Order of Her Majesty in Council, and for the purpose of re-arranging the boundary between such diocese and the diocese of the archbishopric of York, the Order of Her Majesty in Council (on the recommendation of the Ecclesiastical Commissioners, made, unless the see happens to be vacant, with the assent of the archbishop) may include in the diocese of the new bishopric any ecclesiastical parish or parishes situate in the diocese of York, and may transfer to the diocese of York any ecclesiastical parish or parishes situate in the above-mentioned part of the diocese of the bishopric of Ripon.

3. Such church at Wakefield as may be determined by the Order of Her Majesty in Council, subject to the rights of the patron and incumbent of such church, to be the cathedral church.

4. Subject to the rights enjoyed by any person at the passing of this Act, there shall be transferred to the endowment fund of the bishopric of Wakefield such portion of the endowment or income of the bishopric of Ripon as would, if no deduction were made for first-fruits and tenths, yield a net annual sum of three hundred pounds, but such transfer shall be subject to the payment by the bishop of the new bishopric of a proportionate part of the first-fruits and tenths payable by the Bishop of Ripon.

5. The bishop to be subject to the metropolitan jurisdiction of the Archbishop of York.

CHAPTER 69.

An Act to amend the Law regulating the Office of Clerk of Petty Sessions, and the Law relating to Fines, in Ireland; and for other purposes.

[16th August 1878.]

BE it 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:

Short title. 21 & 22 Vict. c. 100.

1. This Act may be cited for all purposes as the Petty Sessions Clerks and Fines (Ireland) Act, 1878; and the Petty Sessions Clerk (Ireland) Act, 1858, in this Act referred to as "the principal Act," and this Act may be cited together for all purposes as the Petty Sessions Clerks (Ireland) Acts, 1858 and 1878.

Petty Sessions Clerks.

Scale of salaries.

2. From and after the passing of this Act so much of the principal Act as provides that the salary to be paid to any petty sessions clerk shall not exceed the amount specified in Schedule A. of the said Act in respect of the class in which such clerk is included, shall be and is hereby repealed; and it shall be lawful for the Lord Lieutenant to fix, and from time to time to vary, a scale of salaries to be paid to the several petty sessions clerks in lieu of the scale set forth in the said schedule.

Suspension from office.

3. In case any charge of neglect, incompetence, or misconduct is made against any petty sessions clerk in Ireland, it shall be lawful for the Lord Lieutenant, if he shall think fit, to make an order suspending such petty sessions clerk from his office; or for the justices of any district, if they shall think fit, for which such petty sessions clerk acts to make an order in petty sessions suspending such clerk from his office in such district. Every such order shall continue in force until such charge shall be disposed of. Whenever any such clerk has been so suspended from his office the justices at petty sessions may appoint some other person to act as clerk at such petty sessions for the time being. When the justices at petty sessions appoint any person to act as clerk for the time being under the authority of the eighth section of the principal Act, or under the authority of this section, the person so appointed shall, if required by the justices or by the registrar, before entering upon his duties as such clerk, enter into security for the due discharge of his duties in the manner prescribed by the eleventh section of the principal Act.

Time of payment of salaries.

4. From and after the passing of this Act so much of the principal Act as prescribes that every salary and annual sum payable to any clerk of petty sessions shall be ordered to be paid by two half-yearly payments in each year shall be and is hereby repealed; and it

shall be lawful for the Lord Lieutenant to order that every salary or annual sum payable to any clerk of petty sessions shall be paid at such times and in such manner as the Lord Lieutenant shall think fit.

Mode of accounting.

5. From and after the passing of this Act every petty sessions clerk, instead of accounting in the manner prescribed by the twenty-third section of the principal Act, shall account with the registrar for all stamps issued to him by the registrar since his appointment or since the period to which his last previous account may have been carried down, and such account shall be made and passed in such form and at such times and in such manner as the Lord Lieutenant shall for that purpose direct; and all moneys received by the clerk for such stamps shall be lodged by him in the Bank of Ireland to the credit of the registrar of petty sessions clerks account at such times and in such manner as shall be from time to time prescribed by the registrar; and in case any such clerk fails to render such account, or to make such lodgments, or to make such other returns as he shall be directed by the registrar to render, and is convicted thereof before any two justices in petty sessions, he shall be liable to a penalty not exceeding twenty pounds; and a certificate by the registrar of such failure shall be primâ facie evidence of the same in any proceeding before such justices.

Extension of power to make rules for clerks.

6. The power of making general rules conferred upon the Lord Lieutenant by the twenty-ninth section of the principal Act shall be construed and extended so as to authorise the making from time to time of regulations defining the duties of clerks of petty sessions, and the mode of performing the same; and the Lord Lieutenant may, if he shall think fit, provide for the making of allowances and granting remuneration to petty sessions clerks for any duties imposed on them by any such rules, to be paid out of the funds at the disposal of the Lord Lieutenant for the purposes of the principal Act; and the Lord Lieutenant may, if he shall think fit, by general rules, or by order in each case, direct how the salary of any petty sessions clerk suspended from his office shall be disposed of; and may, if he shall think fit, provide for the payment of remuneration to any person appointed as a substitute for such suspended clerk, either out of the salary of such suspended clerk, or out of the funds at the disposal of the Lord Lieutenant for the purposes of the principal Act.

All fees payable to clerks to be taken by stamps.

7. All fees and emoluments whatsoever in addition to those specified in the Schedule C. to the principal Act, which may at any time be receivable by clerks of petty sessions, under any existing or future Act, shall be denoted by stamps of the character and description mentioned in the principal Act, and shall be dealt with and accounted for as therein and herein is provided with respect to the fees therein mentioned, and all the provisions of the principal Act relating to stamps shall be applicable thereto.

Fines and Stamps.

Process to levy fines on jurors to be issued to constabulary.
14 & 15 Vict. c. 90.

8. After the passing of this Act, no warrant or process shall be issued to any sheriff to levy the amount of any fine imposed upon any person for non-attendance as a juror, or any issues directed to be levied; but in every such case the warrant or process for levying the same shall be issued to the Royal Irish Constabulary or Dublin Metropolitan Police, as the case may be, and shall be subject to the several provisions of the Fines Act (Ireland), 1851, so far as the same are applicable to other warrants issued to the constabulary or Dublin Metropolitan Police.

It shall be lawful for the Lord Lieutenant to charge the fund produced by fines on jurors with the payment to the Royal Irish Constabulary, and to the Dublin Metropolitan Police, and to such officers of the several courts by which such fines are imposed, of such remuneration for their services in respect to the imposition, and levy of such fines, as the Lord Lieutenant shall from time to time appoint.

Masters may impose fines on jurors.

34 & 35 Vict. c. 65.

9. If any man, having been duly summoned and returned to serve as a juror upon any inquest or inquiry before the master of any division of the High Court of Justice, shall not, after being openly called three times, appear, and service of such summons be duly proved, such master shall have the same authority to impose a fine upon every man so making default as is by the forty-eighth section of the Juries Act (Ireland), 1871, given to a sheriff or coroner; and all the provisions of the said section regarding a fine imposed by a sheriff or coroner shall apply to a fine so imposed by such master.

Fees on service of summons. Amendment of 14 & 15 Vict. c. 93. s. 12.

10. So much of the twelfth section of the Petty Sessions (Ireland) Act, 1851, as limits the amount which may be paid to a summons server for the service of each summons to the sum of sixpence shall be and is hereby repealed; and instead thereof any such summons server shall be entitled to be paid by the complainant or person for whom he may be employed, such sum not exceeding the sum specified for each case in the schedule to this Act annexed, according to the distance necessarily travelled by such summons server in effecting each such service upon each party or witness (or upon any number of parties or witnesses in the same case who shall be served in the same house) as the justices shall fix.

Miscellaneous.

Form of Order Book.

11. The Lord Lieutenant may from time to time, by Order made by and with the advice and consent of the Privy Council, alter the form of Order Book to be used by justices in petty sessions.

Offices of clerk of the Crown and clerk of the peace. 40 & 41 Vict. c. 56.

12. From and after the passing of this Act, the several powers conferred by the eighth section of the County Officers and Courts (Ireland) Act, 1877, shall extend to, and may be exercised in every case in which any one or more of the offices included or which might be included in any union of offices for the holder whereof but one salary is specified in Schedule D. to the said Act shall become or be vacant, and in each case in which but one salary is in the said schedule specified for the clerk of the Crown and peace for more than one county, the Lord Lieutenant by Order in Council may unite the offices of clerk of the Crown and of clerk of the peace, and may assign a reasonable salary for the clerk of the Crown and peace, for each such county, and may vary any one or more of the salaries specified in the said schedule, and such salaries shall be paid in the same manner as, but in lieu of, the salary or salaries specified in the said schedule and affected by such Order; provided that by the exercise of the powers aforesaid the salary of any officer shall not be diminished during his tenure of office, nor shall the total amount of all the salaries made payable at any time be increased beyond the total amount in the said schedule mentioned. The several powers aforesaid shall extend and may be applied to each riding of the county of Cork as a separate county, and either riding may for the purposes of the said Act, and of this section, be united with the county of the city of Cork. The duties under the said Act and under this Act of every officer appointed to any office included or which might be included in any union of offices made or which might be made under any of the powers aforesaid may be defined, distributed, prescribed, and regulated by Order of the Lord Lieutenant made by and with the advice and consent of the Privy Council.

Superannuation.

Superannuation.

13. The Lord Lieutenant may, if he shall think fit, grant to the registrar or to any clerk or servant employed in the office of the registrar, upon his retirement from office, a pension, to be payable out of the same funds, and chargeable thereon in the same proportions respectively, upon which the salaries or other remuneration of the registrar and clerks and servants are chargeable; and in ascertaining and awarding the amount of such superannuation, the Lord Lieutenant shall proceed according to the principles laid down by the Superannuation Act, 1859. 22 Vict. c. 26.

SCHEDULE.

Fees payable to Summons Servers.

	s.	*d.*
Where distance travelled shall not exceed four miles - - - - -	0	6
Where distance travelled shall exceed four miles - - - - -	1	0

The distance to be reckoned in each case to the place of service, from the Petty Sessions Court of the district; and the return journey is not to be taken into account.