ANNO PRIMO

VICTORIÆ REGINÆ.

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C A P. LIII.

An Act to explain and amend an Act of the Sixth and Seventh Years of His late Majesty, 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*. [15th *July* 1837.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *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, it was amongst other things 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*, theretofore appointed by the Bishop of *Ely*, should, from and after the passing of the said Act, cease and determine, and all the Secular Authority of the said Bishop should become and be vested in His late Majesty, His Heirs and Successors; provided always, that nothing therein contained should prevent any Justice of the Peace then acting for the said Isle from continuing to act as such within the Limits of the said

6 & 7 W. 4. c. 87.

said Jurisdiction as if the said Act had not been passed; and it was further enacted, that the County Rates for the said *Isle of Ely* should remain, as theretofore, distinct from the Rates for the rest of the County of *Cambridge*, and should be assessed and levied, and paid and applied, by and under the Order and Direction of the Justices of the Peace for the said Isle, as if the same were a separate County, but in all other respects under the same Regulations as were applicable to the Rates of other Counties in *England;* and it was further enacted, that no Person should, from and after the passing of the said Act, be committed to the Gaol at *Ely*, but all Persons who, if the said Act had not passed, might have been committed to or confined in such Gaol, might be committed to and confined in the Gaol at *Cambridge*, and the Justices of the said *Isle of Ely* should have full Power to commit to the said Gaol at *Cambridge*, and all Persons who at the Time of the passing of the said Act should be confined in the said Gaol at *Ely* should, as soon as might be after the passing of the said 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 should be then detained in Custody, and the Keeper of the said Gaol at *Cambridge* should receive and detain such Persons in Custody in the same Way as if such Persons had originally been committed to his Custody: And whereas the Gaol for the County of *Cambridge* is not locally situate within the Town or Borough of *Cambridge*, but is situate near thereto, and within the Parish of *Chesterton* in the same County, and there is a Gaol for the said Town or Borough which is situate within the Precincts of the same: And whereas it is desirable to prevent any Doubt as to the Meaning of the said recited Act in regard to the Gaol to which Persons should be committed and removed from the said *Isle of Ely*, and to declare that by the Gaol at *Cambridge* mentioned in the said Act the Gaol for the County of *Cambridge* for the Time being was meant and intended: And whereas by the Committal of Prisoners from the said *Isle of Ely* to the said County Gaol, and the keeping and maintaining such Prisoners there, considerable Expence will be occasioned to the said County of *Cambridge*, and in consequence thereof it may be necessary to enlarge the said Gaol for the County of *Cambridge;* and it is therefore expedient that all Expences already occasioned or which may hereafter be occasioned thereby, as well as from the Prosecution, Trial, Punishment, Conveyance, and Transport of such Prisoners, should be charged on the said Rates for the said *Isle of Ely:* Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That by the Gaol at *Cambridge* mentioned in the herein-before recited Act was meant and intended the Gaol for the said County of *Cambridge* situate at *Chesterton* in the same County; and that all Persons who if the said recited Act had not passed might have been committed to or confined in the Gaol at *Ely* may be committed to and confined in the Gaol for the Time being of the said County of *Cambridge*, and that all Justices who if the said Act had not been passed might have committed

Gaol referred to in recited Act declared to be the County Gaol; and Ely Prisoners may be committed to the County Gaol for the Time being.

committed to the Gaol of the said *Isle of Ely* shall have full Power to commit to the Gaol for the Time being of the said County of *Cambridge*.

As to the Imprisonment of Persons convicted of Crimes in the Isle of Ely.

II. And be it enacted, That it shall be lawful for all Judges, Justices, and others acting under any Commission of Gaol Delivery to direct that any Person who shall have been committed for any Crime from the said *Isle of Ely*, and who shall thereupon be convicted and sentenced to Imprisonment, shall be imprisoned either in the Gaol or House of Correction of the said County of *Cambridge*, or in any other Gaol or House of Correction at *Ely* or *Wisbeach*, or elsewhere in the said *Isle of Ely*.

Expences payable by the Isle of Ely.

III. And be it enacted, That all Expences already incurred or which may hereafter be incurred under or by virtue of the said recited Act by the Committal of Persons from the said *Isle of Ely* to the Gaol for the said County of *Cambridge*, and of the keeping and Maintenance of such Persons there, and also of the Prosecution, Trial, Punishment, Conveyance, and Transport of such Prisoners, and all other Expences occasioned by their being kept and detained in such Gaol, or by the consequent and necessary Increase of Turnkeys and other Attendants, or the Alteration or Enlargement of the said Gaol, and also a due Proportion of the Expences of the necessary Repairs of the said Gaol, and of the general Expences of the Establishment thereof for the Time being, shall be paid and satisfied out of the said Rates for the said *Isle of Ely*; and (Notice in Writing of the Amount of such Expences being given or transmitted by Post by the Clerk of the Peace for the said County to the Clerk of the Peace for the said Isle half-yearly, specifying the Time at which the same are required to be paid,) the Justices of the Peace for the said Isle shall from Time to Time assess and levy the Amount of such Expences, and use and exercise all Powers, Authorities, and Methods in regard thereto, in the same Manner as they are and shall be empowered by Law to assess and levy County Rates, or Rates in the Nature of a County Rate, within the said Isle for other Purposes; and the Amount of such Expences shall from Time to Time be paid by the Treasurers for the said Isle, or One of them, to the Treasurer for the said County, to be applied to the Satisfaction of all such Expences accordingly; and such last-mentioned Treasurer shall be accountable for the same in the same Manner as for other County Rates received by him: Provided always, that no Enlargement of the said Gaol shall be made until Notice of such proposed Enlargement shall be given by the Clerk of the Peace for the said County to the Clerk of the Peace for the said Isle, nor until the Expediency of such Enlargement shall have been submitted to the Consideration of and shall have been agreed to by a joint Committee of Six Justices of the Peace for the said County and Isle, to be appointed at the General or Quarter Sessions of the Peace to be holden for the said County and Isle respectively next after such Notice in the Manner provided.

IV. And

Settlement of Expences.

IV. And be it enacted, That if at any Time hereafter the Justices of the Peace for the said Isle shall refuse to make, assess, and levy a Rate for defraying any such Expences as aforesaid, (and the Nonpayment thereof by the Time to be specified in such Notice shall be construed to be a Refusal to make, assess, and levy such Rate,) the Justices of the Peace for the said County and Isle respectively shall, at the respective General or Quarter Sessions which shall be holden in and for the County and in and for the Isle next after such Refusal respectively, appoint Six Justices of the Peace for the County and for the Isle in manner herein-after mentioned, that is to say, the Justices of the Peace for the said County shall at such Sessions appoint Three Justices of the Peace for the said County, and the Justices of the Peace for the said Isle shall at such Sessions appoint Three Justices of the Peace for the said Isle; which Justices of the Peace so to be respectively appointed as aforesaid are hereby required to meet, at such Time as shall be fixed for the Purpose by the Chairman of such General or Quarter Sessions for the said County, at the Gaol for the said County, and of which Time of meeting Notice in Writing shall be given or transmitted by Post by the Clerk of the Peace for the said County to the County Justices so to be appointed, and by the same Clerk of the Peace to the Clerk of the Peace for the said Isle, who shall give or transmit the same by Post to the Isle Justices so to be appointed; and the Justices of the Peace so to be appointed as aforesaid, or the major Part of them then and there assembled (such major Part not being less than Five in Number), shall hold a Special Sessions at the said Gaol for the Purpose of ascertaining and settling whether any and what Expences are chargeable in respect of any of the Matters aforesaid on the Rates of the said Isle, and the Proportion of Expences in respect of any of the said Matters which ought to be borne by the said County and Isle respectively; and the Clerk of the Peace for the said County shall attend such Special Sessions, and keep a Record of the Proceedings there, which Record shall be Evidence thereof; and the Sum or Sums which at any such Special Sessions as aforesaid shall be declared to be chargeable on the said Isle under this Act, shall be levied and raised in manner aforesaid.

Justices of the Peace for the Isle of Ely to possess the same Powers as Justices for Counties.

V. And be it enacted, That all Justices of the Peace acting in and for the said *Isle of Ely* shall from and after the passing of this Act have and possess and may exercise all such and the same Rights, Privileges, Powers, and Authorities whatsoever within the said *Isle of Ely* as any Justice of the Peace acting in and for any County, Riding, or Division now hath or possesses or may exercise in such County, Riding, or Division.

Mutual Powers given to Justices of the Peace for the County

VI. And be it enacted, That it shall and may be lawful from and after the passing of this Act for any Justice of the Peace acting in and for the said County of *Cambridge*, and he is hereby authorized, to issue under his Hand and Seal any Warrant or Warrants for the

Apprehension of any Person or Persons residing or being within the said *Isle of Ely*, charged on Oath before him the said Justice with any Felony or Misdemeanor committed in the said County of *Cambridge*, and in like Manner for any Justice of the Peace acting in and for the said *Isle of Ely*, and he is hereby authorized, to issue under his Hand and Seal any Warrant or Warrants for the Apprehension of any Person or Persons residing or being within the said County of *Cambridge*, charged on Oath before him the said last-mentioned Justice with any Felony or Misdemeanor committed in the said *Isle of Ely;* and the Constables or Constable or other Person to whom any such Warrant or Warrants shall or may be addressed or directed are and is hereby authorized to apprehend and take any such Person or Persons so charged on Oath as aforesaid (and whose Name or Names shall be inserted in such Warrant or Warrants) with any such Felony or Misdemeanor committed in the said County of *Cambridge* or in the said *Isle of Ely*, without Indorsement of such Warrant or Warrants by any Justice of the Peace of the said County of *Cambridge* or of the said *Isle of Ely*.

and for the Isle to apprehend Offenders out of their respective Limits.

VII. And whereas Doubts have arisen whether the *Isle of Ely* is included in Enactments made in several Statutes respecting Counties, Ridings, or Divisions; be it therefore enacted, That under such Statutes heretofore passed or hereafter to be passed the *Isle of Ely* shall be deemed and taken to be a Division of a County.

Isle of Ely to be a Division of a County.

VIII. And whereas the Townships of *Feliskirk* and *Sutton-under-Whitestonecliffe*, in the Parish of *Feliskirk* and Townships of *Kilburn* and *Marton Lordship*, in the County of *York*, are locally situated within the North Riding of the said County, and yet for certain Purposes are esteemed to be within the Liberty of *Ripon* in the said County, heretofore Part of the Secular Jurisdiction of the Archbishop of *York:* And whereas by the said Act of the last Session of Parliament it was amongst other things enacted, that all the Secular Jurisdiction of the said Archbishop of *York* in the said Liberty of *Ripon* should from and after the passing of the said Act cease and determine, and should become and be transferred to and vested in His said late Majesty, His Heirs and Successors: And whereas the said Townships are distant upwards of Fourteen Miles from *Ripon* aforesaid, and it is highly expedient that the said Townships should be entirely separate and distinct from the said Liberty of *Ripon;* be it therefore enacted, That from and after the passing of this Act, the said Townships of *Feliskirk* and *Sutton-under-Whitestonecliffe*, and the said Townships of *Kilburn* and *Marton Lordship*, be absolutely removed and separated out of and from the said Liberty of *Ripon*, and out of and from the Jurisdiction thereof, and become Parts of the said North Riding, to all Intents and Purposes whatsoever, and be solely within the Jurisdiction of the said North Riding; any Custom or Usage to the contrary thereof in anywise notwithstanding.

Certain Townships to be separated from the Liberty of Ripon and become Parts of the North Riding.

Act may be repealed or altered.

IX. And be it enacted, That this Act may be repealed or altered by any other Act in this present Session of Parliament.

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