

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

****

CAP. XCIII.

An Act to amend the Act for the better Regulation of Ecclesiastical Courts in *England*.

[10th *August* 1840.]

WHEREAS it is expedient to make further Regulations for the Release of Persons committed to Gaol under the Writ De contumace capiendo: Be it therefore 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, That after the passing of this Act it shall be lawful for the Judicial Committee of Her Majesty's Most Honourable Privy Council, or the Judge of any Ecclesiastical Court, if it shall seem meet to the said Judicial Committee or Judge, to make an Order upon the Gaoler, Sheriff, or other Officer in whose Custody any Party is or may be hereafter, under any Writ De contumace capiendo already issued or hereafter to be issued, in consequence of any Proceedings before the said Judicial Committee or the Judge of the said Ecclesiastical Court, for discharging such Party out of Custody; and such Sheriff, Gaoler, or other Officer shall on Receipt of the said Order forthwith discharge such Party: Provided always, that no such Order shall be made by the said Judicial Committee or Judge without the Consent of the other Party or Parties to the Suit: Provided always, that

Privy Council may order Discharge of Persons in Custody under Writ De contumace capiendo.

Proviso.

in Cases of Subtraction of Church Rates for an Amount not exceeding Five Pounds where the Party in contempt has suffered Imprisonment for Six Months and upwards, the Consent of the other Parties to the Suit shall not be necessary to enable the Judge to discharge such Party, so soon as the Costs lawfully incurred by reason of the Custody and Contempt of such Party shall have been discharged, and the Sum for which he may have been cited into the Ecclesiastical Court shall have been paid into the Registry of the said Court, there to abide the Result of the Suit; and the Party so discharged shall be released from all further Observance of Justice in the said Suit.

Form of Order.

II. And be it enacted, That any such Order may be in the Form given in the Schedule annexed to this Act.

Act may be amended this Session.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

SCHEDULE.

Warrant of Discharge.

To the Sheriff [Gaoler, *or* Keeper, *as the Case may be*,] of in the County of .

Forasmuch as good Cause hath been shown to us [*or* me] [*here insert the Description of the Judicial Committee or Judge, as the Case may be*,] wherefore *A. B.* of now in your Custody, as it is said, under a Writ De contumace capiendo, issued out of [*here insert the Description of the Court out of which the Writ issued*], in a Suit in which [*here insert the Description of the Parties to the Suit*], should be discharged from Custody under the said Writ; we [*or* I], therefore, with the Consent of the said [*here insert the Description of the Parties consenting*], command you, on behalf of our Sovereign Lady the Queen, that if the said *A. B.* do remain in your Custody for the said Cause and no other, you forbear to detain him [*or* her] any longer, but that you deliver him [*or* her] thence, and suffer him [*or* her] to go at large, for which this shall be your sufficient Warrant.

Given under the Seal of at the Day of in the Year of our Lord .

A. B., Registrar *or* Deputy Registrar [*or, as the Case may be*].

London: Printed by George E. Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1840.