ANNO SEXTO

GULIELMI IV. REGIS.

****

CAP. XIX.

An Act for separating the Palatine Jurisdiction of the County Palatine of *Durham* from the Bishoprick of *Durham*. [21st *June* 1836.]

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 from and after the Commencement of this Act the Bishop of *Durham* for the Time being shall have and exercise Episcopal and Ecclesiastical Jurisdiction only; and that from and after the Commencement of this Act the Palatine Jurisdiction, Power, and Authority heretofore vested in and belonging to the Bishop of *Durham* shall be separated from the Bishoprick of *Durham*, and shall be transferred to and vested in His Majesty, His Heirs and Successors, as a Franchise and Royalty separate from the Crown, and shall be exercised and enjoyed by His Majesty, His Heirs and Successors (as a separate Franchise and Royalty), in as large and ample a Manner in all respects as the same has been heretofore exercised and enjoyed by the Bishop of *Durham*; and that all Forfeitures of Lands or Goods for Treason or otherwise, and all Mines of Gold and Silver, Treasure Trove, Deodands, Escheats, Fines, and Amerciaments, and all Jura Regalia of what Nature or Kind soever, which, if this Act had not passed, would or might belong to the Bishop of *Durham* for the Time being, in right of the County Palatine of *Durham*, shall be vested in and belong to His Majesty and His Successors in right of the same: Provided always, that nothing

The Palatine Jurisdiction of the Bishop of Durham to be separated from the Bishoprick and vested in the Crown.

nothing herein-before contained shall prejudice or affect the Jurisdiction of any of the Courts of the said County Palatine, or any Appointment heretofore made to any Office in the said County Palatine, or any Act whatsoever heretofore done by the Bishop of *Durham* in right of the said County Palatine.

County Court to cease.

II. And be it further enacted, That from and after the Commencement of this Act all the Power, Authority, and Jurisdiction of the Court called "The Court of the County of *Durham*," and of the Clerk of the Court of the County of *Durham* as Judge of the same Court or otherwise, shall cease and determine; subject nevertheless and without Prejudice to any Proceedings then depending in such Court, as to which the Authority and Jurisdiction of the said Court and of the present Clerk of the said Court shall continue in full Force and Effect, notwithstanding the passing of this Act; and in case of the Death or Removal from Office of the present Clerk of the said Court whilst any such Proceedings as aforesaid shall be still depending therein, the Under Sheriff of the said County shall and may, for the Purpose of any such Proceedings, act as Judge of the said Court, and exercise the same Power, Authority, and Jurisdiction as the present Clerk of the said Court might have exercised if still living and continuing in Office: Provided always, that after the Commencement of this Act the Sheriff for the Time being of the said County Palatine shall and may have and exercise the same Power of holding a County Court, and the same Jurisdiction therein, as is usually had and exercised by Sheriffs of other Counties in *England*.

Custos Rotulorum to be appointed.

III. And be it further enacted and declared, That after the passing of this Act it shall be lawful for His Majesty and His Successors to appoint a Custos Rotulorum of the said County of *Durham*, and from Time to Time to appoint to that Office on every future Vacancy thereof.

Compensation to Persons affected by the Provisions of the Act.

IV. And whereas it is expedient that due Provision shall be made for the Compensation of any Person or Persons deprived of his or their Office or Offices in the County of *Durham*, for the Losses he or they may sustain by the Abolition of his or their Office or Offices, or Reduction of his or their Fees, by virtue or in consequence of this Act; be it therefore enacted, That from and after the Commencement of this Act there shall be issued, paid, and payable, out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Person or the several Persons appointed before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six to any Office or Offices in the County of *Durham* which shall be abolished or affected by virtue of this Act, free and clear of all Taxes and Deductions whatsoever, such Sums of Money, at such Times, by way of Annuity or otherwise, as, having regard to the Manner of his or their Appointment to such Office or Offices, and the Term and Duration thereof, and all the Circumstances of the Case, shall be adjudged and determined to be due to such Person or Persons respectively by any Commission to be appointed by His Majesty, or by virtue of any Act of Parliament, for the Purpose of determining the Amount of the Compensation that ought to be due and payable in such

such Cases; and that in the meantime and until Compensation shall be awarded and determined in manner aforesaid, or the Time shall have elapsed that may be appointed for claiming the same, it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, to issue their Warrants for the Payment to such Person or Persons as aforesaid, out of the said Consolidated Fund, of such half-yearly or quarterly Allowances as to the said Commissioners shall seem reasonable, both as to the Amount and Times of Payment, on account of such Compensation as may thereafter be awarded to the said Parties respectively.

Restrictions as to Compensations.

V. Provided always, and be it further enacted, That no Person shall be entitled to receive any such Compensation or Allowance as aforesaid who shall not previously make a full and true Statement to the said Commissioners of His Majesty's Treasury, to be verified on Oath before a Judge, or Master or Master Extraordinary in Chancery, if they shall think fit so to direct, of the Amount of the Salary, Fees, and Emoluments of such Office, and of the Disbursements and Outgoings of the same, for the Space of Ten Years before the passing of this Act; and that such Compensation or Allowance shall cease altogether or be reduced in Amount, as the Case may be, whenever the Party entitled to receive the same shall be placed in any other public Office of which the Salary and Emoluments shall be equal to the Whole or to Part of such Compensation or Allowance, so that in the last-mentioned Case no Person shall be entitled to receive more of such Compensation or Allowance than shall be equal to the Difference between the full Amount thereof and the Amount of the Salary and Emoluments of the Office in which he may be hereafter placed.

Reservation of Patent Fees to Patentees.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall affect the Right of any Person holding a Patent of any Office, whether abolished by this Act or not, to receive any Fee or Stipend granted by such Patent out of the Revenues of the Bishoprick of *Durham*; and that such Revenues shall continue and be subject to all the same Fees and Stipends in respect of any Office in the said County of *Durham* as the same have been heretofore subject to.

Extent of the Words "County of Durham."

VII. And be it further enacted, That in the Interpretation of the Clauses and Provisions herein-before contained the Words "County of *Durham*" shall comprise and mean the County of *Durham* and *Sadberge*, including the detached Parts of *Craikshire*, *Bedlingtonshire*, *Norhamshire*, *Allertonshire*, and *Islandshire*, and all other Places heretofore within the Jurisdiction of the Bishop of *Durham* in right of the said County Palatine.

Commencement of Act.

VIII. And be it further enacted, That this Act shall, as to all the foregoing Matters not otherwise provided for, commence and take effect upon and from the Fifth Day of *July* in this present Year, and shall, as to all the Matters herein-after provided for, commence and take effect from the passing thereof.

IX. Pro-

Reservation of Rights to the Bishoprick.

IX. Provided always, and be it further enacted, That nothing herein-before contained shall have the Effect of severing or separating from the said Bishoprick, or of affecting the Rights and Powers of the said Bishop in, over, or upon or with respect to any Lordships, Manors, Houses, Lands, Tenements, Tithes, Rents, Collieries, Mines, Minerals, Rectories, Advowsons, Profits, or Emoluments of any Kind or Description whatsoever, whether held in right of the said Bishoprick or in right of the said County Palatine, or otherwise howsoever, other than and except only any Profits and Emoluments herein-before expressly mentioned and directed to be severed therefrom.

The Bishop to take and hold subject to future Provisions.

X. And be it further enacted, That from and after the passing of this Act the Bishop of *Durham* elect, or Bishop of *Durham* for the Time being, shall take and hold the said Bishoprick, and all the Property, Patronage, and Rights belonging thereto, except as herein-before provided, subject to and under any Provisions which shall be made by or under the Authority of Parliament with respect to the said Bishoprick within the Space of Three Years next after the passing of this Act; any Law, Statute, or Canon to the contrary notwithstanding.

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