

ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

****

CAP. LXXVIII.

An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in *Ireland*. [14th *August* 1834.]

WHEREAS it is expedient that the Laws relating to entering Appearances and taking Bills *pro confesso* in the High Court of Chancery in *Ireland* should be amended, and that the Costs and Expences of Proceedings in the said Court should be diminished, and that increased Facilities should be afforded for the Dispatch of Business therein: Be it therefore enacted by the King'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 where any Defendant to any Suit instituted in the said Court shall be duly served in *Ireland* with Process of Subpœna to appear and answer in such Suit, and shall refuse or neglect to appear thereto, an Appearance shall and may, after the Expiration of Eight Days, exclusive of *Sundays* and Holidays, from the due Service of such Subpœna, be entered for such Defendant, at the Instance of the Plaintiff, in such Manner and Form as the Court, by any General Order or Orders to be made in pursuance of this Act, shall direct; and that thereupon such further Proceedings may be had in the Cause as if the Defendant had actually appeared.

If a Defendant has been served with Process, and neglects to appear after 8 Days, an Appearance may be entered and Proceedings had.

II. And whereas it is expedient, for the further diminishing the Expence of Suits in the said Court, that an Alteration should be made in the Practice of the said Court by abolishing Petitions as herein-after provided; be it therefore enacted, That from and after the

Rule Books of the Court to be open upon all Days except Sundays and Holidays.

the Commencement of this Act the Rule Books of the said Court shall be deemed open in the Registrar's Office of the said Court upon all Days of the Year except *Sundays* and Holidays, and accordingly that all Side Bar Rules and Rules of Course shall be entered in the said Rule Books upon all Days of the Year, except *Sundays* and Holidays, without Petition, in like Manner as the same are now respectively entered in the said Books during the Sittings of the Court, or in such Form and Manner as the said Court by any General Order or Orders to be made in pursuance of this Act shall direct.

Motion Books to be open during the Sitting of the Court; and Orders may be made without Petition.

III. And be it further enacted, That from and after the Commencement of this Act the Motion Books of the said Court shall be deemed open in the Registrar's Office of the said Court during the Sittings of the Court, and accordingly that all Orders to be made in open Court in Causes, including Motions to vacate Recognizances, or in Causes and Matters, shall henceforth during the Sitting of the Court be made and entered without Petition, except in such Cases as from their Nature or by Statutory Enactments require a Petition to be preferred, or unless the Court shall, for special Reason in any particular Case, require a Petition to be preferred.

Decrees and Orders of the Court.

IV. And be it further enacted, That any Person shall be at liberty to take an Office Copy of so much only of any Decree, Order, Report, or Exceptions as he may require, and that, unless the Court shall otherwise specially direct, no Recitals shall be introduced in any Decree or Order of the said Court, but the Pleadings, Petition, Notice, Report, Evidences, Affidavits, Exhibits, or other Matters or Documents on which such Decrees or Orders shall be founded shall merely be referred to; and it shall be lawful for the Lord Chancellor, if he shall think fit, with the Advice and Assistance of the Master of the Rolls, to make and issue such Rules and Regulations as to the Form of such Decrees and Orders as he may deem necessary or proper for the proper drawing up of such Decrees and Orders, and carrying into effect the Provisions of this Act in regard thereto.

Sales or Mortgages under Decrees or Orders of the Court.

V. And be it further enacted, That where any Decree or Order of the said Court shall direct any Sale, Mortgage, or other Dispositions of Lands, or any other Property whatsoever, to be had before any Master, or any other Officer of the said Court, it shall and may be lawful for such Master or other Officer of the said Court to proceed and sell, and such Master and other Officer is hereby required to proceed and sell, in pursuance of such Decree or Order, the Subject Matter thereby directed to be sold, upon Production of the attested Copy of such Decree or Order signed by the Register, and without in any way requiring an Enrolment or Exemplification of such Decree or Order to be produced to warrant the Sale, Mortgage, or other Disposition by the Decree or Order directed.

Service of an attested Copy of a Decree to be sufficient to warrant Attachment.

VI. And be it further enacted, That in all Cases the Service of an attested Copy of any Decree or Order of the said Court shall be a sufficient Service thereof to warrant an Attachment and all subsequent Proceedings for not complying with such Decree or Order; and that it shall and may be lawful for the Court to proceed by Attachment or otherwise as it shall deem proper, upon the Service of such attested Copy, without requiring an Exemplification of such Decree

Decree or Order to be served as a Warrant for any Attachment or subsequent Proceeding for not complying with such Decree or Order.

The Court may appoint a Receiver of Estates of Minors.

VII. And be it further enacted, That the Court may, on Petition, appoint a Receiver of the Real and Personal Estate of a Minor or Minors without a Bill being filed for that Purpose; and that in all Cases in which a Receiver shall be appointed on Petition, it shall and may be lawful for the Court to make all such Orders as may be necessary from Time to Time for the Recovery of the Rents or for the setting of the Lands and Premises over which such Receiver shall be appointed, as fully and effectually as if such Receiver had been appointed under a Bill filed.

If any Person neglects to execute any Deed or Transfer, the Court may order a Master in Ordinary to execute the same.

VIII. And be it further enacted, That when any Person who has been or shall be directed by any Decree or Order of the said Court to execute any Deed or other Instrument, or make a Surrender or Transfer, or to levy a Fine, or suffer a Recovery, if it shall appear upon Affidavit or Affidavits to be made to the Satisfaction of the Court that such Person refuses, declines, or neglects to execute same, it shall and may be lawful for the Court, after the Expiration of Ten Days from the Service of the Decree or Order personally, and Tender of such Deed or Instrument for Execution, to make an Order, upon Motion in open Court, that one of the Masters in Ordinary of the said Court shall execute such Deed or other Instrument, or make such Surrender or Transfer, or levy such Fine, or suffer such Recovery, in the Name of such Person, and do all Acts necessary to give Validity and Operation to such Fine and Recovery, and to lead or declare the Uses thereof; and the Execution of the said Deed or other Instrument, or the Surrender or Transfer, made by the said Master, and the Fine or Recovery levied or suffered by him, shall in all respects have the same Force and Validity as if the same had been made or executed, levied or suffered by the Party himself.

The Deputy Keeper of the Rolls or Clerk of Inrolments may administer Oaths and take Affirmations.

IX. And be it further enacted, That from and after the Commencement of this Act it shall and may be lawful for the Deputy Keeper of the Rolls for the Time being, and also for the Clerk of the Inrolments for the Time being, and the Persons who shall hereafter be appointed from Time to Time to the said Offices respectively, and they are hereby respectively fully authorized, empowered, and required, to administer the Oaths, and take the Affirmations and Attestations of Honour, which may be required by the Practice of the said Court, to all Pleadings to be filed or lodged in the Rolls Office of the said Court, and also to administer the proper and necessary Oaths and Affirmations to the Returns of all Commissions to take such Pleadings, in like Manner and to the like Extent as the Masters in Ordinary of the said Court, and the several Clerks and Examiners of the said Masters, are now authorized to administer the same, any thing contained in an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the Fourth Year of His present Majesty's Reign, for the better Administration of Justice in the Court of Chancery in* Ireland, to the contrary notwithstanding; and that the said Masters in Ordinary, and their Clerks or Examiners, shall no longer administer the said Oaths or take the said Affirmations or Attestations

6 G. 4. c. 30.

Masters in Ordinary and their Clerks not to administer Oaths.

tations of Honour, without Prejudice to their Rights and Jurisdictions to administer Oaths and take Affirmations and Attestations of Honour to all Documents or Proceedings not herein specified: Provided always, that the Deputy Keeper of the Rolls, or Clerk of the Inrolments in the Absence of the Deputy Keeper of the Rolls, shall not be required, except under special Order of the Court, to go out of his Office to administer the said Oaths or take the said Affirmations or Attestations of Honour pursuant to this Act; and provided also, that whenever either of the said Officers shall be required by any Order of the Court to attend out of the said Office for the Purposes aforesaid, the Charge for every such Attendance of the Deputy Keeper of the Rolls or Clerk of the Inrolments, as the Case may be, together with the Rate of his travelling Expences, if any, shall be expressed in such Order of the Court; and that it shall and may be lawful for the said Deputy Keeper of the Rolls or the Clerk of the Inrolments respectively to receive such Sum for his Attendance, and also such Rate of travelling Expences, as shall be expressed in such Order of the Court, and no other or greater Sum.

Proviso for the Deputy Keeper of the Rolls and Clerk of the Inrolments.

X. And be it further enacted, That all Persons swearing to, affirming, or attesting the said Documents or any of them before the said Deputy Keeper of the Rolls, or before the said Clerk of the Inrolments, as the Case may be, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury contained therein, as if the same had been sworn, affirmed, or attested before the said Court of Chancery, or all or any of the Masters in Ordinary thereof.

Persons swearing before Deputy Keeper or Clerk of Inrolments to be subject to Penalties for Perjury.

XI. And be it further enacted, That all and every the Stamp Duties imposed and enacted by the Act made in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in* Ireland, and the Schedule thereto annexed, shall continue and be collected and enforced as to the said Documents and every of them as fully and effectually as if the said last-mentioned Act were re-enacted and expressly applied to the said Documents and each of them when transacted as Part of the Business of the Deputy Keeper of the Rolls, or Clerk of the Inrolments, as the Case may be.

Stamp Duties imposed by 4 G. 4. c. 70. to continue to be collected.

XII. And be it further enacted, That the said Masters in Ordinary of the said Court shall have Authority to hear and determine and make Orders upon all such Matters relating to the Conduct of Suits in their respective Offices as the Lord Chancellor with the Advice and Assistance of the Master of the Rolls, by any General Order or Orders, shall direct; and that it shall and may be lawful for the said Masters to order and direct that the Costs of all or any of the Parties upon any Proceedings before them shall be Costs in the Cause or Matter, or to be forthwith paid by and to such Person or Persons as they shall deem just, or to award such liquidated Sum by way of Costs to any of the Parties as they shall think reasonable, and to be paid by such Person or Persons or out of such Fund as they shall deem just; and the said Master shall cause all such Orders to be drawn up in a short Form, and when signed shall cause the same to be entered in Books to be kept for that Purpose exclusively

Masters in Ordinary empowered to hear Matters relating to the Conduct of Suits, and to direct the Payment of Costs.

in their respective Offices; and all such Orders, if not reversed or varied, shall be as binding as an Order of the Court itself, and the Costs awarded thereby shall be recovered in like Manner as Costs directed to be paid by the Court itself.

Depositions.

XIII. And be it further enacted, That henceforth all Depositions of Witnesses examined in the said Court shall be taken in the First Person, and in no other Form; and that it shall and may be lawful for the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, to make and issue such General Orders as he shall think fit for abolishing or altering any Writ or Writs of Process, or any Pleading or Course of Proceeding in Suits now pending or hereafter to be commenced in the said Court; and that it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, forthwith to make and issue such General Orders as he shall think fit for carrying the Provisions of this Act into execution; and also such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he, with the Advice and Assistance of the Master of the Rolls, shall think fit and proper for simplifying, establishing, and settling the Course of Practice of the said Court and of its several Offices.

General Orders.

General Orders may be varied.

XIV. And be it further enacted, That the Lord Chancellor, by and with the Advice and Assistance of the Master of the Rolls, shall be and he is hereby authorized and empowered, by any General Order or Orders to be made and issued by him from Time to Time, to annul, alter, or vary any General Order or Orders which may have been so as aforesaid made and issued, and to make any new General Order or Orders for the Purposes herein-before mentioned, or any of them.

Hours of Business in the several Offices.

XV. And be it further enacted, That the several Offices of the said Court of Chancery shall be and continue open for the Dispatch of Business upon such Days of the Year and during such Hours in the Day, and that the Officers and Clerks belonging thereto respectively shall attend in such Offices in the Discharge of their several Duties during such Times and for such Number of Hours in each Day, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any General Order or Orders to be issued from Time to Time direct; and that the Officers and Clerks in the said respective Offices shall give their personal Attendance in their respective Offices in the Discharge of their official Duties during the Times they shall so as aforesaid be directed to attend, unless otherwise engaged in the Business of their respective Offices, or unless prevented by Sickness or other unavoidable Cause: Provided always, that where any Office can be legally executed by Deputy, nothing herein contained, or in any Order to be made in pursuance thereof, shall be construed to compel the Principal to attend in Person.

Masters in Ordinary to report certain Particulars annually to the Lord Chancellor.

XVI. And be it further enacted, That each of the said Masters in Ordinary of the High Court of Chancery shall, within the first Four Days of *Michaelmas* Term in each and every Year, present or cause to be presented to the Lord Chancellor a Report in Writing, under the Hand of such Master, stating the Days on which he shall have

attended at his Office, for and during Twelve Months preceding such Return, in the Performance of his Duty, specifying the Number of Hours occupied in each of such Day's Attendance as aforesaid, and further, that each such Master shall annex to such his Report a List or Schedule, to be signed by him in like Manner, of the several Causes, Petitions, or Matters of every Description then pending in his Office, showing the then State and Stage of the same respectively, designating each Cause, Petition, or Matter by the Name or Names of the Party or Parties thereto, or some of them, with the Name or Names of each Solicitor engaged therein, and also the State of the Account of each Receiver, Committee of a Lunatic, or Guardian of an Infant, whose Accounts are passed in his Office, and the Balance (if any) remaining in the Hands of such Receivers, Committees, and Guardians respectively; and thereupon it shall be lawful for the said Lord Chancellor to make and issue such Order for filing or depositing and otherwise giving Publicity and Access to such List or Schedule as he in his Discretion shall think fit.

Persons not compelled to pay for the entire Copy of a Paper when requiring only a Portion of it.

XVII. And be it further enacted, That no Person shall be compelled or required to take or pay for any Copy of any Paper or Document being in any Office of the said Court; and that every Person shall be at liberty to take out and pay for only so much or such Part of any Paper or Document being in any Office of the said Court as such Person may require, without being in any Case compelled to take out or pay for the Entire of the Paper or Document being in the Office.

Powers given to the Lord Chancellor may be exercised by the Lord Keeper.

XVIII. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor of *Ireland* shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Ireland* respectively for the Time being.

24 G. 3. (I.)

XIX. And whereas by an Act passed in the Parliament of *Ireland*, in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, or other Purposes*, it was enacted, that all the Monies and Cash that shall be paid into and deposited in the said Bank on account of the Suitors of the said Court of Chancery, or by Order of the said Court, shall be accounted and taken to be One common or general Fund, and to be issued and payable as the Court of Chancery shall direct: And whereas from many Years Experience it hath been found that there always hath been a very large Sum of Money belonging to the Suitors of the Court of Chancery in *Ireland* lying in the said Bank unproductive to the Suitors of the said Court: And whereas it is expedient that a Part of the said Money belonging to the Suitors of the said Court should be rendered productive for the Purposes herein-after mentioned; be it therefore

Part of the Suitors Fund to be set apart for a

enacted, That out of the Cash belonging to the Suitors of the said Court of Chancery which now lies in the Bank of *Ireland* unproductive to the Suitors a Sum of Two hundred thousand

Pounds

Pounds shall and may, by any Order or Orders of the said Court, be invested in One entire Sum, or in Parcels, in such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and be placed to an Account to be intituled "An Account of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," to the Intent that the Interest and annual Profits arising from the Money so to be placed out as aforesaid may be applied for the Purposes herein-after mentioned; and it shall be lawful for the said Court, from Time to Time, by any Order or Orders to be made for the Purpose, to change the Security or Securities on which the said Money shall be invested. Compensation Fund.

XX. And be it further enacted, That the Interest and annual Produce arising from the Securities in which the said Sum of Two hundred thousand Pounds shall be invested shall from Time to Time be received by the Governor and Company of the Bank of *Ireland*, and placed to the Credit of the Accountant General of the said Court, in an Account to be opened and called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*;" the same to be issued and applied pursuant to the Directions of this Act. Produce of the Fund to be placed to the Account of the Accountant General in the Bank of Ireland.

XXI. And be it further enacted, That if at any Time the Whole or any Part of the said Sum of Two hundred thousand Pounds shall be wanted to answer any of the Demands of the Suitors of the said Court of Chancery, then and in such Case the Court may and shall direct the same or any Part thereof to be called in, or the Securities on which the same shall be placed to be disposed of, in order that the Suitors of the said Court may at all Times be paid their respective Demands out of the common and general Cash belonging to such Suitors. Court of Chancery may direct the same to be called in.

XXII. And be it further enacted, That the surplus Interest and Produce of the Monies carried to the said Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," beyond what shall be sufficient to answer the Purposes of Compensation under this Act, and also the Interest produced from the Securities purchased with such surplus Interest and Produce, shall from Time to Time, by like Order or Orders of the said Court, be invested in the Purchase of Government or Parliamentary Securities, and carried to the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*;" the same to constitute Part of said Fund to be issued and applied pursuant to and according to the Directions of this Act. Surplus of Interest to be invested in Government Securities.

XXIII. And whereas the Six Clerks of the said Court are entitled to sell their respective Offices, and all the present Six Clerks, save *John Brenan*, have purchased their said respective Offices for large Sums of Money, since the passing of an Act in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland, and have paid into His Majesty's Exchequer in *Ireland*, to the Use of the Lords of the Treasury may make Compensation to Six Clerks and other Officers. 4 G. 4. c. 61.

the Public, One Fifth Part of the said Purchase Money: And whereas it is alleged that the Income and Emoluments of the respective Six Clerks, and of certain other Officers of the said Court, have been diminished in consequence of certain Orders, bearing Date the Thirty-first Day of *January* One thousand eight hundred and thirty-four, and will be further diminished by the Operations of this Act, and of the General Orders to be made in pursuance thereof, for which the said Six Clerks and other Officers claim to have Compensation made: And whereas it is reasonable and just that the Six Clerks of the said Court, being Purchasers of and entitled to sell at pleasure their respective Offices, should receive for any Diminution of annual Income, and also for any Depreciation of Purchase Value of their Offices, full and adequate Compensation; and also that such of the other Officers of the said Court as the Lord High Treasurer or the Commissioners of His Majesty's Treasury as herein-after provided shall think entitled thereto should also receive Compensation for lawful Fees and Emoluments diminished or taken away from the said Six Clerks and other Officers by the Operation of the said General Orders of the Thirty-first Day of *January* One thousand eight hundred and thirty-four, and of this Act, and any General Order or Orders to be made in pursuance thereof; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant or Warrants under their Hands, to order and direct that such Compensation shall be made to the said Six Clerks respectively, and to such other Officers who now hold Office in or belonging to the said Court, and whose lawful Fees and Emoluments have been or shall be diminished by the Operation of the said Orders of the Thirty-first Day of *January* One thousand eight hundred and thirty-four, or by this Act, or any General Order or Orders to be made in pursuance thereof, as to the said Lord High Treasurer or the said Commissioners of His Majesty's Treasury in their Discretion shall seem just and reasonable: Provided always, that an Account or Accounts of all such Compensations shall, within Fourteen Days next after the same shall be so granted, be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, then within Fourteen Days after the Meeting of Parliament then next following; and provided also, that such Warrant or Warrants for Compensation shall not be valid until after the Expiration of Three Weeks from the Time the Account or Accounts of Compensation shall be laid before Parliament.

Commissioners to settle Amount of Compensation.

XXIV. And whereas for the better enabling the Lord High Treasurer or the Commissioners of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the Officers who shall claim Compensation for Fees and Emoluments taken away or diminished as aforesaid, be it enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, if he or they shall think fit, to refer all and every the Accounts and Claims for Compensation to the Examination and Consideration of so many Persons to be Commissioners for carrying this Act into execution and effect as may to him or them appear fit and necessary, and every

every Three or more of the Commissioners to be so appointed shall be competent to act in the Execution thereof.

Lords of the Treasury and Commissioners to inquire into Fees.

XXV. And be it further enacted, That the Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any Three or more of them, and also the Commissioners or any Three or more of them to be appointed under this Act, shall be authorized to inquire and examine as well into all Acts, Matters, and Things for which any Fee or Emolument has been received or claimed, and the Legality thereof, as well as the Amount of the Fees or Emoluments contained in any Account to be furnished under this Act, and of all Disbursements and Allowances made in respect of Business performed in the Offices respectively, and of all Charges affecting the same, and to require Proof to be made upon Oath, either personally or in Writing, of any Matter, and to examine any such Officer or other Person upon Oath as to any Matters into which the Lord High Treasurer or the said Commissioners may think proper or necessary to inquire, which Oath may be administered either by the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, or by the Commissioners to be appointed under this Act, or any Three of them, or by a Judge or Master in Ordinary of the said Court; and also to cause the Production for his or their Inspection and Examination of all Books, Papers, and other Documents which he or they shall deem requisite for the Purposes of this Act; and also that it shall be lawful for him or them to consult the Lord Chancellor or the Master of the Rolls upon the Legality, Propriety, and Reasonableness of any Fees or Matters connected therewith; and the Lord Chancellor or Master of the Rolls shall and is hereby required to give his Advice and Opinion thereon, in Writing, as early as the same can reasonably be done.

Commissioners of Treasury may refer Accounts to Masters in Ordinary.

XXVI. And be it further enacted, That it shall be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury, if he or they shall deem it proper so to do, to refer all or any Accounts to be furnished under this Act to any One or more of the Masters in Ordinary of the said Court, who shall by all the Ways and Means herein-before provided inquire into and examine the same, and shall fairly settle and certify in Writing to the Lord High Treasurer or the Commissioners of His Majesty's Treasury the net and gross Amount of the Fees and Emoluments and the Disbursements of every Kind to which such Accounts relate.

Officers claiming Compensation to make a Return of the Profits of their Office.

XXVII. And be it further enacted, That every Officer of the said Court who shall claim Compensation under this Act shall within Three Calendar Months next after the Commencement of this Act make or cause to be made out and rendered to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or, if so required, to the Commissioners to be appointed under this Act, an Account in Writing of the gross and net Emoluments, and also of the Disbursements of his Office in each of the Three Years next preceding the First Day of *November* One thousand eight hundred and thirty-three, and also an Account of all lawful Fees, Salary, Compensation, Emoluments, or Allowances of whatever Nature as shall have been received during the said Three Years by the said

Officer, or for his Use, or which upon any Account or in any Way shall have become due in respect of such Office or the Duties thereof, and shall also set forth a Particular of the several and respective Acts, Matters, and Things in respect of which any Fee or Emolument shall have been received, charged, or claimed; and also a Particular of all Allowances and Disbursements made thereout, and Charges affecting the same, in each of the said Three Years, with such further Particulars of Receipt and Disbursements as the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury or of the Commissioners to be appointed under this Act shall direct, the said Accounts to be verified on Oath, to be sworn before One of the Masters of the said Court, which Oath the said Master is hereby authorized and required to administer; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain by all proper Ways and Means as aforesaid the gross and net annual Value, according to a fair Average of the said Three Years, of the said lawful Fees and Emoluments, and also the Disbursements of such Officer as aforesaid.

Officers may make an annual Return of the Profits of their Office.

XXVIII. And be it further enacted, That it shall be lawful for every Officer claiming Compensation as herein-before mentioned, on the First Day of *Hilary* Term One thousand eight hundred and thirty-six, and on every succeeding First Day of *Hilary* Term, and for One Month thereafter in each Year respectively, so long as the said Officer shall hold his Office, to make or cause to be made out, and render to the Lord High Treasurer or the Commissioners of His Majesty's Treasury, an Account in Writing, to be verified in like Manner, of the gross and net Emoluments of the said Office, and of the Disbursements thereof, in such Form and with such Particulars of Receipt and otherwise as the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, shall require; and also an Account of all such lawful Fees, Salary, Compensation, Emoluments, and Allowances, of whatever Nature, as shall have been received by the said Officer, or for his Use, or which upon any Account or in any Way shall have become due in respect of such Office, or the Duty thereof, and the several and respective Acts, Matters, and Things in respect of which the same shall have been received or claimed, and a Particular of all Allowances and Disbursements made thereof, and Charges affecting the same, in and for the Year next preceding the First Day of *Hilary* Term in each succeeding Year, as herein-before required; and the Lord High Treasurer or the said Commissioners as aforesaid shall ascertain as they shall think proper the gross and net Income of such Office, and also the Disbursements thereof, for and during the Year for which such Account shall be rendered, and the Amount of Compensation to which he or they shall deem such Officer entitled for and during the said Year.

Officers swearing falsely to be guilty of Perjury.

XXIX. And be it further enacted, That every Officer and other Person who shall swear falsely to any Matters respecting which an Oath, either personally or in Writing, is hereby required or authorized to be made, and shall be convicted of so doing wilfully and corruptly, shall be deemed guilty of wilful and corrupt Perjury, and shall suffer the Pain and Penalty of that Offence.

XXX. And

Commissioners to certify Value of Offices to Lords of the Treasury.

XXX. And be it further enacted, That when the said Commissioners to be appointed under this Act shall have ascertained the gross and net Value of the Fees and Emoluments of such Offices and Employments, or any of them, computed as aforesaid, together with the Particulars of the Disbursements, Allowances, and Charges constituting the Difference between such gross and net annual Value, they shall from Time to Time certify the same under their Hands to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, who shall lay Copies of the same, as also of all like Certificates made by the Lord High Treasurer or the Commissioners of the Treasury under this Act, before both Houses of Parliament.

If Fund not sufficient, the Remainder to be paid out of the Consolidated Fund.

XXXI. And be it further enacted, That the several and respective Sums as and for Compensation which the Lord High Treasurer or the Commissioners of His Majesty's Treasury shall, by Warrant or Warrants as aforesaid, order and direct to be paid to any Officer of the said Court shall be paid and payable to the Officer or Officers named in such Warrant or Warrants out of the Account called "An Account of the Interest and Produce of the Compensation and Fee Fund of the Suitors of the Court of Chancery in *Ireland*," as far as the same will extend; and in case the said Suitors Fund shall be inadequate to the Payment of the whole Amount of Compensation to be given under this Act, the Amount of the Compensations beyond what can be satisfied out of the said Suitors Fund shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, without any Fee or Deduction whatsoever, to the Officer or Officers named in the Warrant or Warrants of the Lord High Treasurer or the Commissioners of His Majesty's Treasury as aforesaid.

Payments not to be liable to Usher's Poundage.

XXXII. And be it further enacted, That no Payment or Transfer of any Sum or Sums of Money to be made under or by virtue of this Act, or any of the Provisions thereof, shall be subject or liable to the Payment of Usher's Poundage; and provided also, that every Order to be made for the Transfer, Investment, or Payment of any Money under this Act or any of the Provisions thereof shall be free of and discharged from the Payment of any Fee whatsoever to any Officer of the said Court.

If Officer dies pending Inquiry his Executors to make Returns.

XXXIII. And be it further enacted, That in case any Officer of the said Court entitled to Compensation under this Act shall die or resign or be dismissed from his Office or Employment before the Termination of any Year, the Executors or Administrators of the Person so dying, or the Person himself so resigning or dismissed, shall render such Account as aforesaid for such Part of the Year during which the Person so dying or resigning or dismissed shall have held such Office or Employment, and shall be entitled to claim and receive such Sum proportioned to that Part of the Year during which such Person shall have held his said Office as the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury for the Time being shall deem just and proper.

Six Clerks selling their Office may receive Com-

XXXIV. And whereas it is alleged that the Purchase Value of the Office of Six Clerk in the said Court will be diminished by the Operation

pensation for the Diminution of Value.

Operation of this Act and the General Orders to be made in pursuance thereof; be it therefore enacted, That if any Six Clerk shall after the Commencement of this Act sell his said Office, it shall be lawful for him at any Time within Six Calendar Months after such Sale to apply to the said Lord High Treasurer or the Commissioners of His Majesty's Treasury for Compensation for such Diminution of Value, and in such Case it shall and may be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury, or such Commissioners as shall be appointed by them under this Act, to examine into such Application and Claim by all and every or such Means as herein-before provided as he or they shall think proper, and thereupon it shall be lawful for the said Lord High Treasurer and the Commissioners of His Majesty's Treasury, or any Three of them, to order and direct that such annual or other Compensation shall be made to the Six Clerks claiming the same as he or they in their Discretion shall upon full Inquiry deem just and reasonable; and all such Compensation, whether annual or in gross, shall be charged upon and paid and payable out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* without any Fee or Deduction whatsoever.

Act not to prevent Dismissal of Officers.

XXXV. And be it further enacted, That nothing herein contained shall be construed to prevent any Person now holding any Office or Employment, or that shall hereafter hold any Office or Employment in the said Court, from being dismissed therefrom, as if this Act had not been made, or to give him any greater or other Interest in such Office or Employment than he might have lawfully claimed or exercised if this Act had not been made.

Officers hereafter appointed not to be entitled to Compensation.

XXXVI. And be it further enacted, That no Person who after the passing of this Act shall be appointed to any Office or Employment in or belonging to the said Court shall be deemed entitled to prefer any Claims for or to obtain any Compensation in respect of any Alteration of any Kind whatsoever which shall be made by lawful Authority in the Constitution, Process, Practice, Pleadings, or other Proceedings, or in the Constitution, Duties, or Emoluments, of any of the Offices or Employments in the said Court.

Commencement of Act.

XXXVII. And be it further enacted, That this Act, and the several Provisions therein contained, shall commence and take effect from the First Day of *Hilary* Term One thousand eight hundred and thirty-five.

Act may be altered this Session.

XXXVIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

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