ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

C A P. LIV.

An Act to regulate the Office of Clerk of Assize or Nisi Prius, or Judge's Registrar, in *Ireland*.

[15th *June* 1821.]

WHEREAS it appears, from the Seventh Report of the Commissioners appointed to inquire into the Duties, Salaries, and Emoluments of the Officers, Clerks, and Ministers of Justice in all Temporal and Ecclesiastical Courts in *Ireland*, that it is expedient to regulate the Office of Clerks of Assize or Nisi Prius, otherwise called Judge's Registrar, in *Ireland*, as herein-after is provided: 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 from and after the Commencement of this Act it shall not be lawful for any Clerk of Assize or Nisi Prius, or Judge's Registrar, in *Ireland*, or any Person acting as such, in any Case or under any Pretence whatsoever, to ask, demand, receive, or accept any Fee, Reward, or pecuniary or other Consideration or Recompence whatsoever, for or in respect of the Performance of any of the Duties of such Office, or for or in respect of any Payment as for the Judges on the Occasion of Trials at Nisi Prius, or on the hearing of Civil Bill Appeals, or for or in respect of any Matter incident to or arising out of any such Trial, other than such Allowance as is herein-after authorized by this Act; and if any such Officer shall offend herein, he shall for every

Clerks of Nisi Prius shall not take any Fees or Recompence for performing the Duties of their Office, except according to this Act.

Penalty, 500*l.* such Offence forfeit and pay the Sum of Five hundred Pounds, to be recovered by Action of Debt, by any Person who shall sue for the same in any of the Superior Courts in *Dublin*, one Moiety to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Informer.

In lieu of all Fees and Salaries at present payable, certain Sums made payable at the Exchequer to Clerks of Assize or Nisi Prius.

II. And be it further enacted, That in lieu of the Fees so abolished, and of all Salaries now payable to any such Clerk of Assize or Nisi Prius, or Judge's Registrar, in *Ireland*, there shall be paid, at the Receipt of His Majesty's Exchequer in *Dublin*, out of the Consolidated Fund of *Great Britain* and *Ireland*, after the last Day of each and every *Easter* Term and *Michaelmas* Term, to every Person having held the Office of Clerk of Assize or Nisi Prius to any Judge of Assize, at the then next preceding Circuit, whether such Judge of Assize shall be one of the Judges of His Majesty's Superior Courts in *Dublin* or not, the Sum of Two hundred Pounds Sterling; the First of such Payments to be made after the last Day of *Easter* Term which will be in the Year One thousand eight hundred and twenty-two; and that after the last Day of each and every Term which shall succeed the *Michaelmas* Term next ensuing the Commencement of this Act, there shall be paid at the Receipt of the said Exchequer, to every Person having held the Office of Clerk of Nisi Prius to any of the Chief Judges of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer in *Ireland*, in the then next preceding Term and Sittings, the Sum of Seventy-five Pounds Sterling, the First of such Payments, in respect of the said *Michaelmas* Term, to be made after the last Day of *Hilary* Term then next ensuing.

Such Payments to be made on Certificate of Judge.

III. And be it further enacted, That every Clerk of Assize or Nisi Prius shall on or after the last Day of the Term next succeeding each Circuit or Sittings, lodge at the Office of the Auditor General in *Dublin* Castle, a Certificate from the Chief Judge of the Court, or Judge of Assize respectively, as follows:

'I Do hereby certify, That during the Michaelmas Term [*or* Hilary, Easter, or Trinity Term] and Sittings [*or*, during the Spring or Summer Assizes now last past, *as the Case may require*], *A. B.* hath discharged the Duty of Clerk of Nisi Prius to in Person [*or*, by a sufficient Deputy appointed for that Purpose, with my Approbation, in consequence of the Illness of the said *A. B.*, *or*, in consequence of the unavoidable Absence of the said *A. B.* occasioned by [*here let the Cause of Absence be set forth*], and proved to my Satisfaction, *as the Case may require*].'

And thereupon, and not before, such Clerk of Assize or Nisi Prius shall be entitled to receive Payment of the several Sums aforesaid, pursuant to the Directions of this Act.

Registrar shall lodge all Posteas with the Officers of the respective

IV. And be it further enacted, That every Clerk of Assize or Nisi Prius, or Judge's Registrar, shall within the first Four Sitting Days of the Term next ensuing any Trial which shall take place, either on Circuit or at the Sittings after any Term, and within Two Days after any Trial which shall take place in Term Time, lodge and deposit with

with the Prothonotaries of the said Courts of King's Bench and Common Pleas, and with the Clerk of the Pleas of the said Court of Exchequer respectively, the Posteas on all Records which issued from their several Courts, and which shall have been tried before the Judge to whom he shall have been appointed or acted as Clerk of Assize or Nisi Prius, or Judge's Registrar, except only in Cases where such Judge shall certify on the Back of the Record that he authorizes such Clerk of Assize or Nisi Prius, or Registrar, to postpone so lodging and depositing the Postea; and in such Cases such Clerk of Assize or Nisi Prius or Judge's Registrar shall lodge and deposit such Record, with such the Judge's Certificate thereon, with the said Prothonotaries or Clerk of the Pleas respectively, in lieu of the Postea; and in every Case where any Clerk of Assize or Nisi Prius, or Judge's Registrar, shall make Default in lodging or depositing such Posteas, or such Records, with such the Judge's Certificate thereon, in lieu thereof, within the Times and in the Manner herein-before limited and appointed for the so doing, it shall be lawful to and for any and every Party aggrieved thereby, at any Time after such Default, to enter with the Officer of the Court in which such Postea or Record and Certificate thereon ought, according to the Provisions of this Act, to be lodged and deposited, a conditional Rule for imposing a Fine of Twenty Pounds on the Clerk of Assize or Nisi Prius, or Judge's Registrar, so making Default, for each and every such Postea, or Record, and Judge's Certificate thereon, which he shall so neglect or refuse to lodge and deposit in manner herein-before required, within the Time by this Act limited or appointed for so doing; and every such conditional Rule shall be made absolute as of course, unless such Clerks of Assize or Nisi Prius or Judge's Registrar, shall, within Four Days next after the Entry of such conditional Rule, show Cause, to the Satisfaction of such Court, why such conditional Rule should not be made absolute; and for the Recovery of such Fine, Process shall issue in like Manner as for the Recovery of other Fines imposed by such Court.

Courts within Four Days of the Term next ensuing a Trial had on Circuit, or during the Sittings after Term, and within Two Days after a Trial had during the Term.

On Default, Party grieved may enter a conditional Rule for imposing a Fine of 20*l.* on Clerk of Assize, which Rule shall be made absolute of course, unless Cause shown within Four Days.

V. And be it further enacted, That in case any Clerks of Assize or Nisi Prius, or Judge's Registrar, shall not within the Four Days next after the Entry of such conditional Rule, lodge and deposit with the proper Officer either the Postea or the Record, with the Judge's Certificate thereon, in lieu thereof, an Attachment shall issue against such Clerk of Assize or Nisi Prius, or Judge's Registrar, upon the Certificate of the Officer of such Default, without further Motion, unless the Court shall in its Discretion otherwise direct.

If Postea not lodged within such Four Days, Attachment shall issue, unless the Court interpose.

VI. And be it further enacted, That it shall not be any Part of the Duty of any Clerk of Assize or Nisi Prius to prepare or engross any Bill of Exceptions or Special Verdict, or to give any Copy thereof respectively; but that when and as often as any Copy of any Bill of Exceptions or Special Verdict, or of the Dominical thereof respectively, shall be produced to any such Clerk of Nisi Prius by the Attorney of either of the Parties, such Clerk of Nisi Prius shall compare the same, or such Part or Parts thereof, as shall be necessary, with any Originals or Documents to be then lodged with him, or which may have been then in his Custody, and shall attest and authenticate the same respectively by his Certificate and his Signature thereto.

Duty of Clerk of Nisi Prius as to Bills of Exception and Special Verdict.

VII. And

49G.3.c.126. against Sale of Offices, extended to Office of Clerks of Assize, &c.

VII. And be it further enacted, That an Act made in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Prevention of the Sale and Brokerage of Offices*, shall extend and shall be deemed and construed to extend to prevent the Sale or Brokerage of the Office of Clerk of Assize or Nisi Prius, or Judge's Registrar, in *Ireland*, in as full and ample a Manner as if such Office had been mentioned in the said recited Act, to all Intents and Purposes whatsoever,

Not to affect any Proceedings against any Clerk of Nisi Prius for Misconduct previous to this Act.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to limit, abridge, bar, or defeat any Remedies or Proceedings whatsoever, which might have been taken or might be taken if this Act had never been passed, against any Clerk of Nisi Prius, or Judge's Registrar in *Ireland*, for any Misconduct which may have taken place in his Office at any Time before the Commencement of this Act.

Commencement of Act.

IX. And be it further enacted, That this Act shall commence and take effect from and after the End of the several Summer Assizes in this present Year One thousand eight hundred and twenty-one, and not sooner,

Act may be amended.

X. And be it further enacted, That this Act may be amended, altered, or repealed, in this present Session of Parliament.

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