Lands, the Establishment of Municipal Corporations, and the Preservation of aboriginal Laws, Customs, and Usages.

Interpretation of "Governor" and "New Zealand."

LXXX. In the Construction of this Act the Term "Governor" shall mean the Person for the Time being lawfully administering the Government of *New Zealand*; and for the Purposes of this Act "*New Zealand*" shall be held to include all Territories, Islands, and Countries lying between Thirty-three Degrees of South Latitude and Fifty Degrees of South Latitude, and One hundred and sixty-two Degrees of East Longitude and One hundred and seventy-three Degrees of West Longitude, reckoning from the Meridian of *Greenwich*.

Commencement of this Act.

LXXXI. This Act shall be proclaimed in *New Zealand* by the Governor thereof within Six Weeks after a Copy of such Act shall have been received by such Governor, and, save as herein expressly provided, shall take effect in *New Zealand* from the Day of such Proclamation thereof.

Proclamations to be published in the New Zealand Gazette.

LXXXII. The Proclamation of this Act, and all Proclamations to be made under the Provisions thereof, shall be published in the *New Zealand* Government Gazette.

SCHEDULE referred to in the foregoing Act.

	£
Governor	2,500
Chief Justice	1,000
Puisne Judge	800
Establishment of the General Government	4,700
Native Purposes	7,000
	£16,000

CAP. LXXIII.

An Act to make Provision for a permanent Establishment of Officers to perform the Duties at Nisi Prius, in the Superior Courts of Common Law, and for the Payment of such Officers and of the Judges Clerks by Salaries, and to abolish certain Offices in those Courts. [30th *June* 1852.]

'WHEREAS the Officers in the Superior Courts of Common Law who perform the Duties at Nisi Prius hold their Offices and Appointments during Pleasure, and such Officers and the Clerks at the Judges Chambers are remunerated by Fees received by them from the Suitors, and it is expedient to provide a permanent Establishment of such Officers, and that they and the said Clerks be paid by Salaries, and that the Fees now payable by the Suitors be diminished:' Be it 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:—

Marshal and Clerk at Nisi Prius in the Court of Queen's Bench and Marshals in the Courts of Common Pleas and Exchequer abolished, and their Duties to be performed by

I. From and after the Twenty-fourth Day of *October* after the passing of this Act the Offices of Marshal and Clerk at Nisi Prius in the Court of Queen's Bench, and Marshal in the Courts of Common Pleas and Exchequer, shall be and the same are hereby abolished; and all Acts, Duties, and Services now and heretofore done, performed, and rendered by such Marshals and Clerk at Nisi Prius respectively shall be done, performed, and rendered by the Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer, who shall also continue to perform all Acts, Duties, and Services now done, performed, and rendered by them in respect of the several Offices now held by them respectively; and such Acts, Duties, and Services, when so done, performed, and rendered by the said Associates, or their Successors,

cessors, or any of them, shall be good and valid in Law to all Intents and Purposes; and all lawful Powers and Authorities now and heretofore vested in or exercised by the Marshal and Clerk at Nisi Prius in the Court of Queen's Bench, and the Marshals in the Courts of Common Pleas and Exchequer, by virtue or in right of their respective Offices, shall be vested in and exercised by the said Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer respectively. the Associates respectively.

II. All the Records, Books, Papers, and Documents of and concerning the Duties and Business of the several Offices of the Courts of Queen's Bench, Common Pleas, and Exchequer, so abolished as aforesaid, shall, on or before the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, be delivered by the several Officers of the said Courts respectively now having the Custody of the same into the Custody and Possession of the Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer respectively, to be by them kept and preserved; and Searches may be made, and Copies or Extracts of and from the said Records, Books, Papers, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the several Offices hereby abolished; and the Officers, whose Offices are hereby abolished, shall and they are hereby required, on or before the said Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, to pay over to the Associates of the said Courts respectively all and every Sum and Sums of Money, if any, which shall have been paid into and shall be in their Hands by virtue of their said respective Offices, and to render an accurate Account thereof to the said Associates of the said Courts respectively. Records, &c. to be transferred to Associates.

III. When and so often as any Vacancy shall occur in any of the said Offices of Associate in either of the said Courts respectively, by Death, Resignation, or otherwise, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court in which such Vacancy shall occur to nominate and appoint some fit and proper Person to fill such vacant Office. The Chief Justices or the Chief Baron of the said Courts respectively to appoint future Associates.

IV. The Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer, and their Successors, shall and may, in and for the Discharge of the Duties of their respective Offices, have not exceeding Two Clerks, as the Lord Chief Justice or the Lord Chief Baron of the Court for the Time being to which such Associates respectively belong shall determine to be necessary and proper; and all such Clerks shall and may be appointed by the Associates of the said Courts respectively for the Time being, with the Sanction and Approval of the Lord Chief Justice or Lord Chief Baron of the Court to which such Associate shall belong; and such Clerks as are appointed shall hold their Offices during Pleasure. Clerks, not exceeding Two, to be appointed by the Associates, subject to Approval of the Chief Justices or Chief Baron of the said Courts respectively.

V. Convenient Offices shall be provided by the Commissioners of Her Majesty's Treasury for the Transaction of the Business of the Office of Associate in the Courts of Queen's Bench, Common Pleas, and Exchequer, in the Offices of the said respective Courts, or their immediate Vicinity; and the Places for such Offices shall be fixed by the Lord Chief Justice or Lord Chief Baron of the said Courts respectively, as soon as possible after the passing of this Act, and may be changed by them from Time to Time as Occasion may require. Offices to be provided for the Associates in the Offices of the Courts or their Vicinity.

VI. If the said Associates, or any or either of them, shall, from Sickness or other unavoidable Cause, have occasion to be absent from the Business of their or his Office for a longer Period than Two Months at any One Time, then and in every such Case it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron for the Time being of the Court to which such Officer shall belong to give Leave of Absence by his Order in Writing to such Officer, and, if necessary, to appoint a Deputy in his Place during such Time as shall be expressed in such Order; and the Name of such Deputy, and also the Cause and Time of such Absence, shall be stated in such Order; and such Deputy may, if Occasion require it, be changed by the Lord Chief Justice or Lord Chief Baron; and every Deputy so appointed shall be paid by the Principal for whom he shall act such Remuneration for his Services as the said Lord Chief Justice or Lord Chief Baron shall direct in such Order, not In case of Sickness or other reasonable Cause, the Duties of the Associates may be performed by Deputy.

being in any Case less than One Third of the Amount fixed and settled by this Act as the Salary of such principal Officer.

Power to Treasury to fix Salaries of Judges Marshals.

VII. A fixed Sum, to be settled for the several Circuits respectively by the said Commissioners of Her Majesty's Treasury, by and with the Sanction of the said Lord Chief Justices and Lord Chief Baron, shall be hereafter paid by way of Salary to each of the Judges Marshals on each Spring and Summer Circuit, and to the Marshal of the Senior Judge on the Winter Circuit, and on a Special Commission, for his Services thereon; such Sum to be paid to the Marshal upon Notice in Writing being given by the Judge, by whom such Marshal is appointed, of the Name and Address of the Person whom he has appointed to be his Marshal, and of the Circuit which such Judge has chosen, or the Commission to which he has been appointed, to the Lords Commissioners of Her Majesty's Treasury for the Time being, who shall, upon the Receipt of such Notice, pay the Sum so fixed on as aforesaid for such Circuit or Commission to the Person therein mentioned as having been appointed to be Marshal.

Clerks to be appointed by the Judges.

VIII. It shall be lawful for the Lord Chief Justices and Lord Chief Baron each to appoint Three Clerks, One of whom is to act as Crier on the Circuit, and in *London* and *Middlesex*, and for the other Justices and Barons each to appoint Two Clerks, One of whom is to act as Crier on the Circuit; and such Clerks shall perform all the Duties heretofore performed by the Judges Clerks; and shall hold their Offices during the Pleasure of the Judges by whom they are appointed, or if continued by their Successors during the Pleasure of such Successors.

Present Officers re-appointed to hold their Offices during good Behaviour.

IX. 'And whereas it is expedient that the several Officers of the said Superior Courts, 'set forth and described in Schedule (A.) to this Act annexed, who now hold their Offices 'and Appointments during Pleasure, should be re-appointed, and should hold such Offices 'and Appointments during good Behaviour:' Be it enacted, That the Persons now holding the Offices and Appointments in the said Schedule (A.) as such Officers, shall be and the same are hereby appointed and declared to be such Officers in the said Superior Courts, and they and their Successors shall respectively hold such Offices and Appointments during good Behaviour.

Treasury to cause Table of Fees to be prepared, and submitted to Judges for Approval.

X. 'And whereas it is expedient that a new Table or Tables of Fees proper to be taken 'in the said Superior Courts, and their several Offices, and at the Judges Chambers, 'and by the Clerks of Assize acting as Associates on the Circuits, should be prepared with 'reference to the various Changes and Alterations which have been or may be made in 'the Process, Practice, and Proceedings of those Courts, and to the Diminution of Expense, 'where practicable, to the Suitors:' Be it enacted, That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, and they are hereby required, forthwith to prepare or cause to be prepared a Table or Tables of Fees, specifying what Fees are proper to be demanded and taken in the said Courts and Offices, at the Judges Chambers, and on the Circuits, and what Fees should be abolished; and such Table or Tables shall be laid for Approval before the Judges of the said Courts; and the said Judges or any Six or more of them, of whom the Lord Chief Justices and Lord Chief Baron shall be Three, are hereby empowered and required, as soon as conveniently may be, to revise and settle the said Table or Tables of Fees so prepared as aforesaid, and from Time to Time to add to, or reduce, alter, or amend the same, as they may deem necessary and proper, and the said Table or Tables of Fees so revised and corrected as aforesaid from Time to Time to allow and sanction, by affixing their Signatures respectively thereto, and to establish the same in and for the said Courts; and the said Commissioners of Her Majesty's Treasury are required, so soon and as often as each Table or Tables of Fees have been sanctioned and allowed by the Judges, to cause the same to be inserted and published in the *London Gazette;* and from and after such Publication no other Fees than those sanctioned and allowed as aforesaid shall on any Pretence whatever be demanded or taken by any Officer or Clerk of the said Courts in respect of any Duty or Service to which such Table or Tables of Fees may relate; provided that until the Publication of such Table or Tables of Fees under the Authority aforesaid, the Fees now lawfully taken by the said Officers and Clerks shall and may continue to be taken.

XI. No

Officers and Clerks not to act as Barristers, Attornies, or Agents.

XI. No Person holding the Office of Associate in the Courts of Queen's Bench, Common Pleas, and Exchequer, or the Appointment of Judges Clerk, or of Clerk in any of the Offices of the Superior Courts, shall, either directly or indirectly, act as a Barrister, Attorney, or Solicitor, or as Agent of any Attorney or Solicitor, in any Court of Law or Equity in the United Kingdom, either separately or in Partnership with any other, during such Time as he shall hold such Office of Associate, or act as such Clerk: Provided always, that nothing in this Act contained shall operate to prevent any Attorney or Solicitor, or Agent of any Attorney or Solicitor, now practising in any Court of Law or Equity, and now holding any Office or Appointment mentioned in this Act, from continuing to practise as such Attorney, Solicitor, or Agent, notwithstanding this Act.

Treasury to fix Salaries of Officers and Clerks.

Power to raise Salaries.

XII. It shall and may be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, by and with the Sanction of the Lord Chief Justices and the Lord Chief Baron, to fix and appoint an annual Sum by way of Salary to the several Officers and Clerks whose Offices and Appointments are respectively set forth and described in the Schedule (B.) to this Act annexed, which Salaries they shall be entitled to receive in lieu of all Fees and Emoluments now received by such Officers and Clerks respectively; and the said Commissioners, with such Sanction as aforesaid, shall have Power, on each Vacancy in any such Office or Appointment, to revise the Salary attached thereto, and to fix another Salary in lieu thereof, having regard to the Nature, Duties, and Responsibility of such Office or Appointment; and such Salaries, together with the necessary Expenses of the respective Offices, shall be payable and paid by equal quarterly Payments on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof: Provided always, that if any of the Officers or Clerks appointed or to be appointed under the Provisions of this Act shall be entitled to and in the Receipt of Compensation Allowance awarded to them under any Act or Acts of Parliament regulating or relating to their respective Offices or Appointments, which shall exceed the Amount of Salary fixed and determined as aforesaid, such Officers and Clerks respectively shall be entitled to and shall receive the full Amount of such Compensation Allowance by way of Salary so long as they shall respectively hold their Offices or Situations; and in Cases wherein such Compensation Allowance shall be less than the Amount of Salary so fixed and determined as aforesaid, the same shall merge and be considered as Part of and included in the said Salary.

Salaries, how charged.

XIII. The Salaries and Compensation Allowances by way of Salary herein-before granted to the several Officers and Clerks of the said Courts respectively, and also the Salaries and Compensation Allowances by way of Salary, if any, which shall and may be granted to the several Officers and Clerks under the Provisions of this and any other Act or Acts of Parliament regulating or relating to the same, together with the necessary and unavoidable Expenses of the said Offices respectively, shall be paid and payable out of and be charged and chargeable upon the Fees received by the said Officers and Clerks in the said Courts respectively; and the Surplus of such Fees arising in each of the said Courts, after the Payment of the said Salaries and Expenses, shall be paid into the Receipt of the Exchequer to the Credit of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, at such Times and in such Manner as the Commissioners of Her Majesty's Treasury for the Time being shall think proper to direct; and in the event of the Fees so received by the said Officers and Clerks respectively of any of the said Courts being at any Time insufficient to defray the said Salaries and Compensations, if any, and other necessary Expenses, it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, to direct the Amount of such Deficiency to be charged upon and paid out of the said Consolidated Fund.

Officers to render Accounts of Fees received to the Treasury.

XIV. The said Officers and Clerks, mentioned and described in Schedule (C.) to this Act annexed, shall respectively cause all Fees received by them, and all Disbursements made thereout for Salaries and other necessary Expenses, to be duly and regularly entered in One or more Books, to be kept for that Purpose in their Offices, distinguishing the Fees received

received under their several Heads, and also the Particulars and Amount of every Disbursement; and shall quarterly, within One Month after the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, render a true and faithful Account in Writing to the Commissioners of Her Majesty's Treasury for the Time being of all such Fees and Disbursements, in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Commissioners of Her Majesty's Treasury shall from Time to Time think proper to require and direct; and if upon Examination of any such Account it shall appear to the said Commissioners of Her Majesty's Treasury that any Fees have not been duly accounted for, or that any unreasonable or improper Charge or Deduction has been made in such Account, it shall be lawful for the said Commissioners of Her Majesty's Treasury finally to settle and adjust the same in such Way as they may think reasonable and proper, and the said Officers and Clerks of the said Courts by whom such Account shall have been rendered shall and they are hereby required to alter and amend the said Account accordingly: Provided always, that the Officers and Clerks of the said Courts respectively shall submit their Books of Account to the Inspection of the said Commissioners of Her Majesty's Treasury, or any Person or Persons whom they may employ for that Purpose, whenever the said Officers and Clerks shall be required so to do.

Allowance to Officers on their Retirement from Office.

XV. Every Person appointed or to be appointed under the Provisions of this Act as an Officer of the said Courts respectively, who shall hereafter resign his Office or Situation with the Sanction and under the Authority of the Lord Chief Justice or Lord Chief Baron of the Court to which he shall belong, in consequence of his being incapable, from Infirmity of Mind or Body, to discharge the Duties thereof, shall be entitled to receive such Superannuation Allowance as the said 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 of Her Majesty's Treasury shall take into consideration the whole Period during which any such Person shall have been permanently employed in any Office or Situation in either of the said Courts, or in any other Public Office or Situation, prior to the passing of this Act, and shall proceed according to the Principles laid down by an Act passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service;* and all such 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 herein-before provided in respect of the Salaries of the Officers of the said Courts respectively, and the necessary Expenses of the said Offices.

4 & 5 W. 4. c. 24.

Ushers and subordinate Officers, and their Deputies, to render Accounts of Fees to Treasury.

XVI. 'And whereas the Ushers, Courtkeepers, Messengers, Assistants, and other subordinate Officers of the said Superior Courts, and Attendants on the Judges (other than the Judges Clerks herein-before mentioned) are entitled to receive Fees from the Suitors in the said Court, and it is expedient that the said Suitors should be relieved from the Payment of such Fees, and that adequate Salaries should be provided for such Officers, Assistants, and Attendants:' Be it enacted, That all Persons holding any subordinate Offices or Appointments in any of the said Superior Courts, as Ushers, Courtkeepers, Messengers, Assistants, and the like, or as Attendants on the Judges (other than the Judges Clerks herein-before mentioned), and their Deputies, shall respectively, on or before the Twenty-fourth Day of *October* One thousand eight hundred and fifty-two, render a true Account in Writing to the said Commissioners of Her Majesty's Treasury of all Fees and Emoluments received or claimed to be received by them or on their Behalf, and also of the annual Value of all such Fees and Emoluments received by them or on their Behalf, and also of the annual Salary, Allowances, or Profits allowed to or received by them respectively, whether as Principals or Deputies, and also of the Nature and Amount of Disbursements, if any, in respect of any of such Offices or Appointments, for the Space of Five Years next preceding the passing of this Act; and the Accounts so rendered shall be in such Form, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the said Lords Commissioners shall from Time to Time think proper to require and direct.

XVII. It

Fees of such subordinate Officers may be abolished.

XVII. It shall and may be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby empowered, by and with the Consent of the said Lord Chief Justices and the Lord Chief Baron, to abolish all or any of the Fees set forth in such Accounts; and a List or Lists, specifying the Nature or Description of the Fees so to be abolished, shall thereupon be published by and under the Authority of the said Commissioners of Her Majesty's Treasury in the *London Gazette;* provided that until such Publication all Fees that now are or may be legally received in respect of such subordinate Offices or Appointments shall and may continue to be received as heretofore.

The Number of subordinate Officers to be fixed by Treasury, with the Sanction of the Chief Justices and Chief Baron.

XVIII. It shall and may be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby empowered and required, by and with the Sanction of the said Lord Chief Justices and the Lord Chief Baron, as soon as conveniently may be, to ascertain and fix the Number of Ushers, Courtkeepers, Messengers, and other subordinate Officers, and Assistants in the said Superior Courts, and of Attendants on the Judges (other than the Judges Clerks herein-before mentioned), which shall be sufficient for the due Performance of the Duties required to be rendered in respect of such subordinate Offices and Appointments, and for the necessary Attendance on the Judges; and a List or Lists of the Offices and Appointments, when so fixed and ascertained, shall thereupon be published by and under the Authority of the said Commissioners of Her Majesty's Treasury in the *London Gazette;* and from and after such Publication all such of the said Offices and Appointments as are not contained in such List or Lists shall be and the same are hereby declared to be abolished.

Subordinate Officers to be appointed by the Chief Justices and Chief Baron respectively.

XIX. It shall and may be lawful for the Lord Chief Justices and the Lord Chief Baron respectively for the several Courts to appoint fit and proper Persons to perform the Duties of the said several subordinate Offices and Appointments, when such Offices and Appointments shall have been fixed and ascertained in the Manner herein-before provided: Provided always, that the Persons who now perform the Duties of such subordinate Offices and Appointments shall be re-appointed to such Offices and Appointments, if they shall be found willing and competent to discharge the Duties thereof, in preference to any Person who shall not have performed such Duties prior to the passing of this Act; and when and so often as any Vacancy shall occur by Death, Resignation, or otherwise, in any such Office or Appointment, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court, in which such Vacancy shall occur, to nominate and appoint some fit and proper Person to fill such Vacancy; and all Persons to be appointed to such Offices or Appointments shall hold their respective Offices during the Pleasure of the Court to which they shall respectively belong.

Power to increase or reduce the Number of such subordinate Officers.

XX. If at any Time after the passing of this Act it shall be found that the Establishment of such subordinate Officers, Assistants, or Attendants in any of the said Superior Courts is either excessive or insufficient for the due Performance of the Duties required to be rendered by such Officers, Assistants, or Attendants, it shall and may be lawful for the Lord Chief Justice or Lord Chief Baron of the Court, in which any Alteration with respect to such Establishment may be deemed necessary, to notify the same in Writing to the said Commissioners of Her Majesty's Treasury, stating therein the Circumstances which may have caused any Increase or Diminution of such Establishment to be necessary; and thereupon the said Commissioners of Her Majesty's Treasury may, and they are hereby authorized and required, from Time to Time, by their Warrant to increase or reduce such Establishment, as the Case may require, and, by and with the Sanction of the said Lord Chief Justice or Lord Chief Baron of the Court in which such Alteration is deemed necessary, to make such Provision for the carrying into effect such Alteration, both with respect to regulating the Salaries and otherwise, as may be thought proper.

Salaries of subordinate Officers to be fixed by Treasury, with Sanction of the Chief Justices and Chief Baron, and to be paid out of Consolidated Fund.

XXI. It shall and may be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and required, by and with the Sanction of the Lord Chief Justices and Lord Chief Baron, to fix and appoint an annual Sum to be paid by way of Salary to each and every of such subordinate Officers, Assistants, and Attendants, who shall be re-appointed or appointed under the Provisions of this Act; and such Salaries, together with the necessary Expenses (if any) of such Offices and Appointments, shall be payable and paid by equal quarterly Payments on the Thirty-first Day of *March*, the Thirtieth Day of

of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in every Year, together with a proportional Part of such annual Sum for the Time which at the Decease of the Person entitled thereto shall have elapsed since the last Payment thereof; and such Salaries and Expenses shall be paid out of and charged and chargeable upon the said Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that the Officers, Assistants, and Attendants, the Value of whose Offices or Amount of whose Salaries or official Incomes have been already fixed and ascertained under and by virtue of any Act or Acts of Parliament regulating or relating to their said Offices or Salaries, shall be entitled during their Tenure of Office respectively to receive the Amount of Salary or official Income now received by them, if such Amount exceed the Salary to be fixed by the Commissioners of Her Majesty's Treasury as aforesaid under this Act; and in case such Amount shall be less than the Salary so fixed by the said Commissioners of Her Majesty's Treasury, the same shall merge and be considered as Part of and included in the said Salary.

Compensation to Hereditary Chief Proclamator and Hereditary Chief Usher.

XXII. 'And whereas the Hereditary Chief Proclamator in the Court of Common Pleas, 'and the Hereditary Chief Usher in the Court of Exchequer, in right of their respective 'Offices, are entitled to appoint certain Officers in the said Courts of Common Pleas and 'Exchequer, who by themselves or their Deputies perform the Duties of their respective 'Offices; and it is expedient that the said Offices of Hereditary Chief Proclamator and 'Hereditary Chief Usher should be abolished; and that a fit and proper Compensation should 'be awarded to *George Henry Walker Heneage* Esquire (being the Person who now holds 'these Offices), upon the Abolition thereof:' Be it enacted, That it shall and may be lawful for the said Commissioners of Her Majesty's Treasury and they are hereby authorized to pay to the said *George Henry Walker Heneage* Esquire, during his Life, and after his Death to such Person or Persons as would have been entitled to hold such Offices, or either of them, upon satisfactory Proof of his, her, or their being so entitled, such annual Sum as the Commissioners may find to be a fair and reasonable Compensation for the Loss of the said Offices; and in estimating such Compensation, the average annual Amount of Profit arising from the said Offices respectively for the Thirty Years next preceding the passing of this Act shall be taken into consideration; and such annual Sum shall be paid out of and charged and chargeable upon the said Consolidated Fund of *Great Britain* and *Ireland*.

Compensation to Officers appointed by Hereditary Chief Proclamator or Hereditary Chief Usher, and to subordinate Officers.

XXIII. Every Person holding any Office or Appointment in the said Courts of Common Pleas or Exchequer under any Grant, Deed, or other Appointment from the said Hereditary Chief Proclamator, or Hereditary Chief Usher, and every other subordinate Officer, Assistant, or Attendant, whose Office shall be abolished under the Provisions of this Act, and who shall not be re-appointed to any Office in any of the said Superior Courts, shall be entitled to receive such a Sum in gross, or such an annual Sum, as the said Commissioners of Her Majesty's Treasury may fix and appoint, as a fair and reasonable Compensation for the Loss of any such Office or Appointment; and such Sums by way of Compensation shall be paid out of and charged and chargeable upon the said Consolidated Fund of *Great Britain* and *Ireland*; and the said Commissioners of Her Majesty's Treasury are hereby authorized and required to fix the Amount of such Sums to be paid by way of Compensation, and to pay the same to the said Persons whose Offices shall have been abolished under this Act.

Not to affect existing Messengers of Exchequer.

XXIV. That nothing herein contained shall affect the Rights of the existing Four Patent Messengers of the said Court of Exchequer, but there shall be paid to each of the present Messengers of the said Court, during their respective Lives, the Amount of the annual Salaries or Allowances to which they are now respectively entitled.

Appointments to be made without pecuniary Consideration.

XXV. All Appointments of Officers and Clerks to be made by virtue of this Act shall be so made without any pecuniary or other Consideration whatsoever, directly or indirectly, to be paid or received for the same; and all such Officers and Clerks shall execute their Duties in Person, and shall give their Attendance in Court or elsewhere, and shall conduct the Business of their several Departments or Offices at such Places and Hours, whether in Term Time or Vacation, and in every respect in such Manner as the Lord Chief Justices or the Lord Chief Baron and the other Justices and Barons of the said Courts respectively shall from Time to Time order and direct.

XXVI. If

XXVI. If any Officer of the said Courts, or any Clerk appointed or to be appointed under or by virtue of this Act, or any Person whatever employed in the Offices of the said Courts, shall for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining to his said Office, demand, take, receive, or accept, or allow any Person whatsoever to take for him, or on his Account, or for or on account of or in trust for him or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value, other than the Salary or Remuneration allowed or to be allowed to every such Officer, Clerk, or Person aforesaid, he shall forfeit a Sum of Fifty Pounds, to be recovered by Action of Debt at the Suit of Her Majesty's Attorney General, and upon Judgment being recovered therein he shall be incapable of any longer holding his Office or Employment. Officers and Clerks not to receive Gratuities on pain of Dismissal.

XXVII. In the event of any Reduction being hereafter made in the Number of the Officers or Clerks created or authorized by this Act, the Lord Chief Justices, Lord Chief Baron, Justices, Barons, and Associates of the said Courts respectively for the Time being, shall not be entitled to Compensation for the Loss of any Right of Appointment vested in them or any of them by virtue of this Act. No Compensation to be allowed for Loss of Right of Appointment.

XXVIII. 'And whereas upon the Circuits of the Judges of Assize and Gaol Delivery, a 'Fee of Six Shillings and Eightpence is now paid on every Cause to the Marshals of the 'Judges of Assize for the Use of the Judge:' Be it enacted, That the said Fee, and all other Payments upon the Circuits to or to the Use of the said Judges, shall be and they are hereby abolished. Certain Fees on Circuit abolished.

XXIX. The said Commissioners of Her Majesty's Treasury shall cause to be laid before Parliament, within Fourteen Days of its First Meeting in every Year, an Account made up to the Thirty-first Day of *December* previous, both with respect to the said Offices, and with respect to all other Offices in the Superior Courts of Law, of all Charges on the Consolidated Fund, by way of Compensation or otherwise, and of the gross and net Receipts of Fees in each of the said Offices, and of all Charges and Disbursements deducted therefrom, and of all Amounts fixed by way of Remuneration for any of the Holders of the said Offices respectively, and of any Salaries fixed under the Powers of this Act, and of all Salaries charged on the said Fees during the Year then last elapsed, and after the first such Account shall have been presented, then during the Two Years last elapsed, with a Statement of the Increase or Decrease of any of the said Items of Account in the second of such Years as compared with the first. Account to be laid before Parliament.

XXX. Where it shall be made to appear to the said Commissioners that any of the herein-before mentioned Officers omits to perform the Duties of his Office in Person, the said Commissioners, unless it shall be shown to their Satisfaction that such Omission arises from temporary and unavoidable Causes, and they shall in Writing approve of such Omission for a Period not exceeding at any One Time Six Months, shall, as the Case may be, require the whole of the Fees due to or received by such Officer for his own Use during the Time of such Omission to be accounted for and paid over as aforesaid, or shall cease to allow or pay any Salary otherwise due to such Officer during the Time of such Omission. Duties to be performed in Person.

XXXI. The Fees heretofore received on the Circuit by the Marshal's Man and the Judge's Bailiff respectively shall be and are hereby abolished; and no Fee, Gratuity, or Reward whatsoever shall be demanded or accepted by any one exercising or claiming to exercise either of the said Offices, or by any Servant or other Person attending the Circuit in any subordinate Office or Employment. Fees of Marshal's Men and Judge's Bailiff abolished.

XXXII. 'And whereas, by reason of abolishing the Office of Hereditary Chief Usher of 'the Court of Exchequer, and the Officers of the said Court appointed by that Officer, it 'becomes necessary to make Provision for the Duties hitherto performed by the said Here-'ditary Chief Usher and Persons, styled "Messengers of the Court of Exchequer," holding 'Offices or Places in the Patronage of and appointed by the said Hereditary Chief Usher:' The Duties hitherto performed by the said Hereditary Chief Usher and Messengers of As to Performance of Duties of Hereditary Chief Usher and Messenger of the Court of Exchequer.

the Court of Exchequer, so far as regards the Process issued and issuing from the Office of Her Majesty's Remembrancer in the Court of Exchequer, and of the Treasurer of the Governors of the Bounty of Queen *Anne*, on the Seal Day next after each and every Term, shall, from and after the Abolition of the said Offices of Messengers of the Court of Exchequer, be discharged by Her said Majesty's Remembrancer, and his Officers under his Direction, and the Officers of the said Treasurer of the Governors of the Bounty of Queen *Anne*, and shall be in all respects as valid and effectual to all Intents and Purposes as if performed by the said Hereditary Chief Usher and Messengers of the Court of Exchequer as heretofore, any Law or Usage to the contrary notwithstanding; and that it shall not be necessary in future for the Process herein-before referred to to be sealed before or in the Presence of the Cursitor Baron of the said Court of Exchequer on the said Seal Days as heretofore, but the same may be issued from the Office of Her said Majesty's Remembrancer and the Office of the Treasurer of the Governors of the Bounty of Queen *Anne*, and be respectively sealed in the Office of Her said Majesty's Remembrancer, who has the Custody or keeping of the Great Seal of the Exchequer.

SCHEDULE (A.)

OFFICERS and CLERKS of the JUDGES in the Superior Courts re-appointed by this Act.

Associate in the Court of Queen's Bench.
Associate in the Court of Common Pleas.
Associate in the Court of Exchequer.

SCHEDULE (B.)

OFFICERS and CLERKS who are to be paid by SALARIES instead of FEES.

The Associates in the Queen's Bench, Common Pleas, and Exchequer.
Senior Clerk in the Offices of the Associates in the Queen's Bench, Common Pleas, and Exchequer.
Junior Clerks in those Offices.
Clerk of Assize for the Performance of the Duties of Associate on the Northern Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the Western Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the Oxford Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the Midland Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the Home Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the Norfolk Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the North Wales Circuit.
Clerk of Assize for the Performance of the Duties of Associate on the South Wales Circuit.

JUDGES CLERKS.

Principal Clerks of the Lord Chief Justices of the Queen's Bench and Common Pleas, and Lord Chief Baron of the Exchequer.
Chamber Clerks to the same.
Third Clerks to the same.
Principal Clerks to the other Judges and Barons.
Chamber Clerks to the same.

SCHEDULE (C.)

Associates in the Courts of Queen's Bench, Common Pleas, and Exchequer.
Marshals on the Circuits.
Clerks of Assize as Associates.
Judges Clerks.