituted.

Power to
Trustees to
let Lands for
31 Years.

VI. This Act may be cited for all Purposes as "*Stearne's Charities Act, 1858.*" Short Title.

VII. Saving only unto the Queen's most Excellent Majesty, Her Heirs and Successors, and all other Persons, except the Trustees under the said Will and the said first-recited Act, all such Estate, Right, Title, and Interest in and to the Estate and Property devised by the said Will, and vested in the Trustees by the said first-recited Act, as She or he had before the passing of this Act, or could or might have had if this Act had not been passed.

General
Saving.

[*Private.*]

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VIII. This

Stearne's Charities Act, 1858.

Act as
printed by
Queen's
Printers to
be Evidence.

VIII. This Act shall not be a Public Act, but shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1858.