



Ecclesiastical Courts Jurisdiction Act 1860

1860 CHAPTER 32

I Jurisdiction of Ecclesiastical Courts in Suits for Defamation and Brawling abolished as against Persons not in Holy Orders. Persons in Custody for Defamation &c. under Order of Ecclesiastical Courts to be discharged. Order for Discharge not to be made until Costs lawfully incurred are paid.

That it shall not be lawful for any Ecclesiastical Court in *England* or *Ireland* to entertain or adjudicate upon any Suit or Cause of Brawling commenced after the passing of this Act against any Person not being in Holy Orders, nor shall it be lawful for any Ecclesiastical Court in *Ireland* to entertain or adjudicate upon any Suit or Cause of Defamation commenced as aforesaid; and in the Case of every Person committed or to be committed to Gaol under any Writ De contumace capiendo, issued in consequence of any Proceedings before any Ecclesiastical Court in any Cause or Suit for Defamation of Character, or where such Person is not in Holy Orders for Brawling, the Judge of the Ecclesiastical Court before whom such Proceedings shall have been had shall make an Order upon the Officer in whose Custody such Person shall be at any Time hereafter for discharging such Person out of Custody, and such Officer shall on the Receipt of such Order forthwith discharge such Person; and it shall not be necessary for such Person to take any Oath of future Obedience to his or her Ordinary: Provided always, that such Order shall not be made unless the Costs lawfully incurred in any such Suit shall have been previously paid into the Registry of such Ecclesiastical Court; provided further, that where any such Suit for Brawling or Defamation has been commenced before the passing of this Act, and final Judgment has not been given thereupon, or where final Judgment has been given, but the Defendant has not been taken under a Writ De contumace capiendo pursuant to such Judgment, the Court, upon Payment by the Defendant of the Costs of Suit incurred by the Promoter of the Office of the Judge to the Time of the passing of this Act, shall stay all further Proceedings therein.