

ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

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CAP. LXVI.

An Act to make Provision for the Judge, Registrar, and Marshal of the High Court of Admiralty of *England*. [7th *August* 1840.]

WHEREAS the present Manner of remunerating the Judge, Registrar, and Marshal of the High Court of Admiralty of *England* ought not to be continued, and it is expedient to make other Provision for the same, and for defraying the other Expences incidental to the said Court: Be it therefore 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 a yearly Salary of Four thousand Pounds shall be paid to the Judge of the said High Court of Admiralty, and such Salary shall be payable quarterly, and shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that any such Judge, after the present Parliament, shall during his Continuance in Office as Judge be incapable of being elected or sitting as a Member of the House of Commons.

Judge of the High Court of Admiralty to be paid by Salary.

Not to sit in future Parliaments.

II. And be it enacted, That an Act passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for regulating*

Repeal of 50 G.3.c.118.

lating the Offices of Registrars of Admiralty and Prize Courts, is hereby repealed, and that the Registrar of the High Court of Admiralty shall receive, out of the Fee Fund herein-after mentioned, a yearly Salary of Fourteen hundred Pounds, instead of all Fees, Dues, Perquisites, Emoluments, and Profits heretofore received by or on account of or for such Registrar as aforesaid: Provided always, that in Time of War or other extraordinary Circumstances causing a great Increase of Business in the Office of Registrar of the Court it shall be lawful for Her Majesty, on the Recommendation of the Judge of the High Court of Admiralty, to direct that the yearly Salary of the said Registrar be increased to such Sum, not exceeding Two thousand Pounds, as Her Majesty shall be pleased to direct; and such increased Salary shall thenceforward continue to be paid to the said Registrar, instead of his Salary as fixed by this Act, and subject to all the Provisions respecting the same, until Her Majesty shall be pleased to direct that such increased Salary be again reduced.

Registrar to be paid by Salary.

III. And be it enacted, That the Person last before the passing of this Act executing the Duties of Deputy Registrar of the said Court shall be the First Registrar thereof under and by virtue of this Act, and he shall hold the same during his good Behaviour, subject to be removed by the Judge of the said Court for good and reasonable Cause, such Removal to be approved of by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or by the Lords Commissioners for executing the Office of Lord High Admiral, as the Case may be; and every Registrar hereafter to be appointed for the said High Court of Admiralty shall be appointed, and for good and reasonable Cause be removable, by the Judge of the said Court, such Appointment and Removal respectively being subject to the Approbation of the said Lord High Admiral or the said Lords Commissioners, as the Case may be; and every such Registrar shall be taken from among Proctors practising in the said Court, and of Ten Years standing at least.

Appointment of Registrar.

IV. Provided always, and be it further enacted, That the first Registrar under and by virtue of this Act, and every Registrar to be hereafter appointed, shall, subject to such Orders as Her Majesty in Council shall from Time to Time make, attend the hearing by the Judicial Committee of the Privy Council of all Causes and Appeals which the Registrar of the High Court of Admiralty was entitled to attend in Person or by Deputy by virtue of his Office of Registrar of the High Courts of Admiralty, Delegates, and Appeals for Prizes, before the passing of an Act passed in the Third and Fourth Years of His late Majesty King *William* the Fourth, intituled *An Act for the better Administration of Justice in Her Majesty's Privy Council*, and likewise shall, subject to any Order of Her Majesty in Council, transact, perform, or do all Acts, Matters, and Things that shall be found necessary or have heretofore been done by the said Registrar or his Deputies in respect of such Causes and Appeals.

Registrar shall attend the Privy Council at the Hearing of Causes and Appeals instead of the Registrar of the Court of Chancery. 3 & 4 W. 4. c. 41.

V. And be it enacted, That the Marshal of the High Court of Admiralty shall receive out of the Fee Fund herein-after mentioned a yearly

Marshal to be paid by Salary.

a yearly Salary of Five hundred Pounds, besides such travelling and other Expences necessarily incurred in the Execution of his Duty as the Judge of the Admiralty Court, with the Approbation of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, shall allow, instead of all Fees, Dues, Perquisites, Emoluments, and Profits heretofore received by or on account of such Marshal: Provided always, that in Time of War and other extraordinary Circumstances causing a great Increase in the Business of the Office of Marshal of the Court, it shall be lawful for Her Majesty, on the Recommendation of the Judge of the Court, to direct that the yearly Salary of the Marshal be increased to such Sum, not exceeding Eight hundred Pounds, as Her Majesty shall be pleased to direct; and such increased Salary shall thenceforward continue to be paid to the Marshal instead of his Salary as fixed by this Act, and subject to all the Provisions respecting the same, until Her Majesty shall be pleased to direct that such increased Salary be again reduced.

Salary may be increased in Time of War.

VI. And be it enacted, That the Judge of the High Court of Admiralty, subject to the Approval of the Lord High Admiral, or any Three or more of the Commissioners for executing the Office of Lord High Admiral, shall appoint so many Officers as he shall think necessary for executing the Process of the said Court, and also so many Clerks and Servants as he shall think necessary for carrying on the Business of the said Court; and the said Judge, with the like Approval, may remove, at pleasure, all or any of the Clerks, Officers, and Servants so appointed; and the Commissioners of Her Majesty's Treasury shall fix the Salaries of all such Clerks and Servants; and the Officers for executing the Process of the Court shall be paid such Allowances, and such travelling and other Expences necessarily incurred in the Execution of their Duty, as the Judge of the Admiralty Court, with the Approbation of the Commissioners of Her Majesty's Treasury, shall allow; and the Salaries of all the Clerks and Servants, and all such Allowances and Expences, and all other Expences of carrying on the Business of the said Court, not otherwise provided for, shall be paid out of the Fee Fund herein-after mentioned, and shall be allowed in the Account to be rendered by the Registrar as herein-after provided.

Clerks, &c. to be appointed by Judge, subject to Approval of Lord High Admiral.

VII. And be it enacted, That it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of *Great Britain*, to give and grant an Annuity, not exceeding the yearly Sum of Two thousand Pounds, to any Person who shall have executed the Office of Judge of the High Court of Admiralty, and shall have resigned the same, to be paid quarterly, and to be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, such Annuity to commence from the Time at which such Judge of the said Court shall have resigned his said Office, and to continue thenceforth during the natural Life of the Grantee: Provided always, that no such Annuity shall be granted unless either the Grantee shall have been Judge of the said Court during at least Fifteen Years, or unless such Person shall be afflicted with some permanent Infirmity disabling him from the due Execution of his said Office,

Retiring Pension to Judge.

Office, which shall be expressly recited in the Grant: Provided also, that if the Grantee of any such Annuity shall hold any other Office of Profit under Her Majesty he shall be entitled to receive so much only of the said Annuity as, together with the Salary and Profits of such other Office, shall not exceed the Sum of Two thousand Pounds.

Salaries and Annuities, how to be paid.

VIII. And be it enacted, That the said Salaries and Annuities shall be paid, free and clear of all Fees, Taxes, and Charges whatsoever, by Four equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year: Provided that the Payment to be made in each Case on the first of the said quarterly Days which shall happen after the Accrual of the Right thereunto of the Person receiving the same under this Act shall be a rateable Proportion of a Quarter's Salary according to the Time then elapsed since the Accrual of such Right; and in case of Vacancy in the Office of any Judge, Registrar, or Marshal, or of any Clerk, Officer, or Servant, receiving a Salary under this Act, whose Salary is fixed by this Act, of the High Court of Admiralty, the Person making the Vacancy, his Executors or Administrators, shall be entitled to a proportional Part of his quarterly Salary according to the Time elapsed between the Vacancy and the last quarterly Payment.

Office of Registrar not to be executed by Deputy.

IX. And be it enacted, That the Office of Registrar of the High Court of Admiralty shall not in future be executed by Deputy, except in case of Illness or Absence for any Cause to be allowed by the Judge, but the Person appointed Registrar shall, by himself, or with an Assistant, in case an Assistant shall be necessary, personally execute the Duties thereof: Provided always, that the Judge, Surrogate, Commissioner, or other Substitute of the Judge, may, according to the established Law and Practice of the said Court, from Time to Time, and as Occasion may require, assume an Actuary for the Purpose of recording Acts: Provided also, that the said Registrar may, with the Approbation of the Judge, from Time to Time appoint such and so many Proctors of the said Court as may be deemed necessary, to be Examiners thereof.

Appointment of Deputy Registrar in case of Illness, &c.

X. And be it enacted, That it shall be lawful for the said Registrar, from Time to Time as Occasion may require, to appoint a Deputy or Assistant, being a Proctor of the said Court, to act for the said Registrar, in case of his Absence from Illness or other reasonable Cause allowed by the Judge, such Deputy or Assistant to be first approved by the Judge of the High Court of Admiralty; and no such Deputy or Assistant shall continue to act for any longer Time than shall be allowed and specified in and by the Order which shall be made by, on each Occasion, the Judge of the High Court of Admiralty: Provided, that in case any Registrar of the said Court who shall be prevented by Illness from giving his personal Attendance shall omit for the Space of Two Days to appoint such Deputy or Assistant, the Judge of the High Court of Admiralty shall, if he shall see fit, himself appoint such Deputy or Assistant, and direct what Part of the Salary of such Registrar shall

shall be received by such Deputy or Assistant, and the same shall be paid over to and received by him accordingly.

Judge of Admiralty may direct the Appointment of an Assistant Registrar;

XI. And be it enacted, That at any Time when the State of the Business of the said Court shall appear to require the Appointment of an Assistant Registrar, the Judge of the High Court of Admiralty may direct the Registrar to make such Appointment; and such Assistant Registrar, being one of the Proctors of the said Court, shall thereupon be appointed by the Registrar, subject to the Approval of the Judge of the Court, and for such Time as the Judge may think necessary, and shall be entitled to receive a Salary, not exceeding Twelve hundred Pounds, as Her Majesty shall be pleased to direct, which Salary in either Case shall be paid out of the same Fund and be subject to the same Provisions as are herein enacted with respect to the Payment of the Salary of the Registrar.

his Salary.

Account of Increase in Salaries and Appointments to be laid on the Table of the House of Commons.

XII. Provided always, and be it further enacted, That the Judge of the High Court of Admiralty shall cause to be laid on the Table of the House of Commons, within Fourteen Days of making the Increase of Salaries or the Appointments herein-after mentioned, if Parliament shall be then assembled, or if Parliament shall not be sitting then within Fourteen Days next after the assembling thereof, an Account of all Increase of Salaries made under the Authority of this Act, and of all Appointments of Officers, Clerks, and Servants made under this Act, by the said Judge, with the Consent or Approbation of the Lord High Admiral or Commissioners for executing the Office of the Lord High Admiral, or by the Registrar with the Consent or Approbation or by the Direction of the said Judge, with an Account of the Salaries directed to be paid to such Officers, Clerks, and Servants.

Her Majesty may alter the Table of Fees.

XIII. And be it declared and enacted, That it shall be lawful for Her Majesty to regulate the Fees of the said Court, and to amend and alter the Table of Fees therein, as by Her Majesty, with the Advice of Her Privy Council, shall be thought fit.

Registrar to account annually for all Fees received by him.

XIV. And be it enacted, That the Registrar of the High Court of Admiralty shall, on or before the Twentieth Day of *January* in every Year, render to the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, upon Oath, to be sworn before the Judge of the High Court of Admiralty or a Surrogate of the said Court, a true Account in Writing of the gross and net Amount of all such Fees and Emoluments as shall have become due in the preceding Year ending on the Fifth Day of *January* on account of the Judge of the said Court, by virtue of his Office as such Judge, or on account of the Marshal or any other Officer of the said Court, specifying the Particulars of the Payments, Disbursements, Allowances, and Charges constituting the Difference between such gross and net Amounts, and also a like Account of all the Fees, Dues, Perquisites, Emoluments, and Profits received by or on account of or for the Registrar of the said Court of Admiralty; and the Marshal, Seal-keeper, and every other Officer of the Court, in the Receipt of any Fees for Business done in the said Court, shall render to the Registrar upon Oath, to be sworn before the Judge or a Surrogate of the Court, a true Account in Writing of all the Fees respectively received by each

of them, at such Times and subject to such Regulations as the Judge of the Court from Time to Time shall think fit to direct.

Fees to be carried to Fee Fund.

XV. And be it enacted, That all the Fees so received on account of the Judge and Marshal or any other Officer of the Court of the said High Court of Admiralty, and also all the Fees, Dues, Emoluments, Perquisites, and Profits received by or on account of the said Registrar after the Expiration of the Interest at present vested in Possession in the said Office of Registrar, shall be carried by the Registrar to an Account to be opened and kept in the Bank of *England* of a Fund to be called, "The Fee Fund of the High Court of Admiralty;" and out of the said Fee Fund there shall be paid by the said Registrar, at the Times and in the Manner herein-before directed, the Salaries of the Registrar, Assistant Registrar, and Marshal, and of the Clerks, Officers, and Servants of the said Court, and all Expences of holding and carrying on the Business of the said Court not otherwise provided for; and in case there shall be at any Time a Deficiency in the said Fee Fund, so that the same shall not be sufficient to discharge the several Salaries and Sums of Money herein-before charged thereon, the Judge of the High Court of Admiralty shall, by Writing under his Hand and Seal, certify to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury, the Amount of such Deficiency; and the Lord High Treasurer, or any Three of such Commissioners, shall forthwith, upon the Receipt of such Certificate, direct that there be issued and paid out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Principal or Deputy Registrar of the said Court, on account of the Fee Fund of the said Court, such a Sum of Money as shall be sufficient to cover the Deficiency so certified to them as aforesaid.

Surplus to be paid to the Consolidated Fund.

XVI. And be it enacted, That when and so often from Time to Time as the said Fee Fund shall amount to such a Sum as shall be sufficient to pay all the Salaries and Sums of Money herein before charged thereupon, and there shall be a Surplus remaining after such Payment, the Registrar of the High Court of Admiralty shall, once in every Quarter of a Year, (that is to say,) on or before the Twentieth Day of *April*, the Twentieth Day of *July*, the Twentieth Day of *October*, and the Twentieth Day of *January*, pay such Surplus (if any) into the Bank of *England*, to the Credit of Her Majesty's Exchequer, to the Account of the said Consolidated Fund.

Treasury, by Warrant, to direct Payments out of Consolidated Fund.

XVII. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby authorized and required, by Warrant under their Hands or the Hands of any Three of them, to direct the several Payments aforesaid to be made out of the Consolidated Fund as herein-before prescribed.

Judge and Registrar to receive no Fees on their own Account.

XVIII. And be it enacted, That neither the Judge, nor any future Registrar, Assistant Registrar, or Marshal of the High Court of Admiralty, shall be entitled to, or take for his own Use or Benefit, directly or indirectly, any Fee or Emolument whatsoever, save the

Salary, Allowance, or Annuity to which he shall be entitled by virtue of this Act.

Accounts may be referred to Judge of Court of Admiralty and to Dean of Arches.

XIX. And be it enacted, That in case the said Lord High Treasurer, or any Three or more Commissioners of Her Majesty's Treasury, for the Time being, shall be dissatisfied with any Account to be rendered to them as aforesaid, it shall be lawful for him or them to refer the same to the Judge of the High Court of Admiralty and to the Dean of the Arches, or to either of them, who shall thereupon, by such Ways and Means and by the Examination of such Persons as they or he shall think fit, and upon Oath, if they or he shall think the same necessary, (which he or they is and are hereby authorized to administer,) inquire into the said Accounts, or any Entry therein, and all or any of the Disbursements, Allowances, or Charges therein contained, and make such Allowances and Disallowances therein as he or they shall think reasonable, and shall finally settle and certify in Writing the net Amount of the Fees and Emoluments to which such Account relates.

Act may be amended.

XX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1840.