ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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C A P. CXV.

An Act for the Appointment of a Taxing Master for the High Court of Chancery in *Ireland*.

[8th *August* 1845.]

WHEREAS it is expedient to appoint a new Officer for the Taxation of Costs in the High Court of Chancery 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, That from and after the First Day of *November* One thousand eight hundred and forty-five the taxing of Costs in the High Court of Chancery in *Ireland* shall be conducted by an Officer to be denominated "The Taxing Master," who shall hold his Office during his good Behaviour, and shall discharge his Duties in Person, except where otherwise provided by this Act, and may be removed from his Office by the Lord Chancellor of *Ireland* for Misconduct; and the Business to be transacted by such Taxing Master shall be the taxing of Costs as aforesaid, and also such other Business (if any) connected with the Court of Chancery in *Ireland* as the Lord Chancellor, with the Advice and Consent of the Master of the Rolls in *Ireland* for the Time being, shall from Time to Time by any Order direct; and the Places, Times, and Manner in which the same shall be conducted shall be

The Taxation of Costs in the Court of Chancery, Ireland, to be conducted by One Taxing Master, who shall discharge the Duties in Person.

such as the Lord Chancellor shall from Time to Time by any Order direct; and from and after the Commencement of this Act no such Costs shall be taxed by any other Officer or Person whomsoever.

Lord Chancellor to appoint the Taxing Master.

II. And be it enacted, That the Lord Chancellor shall have Power to appoint some fit and competent Person to be the first Taxing Master under this Act, being a Barrister at Law of not less than Ten Years standing at the Bar, or being a Solicitor who shall for not less than Ten Years have practised as a Solicitor of the said Court; and that as often as the said Taxing Master so to be appointed, or any of his Successors, shall die or resign or be removed from his Office, the Lord Chancellor shall have Power to appoint a Taxing Master, qualified as aforesaid, in the Room of the Taxing Master who shall so die, resign, or be removed.

Appointment of Deputy in case of Absence.

III. And be it enacted, That in case of Absence from Illness or other reasonable Cause it shall be lawful for any Taxing Master under this Act to appoint a Deputy, such Deputy, and also the Occasion for such Appointment, being first approved by the Lord Chancellor; and that in case any Taxing Master under this Act, 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.

Taxing Master may administer Oaths and take Affirmations.

IV. And be it enacted, That it shall be lawful for every such Taxing Master under this Act to administer the Oaths and take the Affirmations and Attestations of Honour which he may from Time to Time be required to administer and take by any Order made by the Lord Chancellor, with the Advice and Consent of the Master of the Rolls for the Time being.

Persons swearing before Taxing Master subject to Penalties for Perjury.

V. And be it enacted, That all Persons swearing, affirming, or attesting before any Taxing Master under this Act shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury as if the Matters sworn, affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery, or any of the Masters in Ordinary thereof.

Salary of Taxing Master.

Taxing Master may appoint and remove Clerks and fill up Vacancies.

VI. And be it enacted, That every Taxing Master under this Act shall be entitled to receive such annual Salary, not exceeding One thousand Pounds, as the Commissioners of Her Majesty's Treasury shall direct; and such Taxing Master may appoint, to assist him in his Business, Two Clerks, and as many more as the Lord Chancellor, with the Consent of the said Commissioners of Her Majesty's Treasury, shall from Time to Time by any Order direct; and every such Taxing Master may from Time to Time remove such Clerk or Clerks, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and the said Clerks shall respectively receive such Salaries as may be directed by the Commissioners of Her Majesty's Treasury: Provided always, that no Clerk shall be appointed by a Taxing Master to

fill up a Vacancy while he shall have a Clerk or Clerks, unless the Lord Chancellor shall by any Order declare such Appointment to be necessary.

Taxing Master and Clerks not to take Gratuities.

VII. And be it enacted, That if any such Taxing Master, or any Clerk of any Taxing Master, shall, for any thing done or pretended to be done relating to his Office or Employment under this Act, or under colour of doing any thing 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 any thing of Value, other than what is allowed or directed to be taken by him under this Act, or any Order made under this Act, the Person so offending may, upon Complaint made to the Lord Chancellor, be removed by him from any Office or Employment he may hold under this Act.

Persons employed under this Act not to practise as Barristers, &c.

Solicitors, &c., accepting Office, to be struck off the Rolls.

VIII. And be it enacted, That from and after the Thirtieth Day of *November* next after the passing of this Act no Person while he holds any Office or Employment under this Act shall practise as a Barrister or as a Solicitor or as an Attorney; and that from and after the said Thirtieth Day of *November* 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 Attornies of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

Orders may be made for carrying Act into execution.

IX. And be it enacted, That it shall be lawful for the Lord Chancellor, with such Advice and Consent as aforesaid, to make and issue such Orders as he shall think fit for carrying the Provisions of this Act into execution, and also to make and issue such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as he shall think fit, for establishing and settling the Practice of the Office hereby created, and the Hours of Attendance and Holidays.

Orders under this Act may be varied.

X. And be it enacted, That any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied by the like Authority by which any such Order or Orders shall have been made, and new Orders may from Time to Time be made for any of the Purposes of this Act by the respective Authorities by which Orders are hereby authorized to be made.

Act not to affect other Powers of Lord Chancellor.

XI. 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, under any former Act.

Offices to be procured for the Taxing Master in the King's Inns, or to be rented or hired.

XII. And be it enacted, That it shall be lawful for the Lord Chancellor to procure and provide a suitable Office or Offices for the Business of such Taxing Master in the Buildings of the *Four Courts* or *King's Inns*, *Dublin*, if the same can be conveniently procured therein; and if the same cannot be conveniently procured therein it shall be lawful for the Lord Chancellor to cause suitable Offices

Offices to be rented or hired for carrying on the Business of such Taxing Master.

The Stamp Duties imposed by the 4 G. 4. c. 78. in respect of Taxation of Costs in Chancery to be paid as heretofore.

XIII. And whereas by an Act passed 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, certain Stamp Duties were, amongst others, imposed and are payable for and in respect of several Proceedings in the Offices of the Masters in Ordinary of the Court of Chancery in *Ireland*, and, among others, for and in respect of Certificates at the Foot of Bills of Costs upon the Taxation thereof, which said Stamp Duties are carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: And whereas it is expedient that the same Stamp Duties should be continued, and be payable and carried to the Consolidated Fund, in respect of the Taxation of Costs by the Taxing Master appointed under this Act, as were payable in respect of the Taxation of Costs in the said Court before the passing of this Act, and that the Salaries of such Taxing Master and his Clerks, and the Expences of his Office, should be paid out of the Consolidated Fund; be it therefore enacted, That the several and respective Duties of Stamps payable by virtue of the said recited Act for and in respect of every Certificate at the Foot of any Bill of Costs shall continue to be paid and payable for and in respect of and shall be applicable to every Certificate at the Foot of any Bill of Costs upon, for, or in respect of any Taxation of Costs by any Taxing Master to be appointed by virtue of this Act, and shall be subject to the same Rules, Regulations, and Provisions as the said Stamp Duties in the said recited Act mentioned, so far as the same shall be respectively applicable.

Salaries, &c., to grow due from Day to Day, but to be payable quarterly out of the Consolidated Fund.

XIV. And be it enacted, That all Salaries under this Act shall grow due from Day to Day, but shall be payable on the Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and the Tenth Day of *October* in every Year, or on such other Days as the Lord Chancellor shall from Time to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, by the Commissioners of Her Majesty's Treasury, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Expence necessarily incurred for hiring suitable Offices for the Business of such Taxing Master shall likewise be paid out of the said Consolidated Fund.

Interpretation of "Lord Chancellor."

XV. And be it enacted, That in the Construction of this Act the Expression "the Lord Chancellor" shall mean and include the Lord Chancellor of *Ireland*, the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being.

Alteration of Act.

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

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