

complained of, be affirmed except so far as regards the right to the portion of Tithes of Rathdanial and Rickellstown thereby certified to belong to Messrs. Duckett & Cumming, and with respect to the same that the Appeal should stand over until further Order". And Whereas the said Revd John Whitty, having by his Memorial lodged in the Council Office on the 18th of September 1835 - and Addressed to the Lord Lieutenant and Council after reciting the above mentioned Order set forth that he had amended said Bill by making said Hugh Cumming and John Dawson Duckett parties Defendants thereto, thus putting in Issue in said Suit the question of the Title to the said portion of Tithes. And the said Memorial after reciting certain proceedings in said Suit, set forth that on the 1st day of December 1832 - said Cause came on to be heard in the Court of Exchequer as between the Plaintiff, and such of the Defendants as appeared, Upon Pleadings and Proofs Whereupon a Decree was pronounced declaring Memorialist as Incumbent of the Parish of Rathmore aforesaid entitled to one third ^{part} of the Tithes of said Townlands of Rickellstown and Rathdanial in the said Parish of Kinnegagh. And the said Revd John Whitty, by his said Memorial has thereupon prayed that his said Appeal may be now finally heard and determined, And that the said Certificate of Composition for the Tithes of the said Parish of Kinnegagh may be altered & amended by expunging thereout the names of the said "Hugh Cumming and John Dawson Duckett lay, Impropriators or Lords of the Soil" and inserting therein in their respective places the name of the Memorialist Incumbent of the Parish of Rathmore, in the County of Carlow in conformity with said Decree and that Memorialist may be declared entitled to his Costs of said Appeal - An Order was thereupon made for Hearing the Parties concerned in the matter of the said Appeal on this Day Wednesday the 30th day of November 1836, And Notice of the lodgment of the said Memorial and of the said Order for Hearing having been given to said Parties, the said Appeal came on to be heard accordingly. And the Appellant having appeared by his Counsel and produced Evidence of the Decree of the said Court of Exchequer hereinbefore mentioned And there being no Appearance by or on behalf of the Defendants. It is thereupon Ordered by Us Constantine Henry