


ANNO SEXTO & SEPTIMO

# GULIELMI IV. REGIS.

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## CAP. LXXXVII.

## An Act for extinguishing the Secular Jurisdiction of the Archbishop of *York* and the Bishop of *Ely* in certain Liberties in the Counties of *York*, *Nottingham*, and *Cambridge*.

[17th *August* 1836.]

WHEREAS it is expedient to put an end to the Secular Jurisdiction of the Archbishop of *York* in the Liberty of *Ripon* in the West and North Ridings of the County of *York*, and in the Liberty of *Cawood*, *Wistow*, and *Otley* in the said West Riding, and in the Soke of *Southwell* in the County of *Nottingham*, and to the Secular Jurisdiction of the Bishop of *Ely* in the *Isle of Ely* in the County of *Cambridge*: 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 all the Secular Authority of the Archbishop of *York* in the said Liberty of *Ripon*, and in the said Liberty of *Cawood*, *Wistow*, and *Otley*, and in the said Soke of *Southwell*, shall, from and after the passing of this Act, cease and determine, and shall become and be transferred to and vested in His Majesty, His Heirs and Successors.

Secular Jurisdiction of Archbishop of York in the Places herein mentioned to cease.



II. And

Towns, &c. over which his Jurisdiction extended to enjoy their Privileges as heretofore.

II. And be it further enacted, That the several Towns, Parishes, and Places within the said Liberty of *Ripon*, and the said Liberty of *Cawood*, *Wistow*, and *Otley* respectively, shall severally be deemed and taken to be distinct Liberties, in the same Way as they have heretofore been, and shall enjoy all the same Rights, Privileges, and Exemptions which they have heretofore enjoyed, save only that all Secular Powers and Authorities heretofore exercised by the Archbishop of *York* within the said Liberties, or either of them, shall henceforth be exercised by His Majesty, His Heirs and Successors; and all Persons now holding any Office in the said Liberties or either of them shall continue to hold the same in the same Way as if this Act had not been passed.

Justices of Peace for Southwell.

III. And be it further enacted, That no new Commission of the Peace shall be henceforth issued for the said Soke of *Southwell*, but the Justices of the Peace for the said County of *Nottingham* shall within the said Soke of *Southwell* exercise the same Jurisdiction, both in and out of Sessions, as within every other Part of such County; any Charter or Custom to the contrary notwithstanding.

Secular Jurisdiction of Bishop of Ely to cease.

IV. And be it further enacted, That all the Secular Authority of the Bishop of *Ely* in the *Isle of Ely* in the County of *Cambridge*, and all Authority of the Chief Justice of *Ely* heretofore appointed by the Bishop of *Ely*, shall, from and after the passing of this Act, cease and determine; and all the Secular Authority of the said Bishop shall become and be vested in His Majesty, His Heirs and Successors: Provided always, that nothing herein contained shall prevent any Justice of the Peace now acting for the said Liberties, Soke, and Isle respectively from continuing to act as such within the Limits of their respective Jurisdictions as if this Act had not been passed.

County Rates of Ripon and Isle of Ely.

V. And be it further enacted, That the County Rates for the said Liberty of *Ripon* and for the said *Isle of Ely* shall remain, as heretofore, distinct from the Rates for the rest of the Counties of *York* and *Cambridge* respectively, and shall be assessed and levied and paid and applied by and under the Order and Direction of the Justices of the Peace for the said Liberty and Isle respectively as if the same were separate Counties, but in all other respects under the same Regulations as are applicable to the Rates of other Counties in *England*.

Custos Rotulorum of West Riding and of Nottinghamshire.

VI. And be it enacted, That the Custos Rotulorum of the said West Riding of *Yorkshire* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Liberty of *Ripon*, and of the said Liberty of *Cawood*, *Wistow*, and *Otley*, and that the Custos Rotulorum of the said County of *Nottingham* shall become the Keeper of the Records of the Court of Sessions of the Peace of the said Soke of *Southwell*, and that the Records of the said several Courts shall be delivered to the said respective Keepers accordingly.

Custos Rotulorum of Ely.

VII. And be it enacted, That it shall be lawful for His Majesty, His Heirs and Successors, to appoint from Time to Time such

Person as He and They shall think fit to be Custos Rotulorum of the said *Isle of Ely*.

Assizes, &c. for Ely to be held under 3 & 4 W. 4. c. 71.

VIII. And be it enacted, That the Assizes and Sessions under the Commissions of Gaol Delivery and other Commissions for the Despatch of Civil and Criminal Business in the said County of *Cambridge*, including the said *Isle of Ely*, shall be holden in such Manner and at such Place or Places as shall be directed by His Majesty in Council under the Provisions of an Act passed in the Third and Fourth Years of His present Majesty's Reign, intituled *An Act for the Appointment of convenient Places for the holding of Assizes in* England *and* Wales.

Quarter Sessions of Isle of Ely.

IX. And be it further enacted, That separate Commissions of the Peace shall continue to be issued for the said Two Liberties and Isle respectively as heretofore; and the Sessions of the Peace for the said Liberties and Isle respectively shall be holden by and before the Justices of the Peace for the Time being acting in and for the said Liberties and Isle respectively in like Manner as the same have hitherto been holden.

Clerks of the Peace.

X. And be it further enacted, That the present Clerks of the Peace for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow*, and *Otley*, and for the said *Isle of Ely* respectively, shall continue Clerks of the Peace for the said Liberties and Isle respectively during their Lives, or until Resignation or other Determination of their Offices, and that thenceforth the Clerks of the Peace for the said Liberty of *Ripon*, and for the said Liberty of *Cawood*, *Wistow*, and *Otley*, shall be appointed by the Custos Rotulorum of the said West Riding for the Time being, and the Clerk of the Peace for the said *Isle of Ely* shall be appointed by the Custos Rotulorum thereof for the Time being, and shall be subject and liable to the same Laws in all respects as the Clerks of the Peace in other Counties of *England*; and that the present Coroner of the Liberty of *Ripon* shall continue Coroner during his Life, or so long as he shall well behave himself; and upon the Death, Removal, or Resignation of such Coroner, and upon every future Vacancy of the Office, a Coroner shall be chosen by the Freeholders of the said Liberty of *Ripon* in like Manner as Coroners are chosen in the Case of other Counties or Divisions of Counties in *England*.

Coroner for Ripon.

Who shall be qualified to serve on Juries in Ripon.

XI. And be it enacted, That all Persons residing within the said Liberty of *Ripon* who by the Laws now in force would be qualified and liable to serve on Grand Juries in Courts of Sessions of the Peace, and on Petty Juries for the Trial of Issues in Courts of Sessions of the Peace, holden for the County of *York*, if the said Liberty were destroyed and the District comprised therein made for all Purposes Part of the said County, shall be qualified and liable to serve on such Juries in Courts of Sessions of the Peace holden within the said Liberty; and all Persons who by the Laws now in force would be exempted from serving on such Juries, if the said District were for all Purposes made Part of the said County, shall in like Manner be exempted from serving on such Juries within said Liberty.

XII. And

Chief Bailiff of the Isle of Ely.

XII. And be it further enacted, That the present Chief Bailiff for the said *Isle of Ely* shall continue Chief Bailiff of the said Isle until Resignation or other Determination of his Office, and that thenceforth it shall be lawful for His Majesty, His Heirs and Successors, to appoint from Time to Time such Person as He or They shall think fit to be Chief Bailiff of the said Isle.

Gaol at Ely abolished, and Prisoners to be confined in Cambridge Gaol.

XIII. And be it further enacted, That no Person shall from and after the passing of this Act be committed to the Gaol at *Ely*, but all Persons who, if this Act had not passed might have been committed to or confined in such Gaol may be committed to and confined in the Gaol at *Cambridge*, and the Justices of the said *Isle of Ely* shall have full Power to commit to the said Gaol at *Cambridge;* and all Persons who at the Time of the passing of this Act shall be confined in the said Gaol at *Ely* shall, as soon as may be after the passing of this Act, be delivered up by the Keeper of the said Gaol at *Ely* to the Keeper of the said Gaol at *Cambridge*, together with the Warrant or Instrument under or by virtue whereof every such Person shall be then detained in Custody, and the Keeper of the said Gaol at *Cambridge* shall receive and detain such Persons in Custody in the same Way as if such Persons had originally been committed to his Custody.

Houses of Correction and their Keepers to remain.

XIV. And be it enacted, That the Houses of Correction at *Ely* and *Wisbech* in the said Isle shall remain, and the present Keepers thereof shall be continued in Office during the Pleasure of the Justices of the Peace for the said Isle in Quarter Sessions assembled; and the Keepers thereof shall be appointed by the said Justices so assembled as in other Counties of *England*.

Regulations respecting Juries in Ely.

XV. And be it enacted, That all the Regulations respecting Juries and Jurors for Counties in *England* shall after the passing of this Act be applied to the *Isle of Ely* as well as to the rest of the County of *Cambridge*, and the Sheriff of the Counties of *Cambridge* and *Huntingdon* shall have the same Power of summoning Jurors in the said *Isle of Ely* which he has in the rest of the said County of *Cambridge*, and all Persons residing in the said Isle shall be liable to serve on Juries for the said County in the same Manner as Persons residing in other Parts of the same County.

Present Coroners of Ely continued and future Vacancies provided for.

XVI. And be it enacted, That the present Coroners of the said *Isle of Ely* shall continue Coroners respectively during their respective Lives, or so long as they shall respectively well behave themselves; and that upon the Death, Removal, or Resignation of either of them, and upon every future Vacancy of the Office, a Coroner shall be chosen by the Freeholders of the said Isle in like Manner as Coroners are chosen in the Case of other Counties or Divisions of Counties of *England;* and the said Coroners for the Time being shall be entitled to demand and take the same Fees, Recompence, and Benefit as are given to or provided for the Coroners by an Act made and passed in the Twenty-fifth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act for giving a proper Reward to Coroners for the due Execution of their Office, and for the Removal*

25 G. 2. c. 29.

*of*

*of Coroners on lawful Conviction of certain Misdemeanors*, and shall as such Coroners be subject to all the Provisions of the said Act.

Compensation to Persons affected by the Provisions of the Act.

XVII. And whereas it is expedient that due Provision shall be made for the Compensation of any Persons holding Offices which have been usually held for Life, for the Loss they may sustain by the Abolition of their Offices 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 said Officers respectively, free and clear of all Taxes and Deductions whatsoever, such Sum of Money, at such Times, by way of Annuity or otherwise, as shall be adjudged and determined to be due to them by the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* or any Three of them, who shall have full Power to inquire into and ascertain the Amount of such Compensation, having regard to the Nature and Value of the Office, the Mode of Appointment thereto, the Tenure thereof, and all the Circumstances of the Case.

Restrictions as to Compensations.

XVIII. Provided always, and be it enacted, That no such Officer shall be entitled to receive any such Compensation unless he shall 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 his Salary and Fees, 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 shall cease altogether or be reduced in Amount, as the Case may be, whenever he 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; nor in the last-mentioned Case shall be entitled to receive more of such Compensation 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 for Life.

XIX. And be it further enacted, That nothing in this Act contained shall affect the Right of any Person holding a Patent for his Life of any Office, whether abolished by this Act or not, to receive during his Life any Fee or Stipend granted by such Patent out of the Revenues of the said respective Sees.

Reservation of all Profits to the Sees.

XX. And be it further enacted, That nothing herein-before contained shall have the Effect of severing or separating from the said Archbishoprick or Bishoprick 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 Sees, other than and except only any Profits and Emoluments herein-before expressly mentioned and directed to be severed therefrom.

The Bishop of Ely to take and hold subject to future Provisions.

XXI. And be it enacted, That from and after the passing of this Act the Bishop of *Ely* 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.

Chief Justice of Ely to act under Commission of Assize, &c. already issued.

XXII. Provided always, and be it further enacted, That, notwithstanding any thing herein-before contained, the present Chief Justice of the said *Isle of Ely* shall have full Power, under any Commission of Assize, or of Oyer and Terminer or Gaol Delivery, which has already issued, to exercise all such Jurisdiction as he has heretofore exercised in the said Isle.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1836.