



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. 3.

An Act for authorizing the Dean and Chapter of *Kilkenny* to raise Money for the Repair and Restoration of *Kilkenny Cathedral*, and to endow the Parishes of *Durrow* and *Ballinamara*; and for other Purposes. [14th July 1864.]

WHEREAS the Cathedral Church of *Saint Canice, Kilkenny*, has fallen by reason of Age into a dangerous State of Decay, and no adequate Fund having been provided by Law for keeping the same in good Repair, it is necessary that Provision should be made for that Purpose: And whereas the Public Worship and Services of the Church are at present duly conducted, and it is doubtful whether the Cathedral can be safely kept open for Worship unless the same is put in proper Repair: And whereas the Dean and Chapter consist of the following Persons; namely, the Very Reverend *Charles Vignoles* Doctor of Divinity, Dean of *Ossory*, the Reverend *Richard Pack* Chancellor, the Reverend *John Lamphier Drapes* Master of Arts, Precentor, the Reverend *James Graves* Bachelor of Arts, Treasurer, the Venerable *Joseph Thacker*, Archdeacon of *Ossory*, the Reverend *Frederick Richards Wynne*, Prebendary of *Blackrath*, the Reverend

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Luke

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Luke Fowler Master of Arts, Prebendary of *Aghour*, the Reverend *Charles Kendal Bushe* Bachelor of Arts, Prebendary of *Mayne*, the Reverend *Charles Caulfield Pepper*, Prebendary of *Killamery*, the Reverend *Vernon Russell Drapes*, Prebendary of *Tascoffin*, the Reverend *Samuel Madden* Master of Arts, Prebendary of *Kilmanagh*, the Reverend *James Lancaster*, Prebendary of *Cloncamery*: And whereas the present Income of the Dean and Chapter consists of One thousand and seventy-six Pounds Fifteen Shillings and Tenpence Halfpenny, or thereabouts, derivable from Rent of the Rectorial Tithe Rentcharges of the Parishes of *Rathdowney*, *Offerlane*, and *Durrow* in the *Queen's County*, and from Rent of the Rectorial Rentcharge of the Parish of *Ballinamara* in the County of *Kilkenny*, and the Rentcharges of the Parishes of *Sheffin*, *Balleen*, *Coolcashim*, *Rathcool*, *Kilkyran*, *Killarney*, *Treadingstown*, *Rathlogan*, *Ballylarkin*, and *Rathkyran* in the County of *Kilkenny*, and also Rents of a House and Garden within the Precincts of the Cathedral and in the Town of *Kilkenny*: And whereas the Charges upon such Sum of One thousand and seventy-six Pounds Fifteen Shillings and Tenpence Halfpenny for the Services of the Cathedral, and other Expenses, amount to Five hundred and fifty-four Pounds and Two Shillings or thereabouts, leaving a surplus Income of Five hundred and twenty-two Pounds Thirteen Shillings and Tenpence Halfpenny or thereabouts, which Income will be increased by the annual Sum of Four hundred and twenty-six Pounds Nineteen Shillings and Fivepence Halfpenny not later than the Year One thousand eight hundred and sixty-eight (at any rate), by the falling in of a Lease made by the Dean and Chapter to the Reverend *Charles Vignoles*, and at an earlier Period should the Dean of *Ossory* not live, or not continue to be Dean of *Ossory*, until the Year One thousand eight hundred and sixty-eight: And whereas the total annual surplus Income of the Dean and Chapter will, subject to the Endowments of the Parishes of *Durrow* in the *Queen's County* and *Ballinamara* in the County of *Kilkenny* herein-after mentioned, (in the Year One thousand eight hundred and sixty-eight,) amount to Nine hundred and forty-nine Pounds Thirteen Shillings and Fivepence or thereabouts, and the Dean and Chapter are willing to pay their present surplus Income, and also their surplus Income when so increased by the Sum of Four hundred and twenty-six Pounds Nineteen Shillings and Fivepence Halfpenny as aforesaid, and also all incidental Emoluments accruing from the falling in of Leases or otherwise, (except the Leases of the Tithes of *Durrow* and *Ballinamara* herein-after mentioned,) into a Fund to be called the *Kilkenny Cathedral Economy Fund*: And whereas it is expedient that the said Deans and Chapter be authorized to borrow any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, on the Security of such Economy Fund, for the Repair and Restoration

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ration of the said Cathedral: And whereas the Endowment of the Vicarage of *Durrow* in the *Queen's County* and also the Vicarage of *Ballinamara* in the County of *Kilkenny* respectively are wholly inadequate to the Payment of the Stipends of the respective Vicars of those Parishes, and it is expedient that the Dean and Chapter should be empowered to convey for the Benefit of the respective Vicars for the Time being of those Parishes, in perpetuity, certain Rentcharges to which the Dean and Chapter are at present entitled, and which are specified in this Act: And whereas the Objects above mentioned cannot be effected without the Authority of Parliament: May it therefore please 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 the present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

1. This Act may be cited for all Purposes as "*The Kilkenny Cathedral Economy Fund Act, 1864.*" Short Title.

2. Subject to the Payment of a Sum not exceeding Five hundred and sixty Pounds for the Services of the Cathedral and other annual Expenses, and subject to the Endowment of the Livings of *Durrow* in the *Queen's County* and *Ballinamara* in the County of *Kilkenny*, by transferring the Rentcharges payable to the Dean and Chapter in respect of those Parishes to the Vicars of those Parishes for the Time being, the Dean and Chapter shall pay or cause to be paid into the Bank of *Ireland* all the annual Income accruing and to accrue from Time to Time from Rentcharges, Leases, Tithes, or otherwise, and also all incidental Income accruing from the falling in of Leases or otherwise, except in respect to the Parishes of *Durrow* and *Ballinamara* above-mentioned, into a Fund to be called "*the Kilkenny Cathedral Economy Fund.*" Income to be paid to Economy Fund.

3. The said Dean and Chapter may, for the Purposes of this Act, borrow at Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*, Monies on Mortgage on the Security of the said Economy Fund not exceeding Ten thousand Pounds. Power to borrow on Security of Economy Fund.

4. If after having borrowed any Part of the Money so authorized to be borrowed on Mortgage the said Dean and Chapter shall pay off the same except by means of the Sinking Fund it shall be lawful for them again to borrow from Time to Time the Amount so paid off. Power to re-borrow.

5. Every Mortgage for securing Money borrowed by the said Dean and Chapter shall be by Deed under the Common Seal of the said Dean and Chapter duly stamped, and wherein the Consideration shall Mortgages to be duly stamped.

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shall be truly stated; and every such Mortgage Deed may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect.

Transfers of Mortgages to be duly stamped.

6. Any Party entitled to any such Mortgage may from Time to Time transfer his Right and Interest therein to any other Person, and every such Transfer shall be by Deed duly stamped, wherein the Consideration shall be truly stated, and every such Transfer may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Interest on Mortgages to be paid half-yearly.

7. Unless otherwise provided by any Mortgage, the Interest of the Money borrowed thereupon shall be paid half-yearly to the several Parties entitled thereto.

Repayment of Money borrowed at a Time fixed.

8. The said Dean and Chapter may, if they think proper, fix a Period for the Repayment of all or any Part of the Principal Monies borrowed under the Provisions of this Act, with the Interest thereof, and in such Case the said Dean and Chapter shall cause such Period to be inserted in each Mortgage Deed, and upon the Expiration of such Period the Principal Sum or such Part thereof, together with the Interest and Arrears of Interest thereon, shall on Demand be paid to the Party entitled to such Mortgage.

Repayment of Money borrowed where no Time fixed.

9. If no Time be fixed in the Mortgage Deed for the Repayment of the Money so borrowed the Party entitled to the Mortgage may, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage, demand Payment of the Principal Money thereby secured, with all Arrears of Interest, upon giving Six Calendar Months previous Notice for that Purpose, and in the like Case the said Dean and Chapter may at any Time pay off the Money borrowed on giving the like Notice; and every such Notice shall be in Writing or Print, or both, and if given by a Mortgagee shall be delivered to the Registrar of the said Dean and Chapter, and if given by the said Dean and Chapter shall be given either personally to such Mortgagee or left at his Residence, or if such Mortgagee be unknown to the said Dean and Chapter, or cannot be found after diligent Inquiry, such Notice shall be given by Advertisement in the *Dublin Gazette* and in some *Kilkenny Newspaper*.

Interest to cease on Expiration of Notice to pay off Mortgage.

10. If the said Dean and Chapter shall have given Notice of their Intention to pay off any such Mortgage, at a Time when the same may lawfully be paid off by them, then at the Expiration of such Notice all further Interest shall cease to be payable on such Mortgage unless on Demand of Payment made pursuant to such Notice, or

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unless at any Time thereafter the said Dean and Chapter shall fail to pay the said Principal and Interest due at the Expiration of such Notice on such Mortgage.

11. In order to discharge the Principal Monies borrowed as aforesaid on Security of the Economy Fund the said Dean and Chapter shall every Year, after satisfying the Costs of the Services of the Cathedral, not exceeding Five hundred and Sixty Pounds *per Annum*, and after Payment of Interest on the Money borrowed under the Authority of this Act, cause the Balance of the Economy Fund to be invested in the Purchase of Exchequer Bills or other Government Securities, and to be increased by Accumulation in the way of Compound Interest, or otherwise, so as to create a Sinking Fund, until the same respectively shall be of sufficient Amount to pay off the Principal Debts respectively to which such Sinking Fund shall be applicable: Provided always, that it shall be lawful for the said Dean and Chapter from Time to Time to apply any Portion of the Sinking Fund for the Time being in paying off any Part of the respective Principal Monies so borrowed, which the said Dean and Chapter shall think ought then to be paid off in the Manner herein-after mentioned.

Sinking Fund for Payment of Monies borrowed.

12. Whenever the said Dean and Chapter shall be enabled to pay off One or more of the Mortgages which shall then be payable, and shall not be able to pay off the whole of the same Class, they shall decide the Order in which they shall be paid off by Lot among the Class to which One or more of the Mortgages belong, and shall cause a Notice signed by their Registrar to be given to the Persons entitled to the Money to be paid off pursuant to such Lot, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid off, together with the Interest due thereon, at a Place to be specified at the Expiration of Six Months from the Date of giving such Notice.

Order of Payment of Mortgages.

13. The Interest from Time to Time payable on the Mortgages shall be a First Charge upon the Economy Fund.

Interest on Mortgages to be a First Charge.

14. Whenever any Interest to be paid to any Mortgagee under this Act, or to his Executors, Administrators, or Assigns, is not paid by the Dean and Chapter, according to the Terms expressed in his Mortgage Deed, the Mortgagee, his Executors, Administrators, or Assigns, may recover the same, with Costs of Suit, from the Dean and Chapter in any Courts of competent Jurisdiction, and in every such Action Service of Process on the Clerk of the Dean and Chapter shall be a good Service thereof on the Dean and Chapter, or if any such Mortgagee, or his Executors, Administrators, or Assigns think fit, he or they may, upon Petition or Motion, apply to the Court of

Recovery of Interest.

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Chancery

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Chancery in *Ireland* for a Receiver to be appointed to the Estates of the Dean and Chapter, and the Court of Chancery may, upon Proof that the Sum of One hundred Pounds in the aggregate is and has for Six Months previous to such Application been in arrear and unpaid on Mortgages of the Dean and Chapter (whether the same belong to One or more than One Holder) make such Order for the Appointment of a Receiver, and the Payment of Arrears of Interest by such Receiver out of Monies which shall come to his Hands, including all such Costs and Expenses as the Court may think fit.

Application
of Monies.

15. All Monies which shall come to the Hands of the said Dean and Chapter under the Provisions of this Act, or which shall be raised by any Mortgage or Security thereof granted by the said Dean and Chapter, shall be applied and disposed of, as follows:

Firstly, in defraying the Charges and Expenses which shall have been incurred in or shall be incident to the obtaining and passing this Act, in case the same shall not have been paid prior to the granting of any Mortgage:

Secondly, in repairing, restoring, and maintaining in repair the said Cathedral Church:

And lastly, in paying off the Principal of all Monies due on the Credit of the said Economy Fund.

Power to
convey Rent-
charges in
Durrow or
Ballinamara.

16. The Dean and Chapter may by Deed under their Corporate Seal (such Deed to be enrolled in the Court of Chancery in *Ireland* within One Month from the Execution thereof) absolutely convey and assign unto and to the Use of the Vicar for the Time being of the Parish of *Durrow* in the *Queen's County*, and to his Successors, all and every the Rentcharge and Rentcharges, Profits, and Emoluments arising to the Dean and Chapter from such Parish, and the Dean and Chapter may by a similar Deed absolutely convey and assign unto and to the Use of the Vicar for the Time being of the Parish of *Ballinamara* in the County of *Kilkenny*, and to his Successors, all the Rentcharge and Rentcharges, Profits, and Emoluments arising to the Dean and Chapter from such Parish; and from and after the Execution and Enrolment of any such Deed, all the Estate and Interest whatever of the Dean and Chapter in any Rentcharge, Profits, or Emoluments arising from the Parish to which such Deed relates shall absolutely cease and determine.

The Dean
and Chapter
to keep
Account of
Receipts, &c.
under this
Act.

17. The Dean and Chapter shall keep a just and particular Account of all the Receipts, Credits, Payments, and Liabilities under this Act, which Account shall be fairly entered in a Book provided for that Purpose solely, and shall at every General Audit be perused and examined and signed by the Dean and Chapter, and also by the Auditor, in like Manner as the other Accounts of the Dean and Chapter,

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Chapter, and the Book shall at all Times be open to the Examination and Transcription of the Lord Bishop of *Ossory, Ferns, and Leighlin.*

18. The Court of Chancery in *Ireland* from Time to Time may, on summary Application by Petition or Motion, make all such Orders and give all such Directions for any of the Purposes of this Act and for the Taxation and Payment of any Costs, as the Court from Time to Time think fit.

Orders of Court of Chancery for Purposes of Act.

19. Nothing in this Act contained shall take away, lessen, derogate from, prejudice, alter, or affect any of the Powers, Authorities, Jurisdictions, or Rights of Her Majesty, Her Heirs or Successors, save only so far, if at all, as is requisite for giving effect to the several Purposes of this Act.

Saving Rights of Crown.

20. All the Costs, Charges, and Expenses of, and incident, to the obtaining and passing of this Act shall be paid by the Dean and Chapter.

Expenses of Act.

21. Saving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all Persons and Bodies Politic and Corporate, and their respective Heirs and Successors, Executors, and Administrators, (other than and except the several Persons who are by this Act expressly excepted out of this general Saving,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever in, to, or out of the corporate Estate, or any Part thereof, as they or any of them respectively had before the passing of this Act, or could or might have respectively enjoyed in case this Act were not passed.

General Saving.

22. Provided always, That the following Persons are excepted out of the general Saving in this Act contained, and are accordingly the only Persons bound by this Act, to wit, the Dean and Chapter, their Successors and Assigns.

Persons who are only bound by this Act.

23. 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.

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

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SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Mortgage Deed.

Mortgage No. £

By virtue of [*here insert Title of Act*] we the Dean and Chapter of Saint Canice Cathedral, Kilkenny, in consideration of the Sum of Pounds paid to us by *A.B.* of do assign unto the said *A.B.*, his Executors, Administrators, and Assigns the Economy Fund of the said Dean and Chapter, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of , with Interest at Pounds per Centum per Annum for the same, shall be fully paid and satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof; *in case any Period be agreed upon for that Purpose, at*].

Given under our Common Seal this Day of
One thousand eight hundred and sixty-

SCHEDULE (B.)

Form of Transfer of Mortgage.

I *A.B.* of , in consideration of the Sum of paid to me by *G.H.* of , do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number , made by the Dean and Chapter of Saint Canice Cathedral, Kilkenny, to , bearing Date the Day of , for securing the Sum of and Interest, [*or if such Transfer be by Endorsement, "the within Security,"*] and all my Right, Estate, and Interest in and to the Money and Property thereby assigned.

In witness whereof I have hereunto set my Hand and Seal, this Day of One thousand eight hundred and

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.