CAP. XCIII.

An Act for enforcing the Process upon Contempts in the Courts Ecclesiastical of *England* and *Ireland*.

[7th *August* 1832.]

'WHEREAS great Inconvenience has been found to arise by reason of the Process of the several Ecclesiastical Courts in *England* and *Ireland* being inoperative and unavailable out of the Limits of the respective Jurisdictions of such Courts, and against Persons having Privilege of Peerage, Lords of Parliament, and Members of the House of Commons; and in many Instances a Failure of Justice hath thereby ensued: And whereas it is expedient, for Remedy thereof, that the Process of the said several Courts, and the Means of enforcing Obedience to the same, should be of equal Force and have the like Operation, as well in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* as in that Part of the same United Kingdom called *Ireland*, and as well against Persons having Privilege of Peerage, Lords of Parliament, and Members of the House of Commons, as against all other His Majesty's Subjects:' Be it therefore 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 in all Causes which according to the Laws of this Realm are or may be cognizable in any of the several Ecclesiastical Courts, as well in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England* as in that Part of the same United Kingdom called *Ireland*, when any Person or Persons, as well those which have or hereafter shall have Privilege of Peerage, or are or hereafter may be Peers of Parliament or Members of the House of Commons, as all others who shall happen to be domiciled or residing either in *England* or in *Ireland*, and beyond the Limits of the Jurisdiction of the Court in which such Causes have been or shall have been respectively instituted or commenced, or shall be depending, having been duly cited to appear in any such Ecclesiastical Court, whether in *England* or in *Ireland*, or required to comply with any lawful Order or Decree, as well final as interlocutory, which hath been or shall have been made by any such Court respectively, shall neglect or refuse to pay Obedience to any such lawful Order or Decree, or when any such Person or Persons shall commit a Contempt in the Face of such Court, or any other Contempt towards such Court, or the Process thereof, it shall be lawful for the Judge or Judges out of whose Court the Citation or Process hath already issued or may hereafter issue, or whose lawful Orders or Decrees have not or shall not have been obeyed, or before whom such Contempt in the Face of the Court shall be committed, or by whose Order or Authority such Process in respect of or towards which any such Contempt shall have been committed has been or shall be awarded or issued or the Successor or Successors in Office of such Judge or Judges respectively, to pronounce such Person or Persons contumacious and in contempt, and within Ten Days after such Person or Persons shall have been so pronounced to be contumacious and in con-

Where Persons residing beyond the Jurisdiction of any Ecclesiastical Courts are cited to appear, &c. and refuse Obedience, the Judge thereof may pronounce them contumacious, and certify the same to the Lord Chancellor, &c. within Ten Days, and thereupon a Writ De contumace capiendo shall issue, unless the Person be a Peer, &c.

tempt to signify the same to the Lord Chancellor, Lord Keeper, or Lords Commissioners for the Custody of the Great Seal of *England* for the Time being respectively, whenever the Person or Persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing in *England*, and within the like Period of Ten Days to signify the same to the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being respectively, whenever the Person or Persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing in *Ireland*, in the Form annexed to an Act of Parliament made and passed in the Fifty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of Ecclesiastical Courts in* England, *and for the more easy Recovery of Church Rates and Tithes;* and thereupon, and in case the Person so reputed to be in contempt shall not be a Peer, Lord of Parliament, or Member of the House of Commons, a Writ De contumace capiendo shall issue from His Majesty's said High Court of Chancery in *England* or in *Ireland*, as the Case may happen, to be directed to the same Persons to whom Writs De excommunicato capiendo were by Law returnable before the passing of the said Act of Parliament, and the same shall be returnable in like Manner as the Writ De excommunicato capiendo had been theretofore by Law returnable, and shall have the same Force and Effect as the last-mentioned Writ; and all Rules and Regulations not altered by the said Act of the Fifty-third Year of His said Majesty *George* the Third, and which before the passing the same Act applied to the said Writ De excommunicato capiendo, and the Proceedings following thereupon, and particularly the several Provisions contained in a certain Act passed in the Fifth Year of the Reign of Queen *Elizabeth*, intituled *An Act for the due Execution of the Writ De excommunicato capiendo*, shall extend and be applied to the said Writ De contumace capiendo, and the Proceedings following thereupon, as if the same were herein particularly repeated and enacted; and the proper Officers of the said Two several High Courts of Chancery in *England* and *Ireland*, as the Case may happen to be, are hereby authorized and required to issue such Writ De contumace capiendo accordingly; and all Sheriffs, Gaolers, and other Officers, in *England* and in *Ireland*, as the Case may happen to be, are hereby required and authorized to execute the same, by taking and detaining the Body of the Person or Persons against whom the said Writ shall be so directed to be executed; and upon the due Appearance of the Party or Parties so cited and not having obeyed as aforesaid, or the due Submission of the Party or Parties so having committed a Contempt in the Face of the Court, or otherwise, as hereinbefore is mentioned, the Judge or Judges of such Ecclesiastical Court, whether in *England* or in *Ireland*, as the Case may be, shall pronounce such Party or Parties absolved from the Contumacy and Contempt aforesaid, and shall forthwith make an Order upon the Sheriff, Gaoler, or other Officer in whose Custody he, she, or they shall be, in the Form to the said Act of the Fifty-third Year of the Reign of His said Majesty *George* the Third annexed, for discharging such Party or Parties out of Custody; and such Sheriff,

53 G. 3. c. 127.

All Regulations and Provisions applying to the Writ De excommunicato, and Proceedings thereupon, shall be applied to the Writ De contumace.

5 Eliz. c. 23.

Upon the Appearance or Submission of the Party, the Judge may order him to be absolved or discharged.

Gaoler, and other Officer shall, on the said Order being shown to him, so soon as such Party or Parties shall have discharged the Costs lawfully incurred by reason of such Custody and Contempt, forthwith discharge him, her, or them.

Where Persons possessed of Estates, &c. in England neglect to pay Money ordered by the said Courts, the Judges may pronounce such Persons contumacious, and certify the same to the Lord Chancellor, who shall cause Process of Sequestration to issue against the Estate of the Party in England.

II. And be it further enacted, That in all such Cases as are herein-before mentioned, and which are or may be cognizable in any or either of the several herein-before mentioned Courts, when any Person or Persons, as well such Person or Persons as have or shall hereafter have Privilege of Peerage, or are or shall hereafter be Lords of Parliament or Members of the House of Commons, as others who shall happen to be domiciled or residing either in *England* or in *Ireland*, have been or shall have been ordered or required, by the lawful Order or Decree, final or interlocutory, of any such Court respectively, to pay any Sum or Sums of Money, and when any such Person or Persons, after having been duly admonished, shall refuse or neglect to comply with such Monition, and to pay the Sum or Sums of Money therein ordered to be paid by him or them, within the Time and in the Manner in any such Order or Decree mentioned or expressed, or a Peer or Lord of Parliament or Member of the House of Commons shall refuse or withhold Obedience, or shall in any way neglect to perform or shall not perform any Decree or Order, final or interlocutory, of such Courts as aforesaid, it shall be lawful for the Judge or Judges who shall have made such Order or Decree, or his or their Successor or Successors in Office, to pronounce the Person or Persons so neglecting or refusing to comply with such Order or Decree contumacious and in contempt, and within Ten Days after such Person or Persons shall have been so pronounced contumacious and in contempt to cause a Copy of such Order or Decree, under the Seal of the Court wherein the same shall have been made, or under the Hand or Hands of such Judge or Judges, or One of them, to be exemplified, and certified to the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *England* for the Time being respectively, whenever the Person or Persons who shall have been so pronounced contumacious shall be domiciled or residing, or shall be seised or possessed of or entitled to any Real or Personal Estate, Goods, Chattels, or Effects, situate, lying, or being in *England;* and the said Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *England*, shall forthwith cause such Copy of such Order or Decree, when it shall be presented to them respectively, so exemplified, to be inrolled in the Rolls of the High Court of Chancery in *England*, and shall thereupon cause Process of Sequestration to issue against the Real and Personal Estate, Goods, Chattels, and Effects, in *England*, of the Party or Parties against whom such Order or Decree shall have been made, in order to enforce Obedience to and Performance of the same, in the same Manner and Form, and with the like Power and Effect, as if the Cause wherein such Order or Decree shall have been made had been originally cognizable by and instituted in the said Court of Chancery in *England*, and as if all and every the Process of the said Court of Chancery in *England* ordinarily issuing in Causes there pending antecedent to Process of Sequestration had been duly issued and returned in the last-mentioned Court; and it

shall and may be lawful for the said Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal in *England*, to make such Order and Orders in respect of or consequent upon such Sequestration, or in respect of the Real or Personal Estate, Goods, Chattels, or Effects sequestrated by virtue thereof, as he or they shall from Time to Time think fit, or for Payment of all or any of the Monies levied or received by virtue thereof into the Bank of *England*, with the Privity of the Accountant General of the said Court of Chancery in *England*, to the Credit and for the Benefit of the Party or Parties who shall have obtained such Order or Decree, if the same was for Payment of Money, or if not, to the Credit of the High Court of Chancery; and the Governor and Company of the Bank of *England* are hereby authorized and required to receive and hold all such Monies, subject to the Orders of the said Court of Chancery: Provided always, that no such Monies shall be charged with or subject to Poundage when the same shall be paid out by Order of the said Court.

The like Provision as to Persons possessed of Estates, &c. in Ireland.

III. And be it further enacted, That in all such Causes as are herein-before mentioned, and which are or may be cognizable in any of either of the several herein-before mentioned Courts, when any Person or Persons, as well such Person or Persons as have or shall hereafter have Privilege of Peerage, or are or shall hereafter be Lords of Parliament or Members of the House of Commons, as others, who shall happen to be domiciled or residing either in *England* or in *Ireland*, hath or have been or shall have been ordered or required by the lawful Order or Decree, final or interlocutory, of any such Court respectively, to pay any Sum or Sums of Money, or to do any other Act or Thing, and when any such Person or Persons, after having been duly personally served with a Copy or Copies of such Order or Decree, shall refuse or neglect to comply therewith, or to pay the Sum or Sums of Money therein ordered to be paid by him or them, or to do the Act or Thing required by such Order to be done, within the Time and in the Manner in any such Order or Decree mentioned or expressed, it shall be lawful for the Judge or Judges who shall have made such Order or Decree, or his or their Successor or Successors in Office, to pronounce the Person or Persons so neglecting or refusing to comply with such Order or Decree contumacious and in contempt, and within Ten Days after such Person or Persons shall have been so pronounced contumacious and in contempt to cause a Copy of such Order or Decree, under the Seal of the Court wherein the same shall have been made, or under the Hand or Hands of such Judge or Judges, or One of them, to be exemplified, and certified to the Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being respectively, whenever the Person or Persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing, or shall be seized or possessed of or entitled to any Real or Personal Estate, Goods, Chattels, or Effects, situate, lying, or being in *Ireland*, and within the like Period of Ten Days and after such last-mentioned Person or Persons shall have been pronounced contumacious and in contempt to cause a Copy of such Order or Decree to be exemplified, and certified in manner herein-before mentioned to the Barons of His Majesty's Court of

Exchequer in that Part of the United Kingdom called *Ireland*, whenever the Person or Persons who shall have been so pronounced contumacious and in contempt shall be domiciled or residing, or shall be seised or possessed of or entitled to any Real or Personal Estate, Goods, Chattels, or Effects, situate, lying, or being in *Ireland*; and the said Lord Chancellor, Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland*, shall forthwith cause such Copy of such Order or Decree, when it shall be presented to them respectively, so exemplified, to be inrolled in the Rolls of the High Court of Chancery in *Ireland*, and shall thereupon cause Process of Sequestration to issue against the Real and Personal Estate, Goods, Chattels, and Effects, in *Ireland*, of the Party or Parties against whom such Order or Decree shall have been made, in order to enforce Obedience to and Performance of the same, in the same Manner and Form, and with the like Power and Effect, as if the Cause wherein such Order or Decree shall have been made had been originally cognizable by and instituted in the said Court of Chancery in *Ireland*, and as if all and every the Process of the said Court of Chancery in *Ireland* ordinarily issuing in Causes there pending antecedent to Process of Sequestration had been duly issued and returned in the last-mentioned Court; and it shall and may be lawful for the said Lord Chancellor, Lord Keeper or Lords Commissioners of the Great Seal in *Ireland*, to make such Order or Orders in respect of or consequent upon such Sequestration, or in respect of the Real or Personal Estate, Goods, Chattels, or Effects sequestered by virtue thereof, as he or they shall from Time to Time think fit, or for Payment of all or any of the Monies levied or received by virtue thereof into the Bank of *Ireland*, with the Privity of the Accountant General of the said Court of Chancery in *Ireland*, to the Credit and for the Benefit of the Party or Parties who shall have obtained such Order or Decree, if the same was for the Payment of Money, or if not, then to the Credit of the said High Court of Chancery; and the Governor and Company of the said Bank of *Ireland* are hereby authorized and required to receive and hold all such Monies, subject to the Orders of the said Court of Chancery in *Ireland*: Provided always, that no such Monies shall be charged with or subject to Poundage for the Usher of the said Court of Chancery in *Ireland*, or otherwise, when the same shall be paid out by Order of the last-mentioned Court.

Act not to extend to Orders made 6 Years since.

IV. And be it further enacted, That none of the Provisions of this Act shall extend to any Order or Decree, or the refusing or neglecting to perform any Order or Decree, which shall have been made more than Six Years before the passing of this Act.

Limitation of Actions.

V. And be it further enacted, That if any Action or Suit shall be brought or commenced for any thing done in pursuance of this Act, every such Action or Suit shall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and shall be laid and tried in the City or County wherein the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if the same

General Issue.

same shall appear to have been so done, or if any Action or Suit shall be brought after the Time limited for bringing the same, or shall be laid in any other City, County, or Place than as aforesaid, then the Judge shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or suffer a Discontinuance of their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

Treble Costs.

CAP. XCIV.

An Act for raising the Sum of Thirteen millions eight hundred and ninety-six thousand six hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-two.

[9th *August* 1832.]

'Most Gracious Sovereign,

'WE, Your Majesty's most dutiful and loyal Subjects, the 'Commons of the United Kingdom of *Great Britain* and '*Ireland* in Parliament assembled, towards raising the necessary 'Supplies which we have cheerfully granted unto Your Majesty 'in this Session of Parliament, have resolved to give and grant 'unto Your Majesty the Sum herein-after mentioned;' and do therefore most humbly beseech Your Majesty that it may be enacted; and 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 it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out, at the Receipt of the Exchequer at *Westminster*, for any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen millions eight hundred ninety-six thousand six hundred Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills.*

The Treasury may raise 13,896,600*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall

Treasury to apply the Money raised.