given for the Expenses of obtaining a Warrant Ad factum præstandum recoverable by Poinding and Sale, and Imprisonment in default, the Proceedings shall be as nearly as possible in conformity with the Forms above prescribed for the Recovery of Penalties and Expenses. If the Expenses are declared to be recoverable by ordinary Diligence, or by Arrestment and Poinding, the Warrant and Procedure will be as in No. 6.]

8. *Judgment of Absolvitor or Dismissal.*

The Justices [*or* Justice, *or* Sheriff, *or* Magistrate] assoilzie the within-designed *J.K.* from the foregoing Complaint [*or* dismiss the Complaint]. [*If an Award of Expenses be competent, add,*] Find the within-designed *A.B.*, Complainer, liable to the said *J.K.* in the Sum of £ of Expenses, and decern and ordain instant Execution therefor by Arrestment, and also Execution by Poinding and Sale and Imprisonment, if the same be competent, after a Charge of Fifteen free Days; grant Warrant, &c. [*as in No.* 6, *omitting Warrant of Imprisonment when incompetent.*]

[*Signature of Judges or Judge.*]

9. *Extract of Judgment convicting, absolving, or dismissing* [*as the Case may be*].

At the Day of , in Presence of .
In the Complaint at the Instance of *A.B.* against *C.D.*, charging him with [*name the Crime, Offence, or Contravention*], as particularly set forth in said Complaint, the Justices [*or* Justice, *or* Sheriff, *or* Magistrate] in respect of [*state the Terms of the Judgment, and of any subsequent Warrant upon which Execution is to proceed*]. Extracted by me, Clerk of Court.

[*Signature of Clerk.*]

Execution may proceed either upon the Judgment and Warrant itself, or upon an Extract in the above Form.

CAP. LIV.

An Act for the Union of the Diocesan Courts and Registries in *Ireland;* for the Regulation of the Mode of Procedure therein, and also in the Provincial Courts of *Armagh* and *Dublin;* and for Appeals therefrom.

[25th *July* 1864.]

WHEREAS it is expedient to make Provision for the Union of the Consistorial or Diocesan Courts and Registries in *Ireland;* to alter and amend the Procedure and 'Practice of the Provincial and Diocesan Courts and Registries, in order that the same may 'be rendered simple and expeditious; to reduce and regulate the Expenses and Costs now 'charged and payable in such Courts and Registries; to re-arrange, reduce, or abolish the 'Fees upon Letters of Orders, Consecration of Churches, Institutions to Benefices, and 'other Ecclesiastical Instruments and Acts; and to make Provision for the better Preser-'vation of the Ecclesiastical Records and other Instruments deposited in the Provincial and 'Diocesan Registries:' 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, as follows:

PART I.

PRELIMINARY.

Short Title. **1.** This Act may be cited as "The Ecclesiastical Courts and Registries Act (*Ireland*), 1864."

Extent of Act. **2.** This Act shall only extend to that Part of the United Kingdom called *Ireland.*

3. This

3. This Act shall come into operation on such Day, not sooner than the Second Day of *November* One thousand eight hundred and sixty-four, as the Lord Lieutenant of *Ireland* shall by Order in Council appoint, provided that such Order be made One Month at least previously to the Day so to be appointed. Commencement of Act.

4. For the Purposes of this Act the following Words and Expressions shall, if not inconsistent with the Context, be thus interpreted: Interpretation of Terms.

"Archbishop of *Armagh*" shall mean the Lord Archbishop of *Armagh* for the Time being:

"Archbishop of *Dublin*" shall mean the Lord Archbishop of *Dublin* for the Time being:

"Bishop" shall include an Archbishop within his own Diocese:

"Lord Chancellor" shall mean the Lord High Chancellor or Lord Commissioners for the Custody of the Great Seal of *Ireland* for the Time being:

"Lord Lieutenant in Council" shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland:*

"Jurisdiction" shall include "Power and Authority:"

"Rules and Orders" shall mean such Rules and Orders as shall from Time to Time be prepared by the Archbishop of *Armagh* and the Archbishop of *Dublin*, and directed by the Lord Lieutenant in Council to take effect as Rules and Orders under the Provisions of this Act:

"Said Archbishops" shall mean the Lord Archbishop of *Armagh* for the Time being and the Lord Archbishop of *Dublin* for the Time being:

"Superior Courts" shall mean Her Majesty's Superior Courts of Law and Equity in *Dublin:*

"The Church" shall denote the United Church of *England* and *Ireland:*

"The Commissioners" shall mean and include the Commissioners of Inland Revenue:

"The Court" shall mean the Provincial Court or the United Court as regulated under this Act, as the Case may be:

"United Court" shall mean the Consistorial or Diocesan Court formed by the Union of the several Courts which by the Enactments of this Act shall be united to each other, and shall include the Diocesan Court of *Meath:*

"United Diocese" shall mean the several Dioceses under the Episcopal Jurisdiction of One Archbishop or Bishop, and shall include the Diocese of *Meath:*

"United Registry" shall mean the Consistorial or Diocesan Registry formed by the Union of the several Registries which by the Enactments of this Act shall be united to each other, and shall include the Registry of the Diocese of *Meath:*

"Vicar General" shall mean and include Official Principal, Commissary General, and Chancellor.

PART II.

Rules and Orders.

5. It shall be lawful for the Archbishop of *Armagh* and the Archbishop of *Dublin* to prepare from Time to Time Rules and Orders for— Rules and Orders to be prepared by the Archbishops of Armagh and Dublin, with the Concurrence of the Lord Lieutenant in Council.

(1.) Altering and regulating the Times, Forms, and Mode of Procedure and Practice before the Provincial and United Courts; and

(2.) Altering, establishing, and regulating the Fees to be payable by Suitors of the Provincial and United Courts to the Officer thereof in respect of the Business to be conducted before such Courts:

(3.) Regulating the Government and Conduct of Registrars of the Provincial Registries, and the Registrars of the United Registries, Apparitors, Clerks, Agents, and other Officers or Persons, in and relating to the Distribution and Performance of the Duties and Business to be done and performed in the Execution of their Offices or of this Act, and of Rules and Orders made in pursuance thereof:

(4.) The Custody and Preservation of Records, Books, Instruments, or other Documents in the Provincial and United Registries:

(5.) Making such Alterations in the Form and Number of Ecclesiastical Instruments now issued under any Archiepiscopal or Episcopal or Consistorial Seal, or out of any Provincial or United Court, as they may deem expedient, and such Instruments so altered shall be as effectual in Law for this Purpose as the Forms for which they are substituted:

(6.) Abolishing, altering, or regulating Fees on Instruments prepared in the Provincial Registries or United Registries, or filed therein:

(7.) Altering and regulating on a uniform Scale the Fees on Marriage Licences, such Fees not to exceed in any Case the Sum of Forty Shillings, except in the Case of Special Licences:

(8.) Abolishing, altering, or regulating Visitation Fees, and other Fees, Charges, and Costs to be charged and paid either in the Provincial and United Courts or in the Provincial and United Registries in respect of the Business done or transacted therein respectively:

(9.) Establishing and regulating the Fees, Expenses, and Costs which shall, under this Act, be charged and payable in the Provincial and United Registries for the Performance of the Duties belonging to the Offices of the Provincial Vicars General, Vicars General of the United Courts, Surrogates, Registrars of the Provincial Registries, and Registrars of the United Registries, Apparitors, or other Officers:

(10.) Establishing and regulating the Salaries or Allowances or Fees to be allowed to all or any of the Vicars General of the Provincial and United Courts, Surrogates, Apparitors, Registrars of Provisional Registries, or Registrars of the United Registries:

(11.) Establishing and regulating the Fees and Allowances to Proctors, Attornies, and Solicitors in respect of the Business transacted by them either in the Provincial and United Courts or in the Provincial and United Registries: Or for,

(12.) Otherwise bringing into operation and carrying into effect the Provisions of this Act:

And such Rules and Orders so prepared shall be submitted to the Lord Lieutenant in Council; and it shall thereupon be lawful for the Lord Lieutenant in Council to direct that all or any Part of such Rules and Orders shall take effect as Rules and Orders of the Provincial and United Courts and of the Provincial and United Registries respectively; and all such Rules and Orders may from Time to Time, upon the Recommendation of the said Archbishops, be rescinded, altered, varied, or added to by the Lord Lieutenant in Council.

Power of altering and regulating Fees.

6. The Power of altering or regulating any Fees or other Emoluments that may, at the Time of the passing of this Act, be vested in any Ecclesiastical Court or Registry, or in any Archbishop, Bishop, Vicar General of a Provincial Court, Vicar General of a Diocesan Court, or other Person or Body Corporate, shall only be exercised after the passing of this Act by Order of the Lord Lieutenant in Council, upon the Recommendation of the said Archbishops.

Rules, &c. to be laid before Parliament.

7. All Rules and Orders which may be made under this Act shall be laid before both Houses of Parliament by the Registrar of the Provincial Court of *Armagh*, or by the Registrar of the Provincial Court of *Dublin*, as shall be directed by the Rules and Orders, within One Month after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Month from the Commencement of the then next Session of Parliament.

PART III.

The United Courts and Registries.

Establishment of United Courts and Registries.

8. There shall be in *Ireland*, exclusive of the Two Provincial Courts, Twelve United Diocesan Courts and Twelve United Diocesan Registries.

Certain Dioceses to be united for Ecclesiastical Jurisdiction.

9. The several Dioceses the Courts and Registries of which shall have been united under this Act shall be deemed and taken to be One Diocese for all Purposes of Citation and of Ecclesiastical Power, and shall have a Seal for each United Court and Registry.

10. For

10. For Official Signature to all Documents and other Instruments it shall be sufficient if the Archbishop of *Armagh* and Bishop of *Clogher* shall designate himself Archbishop of *Armagh;* and if the Archbishop of *Dublin* and Bishop of *Glandelagh* and of *Kildare* shall designate himself Archbishop of *Dublin;* and if the Bishop of *Down* and *Connor* and *Dromore* shall designate himself Bishop of *Down;* and if the Bishop of *Derry* and *Raphoe* shall designate himself Bishop of *Derry;* and if the Bishop of *Kilmore, Elphin,* and *Ardagh* shall designate himself Bishop of *Kilmore;* and if the Bishop of *Tuam, Killala,* and *Achonry* shall designate himself Bishop of *Tuam;* and if the Bishop of *Killaloe, Kilfenora, Clonfert,* and *Kilmacduagh* shall designate himself Bishop of *Killaloe;* and if the Bishop of *Limerick, Ardfert,* and *Aghadoe* shall designate himself Bishop of *Limerick;* and if the Bishop of *Ossory, Ferns,* and *Leighlin* shall designate himself Bishop of *Ossory;* and if the Bishop of *Cashel, Emly, Waterford,* and *Lismore* shall designate himself Bishop of *Cashel;* and if the Bishop of *Cork, Cloyne,* and *Ross* shall designate himself Bishop of *Cork.* As to Official Signature of Archbishops and Bishops.

11. The Diocese of *Clonfert* and the Diocese of *Kilmacduagh* shall be within the Province of *Dublin* and under the Archiepiscopal Jurisdiction of the Archbishop of *Dublin* as Metropolitan. Transference of certain Dioceses to Province of Dublin.

12. The Consistorial and Diocesan Court and Registry of the Diocese of *Clogher* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Armagh:* Union of certain Consistorial and Diocesan Courts and Registries as herein named.

The Consistorial and Diocesan Court and Registry of the Diocese of *Raphoe* shall be united to the Diocesan Court and Registry of the Diocese of *Derry:*

The Consistorial and Diocesan Court and Registry of the Diocese of *Dromore* shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of *Down* and *Connor:*

The Consistorial and Diocesan Courts and Registries of the Dioceses of *Elphin* and *Ardagh* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Kilmore:*

The Consistorial and Diocesan Courts and Registries of the Dioceses of *Killala* and *Achonry* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Tuam:*

The Consistorial and Diocesan Courts and Registries of the Dioceses of *Clonfert, Kilmacduagh,* and *Kilfenora* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Killaloe:*

The Consistorial and Diocesan Court and Registry of the Diocese of *Kildare* shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of *Dublin* and *Glandelagh:*

The Consistorial and Diocesan Courts and Registries of the Dioceses of *Ferns* and *Leighlin* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Ossory:*

The Consistorial and Diocesan Courts and Registries of *Cashel* and *Emly* shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of *Waterford* and *Lismore:*

The Consistorial and Diocesan Court and Registry of the Diocese of *Cloyne* shall be united to the Consistorial and Diocesan Court and Registry of the Dioceses of *Cork* and *Ross:*

And the Consistorial and Diocesan Court and Registry of the Dioceses of *Ardfert* and *Aghadoe* shall be united to the Consistorial and Diocesan Court and Registry of the Diocese of *Limerick.*

13. The Vicar General of the Diocese of *Armagh* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of *Clogher:* As to Discharge of Duties of Rights and Powers of Vicars General of Dioceses herein named.

The Vicar General of the Diocese of *Derry* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of *Raphoe:*

The Vicar General of the Dioceses of *Down* and *Connor* shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of *Dromore:*

The Vicars General of the Diocese of *Kilmore* shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicars General of the Dioceses of *Elphin* and of *Ardagh*:

The Vicar General of the Diocese of *Tuam* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of *Killala* and *Achonry*:

The Vicar General of the Diocese of *Killaloe* shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicars General of the Dioceses of *Clonfert*, *Kilmacduagh*, and *Kilfenora*:

The Official Principal, Commissary General, and Chancellor of the Dioceses of *Dublin* and *Glandelagh* shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General in Spirituals, Official Principal, Commissary General, and Chancellor of the Diocese of *Kildare*:

The Vicar General of the Diocese of *Ossory* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of *Ferns* and *Leighlin*:

The Vicar General of the Dioceses of *Waterford* and *Lismore* shall, subject to the Provisions herein-after contained, discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of *Cashel* and *Emly*:

The Vicar General of the Dioceses of *Cork* and *Ross* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Diocese of *Cloyne*:

The Vicar General of the Diocese of *Limerick* shall discharge the Duties and possess the Rights and Powers of the Vicar General of the Dioceses of *Ardfert* and *Aghadoe*.

As to the Appointment of Registrars of United Dioceses.

14. The Registrar of the Diocese of *Clogher* and the Registrars of the Diocese of *Armagh* shall be the joint Registrars of the United Dioceses of *Armagh* and *Clogher*:

The Registrar of the Diocese of *Raphoe* and the Registrar of the Diocese of *Derry* shall be the joint Registrars of the United Dioceses of *Derry* and *Raphoe*:

The Registrar of the Diocese of *Dromore* and the Registrar of the Dioceses of *Down* and *Connor* shall be the joint Registrars of the United Dioceses of *Down*, *Connor*, and *Dromore*:

The Registrars of the Dioceses of *Elphin* and *Ardagh* and the Registrar of the Diocese of *Kilmore* shall be the joint Registrars of the United Dioceses of *Kilmore*, *Elphin*, and *Ardagh*:

The Registrar of the Dioceses of *Killala* and *Achonry* and the Registrar of the Diocese of *Tuam* shall be the joint Registrars for the United Dioceses of *Tuam*, *Killala*, and *Achonry*:

The Registrars of the Dioceses of *Clonfert*, *Kilmacduagh*, and *Kilfenora* and the Registrar of the Diocese of *Killaloe* shall be the joint Registrars for the United Dioceses of *Killaloe*, *Clonfert*, *Kilmacduagh*, and *Kilfenora*:

The Registrar of the Diocese of *Kildare* and the Registrar of the Dioceses of *Dublin* and *Glandelagh* shall be the joint Registrars of the United Dioceses of *Dublin*, *Glandelagh*, and *Kildare*:

The Registrars of the Dioceses of *Ferns* and *Leighlin* and the Registrar of the Diocese of *Ossory* shall be the joint Registrars of the United Dioceses of *Ossory*, *Ferns*, and *Leighlin*:

The Registrars of the Dioceses of *Cashel* and *Emly* and the Registrars of the Dioceses of *Waterford* and *Lismore* shall be the joint Registrars for the United Dioceses of *Cashel*, *Waterford*, *Lismore*, and *Emly*:

The Registrar of the Diocese of *Cloyne* and the Registrar of the Dioceses of *Cork* and *Ross* shall be the joint Registrars of the United Dioceses of *Cork*, *Cloyne*, and *Ross*:

The Registrar of the Dioceses of *Ardfert* and *Aghadoe* and the Registrar of the Diocese of *Limerick* shall be the joint Registrars of the United Dioceses of *Limerick*, *Ardfert*, and *Aghadoe*.

Existing Registrars shall continue to perform their Duties.

15. Each of such joint Registrars of a United Registry shall continue to discharge his Duties as Registrar in the Diocese of which he is Registrar at the Time of the passing of this Act, and to receive, subject to the Rules and Orders, the Fees or official Emoluments arising therefrom.

16. Upon

16. Upon the Death, Resignation, or Removal of One or more of such joint Registrars, the surviving Registrar or Registrars shall, subject to the Rules and Orders, perform all the Duties and receive the Fees and official Emoluments belonging to the Office of Registrar or joint Registrar of the United Dioceses to which he shall have been appointed under this Act. Surviving Registrars to perform Duties of United Registries.

17. Upon the Death, Resignation, or Removal of all the joint Registrars of any United Registry who may be in Office when this Act comes into operation there shall be only One Registrar appointed for any United Registry who shall hold his Office during good Behaviour; and until the Death, Resignation, or Removal of all the joint Registrars of any United Registry no Appointment of Registrar or joint Registrar of any United Registry shall be made. Upon Death, &c. of all the joint Registrars only One Registrar for each United Diocese to be appointed.

18. Subject to the Rules and Orders, nothing herein contained shall give any Deputy Registrar a Right to exercise the Duties of a Registrar or Deputy Registrar after the Decease, Resignation, or Removal of his Principal from the Office of joint Registrar. Deputy Registrars not to exercise Duties after Death, &c. of Principal.

19. When this Act comes into operation, the Patents, Commissions, and Appointments of the Vicars General of the Dioceses of *Dromore*, *Elphin*, *Ardagh*, *Kildare*, *Cashel* and *Emly*, *Clonfert* and *Kilmacduagh*, shall, except as to their respective existing Rights and Duties as Vicars General in Spirituals, be of no Force and Effect: Provided that, Existing Patents of Vicars General of Dromore, &c. annulled, except as to existing Rights.

Upon the Death, Resignation, or Removal of the now Vicar General of *Dromore* the Rights and Duties of the Vicar General of *Dromore* in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of *Down* and *Connor* for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of *Elphin* and of the now Vicar General of *Ardagh* the Rights and Duties of the Vicars General of *Elphin* and of *Ardagh* in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of *Kilmore* for the Time being:

Upon the Death, Resignation, or Removal of the now Vicars General of *Clonfert, Kilmacduagh*, and *Kilfenora*, the Rights and Duties of such Vicars General of *Clonfert, Kilmacduagh*, and *Kilfenora* in Spirituals shall belong to and be discharged by the Vicar General of the Diocese of *Killaloe* for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of *Kildare* the Rights and Duties of the Vicar General of *Kildare* in Spirituals shall belong to and be discharged by the Official Principal of the Dioceses of *Dublin* and *Glandelagh* for the Time being:

Upon the Death, Resignation, or Removal of the now Vicar General of the Dioceses of *Cashel* and *Emly* the Rights and Duties of the Vicar General of *Cashel* and *Emly* in Spirituals shall belong to and be discharged by the Vicar General of the Dioceses of *Waterford* and *Lismore* for the Time being.

20. Every Registrar shall, in such Manner as may be directed by the Rules and Orders, keep separate an Account of all Fees for Diocesan Business transacted by him after this Act comes into operation, and he shall on the Twenty-fifth Day of *March* and on the Twenty-ninth Day of *September* in every Year, in such Manner as may be directed by the Rules and Orders, account for and pay to any Vicar General whose Patent, Commission, or Appointment is or may be partly annulled by this Act the Fees for Business transacted belonging to the Office of Vicar General in Spirituals received in respect of the Diocese to which each such Vicar General severally belongs; and the Registrars of the United Registries shall respectively pay to the Vicars General appointed under this Act their respective Shares of such Fees as are payable to them as the Official Principal's Chancellors and Commissary Generals of such Dioceses. Fees to Vicars General in Spirituals.

PART IV.

PROCEDURE AND PRACTICE; PROCEEDINGS IN DEFAULT OF APPEARANCE; PAYMENT OF COSTS; COMPUTATION OF TIME; OATHS AND SUBSCRIPTIONS; PROCEEDINGS BY CONSENT; GRANT OF FACULTIES; AND FILING OF INSTRUMENTS. *Mode of Procedure in the Provincial and United Courts.*

21. Suits or other Proceedings shall be commenced in the Provincial or United Courts by filing in the Registry a Petition or Statement of Accusation, signed by Counsel, and addressed Suits, &c. to be commenced by filing a Petition

or Statement of Accusation in the Registry.

addressed to the Provincial or United Court, as the Case may be, and by serving the Defendant with a Copy thereof, and the subsequent Proceedings shall be conducted subject to the Rules and Orders.

Defendants to have the same Rights as in Superior Courts.

22. Every Defendant under this Act shall have, except the Right to have disputed Questions of Fact tried by a Jury, the same Rights and Privileges as Defendants have in the Superior Courts.

Affidavit by Petition that no Collusionexists, and that the Allegations in the Petition are true.

23. In any Suit or other Proceeding originated in a Provincial or United Court, other than for the Grant of Faculty, the Petitioner or Prosecutor shall, before presenting his Petition or Statement of Accusation to the Court, make an Affidavit, and annex the same to his Petition or Statement of Accusation, that there exists no Collusion between himself and the Defendant with respect to the Subject Matters contained in his Petition or Statement of Accusation, and that he believes that the Allegations contained in his Petition or Statement of Accusation are true: The Court may, if it think fit, order the Petitioner or Prosecutor to attend, and may examine him or permit him to be examined or cross-examined on the Hearing of any such Petition or Statement of Accusation.

Service of Petition or Notices.

Petitions, &c. may be sent to the Registry in a Registered Letter.

24. Petitions, Deeds, Documents, Instruments, Notices, and other Communications directed to be filed in or sent to any Provincial or United Registry under this Act may be forwarded by Post in a Registered Letter to such Registry.

Any Petition or Notice may be served by sending the same in a Registered Letter.

25. A Summons, or the Copy of any Petition or Statement of Accusation, or any Notice, may be served either on the Person instituting any Suit or other Proceeding, or upon the Defendant to such Suit or other Proceeding, by leaving the same or sending it by Post in a Registered Letter addressed to him at his usual Place of Abode.

Proceedings in default of Appearance.

26. If a Party be duly summoned to appear in any Suit or other Proceeding, and shall not appear pursuant to the Rules and Orders, the Court having Jurisdiction over such Suit or other Proceeding may, notwithstanding such Default, proceed to hear and determine the same.

Payment of Costs.

Security for Costs.

27. The Vicar General of any Provincial or United Court may, if he deem fit, upon the Application of a Defendant to any Suit or other Proceeding, supported by Affidavit, order the Petitioner or Party prosecuting to give Security for the Costs of the Defendant, and until such Security for Costs be given the Suit or other Proceeding shall be stayed.

Costs to be in the Discretion of the Court.

28. Upon Appeals from the Provincial Court to the Queen in Council the Costs shall be in the Discretion of the Judicial Committee. In Matrimonial Suits, in Suits relating to Dilapidations, and in all other Suits or Proceedings, whether by Consent or otherwise, the Costs shall be in the Discretion of the Court that pronounces the final Judgment.

Frivolous Complaints or Defences.

29. If it appear that any Petitioner or Party prosecuting has made any groundless or frivolous Claim or Complaint, or that any Defendant has set up any groundless or frivolous Defence, the Court or the Judicial Committee, as the Case may be, may order such Petitioner, Party prosecuting, or Defendant to pay, as between Attorney and Client, the whole or any Part of the Costs of resisting such groundless or frivolous Claim or Complaint, or setting up such groundless or frivolous Defence, and such Costs shall be taxed as may be directed by the Rules and Orders.

As to Computation of Time.

30. When any particular Number of Days is prescribed by this Act, or by the Rules and Orders, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, or a Day appointed for a Public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also.

Oaths and Subscriptions.

Acts not required to be done in Court.

31. Any Act of Episcopal Jurisdiction not required to be done in any Provincial or United Court, at which the Presence of a Surrogate, Registrar, or other Officer is now required, may, at the Discretion of the Bishop, be done in the Presence of any Priest in Holy Orders of the United Church of *England* and *Ireland*, or of any Attorney or Solicitor who shall witness the same, and transmit it to the Registrar.

32. All

32. All Oaths and Subscriptions now required to be made before a Bishop, and to which the Attestation of a Surrogate, Registrar, Notary Public, or other Officer is necessary, may, at the Discretion of the Bishop, be witnessed by any Archdeacon or beneficed Clergyman. Oaths, &c. before Bishop may be witnessed by Archdeacon, &c.

Proceedings by Consent.

33. For the Determination of Questions raised by Consent, the Parties in any Suit or other Proceeding in a Provincial or a United Court may, after a Petition has been filed in any United Registry, or at any subsequent Stage of the Proceedings before Judgment, state any Questions arising in such Suit or other Proceeding in a Special Case, provided it be signed by a Barrister-at-Law, and the Parties, after signing and filing the same as of Record in such Registry, may require thereon the Judgment of the United Court in which the Suit or other Proceeding shall have been instituted, without any further Proceeding, and the Judgment of such Court shall be filed in the United Registry as of Record. If either of the Parties be dissatisfied with such Judgment, he may appeal therefrom to the Provincial Court. Determination of Questions raised by Consent.

34. If all the Parties to any Suit or Proceeding in a Cause or Matter Ecclesiastical be desirous to have such a Suit or Proceeding argued before the Archbishop of *Armagh* or his Vicar General in *Dublin*, the Archbishop of *Armagh* may direct the same to be argued accordingly, and the Archbishop of *Armagh* or his Vicar General shall have and exercise the same Rights and Powers in respect of such Suit or Proceeding as he would have had or might have exercised in the Province of *Armagh*. Suits, &c. may be heard and determined by the Archbishop of Armagh in the Province of Dublin.

35. It shall not be necessary to hold a Court for the Hearing of any Cause arising out of a Petition for the granting of a Faculty, unless within Fourteen Days after the Return of the necessary Citation a Decree on such Petition, or Notice of Opposition to the granting of such Faculty to be made at such Court, shall be filed in the Registry by some Person entitled to appear in such Cause, and failing such Notice the Faculty may be issued as if such Court had been held and no Appearance made. As to the Grant of Faculties.

36. Every Instrument prepared in the Ecclesiastical Registry which shall be executed by the Bishop shall be executed in Duplicate, one Copy whereof shall be given to the Party entitled to receive the same, and the other Copy shall be returned by the Bishop to the Registrar of his Registry, to be by him filed as of Record; provided that where there be no Party entitled to receive such Copy, and it be only requisite to file such Instrument in the Registry, such Instrument shall not be executed in Duplicate. Ecclesiastical Instruments to be filed.

PART V.

Evidence.

37. In all Suits or other Proceedings before a Provincial or United Court the Evidence shall be given, save as herein-after provided, *vivâ voce* in open Court, and upon Oath. Witnesses to give Evidence vivâ voce.

38. Notes of such Evidence shall be taken down in Writing by the Vicar General of the Province or of the United Court, as the Case may be, or by the Registrar, or by such other Person and in such Manner as such Vicar General or as the Rules and Orders shall direct. Notes of Evidence to be taken by Vicar-General, &c.

39. A Note of any Judgment that may be given by the Court as to any Question of Law arising before the Hearing of any Suit or other Proceeding, or as to the Admissibility of any Evidence, shall be made and signed by the Vicar General who presides at such Hearing or Judgment. Note upon any Question of Law to be signed by Vicar-General.

40. The Court in any Suit or other Proceeding may, if requested by any of the litigant Parties, in open Court, at the Commencement of the Trial, appoint a Shorthand Writer, or, if needed, more than One, or a Reporter, or, if needed, more than One, who shall be sworn faithfully to report the Evidence at such Trial in such Manner as shall be directed by the Rules and Orders, and the Payment of such Shorthand Writer or Reporter shall be paid by the Parties making the Application; and such Report shall be disposed of in such Manner as shall be directed by the Rules and Orders. Shorthand Writer to report Evidence and Summing-up of the Court.

41. If

False Evidence to be deemed Perjury.

41. If in the Provincial Court of *Armagh* or of *Dublin*, or in any United Court, or in any Provincial or United Registry, any Person wilfully give false Evidence upon Oath, he shall be deemed guilty of Perjury.

Attendance of Witnesses.

42. Any Provincial or United Court may require and enforce the Attendance of any Witness before itself in any Suit or other Proceeding, and also the Production of any Deeds, Evidences, Books, or Writings, by any Order, to be issued in such and the same Form, or as nearly as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued and enforced in the Superior Courts; and every Person disobeying such Order shall be considered as in Contempt of the Court, and may be punished accordingly.

Evidence may be taken before a Commissioner appointed by a Provincial or United Court.

43. In any Suit or Proceeding in a Provincial or United Court, if the Court be satisfied, by Affidavit or otherwise, that from Illness, Age, or Infirmity any Person whose Testimony is required cannot attend and give Evidence in Person at the Trial, it may, if it appear to be necessary for the Ends of Justice, issue a Commission for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or, if the Witness be within the Jurisdiction of the Court, order the Examination of such Witness upon Oath, upon Interrogatories or otherwise, before any Officer or Person to be named in such Order for the Purpose, and all the Powers given to the Superior Courts by any Act now in force for enabling such Courts to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of any Acts for enforcing or otherwise applicable to such Examination, and to the Witnesses examined, shall, subject to the Rules and Orders, extend and be applicable to every Provincial and United Court, and to the Examination of Witnesses under the Commission and Orders of such Court, and to the Witnesses examined, as if such Court was one of the Superior Courts, and the Matter before it was an Action pending in such Court.

PART VI.

Judgments.

Judgments to be in Writing.

44. Every Judgment pronounced by the Vicars General of the Provincial and United Courts shall be in Writing.

Judgment or Sentence to be filed in Registry.

45. When the Court shall have signed its Judgment or Sentence the same shall be filed as of Record in the Registry of the Province or Diocese.

When Judgments need not be delivered in open Court.

46. The Judgment, with the Reasons thereof, of any Provincial or United Court in any Suit or other Proceeding, except in Cases of Crime and Immorality, need not be delivered in open Court, but shall in every Case be filed in the Registry.

Copies of Judgments to be sent to the Parties upon the Record.

47. Copy of every such Judgment shall in every Case be transmitted by the Registrar in the Mode prescribed by the Rules and Orders to each of the Parties upon the Record within Three Days after the filing of such Judgment in the Registry.

Printed Copies of the Judgment of the Provincial Courts and final Court of Appeal to be sent to the Archbishops, &c.

48. The Registrar shall, within Twenty-one Days after the filing in the Registry of any Judgment of a Provincial Court, and of any Judgment or Opinion pronounced thereon by the final Court of Appeal, in respect of Matters concerning the Doctrine, Worship, Discipline, or Government of the Church, cause printed Copies of such Judgment or Opinion to be transmitted to each of the Archbishops and Bishops of the Church holding Sees in *England* and *Ireland*, to the Lord Chancellor of *Great Britain*, to the Lord Chancellor of *Ireland*, and to such other Persons as shall be directed by the Rules and Orders.

PART VII.

Enforcement of the Process of the Provincial and United Courts.

Citation or Notice to extend over Great Britain, Ireland, &c.

49. Any Citation or Notice issuing out of any Provincial or United Court may be personally served upon the Party to be affected thereby in any Part of *Great Britain* and *Ireland*, and the Isles of *Man*, *Guernsey*, *Jersey*, *Sark*, and *Alderney*.

50. Summonses

50. Summonses and other Process issuing out of the Provincial or United Court shall be sealed or stamped with the Seal of the Court, and signed by the Vicar General of the Province or United Court; and if any Person forge such Seal or Signature, Summons or other Process, or serve or enforce any such Summons or Process, knowing the same to be forged, or deliver or cause to be delivered to any Person any Paper falsely purporting to be a Copy of any Summons or other Process of the Court, knowing the same to be false, or wilfully act under any false Colour or Pretence of the Process of the Court, he shall be guilty of Felony, and shall upon Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Process of the Diocesan Court to be under Seal.

51. Any Provincial or United Court may enforce its Orders, Decrees, and Judgments in such Manner as may be directed by the Rules and Orders; and in the Case of any Order, Decree, or Judgment being pronounced against any Person holding any Preferment, the same may be enforced by means of a Sequestration of such Preferment, subject to the Regulations to be made by the Rules and Orders.

Mode of enforcing Orders, Decrees, and Judgments.

PART VIII.

Practitioners.

52. A Party to any Suit or other Proceeding in a Provincial or United Court, or, if retained on behalf of either Party, Serjeants-at-Law and Barristers-at-Law, may appear and practise in the Provincial and United Courts, with all the Rights and Privileges that they possess in the Superior Courts.

Who may appear as Counsel.

53. Proctors may practise as heretofore in the Provincial and United Courts, and Attornies and Solicitors shall have the same Rights and Privileges as Proctors in such Courts, and the Laws and Statutes concerning Proctors, Attornies, and Solicitors shall extend to Proctors, Attornies, and Solicitors practising under this Act.

Proctors may practise as heretofore, and Attornies, &c. to have same Rights as Proctors.

PART IX.

Provincial and Diocesan Vicars General, Registrars, and other Officers.

54. No Person shall be qualified for the Office of Vicar General of the Provincial Courts of *Armagh* or *Dublin* unless he be One of Her Majesty's Serjeants or One of Her Majesty's Counsel, or a practising Barrister of Fifteen Years standing at the *Irish* Bar.

Qualification of a Provincial Vicar General.

55. In case of the Illness or Incapacity to act of any Vicar General of the Provinces of *Armagh* or *Dublin*, a Statement of the Circumstances whereof shall be by the Registrar filed as of Record in the Registry belonging to the Province of which he is Vicar General, the Archbishop of such Province may appoint under his Archiepiscopal Seal, which Appointment shall be by the Registrar filed as of Record in the Registry of such Archbishop, One of Her Majesty's Serjeants or One of Her Majesty's Counsel, or a practising Barrister of Fifteen Years standing at the *Irish* Bar, to act as Vicar General for the Province of *Armagh* or *Dublin*, as the Case may be, during the Illness or Incapacity to act of the Vicar General; and every Serjeant, Counsel, or Barrister so appointed shall during his Appointment have all the Powers, Privileges, and Protections and perform all the Duties of the Vicar General for whom he is appointed to act; and such Deputy Vicar General shall be paid by such Vicar General such Sum of Money or Proportion of Fees or Salary by way of Salary or Allowance, not exceeding Two Thirds of the Fees or Salary received by such Vicar General for his own Use, as shall be fixed by the Archbishop of *Armagh* or the Archbishop of *Dublin*, as the Case may be, under his Archiepiscopal Seal.

Appointment of a Deputy Provincial Vicar General.

56. After the passing of this Act no Person shall be appointed to the Office of Vicar General for any United Diocese unless he has previously been a practising Barrister of Six Years standing at the *Irish* Bar; but nothing herein contained shall disqualify any Person holding the Office of Vicar General before the passing of this Act from continuing to hold such Office under this Act by reason of his not having been a practising Barrister of Six Years Standing.

Qualifications of Diocesan Vicars General.

Appointment of Deputy Diocesan Vicars General.

57. In case of the Illness or Incapacity to act of any Vicar General of a United Diocese, a Statement of the Circumstances whereof shall be filed as of Record in the United Registry belonging to the United Diocese of which he is Vicar General, the Bishop having Power over such United Diocese may appoint under his Episcopal Seal, which Appointment shall be by the Registrar of such United Diocese filed as of Record, a practising Barrister of Six Years standing at the *Irish* Bar to act as Vicar General for such United Diocese during such Illness or Incapacity; and every Barrister so appointed shall during his Appointment have all the Powers, Privileges, and Protections and perform all the Duties of the Vicar General for whom he is appointed to act; and such Deputy Vicar General so appointed shall be paid by such Vicar General such Sum of Money or Proportion of Fees by way of Salary or Allowance, not exceeding Two Thirds of the Fees received by such Vicar General for his own Use, as shall be fixed by the said Bishop under his Episcopal Seal.

Tenure of Office.

58. Every Vicar General shall hold his Office during good Behaviour.

Oath of Office.

59. Every Vicar General shall, before entering upon the Duties of his Office, take an Oath before any Archbishop or Bishop of the United Church of *England* and *Ireland*, or any One of the Judges of the Superior Courts, who is hereby authorized to administer it, which Oath shall be in the following Form; that is to say,

'I *A.B.* do solemnly swear, That I am a Member of the United Church of England and Ireland, and that I will faithfully and to the best of my Ability execute the Office of Vicar General within the Province of [*or* Diocese of *as the Case may be*] without Fear, Favour, Affection, or Malice.

'So help me GOD.'

Oath to be taken by Deputy Vicar General.

60. Every Barrister appointed to act as a Deputy Vicar General of a Province or United Diocese shall, before entering upon the Duties of his Office, take an Oath before any Archbishop or Bishop of the said United Church, or any One of the Judges of the Superior Courts, who is hereby authorized to administer it; that is to say,

'I *A.B.* do solemnly swear, That I am a Member of the United Church of England and Ireland, and that I will faithfully and to the best of my Ability execute the Office of Deputy Vicar General within the Province of [*or* Diocese of *as the Case may be*] without Fear, Favour, Affection, or Malice.

'So help me GOD.'

Removal of Vicar General when he ceases to be a Member of the Church.

61. If any Provincial or Diocesan Vicar General shall cease to be a Member of the Church, his Office shall *ipso facto* become void, as in the Case of a Vacancy in the Office caused by Death, and a Successor shall be appointed.

Registrars to perform their Duties in Person.

62. Every Registrar of a Provincial or United Registry hereafter to be appointed shall perform the Duties of his Office in Person, and shall not appoint a Deputy Registrar to perform such Duties; but nothing herein contained shall disqualify any Person holding the Office of Registrar at the Time of the passing of this Act from discharging under the Provisions of this Act the Duties of a Registrar by Deputy; provided that no such last-mentioned Registrar shall after the passing of this Act appoint any Deputy, unless it be with the written Consent of the Bishop of the Diocese within which such Registry is situated.

Appointment of Deputy in the Case of Illness or Absence.

63. Provided, That in the Case of the Illness or Absence of any Registrar of a United Registry, a Statement of the Circumstances whereof shall be filed as of Record in the Registry of which he is Registrar, the Archbishop or Bishop having Power over such Registry may appoint under his Archiepiscopal or Episcopal Seal, which Appointment shall be filed in such Registry as of Record, a qualified Person to act as Registrar during the Illness or Absence of such Registrar; and every Person so appointed during the Time for which he shall be so appointed to act shall, subject to the Rules and Orders, have all the Powers, Privileges, and Protections and perform all the Duties of the Registrar for whom he is appointed to act; and such Deputy Registrar shall be paid by such Registrar such Sum of Money by way of Allowance as shall be fixed under the Archi-

episcopal

episcopal or Episcopal Seal of the Archbishop or Bishop having Power over the Registry of such Registrar.

Judges, &c. not to receive Gratuities.

64. It shall not be lawful for any Judge, Officer, or other Person appointed, employed, or retained under the Provisions of this Act to receive any Gratuity for his own Use or Profit.

Remedies against Officers for Misconduct.

65. If any Registrar, Officer, or other Person belonging to any Provincial Court, United Court, or United Registry, acting under Pretence of the Jurisdiction of the Court or of this Act, be charged with Extortion or Misconduct, or with not duly paying or accounting for Money levied by him under this Act, the Vicar General of the Province or of a United Diocese may publicly inquire into such Matter upon Oath, and may summon and enforce the Attendance of all necessary Parties, in such Manner as shall be directed by the Rules and Orders, and may make such Order thereupon, subject to the written Confirmation of the Bishop endorsed upon such Order, as such Vicar General may deem proper for the Repayment of the Money so extorted, or for the due Payment of Money so levied as aforesaid, and for the Payment of Damages and Costs: All such Orders and Proceedings shall be forthwith transmitted to the Provincial Registry, and filed as of Record: And every such Officer and other Person convicted of such Extortion or Misconduct shall be for ever incapable of being employed under this Act: The said Archbishops may, if they think fit, before this Act comes into operation, make and issue Rules and Orders directing the Registrars and Deputy Registrars or other Officers of all or any of the Provincial and Diocesan Registries to make such Returns, and to do such other Acts, as may in their Opinion be required for bringing the Provisions of this Act into operation; and any Registrar, Deputy Registrar, or other Officer disobeying such Rules and Orders may by the said Archbishops be suspended from his Office of Registrar, Deputy Registrar, or other Office, as the Case may be, until he shall have obeyed such Rules and Orders.

PART X.

Reservation of existing Rights.

Act not to affect Powers of Archbishops.

66. Nothing in this Act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any Jurisdiction already vested in or belonging to any Archbishop or Bishop or Vicar General under or by virtue of any Statute, Canon, or Usage.

Visitations not interfered with.

67. This Act shall not interfere with the Jurisdiction of any Archbishop, Bishop, Archdeacon, or other Ecclesiastical Person as to holding Visitations, or doing any Act or exercising any Jurisdiction which he may at present do or exercise at Visitations.

Reservation of Powers of Vicars General to appoint Surrogates.

68. Subject to the Rules and Orders, nothing in this Act contained shall affect the Power of any Provincial or Diocesan Vicar General of a United Diocese to appoint Surrogates as heretofore, or to affect the Power of any Person heretofore appointed.

As to Suits pending when this Act comes into operation.

69. All Suits and Proceedings in Causes or Matters Ecclesiastical which at the Time when this Act comes into operation shall be pending in any Ecclesiastical Court in *Ireland* which by this Act shall be united to any other Ecclesiastical Court shall be transferred to, dealt with, and decided by the Court to and with which such Ecclesiastical Court shall be united by this Act as if the same had originated therein; and all Suits or other Proceedings which at the Time of this Act coming into operation shall be depending before the Queen in Her High Court of Chancery shall be dealt with and decided as if this Act had not been passed.

Power to Vicar General whose Power is determined to deliver written Judgments.

70. If any Cause or Matter Ecclesiastical which would under this Act be transferred to a United Court shall have been heard before any Vicar General having Jurisdiction in relation to such Cause or Matter, and be then standing for Judgment, such Vicar General may, at any Time within Six Weeks after this Act comes into operation, give or transmit to the Registrar of the United Court a written Judgment thereon, and a Decree or Order, as the Case may require, shall be drawn up by the Registrar of the United Court in pursuance of such Judgment, and every such Decree or Order shall have the same Force

and Effect as if it had been drawn up in pursuance of a Judgment of the Court of the Diocese of which he had been the Vicar General on the Day on which the same was delivered to the Registrar, and shall be subject to Appeal under this Act.

Power to Courts to enforce Decrees, &c.

71. Any Decree or Order of any Ecclesiastical Court which shall have been made before this Act comes into operation in any Cause or Matter Ecclesiastical may be enforced or otherwise dealt with by a United Court in the same Way as if it had been originally made therein.

PART XI.

Miscellaneous Clauses.

Authority of Archbishops and Bishops to include every Place in exempt Jurisdictions, as in 5 G. 4. c. 91.

72. For the Purposes of this Act the Province of an Archbishop or the Diocese of an Archbishop or Bishop shall be taken to include every Place or District, exempt or peculiar, subject to the Authority of such Archbishop or Bishop for the Purposes of an Act passed in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for enforcing the Residence of Spiritual Persons on their Benefices, to restrain Spiritual Persons from carrying on Trade or Merchandise, and for the Support and Maintenance of Stipendiary Curates, in* Ireland.

Transmission of Records to the United Registries.

73. The Registrar or Deputy Registrar or other Officer of each Registry which shall be united to a Registry shall transmit to the United Registry, at such Time and in such Manner as may be directed by the Rules and Orders, all Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Compositions, Lists, Books, Marriage Notice Books, Documents, Faculties, Licences, Consecrations, Instruments relating to Pews in Churches or Chapels, or to the building or Dilapidations of Ecclesiastical Residences, Sequestrations, or any other Instrument or Document now in such Diocesan Registry of which he is the Registrar or Deputy Registrar.

Penalty on stealing or defacing Records.

74. If any Person steal or wilfully deface, destroy, or injure any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Compositions, Lists, Books, Marriage Notice Books, Documents, Faculties, Licences, Consecrations, Instruments relating to Pews in Churches or Chapels, or to the building or Dilapidations of Ecclesiastical Residences, Sequestrations, or any other Instrument or Document filed or deposited in any United Registry, he shall be guilty of Felony, and shall upon Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without Hard Labour.

Application of Fees, &c.

75. All Fees, Official Charges, and Costs for Business transacted in the Provincial and United Courts and United Registries, and all Fees and Documents filed therein, and all Fees payable for Marriage Licences and at Visitations, and all Fees which after this Act comes into operation shall become due and payable to every Vicar General of a Provincial Court, Vicar General of a United Court, Surrogate, Registrar, and Apparitor, shall, except otherwise directed by the Rules and Orders, be paid to the several Registrars of the United Registries, and may be by such Registrars recovered before the Chairman of the County Quarter Sessions within whose Circuit the Office of the Registry may be situated, or may be recovered by them as such Fees are now recoverable.

Such Fees may be recovered before Chairman of County Quarter Sessions.

Accounts of Courts and Registries to be audited.

76. The Accounts of the Receipts and Disbursements of the Provincial and United Courts and of the Provincial and United Registries, and all other Receipts and Disbursements under this Act, shall be audited in such Manner as shall be directed by the Rules and Orders; and the said Archbishops shall appoint an Auditor of such Accounts, and may remove such Auditor, and fix the Amount to be paid to him in respect of every such Audit, which shall be defrayed out of the Funds at the Disposal of the Ecclesiastical Commissioners for *Ireland*.

Annual Report of Business transacted, &c. by the Court, to be laid before Lord Lieutenant.

77. The Registrars of the Provincial and United Registries shall annually make and send a Report to the Lord Lieutenant in Council of the Business transacted in the Provincial and United Courts and in the Provincial and United Registries, and also an Abstract of the Receipts and Disbursements of their respective Courts and Registries during such Period.

PART XII.

Appeals from the United Courts to the Provincial Courts.

Appeals from the United Courts to the Provincial Courts.

78. In any Suit or other Proceeding before a United Court there shall be no Appeal, without the special Leave of such Court, from any interlocutory Decree or Order thereof not having the Force of a definitive Sentence, until a definitive Sentence shall have been pronounced thereon; but when a definitive Sentence has been pronounced, any Party appealing therefrom may also appeal from such interlocutory Decree or Order.

Provincial Court may affirm, &c. Order appealed against.

79. The Provincial Court may affirm, modify, or amend the Decree or Order appealed against, or make such other Order in the Premises as it thinks just.

How Appeals from a United Court shall be made.

80. Every Appeal from a United Court to a Provincial Court shall be made by suing out Letters of Request from the Bishop to the Provincial Court, having annexed thereto a Transcript of the Record in the Cause, the Proceedings thereon, the documentary Evidence, any Decision of the Court upon any Question of Law, with the Notes of the Evidence, and no other Evidence shall be received before the Provincial Court.

No Appeal from the Judgment of a Provincial Court from interlocutory Decrees not having the Force of a definitive Sentence.

81. In any Suit or other Proceeding there shall be no Appeal from a Provincial Court, without the special Leave of such Court, from any interlocutory Decree or Order thereof not having the Force of a definitive Sentence, until a definitive Sentence shall have been pronounced therein; but when any definitive Sentence has been pronounced either in a Provincial or a Diocesan Court, any Party appealing therefrom may also appeal from such interlocutory Order or Decree.

CAP. LV.

An Act for the better Regulation of Street Music within the Metropolitan Police District. [25th *July* 1864.]

'WHEREAS by Section Fifty-seven of the Act passed in the Session of Parliament held in the Second and Third Years of the Reign of Her present Majesty, intituled '*An Act for further improving the Police in and near the Metropolis*,' it was enacted, that any Householder within the Metropolitan Police District might require any Street Musician to depart from the Neighbourhood of the House of any such Householder, on account of the Illness of any Inmate of such House, or for other reasonable Cause: And whereas the said Provision has been found insufficient for the Protection of such Householders from Annoyance by Street Musicians:' 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, as follows: 2 & 3 Vict. c. 47.

Repeal of recited Provision, and Substitution of amended Provision.

1. Section Fifty-seven of the said Act is hereby repealed, and in lieu thereof the following Provision shall take effect as Part of the said Act; namely, any Householder within the Metropolitan Police District, personally, or by his Servant, or by any Police Constable, may require any Street Musician or Street Singer to depart from the Neighbourhood of the House of such Householder, on account of the Illness, or on account of the Interruption of the ordinary Occupations or Pursuits of any Inmate of such House, or for other reasonable or sufficient Cause; and every Person who shall sound or play upon any Musical Instrument or shall sing in any Thoroughfare or public Place near any such House after being so required to depart, shall be liable to a Penalty not more than Forty Shillings, or, in the Discretion of the Magistrate before whom he shall be convicted, may be imprisoned for any Time not more than Three Days, and it shall be lawful for any Constable belonging to the Metropolitan Police Force to take into Custody without Warrant any Person who shall offend as aforesaid: Provided always, he shall be given into Custody by the Person making the