

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. CXXIX.

An Act to alter and regulate the Official Establishment of the High Court of Chancery and of the Superior Courts of Common Law in *Ireland*.

[20th *August* 1867.]

WHEREAS it is expedient to alter and regulate the Official Establishments of the High Court of Chancery and of the Superior Courts of Common Law in *Ireland*:

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, as follows:

1. This Act may be cited for all Purposes as "The Chancery and Common Law Offices (*Ireland*) Act, 1867." Short Title.

2. This Act shall commence and have effect on the First Day of *October* One thousand eight hundred and sixty-seven. Commencement of Act.

PART I.

OFFICES OF THE HIGH COURT OF CHANCERY IN *IRELAND*.

3. From and after the Commencement of this Act the following Offices of the High Court of Chancery in *Ireland*, namely, the Offices Abolition of certain Offices.

Offices of Clerk and Assistant Clerk of Affidavits, of Clerk and Assistant Clerk of Appearances and Writs, of Deputy Keeper of the Rolls, of Clerk and Assistant Clerk of Enrolments, and of Clerk and Assistant Clerk of Pleadings in the Department of the Deputy Keeper of the Rolls, of Clerk of Recognizances, and of Clerk and Assistant Clerk of the Record Department in the Office of the Registrar, and of the Cash Clerk in the said Office of the Registrar, shall be and the same are hereby abolished.

"Record and Writ Office" to be provided.

4. From and after the Commencement of this Act there shall be an Office of the High Court of Chancery in *Ireland*, to be called "the Record and Writ Office," and the Lord Chancellor and the Master of the Rolls shall cause to be provided at the Four Courts in the City of *Dublin* suitable Chambers for the Purposes of the said Office.

Transfer of Records, &c.

5. From and after the Commencement of this Act all Records, Pleadings, Affidavits, and other Documents in the Custody or Charge of the Officers of the said abolished Offices, and all their Bill Books, Cause Books, Indexes, and other Books in respect of the said abolished Offices, shall be transferred to the said Record and Writ Office, and shall be there kept in Custody of the Clerk of Records and Writs, unless and until other Provision shall be made by Parliament for the Custody of any of said Documents not ordinarily required for the Business of the Court.

Business of abolished Offices to be performed in the Record and Writ Office.

6. All the Business which is now performed and transacted in the following Offices of the said Court, that is to say, in the Affidavit Office, in the Office of Writs and Appearances, in the Office of the Deputy Keeper of the Rolls, and in the Recognizance Office, and the Duties which are now discharged by the Deputy Keeper of the Rolls, and by the Clerk and Assistant Clerk of Enrolments, the Clerk and Assistant Clerk of Pleadings in the Office of the Deputy Keeper of the Rolls, and by the Clerk and Assistant Clerk in the Registrar's Office in respect of Reports and Accounts there kept, shall, from and after the Commencement of this Act, be performed, transacted, and discharged in the said Record and Writ Office; and the Notice Department in the Office of Appearances and Writs shall continue as at present constituted, and shall form a Part of the said Record and Writ Office, and shall be under the Control and Supervision of the Clerk of Records and Writs; and all Pleadings, Affidavits, Recognizances, Reports, Accounts, Notices, and other Documents which according to the Practice of the Court are now filed or lodged in any of the said abolished Offices shall be filed, lodged, and kept in the said Record and Writ Office; and all the

the Duties and Authorities which if this Act had not been passed could have been performed and exercised by the Officers of the said abolished Offices shall be performed and exercised by the Officers of the said Record and Writ Office in such Manner as shall be appointed by any General Order made as by this Act is provided.

Appointment of Officers of Record and Writ Office.

7. There shall be a Clerk of Records and Writs and Two Assistants to such Clerk in the Record and Writ Office, and the said Clerk and his Assistants shall respectively discharge all such Duties as shall be appointed by any General Order made as by this Act is provided, and the said Officers shall have to aid them in the Discharge of their said Duties the several Clerks set forth in the First Schedule to this Act annexed, and so many Scrivenery Clerks as the Lord Chancellor with the Consent of the Commissioners of Her Majesty's Treasury shall appoint.

New Establishment to be formed from Persons employed in abolished Offices.

8. And whereas it is expedient that the new Establishment of Clerk of Records and Writs Assistants and Clerks hereby created shall in the first instance consist of Persons employed in the Offices hereby abolished: Be it therefore enacted, That *John Reilly* Esquire, Deputy Keeper of the Rolls, shall be and he is hereby appointed Clerk of Records and Writs, and *Maziere J. Brady* Esquire, Clerk of Affidavits, shall be and he is hereby appointed First Assistant in said Record and Writ Office, and they shall hold their respective Offices by the same Tenure as they hold their said Offices by this Act abolished, and the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice Chancellor, or One of them, shall tender to the Clerks and Assistant Clerks of the Offices by this Act abolished, according to their respective Rank and Seniority at the Time of the passing of this Act, if competent for the permanent Discharge of such Duties, the Option of accepting the Offices of Second Assistant and First and Second Class Clerk, and any such Clerk or Assistant Clerk of less than Twenty-five Years Service who shall decline to accept any Office tendered to him as aforesaid shall be deemed to have resigned his said Office, and shall be entitled to receive such retiring Allowance as is provided by Section Twenty-eight of this Act for Officers of the Court of Chancery; and if there shall not be found amongst the Clerks and Assistant Clerks whose Offices are hereby abolished a sufficient Number of Persons to fill the Places of Clerks in said Record and Writ Office, the Lord Chancellor and the Master of the Rolls shall alternately, beginning with the Master of the Rolls, appoint a fit Person or fit Persons to fill such Place or Places: Provided always, that any Clerk or Assistant Clerk of any of the

said abolished Offices appointed to any of the said Offices by this Act created in manner aforesaid shall hold his Office by the same Tenure as he held his former Office, and shall be entitled to receive a Salary not less than that which he enjoyed in virtue of his said former Office, and such Salary shall be paid to him out of the like Funds and in like Manner as the Salaries payable under this Act; and any Instrument by which any Person employed in any of the said abolished Offices shall be appointed to any of the above-mentioned Offices shall not be chargeable with any Stamp Duty.

How Vacancies in Record and Writ Office to be filled up.

9. When any Vacancy happens in the Office of Clerk of Records and Writs, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of First Assistant in the said Record and Writ Office, the Lord Chancellor shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office, of Second Assistant in said Record and Writ Office, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of First-class Clerk, the Lord Chancellor shall promote thereto the Clerk of the Second-class next in Seniority who shall be competent to fill the said Vacancy; and when any Vacancy happens in the Office of Second-class Clerk, the Lord Chancellor and the Master of the Rolls shall alternately, beginning with the Master of the Rolls, appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of Clerk in the Notice Department, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy.

Tenure of Office.

10. Every Person appointed to any Place under this Act, save such Persons as shall have held Offices by this Act abolished, shall hold Office by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by an Order of the Lord Chancellor, with the Concurrence of the Master of the Rolls or the Vice Chancellor, stating the Cause for such Removal: Provided always, that no Person shall be appointed to the Office of Second-class Clerk unless he shall have received a Certificate of Fitness from the Civil Service Commissioners, or shall have been employed in any of the Offices by this Act abolished.

Salaries of Officers.

11. There shall be paid to the said Clerk of Records and Writs, and to his Assistants, and to the said Clerks of the said Record and Writ Office appointed under this Act in the first instance, and to their Successors, the several and respective Salaries in that Behalf set forth in the Second Schedule to this Act annexed.

12. It

Power to Lord Chancellor to transfer Scrivenery Clerks from Registrar's Office to Record and Writ Office.

12. It shall be lawful for the Lord Chancellor from Time to Time to transfer any Person employed as a Scrivenery Clerk in the Registrar's Office of the said Court of Chancery, whose Services in the said Office may be dispensed with, to such Situation of a similar Nature in the said Record and Writ Office as he shall consider such Person best qualified to fill; and any such Person who shall refuse to discharge the Duties of the Situation to which he shall have been transferred as aforesaid shall be liable to Dismissal by the Lord Chancellor.

Officers, &c. of abolished Offices to continue to be Officers, &c. of the Court of Chancery, and to be entitled to receive their present Salaries if they discharge Duties imposed upon them.

13. Every Person who on the Thirtieth Day of *September* One thousand eight hundred and sixty-seven shall hold any Office or Situation in any Office of the said Court of Chancery which is by this Act abolished, and who, being of more than Twenty-five Years Service, shall not have accepted, or being of less than Twenty-five Years Service shall not have been tendered the Option of accepting, any Office or Situation in the said Record and Writ Office, shall continue to be deemed an Officer of the Court of Chancery, and shall hold by the same Tenure, and be entitled to the like Salary and Superannuation Allowance (if any), as if the said Office or Situation had not been abolished, and shall, unless and until he shall retire pursuant to the Provisions of the "Court of Chancery (*Ireland*) Regulation Act, 1850," discharge such Duties suitable to his Position as an Officer of said Court connected with the Business of the said Court of Chancery, or the Arrangement and Classification of Records in any Public Record Office, or other Place provided for the keeping of Records by Parliament, as shall be assigned to him by the Lord Chancellor, or, at the Instance of the Lord Chancellor, by the Head of such Public Record Office respectively; and every such Person who shall decline to discharge such Duties when called upon to do so shall forfeit his Right to any Benefits to which he would otherwise be entitled under this Act, or the "Court of Chancery (*Ireland*) Regulation Act, 1850."

Appointment of Deputy in case of Absence of Clerk of Records and Writs.

14. In case of Absence from Illness or other reasonable Cause it shall be lawful for the said Clerk of Records and Writs to appoint a Deputy, such Deputy and also the Occasion for such Appointment being first approved by the Lord Chancellor; and in case the said Clerk of Records and Writs, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor may appoint a Deputy, and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor

shall direct; and during Vacations the whole of the Business of the Record and Writ Office may be performed by such of the Officers of the said Office and upon such Terms as the Lord Chancellor shall by any Order direct.

Clerk of Records and Writs and Assistants to attest Copies of Affidavits.

15. The said Clerk of Records and Writs and the said Assistants to the said Clerk shall cause every Copy of any Affidavit to be duly compared with the Original from which it shall be made before he shall attest the same, and shall be responsible for the Accuracy of every Copy so attested by him.

The Clerk of Records and Writs, &c. may administer Oaths and take Affirmations.

16. The said Clerk of Records and Writs and the said Assistants to the said Clerk may administer the Oaths and take the Affirmations and Attestations of Honour which they may from Time to Time be required to administer and take.

Persons swearing before such Officers to be subject to Penalties for Perjury.

17. All Persons swearing, affirming, or attesting before the said Clerk of Records and Writs, or any Assistant to the said Clerk, under this Act, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury contained therein as if the Matter sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery.

Officers and Clerks not to take Gratuities.

18. If the Clerk of Records and Writs, or any Assistant to the said Clerk, or any Person employed in the said Record and Writ Office, shall, for anything done or pretended to be done relating to his Office or Employment under this Act, or under Colour of doing anything relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or anything of Value, other than what is allowed or directed to be taken by him, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed from any Office or Employment he may hold under this Act.

Persons employed under this Act not to practise as Barristers, &c.; and Solicitors, &c. accepting Office to be struck off the Rolls.

19. No Person while he holds any Office or Employment in the Record and Writ Office shall practise as a Barrister or as a Solicitor or Attorney; and every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attorneys of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

20. It

Power to Vice Chancellor to appoint "Clerk in Court."

20. It shall be lawful for the Vice Chancellor from Time to Time to appoint a competent Writer of Shorthand to the Office of "Clerk in Court," whose Duty it shall be to attend the Vice Chancellor's Court for the Purpose of taking down and transcribing all such Evidence, Statements, and Matters as the Vice Chancellor shall direct, and for the Purpose of reading all Documents necessary to be read in Court, and discharging such other Duties as shall be prescribed by the Vice Chancellor.

Future Clerks in Court in Lord Chancellor's Court or Rolls Court to be practised Shorthand Writers.

21. When any Vacancy shall occur in the Office of "Clerk in Court" in the Lord Chancellor's Court or the Rolls Court, it shall be lawful for the Lord Chancellor and Master of the Rolls respectively to appoint a competent Writer of Shorthand to fill such Vacancy; and the present "Clerk in Court" in the Rolls Court, and every Person appointed a "Clerk in Court" as aforesaid after the Commencement of this Act, shall, in addition to the Duties hitherto performed by the Person filling such Office, take down and transcribe all such Evidence, Statements, and Matters as the Judge in whose Court he shall attend shall direct.

Salaries of Clerks in Court.

22. There shall be paid to the present Clerk in Court in the Rolls Court, and to any Person appointed after the Commencement of this Act to the Office of "Clerk in Court" in the Lord Chancellor's Court, Rolls Court, or Vice Chancellor's Court, the net yearly Salary of Four hundred Pounds, and every such Clerk in Court shall hold his Office by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Judge to whose Court he shall be attached.

Power to increase Salaries of Clerks in Court.

23. After the Expiration of Two Years from the passing of this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall so think fit, to increase the Salaries of all or any of the Clerks in Court appointed under this Act to any Sum they may think fit, not exceeding the yearly Salary of Six hundred Pounds for each such Clerk, upon the Recommendation of the Judge to whose Court the Clerk shall be attached.

Office of Second Examiner-in-Chief abolished.

24. The Office of Second Examiner-in-Chief in the said Court of Chancery, now vacant, shall not be filled up, and the same is hereby abolished, and the Duties of the said Office shall be discharged, as at present, by the Examiner-in-Chief; and all Records and Documents belonging to the said Office shall be transferred to the said Record and Writ Office, and shall be there kept in the Custody of the said Chief Clerk of Records and Writs unless and until

until other Provision shall be made by Parliament for the Custody of any of the said Records and Documents.

Office of Supernumerary Examiner abolished.

25. When any Vacancy shall occur in the Office of Supernumerary Examiner to the Receiver Master of the said Court of Chancery, such Vacancy shall not be filled up, and the Duties of such Office shall be discharged by such of the Officers of the said Master and in such Manner as the said Master, with the Approbation of the Lord Chancellor, shall order and direct; and any Person appointed to any Office or Situation in the Registrar's Office after the Commencement of this Act shall not be entitled to claim any Right of Succession to any other Office or Situation in the said Registrar's Office.

Office of Third Taxing Master abolished.

26. There shall be only Two Taxing Masters of the said Court of Chancery, and the Office of Third Taxing Master of the said Court of Chancery, now vacant, shall be and the same is hereby abolished, and there shall be paid to each Taxing Master the yearly Salary of One thousand Pounds.

Vice Chancellor may appoint a Trainbearer, and Lord Justice of Appeal a Trainbearer and Tipstaff.

27. It shall be lawful for the Vice Chancellor to appoint a Trainbearer at a yearly Salary of One hundred Pounds, and for the Lord Justice of Appeal to appoint a Trainbearer at a yearly Salary of One hundred Pounds, and a Tipstaff at a yearly Salary of Fifty Pounds.

As to Superannuation Allowances.

28. Any Person hereafter appointed an Officer of any Office in the said Court of Chancery who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently engaged in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by the "Superannuation Act, 1859;" and all Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable, and be charged and chargeable, in the same Way as is provided in respect of the Salaries of the said Officers: Provided always, that the present Taxing Masters of the said Court and also any Person who shall have been employed in any of the Offices of the said Court of Chancery by this Act abolished, and who is or shall be appointed to any Office in said Court by or under this Act, shall be entitled to the same Retiring or Superannuation Allowance, and upon the same Conditions under the Court of Chancery,

Chancery, *Ireland*, Regulation Act, 1850, as if his said Office had not been hereby abolished, and in case the Salary of the Office under this Act which he shall hold at the Time of his Retirement or Superannuation shall exceed the Salary of such abolished Office, then such Officer shall, in case he shall have served not less than Three Years in such new Office, be entitled to receive such further Superannuation Allowance in respect of such Excess as the said Commissioners shall think proper to direct, and same shall be ascertained and awarded in manner herein-before mentioned.

In awarding Retiring Allowance Service in other Offices may be reckoned.

29. It shall be lawful for the Commissioners of Her Majesty's Treasury, in awarding Retiring Allowances to the Officers of the Court of Chancery under "The Court of Chancery (*Ireland*) Regulation Act, 1850," to take into consideration the Period, if any, during which such Officers may have served in any Office under the Lord Chancellor, or in the Superior Courts of Common Law in *Ireland*, or in the Court of Bankruptcy and Insolvency, or the late Court of Bankruptcy or Court for the Relief of Insolvent Debtors in *Ireland*, in such Manner as they shall think proper.

Orders may be made for carrying Act into execution.

30. The Lord Chancellor, with the Advice and Concurrence of the Master of the Rolls and Vice Chancellor, or either of them, may make such Orders as he shall think fit, as well in relation to any Matter connected with the said abolished Offices, and not hereby otherwise provided for, as for carrying the Provisions of this Act into execution, and with the Consent of the Commissioners of Her Majesty's Treasury for regulating the Amount of Fees payable in the said Record and Writ Office and elsewhere under this Act, and may also make such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as may be required for the Performance of the Business heretofore done in the said abolished Offices, and for establishing and settling the Practice of the Office hereby created.

Orders under the Act may be varied.

31. Any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied, and new Orders may from Time to Time be made for any of the Purposes of this Act, by the Lord Chancellor, with the like Advice, Concurrence, and Consent.

Act not to affect other Powers of Lord Chancellor.

32. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor either solely or otherwise.

33. Whereas

Precedence of Lord Justice.

33. Whereas by the Act of the Nineteenth and Twentieth Years of *Victoria* the Lord Justice of the Court of Appeal in Chancery in *Ireland* is entitled to Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer in *Ireland*, except when the said Lord Chief Justice shall have exercised the Office of Lord High Chancellor of *Ireland*, then and in that Case the said Lord Justice is entitled to rank next after the Chancellor for the Time being: Be it enacted, That from and after the passing of this Act the said Lord Justice, whether he has exercised the Office of Lord High Chancellor of *Ireland* or not, shall have Rank and Precedence only next the Lord Chief Baron of the Court of Exchequer in *Ireland*.

Holidays in Courts of Law to be Holidays in Court of Chancery.

34. In addition to the Days now by Law kept as Holidays in the Court of Chancery and the Offices thereof, the several Days directed by "The Common Law Procedure Amendment Act, 1853," to be kept as Holidays in the Superior Courts of Law and the Offices thereof, shall be kept and observed as Holidays in the Court of Chancery and the Offices thereof.

PART II.

Officers of the Superior Courts of Common Law in *Ireland*.

Enumeration of abolished Offices.

35. From and after the Commencement of this Act the Offices of the Pleading Department, the Record Department, and the Rules Department, except the Office of Clerk of the Rules, in each of the said Superior Courts of Common Law, the Offices of Principal Assistant and Clerk to each of the Masters of the said Superior Courts of Common Law, the Office of Revenue Assistant in the Court of Exchequer, and the Offices of General Purposes Clerks in each of the said Superior Courts of Common Law, shall be and the same are hereby abolished.

Duties of Officers, &c. of abolished Offices to be performed by Officers and Clerks appointed under Provisions of this Act.

36. From and after the Commencement of this Act the Duties and Authorities which, if this Act had not been passed, could have been performed and exercised by the Officers, Assistants, and Clerks of the said abolished Offices, shall be performed and exercised by the Officers and Clerks appointed under the Provisions of this Act in such Manner as the Judges of the said Superior Courts of Common Law shall, by any General Order made as by this Act is provided, from Time to Time direct.

37. From

As to Appointment of new Officers.

37. From and after the Commencement of this Act there shall be in each of the said Superior Courts of Common Law, to conduct the Civil Business thereof beside the Master and Clerk of the Rules, the following Officers and Clerks; that is to say, a Pleadings and Record Assistant, a Chief Clerk, and Two First-class, Two Second-class, and Two Third-class Clerks; and the said Officers and Clerks shall respectively discharge all such Duties as they shall from Time to Time be directed by any General Order made as by this Act is provided by the Judges of the said Superior Courts of Common Law, and such Officers and Clerks shall hold their respective Offices by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by Order of the Judges of the Court to which they shall be respectively attached, stating the Cause for such Removal.

Proviso as to present Masters.

38. Whereas additional Duties will by this Act be imposed upon the present Masters of the Courts of Queen's Bench and Common Pleas, and it is expedient that Compensation for the same shall be made to them: Be it therefore enacted, That in case the present Salaries and Emoluments of the said present Masters, or either of them, shall not amount in the whole to the annual Sum of One thousand four hundred Pounds, there shall be paid to such Masters or Master while holding such Office such further annual Sum as, together with their or his present Salary and Emoluments, shall amount for each to the full Sum of One thousand four hundred Pounds a Year.

Salaries of Masters and Officers.

39. Save as is by the next preceding Section provided, there shall be paid to the Master of each of the said Superior Courts of Common Law the yearly Salary of Twelve hundred Pounds, and to the Clerk of the Rules and Officers of each of the said Superior Courts of Common Law, and to any Crier hereafter appointed in any of the said Courts, the several and respective Salaries in that Behalf set forth in the Schedule (A.) to this Act annexed.

New Establishments to be formed from old.

40. And whereas it is expedient that the new Establishments of Pleadings and Record Assistant, Chief Clerk, and First, Second, and Third Class Clerks, should in the first instance consist of Persons employed in the Offices hereby abolished: Be it therefore enacted, That the Judges of each of the said Superior Courts of Common Law shall tender to the Officers, Assistants, and Clerks of the Offices by this Act abolished in their Court of less than Forty Years Service, according to their respective Rank and Seniority at the Time of the passing of this Act, if they shall deem them competent

petent for the permanent Discharge of such Duties, the Option of accepting the Offices of Pleadings and Record Assistant, of Chief Clerk, and of First, Second, or Third Class Clerk; and any such Officer, Assistant, or Clerk of less than Twenty-five Years Service who shall decline to accept any Office tendered to him as aforesaid shall be deemed to have resigned his said Office, and shall be entitled to receive such Retiring Allowance as is herein-after provided: Provided always, that any Officer, Assistant, or Clerk of any of the said abolished Offices appointed to any of the said Offices by this Act created in manner aforesaid shall hold his Office by the same Tenure as he held his former Office, and shall be entitled to receive a Salary not less than that which he enjoyed in virtue of his said former Office, and such Salary shall be paid to him out of the like Funds and in like Manner as the Salaries payable under this Act; and any Instrument by which any Person employed in any of the said abolished Offices shall be appointed to any of the above-mentioned Offices shall not be chargeable with any Stamp Duty.

Vacancies in Offices of Pleading and Record Assistant, and Chief Clerk, to be filled by Judges.

41. When a Vacancy happens in the Office of Pleadings and Record Assistant, or of Chief Clerk, the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint such Person filling an Office in the said Court as, having regard to the existing Rights of Succession of the present Officers, to Length of Service, and Competency, they shall consider most fit to fill the Vacancy.

Vacancies in Offices of First, Second, and Third Class Clerks to be filled by Judges.

42. When a Vacancy happens in the Office of First or Second Class Clerk the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint such Clerk of the Second or Third Class in the said Court as, having regard to the existing Rights of Succession of the present Officers, to Length of Service, and Competency, they shall consider most fit to fill the Vacancy; and when any Vacancy happens in the Office of Third-class Clerk the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint a fit Person to fill the Vacancy: Provided always, that no Person shall be appointed to the Office of Third-class Clerk unless he shall have received a Certificate of Fitness from the Civil Service

Service Commissioners, or shall have been employed in any of the Offices by this Act abolished.

Officers of abolished Offices to continue Officers of Court to which they shall have been attached, and to receive Salaries if they discharge Duties imposed upon them.

43. Any Officer, Assistant, or Clerk of less than Forty Years Service who on the Thirtieth of *September* One thousand eight hundred and sixty-seven shall hold any Office or Situation in any of the Superior Courts of Common Law which is by this Act abolished, and who being of more than Twenty-five Years Service shall not have accepted, or being of less than Twenty-five Years Service shall not have been tendered the Option of accepting, any of the Offices in said Courts by this Act created, shall continue to be deemed an Officer of the Court in which he shall have held such Office or Situation, and shall hold by the same Tenure, and be entitled to the like Salary, as if the said Office or Situation had not been abolished, and shall, unless and until he shall retire pursuant to the Provisions of this Act, discharge such Duties suitable to his Position as an Officer of the Court connected with the Business of the said Court, or the Arrangement and Classification of Records in any Public Record Office or other Place provided for the keeping of Records by Parliament, as shall be assigned to him by the Judges of the said Court, or by the Head of such Public Record Office, at the Instance of such Judges respectively; and every such Person who shall decline to discharge such Duties when called upon to do so shall forfeit his Right to any Benefits to which he would otherwise be entitled under this Act.

So much of 7 & 8 Vict. c. 107. as is inconsistent with this Act repealed, and such Parts as are applicable to extend to it.

44. So much of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in* Ireland *payable out of the Consolidated Fund*, as shall be inconsistent with any of the Clauses or Provisions of this Act, and also Section Eight of the same Act, shall be and the same are hereby repealed; and so many and such Parts of the Clauses and Enactments of the said recited Act as may be applicable to the several Officers and Clerks appointed under this Act shall extend and be construed to extend and be applied to such Officers and Clerks respectively as fully and effectually as if such Clauses and Enactments had been repeated and re-enacted in this Act.

Pleadings and Record Assistant and certain other Clerks may administer Oaths, &c.

45. It shall be lawful for the said Pleadings and Record Assistant, Chief Clerk, and Two First-class Clerks in each of the said Superior Courts of Common Law to take Affidavits or Affirmations in all Matters relating to the Business of the said Courts respectively, and to administer the necessary Oaths and Affirmations for

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that Purpose; and all such Oaths, Affidavits, and Affirmations shall be of the same Force, Validity, and Effect, and shall and may be filed and used and acted upon respectively as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Courts, or all or any of the Judges thereof respectively; and any Person who shall wilfully or corruptly swear or affirm anything false in any such Affidavits or Affirmations shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury, in like Manner in all respects as if such Affidavits had been made in any of the said several Courts, or before all or any of the Judges thereof respectively.

Orders may be made and varied for carrying Act into execution.

46. The Judges of the said Superior Courts of Common Law may make such Orders as they shall think fit as well in relation to any Matter connected with the said abolished Offices as for carrying the Provisions of this Act into force, and may make such other Rules and Orders, not being inconsistent with the Provisions of this Act, as they shall think fit, for the Performance of the Business of the said abolished Offices, and for settling the Practice in the Offices of the said Superior Courts of Common Law, and may annul, alter, or vary such Orders as they shall think fit: Provided always, that no such Order shall take effect unless and until it shall be approved and signed by Two of the Chief Judges and Five of the Puisne Judges of the said Superior Courts of Common Law.

Fees now payable to Masters to be henceforth received by Stamps.

47. From and after the Commencement of this Act, all and every the Fees authorized and made payable under and by virtue of the several Acts set forth in the Schedule (B.) to this Act annexed shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which would otherwise be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any General Order made as by this Act directed, be stamped on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings.

Officers of Court of Queen's Bench (Crown Side) not to receive

48. From and after the Commencement of this Act, no Officer employed on the Crown Side of the Court of Queen's Bench in *Ireland* shall be entitled to receive and retain for his own Use any Fee, Emolument, or Reward whatsoever; and all and every the Fees payable for or by reason of any Matter or Thing done or

to

to be done by the said Clerk of the Crown in his said Office, or in anywise appertaining to the Business thereof, now received in Money, shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall be directed by any General Order under this Act, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings.

Fees otherwise than by Stamps.

49. All Stamps by this Act directed to be substituted for Fees in any of the said Superior Courts of Common Law, or in the Crown Office of the said Court of Queen's Bench, shall be issued by and shall be under the Care and Management of the Commissioners of Inland Revenue; and the several Rules, Regulations, Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

Stamps to be issued by Commissioners of Inland Revenue.

50. From and after the Commencement of this Act, there shall be paid to the Clerk of the Crown of the Court of Queen's Bench in *Ireland*, in lieu of any Salary, Fees, or Emoluments to which he may now be entitled under the Provisions of any Act of Parliament or otherwise howsoever, the yearly Salary of Eight hundred Pounds.

Salary of 800*l.* to the Clerk of the Crown.

51. From and after the Commencement of this Act, there shall be paid to any Person employed as Chief Clerk to the said Clerk of the Crown appointed after the passing of this Act the yearly Salary of Two hundred Pounds, to be increased every Year of Service by the annual Sum of Ten Pounds until the yearly Salary of such Chief Clerk shall amount to the yearly Salary of Three hundred Pounds: Provided always, that the present Chief Clerk to the said Clerk of the Crown shall, so long as he shall continue in the said Office, be paid the yearly Salary of Three hundred Pounds in lieu of any Salary, Fees, or Emoluments to which he may be now entitled under the Provisions of any Act of Parliament or otherwise howsoever.

Salary of the Chief Assistant Clerk.

52. The said Clerk of the Crown may, in addition to the said Chief Clerk, employ a Clerk, removable at his Pleasure, to aid him in

Power to Clerk of the Crown to employ an

additional Clerk.

in the Discharge of the Duties of his said Office; and there shall be paid to such Clerk the yearly Salary of One hundred Pounds, to be increased every Year of Service by the annual Sum of Ten Pounds until the yearly Salary of such Clerk shall amount to the yearly Salary of One hundred and fifty Pounds; and the Clerk at present in the Employ of the said Clerk of the Crown shall be the first such Clerk, and shall, so long as he shall continue in said Office, be paid the said full yearly Salary of One hundred and fifty Pounds.

Power to Chief Clerk to take Affidavits.

53. It shall be lawful for the Chief Clerk to the said Clerk of the Crown to take Affidavits, Affirmations, or Attestations upon Honour in all Matters relating to the Business of the Crown Side of the Court of Queen's Bench in *Ireland*, and to administer the necessary Oaths, Affirmations, or Attestations for that Purpose; and all such Oaths, Affidavits, Affirmations, and Attestations shall be of the same Force, Validity, and Effect, and shall and may be proceeded upon and dealt with in all respects, and to all Intents and Purposes, as if the same had been taken, made, or administered by or before the said Court, or any of the Judges thereof, or by or before the said Clerk of the Crown; and any Person who shall wilfully or corruptly swear, affirm, or attest anything false in any such Affidavits, Affirmations, or Attestations so taken or administered by the said Chief Clerk shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury, in like Manner as if such Affidavits, Affirmations, or Attestations had been made or taken by or in the said Court of Queen's Bench, or any of the Judges thereof, or by or before the said Clerk of the Crown aforesaid.

Power to Chief Clerk to sign Documents.

54. During the temporary Absence of the said Clerk of the Crown the affixing or signing the Name of the said Clerk of the Crown by the said Chief Clerk to all Orders, Writs, Pleadings, Instruments, and Proceedings, upon his being duly authorized in that Behalf by the said Clerk of the Crown so to do, but not otherwise, shall be as good, valid, and effectual as if the same were respectively affixed or signed or done in person by the Clerk of the Crown aforesaid.

Additional Salary to Registrar of Consolidated Nisi Prius Court.

55. There shall be paid to the present Registrar or Clerk of Nisi Prius for the Consolidated Nisi Prius Court in *Ireland*, and to his Successors in the said Office, in addition to the annual Salary which is now payable to such Officer, the annual Sum of One hundred Pounds.

56. Any

As to Superannuation Allowances.

56. Any Master, Clerk of the Rules, or other Officer of any of the said Superior Courts of Common Law who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by "Superannuation Act, 1859;" and any Officer, Assistant, or Clerk of any Office by this Act abolished who shall have served for a Period of not less than Forty Years shall be entitled to receive during his Life an Annuity equal to his Salary at the Time of the Abolition of his Office; and all Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is provided in respect of the Salaries of the said Officers: Provided always, that in case *Arthur Bushe* Esquire, Master of the Court of Queen's Bench, shall for any Cause retire from his said Office, he shall be entitled to receive yearly and every Year during his Life the Sum of Three hundred and eighty-four Pounds Twelve Shillings and Threepence provided for him by the said Act of the Seventh and Eighth Years of the Reign of Her present Majesty, in addition to any Sum the Commissioners of Her Majesty's Treasury may award to him by way of Superannuation Allowance in respect of his said Office of Master.

A. Bushe, Esq., Master of Court of Queen's Bench, upon Retirement, to receive 384*l.* 12*s.* 3*d.* in addition to Superannuation Allowance.

Salaries.

Funds for Payment of Salaries.

57. The Salaries of the Masters of the said Superior Courts of Common Law shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Salary of the present Clerk of the Crown of the said Court of Queen's Bench shall, so long as he shall hold such Office, be also charged upon and paid out of the said Consolidated Fund; and all other Salaries under Parts I. and II. of this Act shall be paid out of such Funds as Parliament shall from Time to Time provide for such Purpose.

Payment of Salaries.

58. All Salaries under Parts I. and II. of this Act shall grow due from Day to Day, but shall be paid on the usual Quarter Days; and if any Person holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be

be entitled to receive a proportional Part of his Salary for the Time that such Person shall have lived or executed his Office since the last Payment.

Power to Treasury in certain Cases to grant Retiring Allowances to Officers whose Office is abolished.

59. In case it shall at any Time hereafter be made appear to the Satisfaction of the Commissioners of Her Majesty's Treasury, upon the Representation of the Lord Chancellor or of the Judges of the Court of Common Law, as the Case may be, that there are not any Duties in which any Examiner, Assistant Clerk, or Registrar to any of the Masters in Ordinary of the Court of Chancery whose Office is abolished by the Court of Chancery (*Ireland*) Act (1867), or any Clerk or Assistant Clerk of the said Court of Chancery, or any Officer, Assistant, or Clerk of any of the Officers of the Superior Courts of Common Law whose Office is by this Act abolished, and who shall not be appointed to any other Office in said Courts respectively, or entitled to retire immediately under the Provisions of this Act, can be suitably employed, it shall be lawful for the said Commissioners, if they shall so think fit, to permit any such Person to retire from his Service, and to grant to him such special annual Allowance and in such Manner as by the Seventh Section of the Superannuation Act, 1859, is provided in case of Persons whose Offices have been abolished.

Power to Treasury to increase Salary of certain Officers in Court of Bankruptcy and Insolvency.

60. And whereas by the Forty-fourth Section of "The *Irish* Bankrupt and Insolvent Act, 1857," it was (amongst others) enacted, that it should be lawful for the Lord Chancellor to direct that a Salary not exceeding Two hundred Pounds *per Annum* be paid to the Deputy Assistant to the Chief Registrar: And whereas by the Forty-sixth Section of the said Act it was (amongst others) enacted, that the Salaries of the Clerks or Assistants in the said Section mentioned should not in any Case exceed collectively the annual Sum of Four hundred Pounds: And whereas it is expedient that there should be Power to increase the said Salaries in the event of their being deemed insufficient Remuneration for the Duties which such Deputy Assistant Clerks or Assistants are required to perform: Be it therefore enacted, That it shall be lawful for the Judges of the Court of Bankruptcy and Insolvency in *Ireland*, if it shall appear to them that the Salary of the said Deputy Assistant or any of the said Clerks or Assistants is insufficient, with the Approval of the Lord Chancellor, to represent the Circumstances to the Commissioners of Her Majesty's Treasury, who are hereby empowered to increase such Salaries to such Amounts as to them shall seem fit.

61. The

Compensation to Registrar of Judgments.

61. The Commissioners of Her Majesty's Treasury shall settle and adjust the Amount to be allowed to the present Registrar of Judgments in *Ireland*, so long as he shall hold the said Office, as Compensation for the Loss of the Fees of which he will be deprived by the Operation of this Act, on an Average of Five Years prior to the passing of this Act, and the Sum so awarded shall be paid out of Monies to be voted by Parliament.

SCHEDULES referred to and made Part of the foregoing Act.

SCHEDULE I.

Setting forth the Number of Clerks for the Record and Writ Office.

Three First-class Clerks.
Three Second-class Clerks.
Four Clerks in the Notice Department.

SCHEDULE II.

Setting forth the yearly Salaries payable to the Persons appointed in the first instance Officers of the Record and Writ Office, and to their Successors respectively.

Office.	Salaries of Officers appointed in the first instance.	Salaries of Persons afterwards appointed.
Clerk of Records and Writs	J. Reilly, Esq., 1,300*l.*	1,000*l.*
First Assistant	M. J. Brady, Esq., 800*l.*	800*l.*
Second Assistant	600*l.*	600*l.*
First-class Clerks	300*l.*, to be increased by 15*l.* each Year of Service up to 400*l.*	Same as in next Column.
Second-class Clerks	200*l.*, to be increased by 10*l.* each Year of Service up to 300*l.*	Same as in next Column.
Clerks in Notice Department.	185*l.*	200*l.*
	175*l.*	150*l.*
	155*l.*	150*l.*
	115*l.*	100*l.*

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SCHEDULE (A.)

Setting forth the yearly Salaries payable to the Clerk of the Rules and Officers of each of the said Superior Courts of Common Law, and to any Crier hereafter appointed in any of the said Courts.

Office.	Yearly Salary payable to	
	Clerks of the Rules and Officers appointed in the first instance.	Persons appointed afterwards.
Clerk of the Rules - -	900*l.* - - -	700*l.*, to be increased by 25*l.* every Year of Service till Salary amounts to 900*l.*
Pleadings and Record Assistant.	700*l.* - - -	600*l.*, to be increased by 20*l.* every Year of Service till Salary amounts to 700*l.*
Chief Clerk - -	500*l.* - - -	400*l.*, to be increased by 20*l.* every Year of Service till Salary amounts to 500*l.*
Two First-class Clerks -	350*l.* each - -	250*l.*, to be increased by 15*l.* every Year of Service till Salary amounts to 350*l.*
Two Second-class Clerks -	250*l.* each - - -	200*l.*, to be increased by 10*l.* every Year of Service till Salary amounts to 250*l.*
Two Third-class Clerks -	200*l.* each - -	150*l.*, to be increased by 10*l.* every Year of Service till Salary amounts to 200*l.*
Crier - - -	- - - -	100*l.*

SCHEDULE (B.)

Setting forth the Statutes referred to in Section 47 of this Act.

3 & 4 Vict. c. 105. s. 16.
11 & 12 Vict. c. 120.
12 & 13 Vict. c. 104. s. 17.
12 & 13 Vict. c. 107. s. 112.
13 & 14 Vict. c. 29.
13 & 14 Vict. c. 74. s. 10.
17 & 18 Vict. c. 55.

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