ANNO SEXTO

GEORGII IV. REGIS.

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C A P. LXXXII.

An Act to abolish the Sale of Offices in the Court of King's Bench in *England*, to make Provision for the Lord Chief Justice of the said Court, and to grant an additional Annuity to the said Lord Chief Justice on Resignation of his Office.

[5th *July* 1825.]

WHEREAS the several Offices of Chief Clerk, Clerk of the Treasury, and Custos Brevium, and Filazer, Exigenter, and Clerk of the Outlawries of the Court of King's Bench in *England*, are in the Gift of the Lord Chief Justice of the same Court, and deemed to be saleable by him, as and when the same from Time to Time become vacant: And whereas the several Offices of Clerk of the Rules on the Plea Side, Clerk of the Papers on the Plea Side, Clerk of the Declarations, Clerk of the Common Bails, Estreats and Posteas, and Clerk of the Dockets of the same Court, are in the Gift of the said Chief Clerk, and deemed to be saleable by him; and the several Offices of Clerks of the Inner and Outer Treasury, Clerks of Nisi Prius in *London* and other Cities, and on the several Circuits, and Bagbearer on the Plea Side of the same Court, are in the Gift of the said Custos Brevium, and deemed to be saleable by him: And whereas the said several Offices are held for the respective Lives of the Persons now holding the same (or for the Life of the Survivor of Two Persons where the Office is now vested in Two Persons), and the Emoluments thereof are derived entirely from the Fees payable by the Suitors of the same Court; and some thereof are and for many Years past have been executed by Deputy; and the Emoluments of some others thereof, which are executed in Person, are

are greater than the Nature and Duties thereof, considered apart from other Circumstances relating thereto, would require: And whereas it is expedient to abolish the Sale of all such of the said Offices as are now saleable, without Prejudice however to the Rights of any of the Persons now holding the same, or having the Right of Appointment thereto, except only the Lord Chief Justice of the said Court; whereby a more uniform and more constant Provision may be made for maintaining the Honour and Dignity of the Office of Lord Chief Justice of the same Court, and a Fund may be hereafter raised, which may be applied towards the Payment of the Salaries of the Chief Justice and other Judges of the same Court, in ease of the public Revenue; 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 the said Offices of Chief Clerk, Clerk of the Treasury, and Custos Brevium, and Filazer, Exigenter, and Clerk of the Outlawries, shall from and after the passing of this Act, and the said several Offices herein-before mentioned to be in the Gift of the said Chief Clerk, shall from and after the Time when the said Office of Chief Clerk shall become vacant, and the said several Offices herein-before mentioned to be in the Gift of the said Custos Brevium, shall from and after the Time when the said Office of Custos Brevium shall become vacant, be disposed of; and all Appointments to the said respective Offices, as they may respectively become vacant, shall be made according to the Directions of this Act, and not otherwise; and all and every the Persons to be so appointed to the said several Offices, shall continually execute the same in Person, and not by Deputy, unless for some reasonable Cause to be allowed, as herein-after mentioned; and every such Officer and his Deputy, to be appointed according to the Directions of this Act, shall be deemed and taken to be a public accountable Officer, to all Intents and Purposes, and shall severally account for the Fees and Emoluments of his Office, according to the Directions of this Act.

Certain Offices after they become vacant to be no longer saleable, and future Appointments to be regulated by this Act.

Offices to be executed in Person, and not by Deputy, unless for some reasonable Cause.

II. And be it further enacted, That all Appointments to the said several Offices to be made by virtue of this Act shall be made by the Lord Chief Justice of the said Court for the Time being, by Warrant under his Hand and Seal, without any Fee, Gratuity, or Reward, to be directly or indirectly paid to or received for the same; and every such Appointment shall be made, and shall be in such Warrant expressed to be made, during the good Behaviour of the Person appointed, and for so long Time only as the Person appointed shall execute the same in Person: Provided always, that no such Office shall be vacated by reason of the Officer's not executing his Office in Person, if he shall execute the same by some Deputy to be appointed by virtue of this Act; nor in Cases of occasional Illness, or other like necessary Cause of Absence, not continuing more than Two Months at any one Time.

Appointments to be made by the Chief Justice, quam diu se bene gesserint.

III. And be it further enacted, That if any Person to be appointed by virtue of this Act shall demean himself in any Manner contrary to the true Intent and Meaning hereof, or otherwise misbehave himself,

Remedy in case of Misbehaviour.

self, it shall be lawful for the said Court to hear and decide upon such Misbehaviour, and also to hear and determine all Complaints that may be made against such Person in a summary Way, and by Rule of the same Court, to order Compensation to be made to any Person injured by such Misbehaviour, or to fine such Offender, or to make void his Appointment, or punish the Offender by all or any the Ways aforesaid, as to such Court in its Discretion shall seem fit.

How and for what Cause a Deputy may be appointed.

IV. Provided always, and be it further enacted, That in case any Officer to be appointed by virtue of this Act shall, by Ill-health or other Infirmity, become incapable of discharging the Duties of his said Office, or shall for any other reasonable Cause, to be allowed by the said Lord Chief Justice, be desirous of being relieved from the Discharge of the Duties thereof, either permanently or for a certain Time only, it shall and may be lawful for the said Chief Justice to appoint some fit and proper Person to act as the Deputy of such Officer; the Cause of such Appointment being always distinctly mentioned and specified in the Warrant of such Appointment.

Salaries and Allowances to the Officers, how to be regulated.

V. And be it further enacted, That it shall and may be lawful to and for the Lord Chief Justice of the said Court and the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being, and they are hereby required, by some Writing under their respective Hands, to ascertain for and allow to every Officer and Deputy, to be appointed by virtue of this Act, for himself, his Clerks and Assistants, and the Expences of his Office, such Part or Parts of the Fees and Emoluments lawfully belonging to his Office, as to them shall seem reasonable, and from Time to Time to alter and vary the same as Occasion may require; and every Officer and Deputy to be so appointed shall demand and receive all and every the Fees and Emoluments lawfully belonging to his said Office, whether the same have been heretofore received by or deemed to belong to the principal Officer or his Deputy or Deputies, and no more or other Fees, Emoluments, or Perquisites whatsoever; and shall retain thereout for his own Use, and in the Case of a Deputy, for the Use also of his Principal, such Part or Parts thereof, and no more, as shall and may have been from Time to Time so ascertained and allowed as aforesaid; and shall duly account for all Sums received and paid in manner herein-after directed.

Officers to receive the accustomed Fees only;

to retain their Salaries;

and account for Surplus.

Officers to keep Books of Account;

and within One Month after the End of every Term render an Account to the Treasury.

VI. And be it further enacted, That every Officer and Deputy to be appointed by virtue of this Act shall keep One or more Book or Books, and shall cause to be duly and regularly entered therein all and every Sum and Sums of Money by him received and paid, and shall submit the same to the Inspection of the said Lord Chief Justice, and of the said Lord High Treasurer and Commissioners of the Treasury, whenever it shall be thereto required; and shall also, within One Month after the End of every Term, render a true and faithful Account in Writing (to be verified upon Oath if required) to the said Lord High Treasurer, or Commissioners of the Treasury for the Time being, of all Sums of Money by him received and retained or paid, up to the last Day inclusive of the Term next immediately

mediately preceding the rendering of such Account; and shall also, within the same Period, pay over the Balance of such Account, if any, into the Receipt of His Majesty's Exchequer: Provided always, that if upon the Examination of any such Account it shall appear to the said Lord High Treasurer, or Commissioners aforesaid, that any unreasonable or improper Charge or Deduction has been made therein, the same shall be disallowed by the Treasurer or Commissioners, and the Amount of all and every Sum of Money so disallowed shall, within Ten Days after such Disallowance thereof shall be notified to such Officer or Deputy, be paid by him into the Receipt of His Majesty's Exchequer; and the said Treasurer or Commissioners shall cause Copies of all such Accounts to be laid before each House of Parliament, at the Commencement of the Session of Parliament next after the rendering thereof, and all Sums so paid into the Receipt of the Exchequer shall be carried to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, a separate Account being kept thereof: Provided always, that no Lands, Tenements, or Hereditaments of any Officer or Person who by virtue of this Act may be required to pay any Sum or Sums of Money, which would otherwise be payable to the said Lord Chief Justice, shall by reason thereof be charged with any such Sum or Sums of Money, or be deemed subject or liable to the Payment thereof, or to answer or make good the same.

Disallowances may be made in Accounts.

Accounts to be laid before Parliament.

VII. And be it further enacted, That whenever any Deputy shall be appointed, and any Portion of the Fees and Emoluments of Office shall be directed to be allowed and paid to the principal Officer, in pursuance of this Act, such Portion shall be duly paid over to the Principal, before the rendering of the Account hereby required next after the Time when such Portion shall become payable, and a proper Receipt for the same shall be exhibited at the Time of rendering such Account; and no principal Officer shall be deemed answerable or accountable for any Sum of Money received by any such Deputy as aforesaid.

Where a Deputy is allowed, the Principal is to receive his authorized Portion of the Fees.

VIII. And be it further enacted, That the several Offices of Clerk of the Papers and Clerk of the Declarations shall, so soon as an Appointment thereto may be made by Authority of this Act, be consolidated into one Office, and be executed by one and the same Person.

Offices of Clerk of Papers and Clerk of Declarations to be consolidated.

IX. And whereas it will be necessary to make due Provision for the Maintenance of the Honour and Dignity of the Office of Lord Chief Justice of the said Court, in lieu of the valuable Patronage hitherto enjoyed by the Person from Time to Time filling the said Office, and which will be taken away by this Act; and it is expedient that the Lord Chief Justice of the said Court should receive a Salary, to be fixed by Parliament, in lieu of all pecuniary Fees and Emoluments now received by him; be it therefore further enacted, That the annual Salary of the Lord Chief Justice of the said Court for the Time being shall be the Sum of Ten thousand Pounds; to be computed and commence, in the Case of the present Lord Chief Justice, from the Beginning of the Quarter current at the Time of the

Salary to the Lord Chief Justice, 10,000*l.* per Ann. to be payable quarterly.

the passing of this Act, and to commence and be computed, in the Case of every succeeding Lord Chief Justice, from the Death or Resignation of his immediate Predecessor, in like Manner as if his Writ or Appointment bore Date the Day next subsequent to the Day of the Death or Resignation of his Predecessor; and that there shall be issued, and paid and payable out of, and charged and chargeable upon the said Consolidated Fund (after paying and reserving sufficient to pay all such Sum and Sums of Money as have been directed by any former Act to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon or payable out of the said Fund) to the present Lord Chief Justice of the said Court and to his Successors, as an Augmentation of his and their Salary, and in lieu of all Fees and pecuniary Profits belonging to the said Office, so much Money as will make the Salary usually received by the Lord Chief Justice of the said Court for the Time being, from the Civil List, after deducting from the Amount of such last-mentioned Salary all Land Tax, Pension Duty, and other Duties charged upon the same, or upon the said Lord Chief Justice, in respect of his Office, and also all Sums of Money paid by the said Lord Chief Justice for Rolls, Books, and Dockets provided for the Use of the Officers of the said Court or of the Suitors thereof, according to ancient and present Usage, the annual Sum of Ten thousand Pounds herein-before mentioned; which said Sums, to be issued in pursuance of this Act, shall from Time to Time from henceforth be paid and payable quarterly, free and clear from all Taxes and Deductions whatsoever, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in each Year, by even and equal Portions, together with a rateable Proportion of the Quarter current at the Time of the Death or Resignation of any such Lord Chief Justice, up and home to the Day of his Death or Resignation; the first Payment thereof to be made on such of the said Days as shall first happen next after the passing of this Act.

His Majesty may grant to any Person who may have executed the Office of Chief Justice of the King's Bench an Annuity of 200*l.* in addition to the Sum allowed under 39 G. 3. c. 110. and 53 G. 3. c. 153. on his Resignation.

X. And be it further enacted, That it shall be lawful for His Majesty, His Heirs and Successors, by any Letters Patent under the Great Seal of *Great Britain*, to give and grant unto any Person who may or shall have executed the Office of Chief Justice of the Court of King's Bench, an Annuity or yearly Sum of Money, not exceeding the Sum of Two hundred Pounds, and the said Annuity shall be in Addition to and in Augmentation of the respective Annuities or yearly Sums allowed to be given and granted to such Chief Justice, under the Provisions of an Act of the Thirty-ninth Year of the Reign of His late Majesty, and under an Act of the Fifty-third Year of the Reign of His said late Majesty, for enabling His Majesty to grant additional Annuities to the Judges of the Courts in *Westminster Hall*, on their Resignation of their Offices, and in like Manner to commence from and after the Period when the Person to whom any such Annuity or yearly Sum of Money shall be granted as aforesaid shall have resigned his said Office, and to continue for and during the natural Life of the Person to whom the same shall be granted as aforesaid; and every such Annuity or yearly Sum of Money shall be issued and payable out of, and charged and chargeable upon the Consolidated Fund, next in order of Payment to and after paying or

reserving sufficient to pay all such Sum or Sums of Money as have been directed by any former Act or Acts of Parliament, and as by this Act are herein-before directed to be paid out of the same, but with Preference to all other Payments whatsoever, and shall be payable and paid quarterly, free and clear from all Taxes and Deductions whatsoever, by even and equal Portions, at the like Periods and together with and in the same Manner as the Annuities and yearly Sums which may be given and granted under the said Acts, and under and subject to the like Rules, Regulations, and Restrictions (so far as the same are applicable), as are contained and prescribed in the said Act of the Thirty-ninth Year of His said late Majesty's Reign, in relation to the Annuities or yearly Sums of Money therein allowed to be given and granted.

Fees now payable in respect of the Office of Chief Justice to be paid into the Exchequer.

XI. And be it further enacted, That all and every Officers and Persons who now receive for or pay to the Lord Chief Justice of the said Court for the Time being, any Fees, Portion of Fees, or other Sum or Sums of Money whatsoever, in respect of his Office, shall, from and after the passing of this Act, pay all such Fees, Portions of Fees, and Sums of Money into His Majesty's Exchequer, at such Times and Seasons as the same have been heretofore usually paid to the said Lord Chief Justice, and with such Deductions and Allowances only as have been heretofore usually made and allowed.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1825.