to as Chancery Masters Documents) should be transferred to the custody of the Clerks of Records and Writs of the said Court, and the Master of the Rolls is authorised to appoint a person to have the care of the said Chancery Masters Documents, at a salary not exceeding the sum therein mentioned; and such documents have since remained at the offices in Southampton Buildings, Chancery Lane, where the same were deposited at the passing of the said Act:

And whereas it is expedient to make further provision with respect to the Chancery Masters Documents: Be it therefore enacted, that—

1 & 2 Vict. c. 94.

The Chancery Masters Documents shall, after the passing of this Act, be under the charge and superintendence of the Master of the Rolls for the time being under the Public Record Office Act, 1838, in like manner as if they were records within the meaning of that Act and this Act, subject as follows:

(1.) No person shall be entitled to inspect the same without the consent of the Master of the Rolls and the Treasury; and

(2.) The Master of the Rolls, with the approval of the Treasury, may take such measures as may seem best for ascertaining the lawful owners of any of such documents, and may cause the same to be delivered to such lawful owners.

Section nine of the Act above recited in this section shall be construed as if the words Master of the Rolls were substituted therein for the words Clerks of Records and Writs wherever used in the said section.

Construction and short title.

3. This Act shall be construed as one with the Act of the session of the first and second years of the reign of Her present Majesty, chapter ninety-four, intituled "An Act for "keeping safely the Public Records," which Act is in this Act referred to and may be cited as the Public Record Office Act, 1838, and that Act and this Act may be cited together as the Public Record Offices Acts, 1838 and 1877, and this Act may be cited as the Public Record Office Act, 1877.

CHAPTER 56.

An Act to amend the Laws relating to County Officers and to Courts of Quarter Sessions and Civil Bill Courts in Ireland. [14th August 1877.]

WHEREAS it is expedient to amend the laws relating to the offices of Clerk of the Crown and Clerk of the Peace, and to the Courts of Quarter Sessions and Civil Bill Courts in Ireland, to provide for the union of such offices, and to extend the jurisdiction of such courts:

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, as follows:

Preliminary.

Application of Act.

1. This Act shall apply to Ireland only.

Short title.

2. This Act may be cited as "The County Officers and Courts (Ireland) Act, 1877."

Title of the chairman.

3. The chairmen, not being Recorders, shall, from and after the commencement of this Act, be styled "County Court Judges and Chairmen of Quarter Sessions."

Commencement of Act.

4. Parts I., III., and IV. of this Act shall come into operation upon the passing of this Act. Part II. of this Act shall come into operation upon the first day of January one thousand eight hundred and seventy-eight.

Short title of 14 & 15 Vict. c. 57.

5. The Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-seven, may be cited as "The Civil Bill Courts (Ireland) Act, 1851."

6. The several enactments mentioned in Schedule (A.) to this Act shall be and the same are hereby repealed, but this repeal shall not affect— Repeal of statutes.

(*a.*) Anything heretofore duly done or suffered under any enactment hereby repealed; or

(*b.*) Any right or liability heretofore acquired, accrued, or incurred under any enactment hereby repealed; or

(*c.*) Any security heretofore given under any enactment hereby repealed; or

(*d.*) Any liability, penalty, forfeiture, or punishment incurred in respect of any offence heretofore committed against any enactment hereby repealed; or

(*e.*) Any proceeding heretofore duly instituted; or

(*f.*) Any investigation, legal proceeding, or remedy in respect of any such right, liability, security, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, or remedy may be instituted, carried on, and enforced as if this Act had not been passed.

7. In this Act— Interpretation of terms.

The term "Lord Lieutenant" shall mean the Lord Lieutenant-General and General Governor of Ireland, and shall include the Lords Justices or other chief governors or governor of Ireland for the time being:

The term "Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper or Lords Commissioners for the custody of the Great Seal in Ireland:

The term "Court of Chancery" shall mean the High Court of Chancery in Ireland:

The term "Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury for the time being, or any two of them:

The term "county" shall include a county of a city, county of a town, county of a town and city, city and county, and riding of a county, and any county and borough in which a union of the offices of Clerk of the Crown and Clerk of the Peace shall have been made pursuant to this Act:

The term "grand jury" shall include any town council authorised to make presentments:

The term "borough" shall mean any borough, not being a county of a city or county of a town, to which a separate commission of the peace has been or shall be granted:

The term "chairman" shall mean the chairman of quarter sessions of any county or counties, and shall include each of the Recorders of the cities of Dublin, Cork, and Londonderry, and of the towns of Belfast and Galway respectively:

In Parts II., III., and IV. of this Act the term "Clerk of the Peace" shall include the Clerk of the Crown and Peace:

The term "Civil Bill Court" shall include any court for the transaction of civil business held before any chairman or recorder, and any land court, and any court of quarter sessions for the transaction of licensing business:

The term "Registrar of Civil Bills" or registrar shall include the registrar of any Civil Bill Court or Recorder's Court.

PART I.

Officers.

8. (1.) Whenever either of the offices of Clerk of the Crown or of Clerk of the Peace for any county or borough shall become or be vacant, if the person then holding the other of the said offices shall be willing to accept the vacant office, the Lord Lieutenant may order that the said offices be united, and may appoint to the united office such person as aforesaid. The said offices shall thenceforth remain united, and the person holding the same shall be called the Clerk of the Crown and Peace for the county or borough. If such person shall refuse to accept such appointment, or if the Lord Lieutenant shall not deem it expedient to appoint him, the Lord Lieutenant may appoint to the vacant office a fit and proper person to be temporary Clerk of the Crown or temporary Clerk of the Peace, as Union of offices of Clerk of the Crown and Clerk of the Peace.

the case may be. The temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Crown or Clerk of the Peace, as the case may be, for the county or borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the other of the said offices shall become vacant, whichever shall first happen:

(2.) Whenever both the said offices for any county or borough shall become or be vacant at the same time, the Lord Lieutenant shall order that the said offices be united, and shall appoint to the united office one fit and proper person, qualified as herein-after mentioned, and the said offices shall thenceforth remain united, and the person holding the same shall be called the Clerk of the Crown and Peace for the county or borough:

(3.) Whenever both the said offices for any borough shall become or be vacant at the same time, and the Lord Lieutenant shall deem it expedient to unite the said offices with the office of Clerk of the Crown and Peace for any county surrounding or adjoining such borough, the Lord Lieutenant may order that the said offices be united with the office of Clerk of the Crown and Peace for such county, and may appoint to the office of Clerk of the Crown and Peace for the borough the Clerk of the Crown and Peace for such county, or if there shall be no such Clerk of the Crown and Peace, or if he shall refuse to accept such appointment, may appoint a fit and proper person to be temporary Clerk of the Crown and Peace for the borough; and the temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Crown and Peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the Clerk of the Crown and Peace for any such county shall be appointed to the office of Clerk of the Crown and Peace for the borough, whichever shall first happen; and upon the appointment of one person to the same, the offices of Clerk of the Crown and Peace for such borough and of Clerk of the Crown and Peace for such county shall be and thenceforth remain united, and the person holding the same shall be called Clerk of the Crown and Peace for the county and borough:

(4.) Whenever the office of Clerk of the Peace for any borough for which the office of Clerk of the Crown does not exist shall become or be vacant, the Lord Lieutenant may order that it be united with the office of Clerk of the Crown and Peace for any county adjoining or surrounding such borough, and may appoint to the office of Clerk of the Peace for such borough the Clerk of the Crown and Peace for such county, or if there shall be no such Clerk of the Crown and Peace, or if he shall refuse to accept such appointment, may appoint a fit and proper person to be temporary Clerk of the Peace for the borough; and the temporary clerk so appointed shall hold such office and perform all the duties of Clerk of the Peace for the borough until he shall die, or resign, or be removed by the Lord Lieutenant, or until the Clerk of the Crown and Peace for any such county shall be appointed to the office of Clerk of the Peace for the borough, whichever shall first happen; and upon the appointment of one person to the same, the offices of Clerk of the Peace for such borough and of Clerk of the Crown and Peace for such county shall be and thenceforth remain united, and the person holding the same shall be called Clerk of the Crown and Peace for the county and borough:

(5.) At any time after the passing of this Act, and from time to time until such union of offices as aforesaid, the Lord Chancellor may, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of Registrar of the Civil Bill Court of any county or borough, appoint by order a fit and proper person to be temporary Registrar of such Civil Bill Court; and every person so appointed shall hold such office, and discharge such duties in relation to such court, as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the office of Clerk of the Peace for such county or borough shall become vacant, whichever shall first happen; and upon the occurrence of such vacancy, provision shall be made for the proper

discharge of such duties by the appointment of a temporary Clerk of the Peace or of a Clerk of the Crown and Peace.

Appointment of additional officers.

9. If at any time after the passing of this Act it shall appear to the Lord Chancellor and the Treasury that the staff of officers for the time being provided for any county or borough or Civil Bill Court is insufficient for the proper discharge of the duties of Clerk of the Crown and Clerk of the Peace, or of Clerk of the Crown and Peace, such additional clerk or clerks may be appointed to discharge such of the said duties during such periods and subject to such regulations as may from time to time be prescribed by rules or orders to be made as herein-after provided; provided that every such appointment shall be made as follows:

(*a.*) Before the union of the offices of Clerk of the Crown and Clerk of the Peace the appointment shall be made and may be determined by the chairman:

(*b.*) After the union of the offices of Clerk of the Crown and Peace the appointment shall be made and may be determined by the Clerk of the Crown and Peace:

(*c.*) Every person appointed shall possess such qualifications and may be required to pass such examination as the Lord Chancellor may from time to time by order prescribe:

(*d.*) Every such appointment shall be subject to the approval of the Lord Chancellor:

(*e.*) Every person so appointed shall be removable by the Lord Chancellor.

Registrars to be appointed.

10. A Registrar of the Civil Bill Court or courts held before each chairman shall be appointed to discharge such duties and to exercise such powers and authority in connexion with all or any part of the civil jurisdiction of the said chairman, and subject to such regulations and to such obligations and control, as may from time to time be prescribed by rules and orders to be made as herein-after provided: Provided that every such appointment shall be made subject to the following provisions:

(*a.*) The appointment shall be made by the chairman, subject to the approval of the Lord Chancellor:

(*b.*) Every person so appointed shall be removable by the Lord Chancellor at his discretion, and shall hold his office until he shall die or resign, or be so removed, or until the chairman who shall have appointed him shall vacate his office:

(*c.*) Every person appointed shall be an attorney or solicitor, or shall have held the office of Clerk, or temporary Clerk, or Deputy Clerk of the Crown, or of Clerk, or temporary Clerk, or Deputy Clerk of the Peace, or of Registrar or temporary Registrar of Civil Bills, or of additional clerk appointed under the last preceding section.

No Registrar shall, either by himself or his partner or agent, be directly or indirectly engaged or concerned as attorney or agent for any party to any proceeding in any Civil Bill Court to which he is attached; and any Registrar offending against this enactment shall for every such offence forfeit and pay the sum of fifty pounds to any person who shall sue for the same in any of Her Majesty's superior courts at Dublin.

Appointment of Clerks of Crown and Peace.

11. Every Clerk of the Crown and Peace appointed under the provisions of this Act shall hold such office and perform all the duties of Clerk of the Crown and of Clerk of the Peace for the county or borough for which he shall be appointed, and such other duties as he may be directed to perform under the provisions of this Act until he shall die, or resign, or be removed for misconduct or incapacity by the Lord Chancellor; and whenever any such office shall become vacant, the Lord Lieutenant shall appoint one fit and proper person, qualified as herein-after mentioned, to the same.

Qualification of officers.

12. No person shall be appointed to be Clerk of the Crown and Peace unless he shall be a practising attorney or solicitor of six years standing, or unless he shall at the time of the passing of this Act hold, or shall have heretofore held, the office of Clerk of the Crown or Clerk of the Peace, or Deputy Clerk of the Crown or Deputy Clerk of the Peace, and the Lord Chancellor shall certify that he is competent to discharge the duties of Clerk of the Crown and Peace: Provided that any attorney or solicitor who may be appointed to the office of temporary Clerk of the Crown, or temporary Clerk of the Peace,

or temporary Registrar or Registrar, or who shall act or have acted as deputy to any Clerk of the Crown or Clerk of the Peace, shall be deemed to have been a practising attorney or solicitor during such time as he shall have held such office or acted as such deputy.

Officers to discharge duties in person, and not to practise.

13. Every person appointed to any office under this part of this Act shall discharge the duties of his office in person, and not by deputy, except in case of illness or other temporary and exceptional circumstances; no person holding the office of Clerk of the Crown and Peace shall practise as an attorney or solicitor, nor shall he act in the commission of the peace; every Clerk of the Crown and Peace shall be deemed to be an officer serving in the permanent civil service of the State, and shall be bound to devote his whole time to the duties of his office.

Temporary officers and deputies not entitled to superannuation.

14. No officer, registrar, or clerk appointed to any temporary office under this Act, or deputy appointed after the passing of this Act, shall be entitled to any superannuation allowance or compensation upon his retirement or removal from, or upon the determination of, his office or appointment.

Office expenses.

15. The Treasury may from time to time direct that such annual or other allowance as they shall think proper shall be made to any existing officer or person appointed under this Act for defraying the expense of necessary clerical assistance, postage, books, stationery, and other requisites of his office.

Certain officers not entitled to superannuation.

16. If any Clerk of the Crown appointed for any county or borough after the first day of January one thousand eight hundred and sixty-seven, or any Clerk of the Peace appointed for any county or borough after the twelfth day of February one thousand eight hundred and seventy-seven, who on accepting his appointment stated that he did so without any reservation in regard to any future steps that Parliament or the Government might be pleased to adopt connected with it, shall refuse to accept any office of Clerk of the Crown and Peace of which the salary and emoluments shall not be less than those of his previous appointment, the Lord Lieutenant may direct that such person shall cease to hold the said office of Clerk of the Crown or of Clerk of the Peace without being entitled to any superannuation allowance or compensation whatsoever, and his office shall thereupon be deemed vacant: Provided that any Clerk of the Crown or Clerk of the Peace, being an attorney or solicitor and holding office at the passing of this Act, may, on accepting any such office of Clerk of the Crown and Peace, elect to continue to practise as an attorney or solicitor, anything in this Act to the contrary notwithstanding; but in the event of his so electing, he shall not be entitled to any superannuation allowance or pension.

Powers and duties of officers.

17. Every person who shall be appointed to the office of Clerk of the Crown and Peace for any county or borough shall, subject to such provisions as may be made relating to any registrar appointed under this Act, have and exercise all the powers, jurisdictions, and authorities belonging to or exerciseable by virtue of each of the offices of Clerk of the Crown and Clerk of the Peace and Registrar of Civil Bills for such county or borough respectively, and every person appointed temporary Clerk of the Crown or temporary Clerk of the Peace or temporary Registrar, or otherwise temporarily employed to discharge any of the duties of the offices of Clerk of the Crown or Clerk of the Peace or Registrar of Civil Bills under this Act, shall have and exercise, while he shall be so employed and in respect of the duties which he shall be so employed to discharge, the like powers, jurisdictions, and authorities, and be subject to the like obligations and control, as if he were a permanent officer.

Discharge of duties by present Clerks of the Crown and of the Peace.

18. No Clerk of the Crown or Clerk of the Peace shall after the passing of this Act discharge any of the duties of his office by any deputy who shall not have been approved of as a sufficient deputy by the Lord Chancellor; and any such Clerk of the Crown or Clerk of the Peace discharging any such duties by any deputy not so approved shall by so doing forfeit all right to any salary during the time of the discharge of his duties by a deputy not so approved, and shall, in case the Lord Chancellor so direct, cease to hold the office of Clerk of the Crown or Clerk of the Peace, as the case may be.

Security to be given by officers.

19. Every person appointed to the office of Clerk of the Crown and Peace, or temporary Clerk of the Crown or temporary Clerk of the Peace, or Registrar or temporary Registrar, shall, before entering upon the duties of such office, give security for the due discharge of the duties of such office in double the amount of his estimated annual salary or emoluments in such manner as the Lord Chancellor, with the consent of the Treasury, may by order from time to time prescribe.

Payment of salaries pending union of offices.

20. (1.) Every salary and remuneration which at the time of the passing of this Act shall be presentable or payable to or for any Clerk of the Crown or Clerk of the Peace shall, so long as the office shall be held by the person who at the time of the passing of this Act shall hold the same, or by any temporary Clerk of the Crown or temporary Clerk of the Peace, be presented and paid at the same times and in the same manner as if this Act had not been passed; and so long as any person who at the time of the passing of this Act shall hold the office of Clerk of the Crown or of Clerk of the Peace, or his deputy heretofore appointed, shall be entitled to receive any special pension under this Act, such special pension shall be presented and paid at the same times and in the same manner as the salary of the office was presentable and payable at the time of the passing of this Act: Provided always, that the present Clerk of the Peace for the county of Wexford shall only be entitled to the salary and remuneration aforesaid until the death or resignation of the present Clerk of the Crown for the said county, whichever of said events shall first happen, whereupon the said clerk of the peace (unless appointed to the office of Clerk of the Crown and Peace) shall retire without any right to pension, superannuation, or compensation:

(2.) Every temporary Clerk of the Crown and temporary Clerk of the Peace shall, so long as he holds such office, be entitled to take and receive all such presentments, payments, fees, and other emoluments as would be presentable or payable to him if he were Clerk of the Crown or Clerk of the Peace, as the case may be, and had been appointed before the passing of this Act:

(3.) After the union of the offices of Clerk of the Crown and Clerk of the Peace for any county or borough no further moneys, except any special pensions payable under this Act, shall be presented or paid in such county or borough for or in respect of the salaries or remuneration of Clerk or temporary Clerk of the Crown, or of Clerk or temporary Clerk of the Peace; but notwithstanding the union of the offices of Clerk of the Crown and Clerk of the Peace, and both before and after such union, all sums now presentable or payable, other than such salaries or remuneration, shall continue to be presented and paid in the same manner as heretofore.

Fees to be paid to Treasury after union of offices.

21. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time after the passing of this Act make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which all or any expenses and remuneration heretofore presentable and payable to any Clerk of the Peace for carrying into effect the provisions of the Acts relating to the registration of voters, or otherwise in respect of such registration, shall be calculated, and may, as well in respect of the matters aforesaid, as also in fixing any scale or scales of remuneration of Clerks of the Peace under the provisions of the Juries (Ireland) Acts, provide that any actual expenses shall be distinguished from any profits or remuneration presentable to and receivable by any Clerk of the Peace for his own use for or in respect of any duties imposed upon him by any Act relating to the registration of voters, or by the Juries (Ireland) Acts; and thereupon all such expenses and such profits and remuneration shall in each case be separately calculated, presented, and paid according to the scale or scales so fixed, and for the time being in force, and not otherwise, and the respective accounts thereof shall be audited and vouched as the Lord Lieutenant in Council may by order provide.

After the union of offices of Clerk of the Crown and Clerk of the Peace for any county or borough, the amount of all profits and remuneration which, but for the passing of this Act, would have been presentable to and receivable by any Clerk of the Peace for his

own use for or in respect of any duties imposed on him by any of the said Acts shall be presented to and receivable by Her Majesty's Exchequer; but notwithstanding such union the amount of all such actual expenses as aforesaid shall continue to be presented and paid in the same manner as theretofore.

From and after the union of the offices of Clerk of the Crown and Clerk of the Peace for any county or borough, all fees and emoluments (including the profits and remuneration presentable and payable under the next preceding provision) which, but for the passing of this Act, would be receivable by or payable to any Clerk of the Crown or Clerk of the Peace or Registrar of Civil Bills whose office shall have been included in such union, and all other fees and emoluments to be levied or paid under the provisions of this Act, shall be receivable by Her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to fixing and collecting fees taken in Civil Bill Courts, or by Clerks of the Crown or Clerks of the Peace or Registrars of Civil Bills, and to accounting for the same, and to paying the same into the receipt of Her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to all fees and emoluments receivable by Her Majesty's Exchequer as aforesaid.

Clerk of the Crown or Peace to keep an office in assize town.

22. Every Clerk or temporary Clerk of the Crown, Clerk or temporary Clerk of the Peace, and Clerk of the Crown and Peace for any county or borough shall keep an office in the town in which the assizes for such county shall be holden, or in the said borough; and such office, unless the Lord Chancellor shall otherwise direct, shall be kept open by such officer, or, during his necessary absence, by a fit and competent clerk, to be employed by him at his own expense, between the hours of eleven and four o'clock in the day every day, except Sunday, Good Friday, Christmas Day, and such other days as the Lord Chancellor may prescribe; and if any such officer shall neglect to keep such office open on such days and during such time as aforesaid, he may be fined by any judge of assize at any assizes for such county, or by the chairman of the county, such sum, not exceeding ten pounds, as such judge or chairman shall think proper for every such neglect: The grand jury of any county or borough may provide and assign for such office any apartment or apartments in any public court house under the control of such grand jury in such town or borough as aforesaid.

Provision in case of death of officers.

23. If any Clerk or temporary Clerk of the Crown, or Clerk or temporary Clerk of the Peace, or Registrar of Civil Bills, or Clerk of the Crown and Peace, or deputy of any such Clerk, or any temporary Registrar, shall die or be necessarily absent or become incapacitated from discharging his duties during any assizes, the judges of assize, or one of them, may appoint a fit and proper person to discharge the duties of such officer during such assizes; and if such death, absence, or incapacity shall occur during the holding of any quarter sessions or Civil Bill Court, the chairman may appoint a fit and proper person to discharge the duties of such officer during the holding of such sessions or court, and any person so appointed shall have for the purpose of discharging such duties all the power and authority, and while he shall hold such appointment shall be subject to all the liabilities which the officer so dying, or being absent, or becoming incapacitated would have had, or to which he would have been liable if continuing to act. Every person appointed under this section shall be paid such remuneration as the Lord Chancellor may from time to time by order direct, the same to be paid out of the salary or remuneration provided for the officer whose duties shall be performed by the person so appointed.

Special pensions to present holders of offices.

24. At any time after the passing of this Act, and notwithstanding the provisions of any other Act of Parliament regulating the grant of pensions or superannuation allowances, the Lord Lieutenant may, with the approval of the Treasury, grant to any Clerk of the Crown or Clerk of the Peace (except the Clerk of the Peace for the county of Wexford) who shall be in office at the passing of this Act, and shall retire from his office, such annual sum by way of special pension as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two thirds of the entire yearly salary, fees, and emoluments of the office of such person, calculated upon the average of the five years next preceding such retirement, less by the amount of the annual sums

(if any) paid by him to, and the emoluments (if any) received by, his deputy; and may also grant in like manner to any such deputy heretofore appointed such annual sum as, having regard to length of service and the other circumstances of each case, he may think fit, not exceeding two thirds of the entire yearly amount of the sums and emoluments (if any) so payable to or receivable by him, calculated upon the like average; and any sums granted in pursuance of this section shall be presented and paid in manner hereinbefore provided, and without any application to presentment sessions.

Registrars of Civil Bills.

25. The provisions of this Act as to special pensions shall apply to every person appointed before the twelfth day of February one thousand eight hundred and seventy-seven, and who at the time of the passing of this Act shall hold the office of Registrar of Civil Bills in any borough, and the special pension payable to every such person shall be paid by the Treasury out of such funds as may from time to time be provided by Parliament. Upon the occurrence of the next vacancy after the passing of this Act in each such office it shall cease and determine. At any time after the passing of this Act, and from time to time until the appointment of a Clerk of the Crown and Peace for such borough, it shall be lawful for the Lord Chancellor, with the consent of the Treasury, if he shall deem it necessary for the proper discharge of the duties of any such Registrar, to appoint by order a fit and proper person to be temporary Registrar, and every person so appointed shall hold such office and discharge such duties in relation to the Civil Bill Court or Recorder's Court of the borough as such order may direct, until he shall die, or resign, or be removed by the Lord Chancellor, or until the appointment of a Clerk of the Crown and Peace for the borough, whichever shall first happen. From and after the occurrence of the next vacancy after the passing of this Act in each such office of Registrar of Civil Bills, all fees and emoluments which, but for the passing of this Act, would be receivable by or payable to such Registrar, and all other fees and emoluments to be levied or paid under the provisions of this Act in respect of the duties of such office heretofore performed by such Registrar, or hereafter to be performed by any officer appointed to perform the same, shall be receivable by Her Majesty's Exchequer, and shall be collected and paid over in such manner as the Treasury from time to time shall direct; and the several provisions of any Act or Acts with respect to the fixing and collecting of fees taken in any Civil Bill Court or Recorder's Court, and the paying of the same into the receipt of Her Majesty's Exchequer, shall, so far as the same may be applicable, be applied to the fees and emoluments in this section mentioned.

Pensions to officers appointed under this Act.

22 Vict. c. 26.

26. The Lord Lieutenant may, with the approval of the Treasury, grant to any Clerk of the Crown and Peace, or Registrar or additional Clerk, or other permanent officer appointed under this Act, upon his retirement from office, a pension, the amount whereof shall be ascertained and determined in respect of his service in such office according to the principles of the Superannuation Act, 1859, and which shall be subject to the conditions and provisions of that Act.

Payments by Treasury of salaries, &c. under this Act.

27. The Treasury shall, out of such funds as may from time to time be provided by Parliament, make the following payments to the persons, and in manner herein-after mentioned, in each and every year:

(1.) To every person who at the time of the passing of this Act shall hold the office of Clerk of the Peace or Registrar of Civil Bills such salary, in addition to his other emoluments, as the Treasury, with the concurrence of the Lord Chancellor, shall from time to time direct, having regard to the additional duties which he may hereafter be obliged to discharge:

(2.) To the several Clerks of the Crown and Peace the respective salaries in Schedule D. to this Act specified: Provided that the Lord Lieutenant and Council may from time to time, having regard to the duties of the several offices, by order vary the amount of any one or more of the said salaries, but not so as to diminish the salary of any officer during his tenure of office, nor so as to increase the total amount in the said schedule mentioned:

(3.) To every temporary Registrar, Registrar, and additional Clerk appointed under this Act, such salary as the Treasury, with the concurrence of the Lord Chancellor, shall direct, having regard to the duties of the office:

(4.) Such sums as may from time to time be allowed as herein-before provided for clerical assistance, or other office expenses, to be paid to such persons and in such manner as the Treasury, with the consent of the Lord Chancellor, shall from time to time direct:

(5.) To the several Clerks of the Crown and Peace, Registrars, and additional Clerks, and other permanent officers appointed under this Act, to whom pensions may be granted as herein-before provided, the amounts which shall from time to time be payable to them respectively:

(6.) To the Process Officers of the Court such additional salary, if any, as the Treasury, with the concurrence of the chairman of each county, shall from time to time direct.

Provisions regarding the Clerk of the Peace of the city of Dublin continued pending consolidation.

28. Until the union of the offices of Clerk of the Crown and Clerk of the Peace for the city of Dublin, the provisions of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-seven, in relation to the office of Clerk of the Peace for the county of the city of Dublin, shall continue in force and shall apply to the person who at the passing of this Act shall hold the said office, and also to any person who may be appointed temporary Clerk of the Peace for the city of Dublin under the provisions of this Act; but from and after the union of the offices of Clerk of the Crown and of Clerk of the Peace for the county of the city of Dublin all the provisions of this Act shall apply to the office of Clerk of the Crown and Peace for the city of Dublin, and to the fees and emoluments of the several offices of Clerk of the Crown, Clerk of the Peace, and Registrar of Civil Bills for the city and borough of Dublin.

Chief and assistant clerks of Clerk of the Peace for Dublin.

29. Until the union of the offices of Clerk of the Crown and Clerk of the Peace for the city of Dublin, the town council of the borough of Dublin may, with the approval of the Lord Lieutenant, in lieu of and in the same manner as the salaries fixed by the twelfth section of the Act passed in the session of Parliament held in the twelfth and thirteenth years of the reign of Her present Majesty, chapter ninety-seven, present and pay to the chief clerk and assistant clerk of the Clerk of the Peace such salaries as, having regard to the duties of their respective offices and to their length of service, the said town council, with the concurrence of the Lord Lieutenant, shall think adequate.

Officers to make returns of official business.

30. Every Clerk or temporary Clerk of the Crown, Clerk or temporary Clerk of the Peace, Clerk of the Crown and Peace, Registrar of Civil Bills, temporary and other Registrar, Clerk, and officer herein-before mentioned shall, whenever required so to do, prepare, fill up, and transmit to the Chief or Under Secretary to the Lord Lieutenant, or to such other person as the Chief or Under Secretary shall appoint, such schedules, returns, and information relating to the business transacted in his office as shall from time to time be required by the said Chief or Under Secretary.

PART II.

Equitable Jurisdiction.

Annual value of lands, how ascertained.

31. Whenever for the purposes of any proceeding under the provisions of this Act it shall be necessary to ascertain the annual value of any lands, such annual value shall in all cases where there shall be a separate valuation of the whole or any part of the lands, under the Acts in force for the time being for the valuation of rateable property in Ireland, be established as to such lands or part thereof by proof of such valuation, and in all cases where there shall not be such a separate valuation of the whole or any part of the lands, then such annual value shall be estimated as to such lands or part thereof according to the principles of valuation prescribed by the said Acts, and may be established by any legal evidence. The expression "annual value" in this Act shall, as to lands, mean the annual value established as herein-before provided. The expression "personalty" in this Act shall not include chattels real unless the contrary be expressed.

"Personalty" defined.

Proof of valuation.

32. In addition to such copies or extracts as under any other statute in that behalf may be received and given in evidence as proof of the valuation of any lands, any copy or extract certified under the hand of the clerk of the union to be a true copy of the valuation of any lands as appearing in the rate book of the union, or any examined copy thereof, shall be deemed and taken for the purposes of any proceeding in any Civil Bill Court to be sufficient proof of the valuation of such lands until the contrary is shown.

Civil Bill Courts to have the jurisdiction of the Court of Chancery in certain matters.

33. The several Civil Bill Courts in Ireland shall, in addition to the jurisdiction now possessed by them, have and exercise all the power and authority of the High Court of Chancery in the suits and matters herein-after mentioned; that is to say,

(*a.*) In all suits by creditors, legatees, (whether specific, pecuniary, or residuary,) devisees (whether in trust or otherwise), heirs-at-law, or next-of-kin, in which the estate against or for an account or administration of which the demand may be made, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(*b.*) In all suits for the execution of trusts in which the trust estate or fund, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(*c.*) In all suits for foreclosure, sale, or redemption of, or for enforcing any mortgage charge or lien upon, lands where the mortgage charge or lien shall not exceed in amount five hundred pounds, and the annual value of the lands to which the suit relates shall not exceed thirty pounds:

(*d.*) In all suits for the specific performance of any agreement for the sale, purchase, or letting of any property, or for the reforming, delivering up, or cancelling any such agreement, where in the case of a sale or purchase, the purchase money shall not exceed five hundred pounds, or in the case of a letting the annual value of the property to which the suit relates shall not exceed thirty pounds:

(*e.*) In all proceedings under the Married Women's Property Act, 1870, where the property of the married woman shall not exceed in amount or value the sum of five hundred pounds: 33 & 34 Vict. c. 93.

(*f.*) In all suits for the taking of any partnership account, or for the dissolution or winding up of any partnership, in which the whole property, stock, and credits of the partnership shall not exceed in amount or value the sum of five hundred pounds:

(*g.*) In all proceedings for partition where the property to which the proceedings relate shall not exceed the annual value of thirty pounds:

(*h.*) In all proceedings by a landlord against a tenant to stay waste, whether an account be prayed or not, where the annual value of the holding to which the proceedings relate shall not exceed thirty pounds:

(*i.*) In all proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or under any of such Acts, in which the trust property to which the proceedings relate, so far as it is personalty, shall not exceed in amount or value five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(*k.*) In all proceedings relating to the maintenance or advancement or for the protection of the property of an infant, where the property of the infant, so far as it is personalty, shall not exceed in amount or value the sum of five hundred pounds, and so far as it consists of lands shall not exceed the annual value of thirty pounds:

(*l.*) In all proceedings for orders in the nature of injunctions, where the same are requisite for granting relief in any matter in which jurisdiction is given to the Civil Bill Courts, or for staying proceedings at law to recover any debt provable under a decree for the administration of an estate made by the court to which the application for the order to stay proceedings is made.

Powers and duties of chairman and officers.

34. In all such suits and matters as aforesaid, every chairman, in addition to the powers and authorities at the passing of this Act possessed by him, shall for the purposes of this Act have all the powers and authorities of a judge of the High Court of Chancery; and in all matters in which the Civil Bill Court has jurisdiction, under this Act or otherwise, the Clerk of the Peace, Registrar, and every other officer of the Civil Bill Court shall discharge all such duties as may be prescribed by any rules or orders to be made as herein-after provided, and any other duties which an officer of the Court of Chancery might discharge, either under an order of a judge of such court, or under the practice thereof.

Power to transfer suits to the Court of Chancery.

35. The Lord Chancellor, on the application of any party to any suit or matter in which jurisdiction is by this part of this Act conferred pending in any Civil Bill Court, may then and there, or, if he shall think fit, after a summons shall have been served upon the other party or parties, transfer such suit or matter to the Court of Chancery, upon such terms (if any) as to security for costs or otherwise as he may think fit.

Power to transfer certain suits commenced in Chancery to the Civil Bill Court.

36. Where any suit or proceeding shall be pending in the High Court of Chancery which might have been commenced in a Civil Bill Court, any of the parties thereto may apply to the judge to whose court the said suit or proceeding shall be attached to transfer the same to any Civil Bill Court in which the same might have been commenced; and such judge may upon such application, or without such application, if he shall see fit, make an order for such transfer, and may make such order (if any) as to the costs incurred before such transfer, as he may think fit, and thereupon such suit or proceeding shall be carried on in the Civil Bill Court to which the same shall be ordered to be transferred, and the parties thereto shall have the same right of appeal which they would have had if the suit or proceeding had been commenced in such Civil Bill Court.

Transfer to the Court of Chancery of suits exceeding the jurisdiction of the Civil Bill Court.

37. If during the progress of any suit or matter pending in a Civil Bill Court under this part of this Act it shall be made to appear to the chairman that the subject matter exceeds the limit of amount or value to which the jurisdiction of the chairman is hereby limited, it shall not affect the validity of any order or decree theretofore made, but unless the parties shall, by a memorandum of consent signed by them or their respective attorneys, consent that the chairman shall proceed in and determine the said suit or matter, the chairman shall direct the said suit or matter to be transferred to the Lord Chancellor, who may regulate the whole of the further proceedings in the said suit or matter when so transferred, and may either retain the said cause within his own jurisdiction for his own decision, or if it shall appear to him for the interest of justice that the same should proceed in the Civil Bill Court where it was commenced may so direct, and such order or consent of the parties shall confer jurisdiction on such court to proceed in and determine such suit or matter, and the decree or order of the Civil Bill Court in any such suit or matter shall be subject to appeal, except in cases of consent in which the memorandum shall otherwise provide.

Payment into the Court of Chancery of legacies to infants or persons beyond seas.

38. Any legacy or sum of money to which any person who is an infant or absent beyond seas may be declared entitled by any chairman in any suit or matter may be ordered by the chairman to be paid to the Accountant General of the Court of Chancery, in accordance with the provisions of section thirty-three of an Act passed in the session of Parliament held in the fifty-fourth year of the reign of His late Majesty King George the Third, chapter ninety-two, and the person ordered to pay the same shall, within such time as the chairman shall direct, produce to the Clerk of the Peace of the county the certificate of the Accountant General of the payment of such money; and if default shall be made in such payment, the chairman may direct a warrant of execution to issue to the sheriff of the county, who, by such warrant, shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels of such person a sum of money equal in amount to the sum which he was ordered to pay to the said Accountant General, with the costs incurred by reason of such default, and the sum so levied shall be paid to and be receivable by the said Accountant General under the direction of the chairman; and all amounts so paid or transferred into the Court of Chancery, with any dividends

thereon, may be invested and may be paid out or transferred to the person or persons entitled thereto, or otherwise applied for his or their benefit, as the Lord Chancellor shall direct.

As to deposit of money paid into court in equitable proceedings.

39. The Lord Chancellor, with the concurrence of the chairman of each county, may from time to time order at what places and in what post office savings banks or other banks moneys paid into court in any equitable proceeding under this Act shall be deposited, and may make rules and regulations for such deposits; and every such deposit, if in a post office savings bank, may be made without restriction as to amount, and without the declaration required of a depositor; and no money when deposited under this Act shall be paid out except upon an order signed by the Lord Chancellor or by the chairman of the court by the order of which the money was deposited.

In what courts proceedings shall be taken.

40. Proceedings under the authority of this part of this Act shall be taken in the Civil Bill Courts herein-after mentioned; that is to say,

(*a.*) Proceedings relating to the sale, redemption, or partition of any lands, or for enforcing any mortgage charge or lien upon any lands, or which pray an injunction to stay waste upon lands, shall be taken in the Civil Bill Court of the county in which the lands, or any part thereof, shall be situate:

(*b.*) Proceedings under the Married Women's Property Act, 1870, shall be taken in the Civil Bill Court within the jurisdiction of which the person or persons making the application, or any of such persons, shall reside: 33 & 34 Vict. c. 93.

(*c.*) Proceedings for the administration of the assets of a deceased person shall be taken in the Civil Bill Court within the jurisdiction of which the deceased person had his last place of abode or place of business in Ireland, or within the jurisdiction of which the executors or administrators, or any of them, shall reside:

(*d.*) Proceedings in partnership cases shall be taken in the Civil Bill Court within the jurisdiction of which the partnership business shall be or have been carried on, or in which the defendants, or any of them, shall reside or carry on business:

(*e.*) Proceedings for the specific performance, or for the reforming, cancelling, or delivering up of any agreement shall be taken in the Civil Bill Court within the jurisdiction of which the defendants, or any of them, shall reside, or have a place of business, or in which the property affected, or any part thereof, shall be situate:

(*f.*) Proceedings under the Trustee's Relief Acts, or under the Trustee Acts, or any of such Acts, shall be taken in the Civil Bill Court within the jurisdiction of which the persons making the application, or any of them, shall reside:

(*g.*) Proceedings relating to infants shall be taken in the Civil Bill Court within the jurisdiction of which the infants, or any of them, shall reside:

(*h.*) Proceedings not otherwise provided for shall be taken or instituted in the Civil Bill Court within the jurisdiction of which the defendants, or any of them, shall reside or carry on business:

Provided that if during the progress of any such suit, matter, or proceeding it shall be made to appear to the chairman that the same may be more conveniently prosecuted in some other Civil Bill Court, the chairman may, with the consent of the Lord Chancellor, transfer the same to such other Civil Bill Court, and thereupon the suit, matter, or proceeding shall proceed in such other Civil Bill Court.

Partition of lands by the Civil Bill Court in suits for administration.

41. In administering the estate of a deceased person the chairman shall not be bound for the purpose of distribution of any landed property to sell and convert the same, but may partition the same among the persons entitled to shares of such estate, and for equality of partition may make a personal decree against any one or more of such persons for any excess in the value of the part or parts allotted to him or them: Provided always, that no partition of any land held subject to any agreement or condition restraining or prohibiting assignment or subdivision, or forming part of an estate upon which the assignment or subdivision of holdings, without the consent of the landlord, is contrary to or not warranted by the practice prevalent upon such estate, shall be made without the consent in writing of the landlord or his agent duly authorised in writing. Nor shall any

holding charged with any advance made by the Commissioners of Public Works in Ireland, in manner provided by the "Landlord and Tenant (Ireland) Act, 1870," or by any other statute authorising the advance of public money to tenants upon the security of their holdings, be partitioned without the consent of the said commissioners. An administration suit in the Civil Bill Court may be instituted at any time after the death of the testator or intestate.

33 & 34 Vict. c. 46.

Power to rehear, vary, or rescind decrees and orders.

42. Any decree or order in a proceeding under this part of this Act, against which no appeal shall be pending, may be affirmed, varied, or rescinded on a re-hearing in any case in which the chairman, upon special grounds, shall think such re-hearing necessary, and on such terms as to costs or otherwise as he shall think fit; but no such re-hearing shall be allowed after the expiration of three years from the making of the decree or order.

Appeals.

43. If any party to a suit or matter in respect to which jurisdiction is by this part of this Act conferred shall be dissatisfied with any decree, dismiss, order, or direction made therein by a chairman, such party may, within two months after the same shall have been made, appeal therefrom to the Lord Chancellor; provided that such party shall, within one month after such decree, dismiss, order, or direction shall have been so made or given, give notice of appeal to the other party or his solicitor, and also deposit with the clerk of the peace the sum of ten pounds as security for the costs of such appeal, and the Lord Chancellor may upon such appeal make such decree or order as he shall think proper, or may remit the suit or matter to the chairman with such directions or declarations as to the Lord Chancellor shall seem proper, and may also make such order with respect to the costs of the said appeal as he shall think proper; and such decree or order of the Lord Chancellor shall be without further appeal: Provided that nothing herein contained shall authorise any party to appeal against the decision of a Civil Bill Court given upon any question as to the value of any land or personalty for the purpose of determining the question of the jurisdiction of the Court under this part of this Act, nor to appeal against the decision of a Civil Bill Court on the ground that the proceedings might or should have been taken in any other Civil Bill Court.

Power of Lord Chancellor to grant injunctions.

44. During the intervals between the sittings of the Civil Bill Court in any county any party to any suit or proceeding pending in the Civil Bill Court of such county may apply for an injunction to the Lord Chancellor, who shall have the same power to grant an injunction as he would have had if the suit had been instituted in the Court of Chancery; and the granting of any such injunction shall not operate to remove such suit from the Civil Bill Court unless the Lord Chancellor shall otherwise direct.

Power of Lord Chancellor to distribute business.

45. The Lord Chancellor may, by general order or otherwise, provide for the distribution among the several judges of the Court of Chancery or of the Landed Estates Court of all appeals, suits, proceedings, and matters under the provisions of this part of this Act in or over which jurisdiction is by this part of this Act conferred upon him, and thereupon each of the aforesaid judges shall have the same jurisdiction, power, authority, and discretion, in reference to any such appeal, suit, proceeding, or matter which may be allotted to his court as is by this part of this Act conferred upon the Lord Chancellor.

Contentious probate jurisdiction extended.

46. When it shall be made to appear that any deceased person, in respect of whose estate a grant or revocation of a grant of probate or of letters of administration shall be applied for, had at the time of his death his fixed place of abode in any county, and that his personalty did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands, if any, of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, the chairman of the Civil Bill Court of the county shall, in addition to the jurisdiction now possessed by him in every such case, have the contentious juris-

diction and authority of Her Majesty's Court of Probate in Ireland in respect of questions as to the grant and revocation of probate of the will or letters of administration of the effects of such deceased person in case there be any contention in relation thereto.

The Probates and Letters of Administration Act (Ireland), 1857, and any Acts amending the same, so far as they apply to the exercise of contentious testamentary jurisdiction by such Acts conferred on the Civil Bill Courts, and the provisions as to appeals in such cases, shall apply to the extended jurisdiction by this part of this Act conferred. In all cases of contentious testamentary jurisdiction the chairman shall have power to direct that any issue or issues in fact shall be tried before himself in the Civil Bill Court by a jury. 20 & 21 Vict. c. 79.

Power to grant limited administration.

47. The chairman on being satisfied of the death of any person concerning whose property any suit or proceeding shall be pending in the Civil Bill Court, and that there is no legal personal representative of such person, or no legal personal representative whose services are available for the purposes of such suit or proceeding, and that the personalty of such deceased person did not at the time of his decease exceed in value the sum of five hundred pounds, exclusive of what the deceased may have been entitled to as a trustee and not beneficially, but without deducting anything on account of the debts due and owing from the deceased, and that the annual value of the lands of which the deceased at the time of his death was beneficially seised or possessed did not exceed thirty pounds, and that it is necessary or expedient for the purposes of such suit or proceeding that a legal personal representative should be raised to such deceased person may, by order in writing under his hand, appoint such person as such chairman shall consider proper to be the administrator of such deceased person, limited to the purposes of such suit or proceeding; and upon any such appointment the chairman may impose such terms on the person appointed as to paying or securing the probable amount of any duties payable in respect of the assets of the deceased person, or as to giving security, or as to any other matter relating to the administration of the assets, as to the chairman shall seem expedient, and the person so appointed shall for all such purposes represent such deceased person in the same manner as if such deceased person had died intestate, and administration had been duly granted to the person so appointed of all the personal estate and effects of such deceased person.

Places for exercise of equitable jurisdiction.

48. The jurisdiction conferred by this part of this Act shall be exercised at such times and in such place or places within each county as may be from time to time ordered by the Lord Lieutenant, with the advice and consent of the Privy Council in Ireland, and the provisions of "The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876," may be applied to all business to be transacted under the provisions of this Act. 39 & 40 Vict. c. 71.

Admiralty jurisdiction in certain places.

49. It shall be lawful for the Lord Lieutenant in Council, by Order in Council from time to time made after the passing of this Act, to declare that the Chairman of Limerick, and the Chairman of Waterford, and the Recorders of Londonderry and Galway, or any of them, shall have jurisdiction in Admiralty causes, and to assign to each such Chairman and Recorder as his district for Admiralty causes any area irrespectively of the districts in which such Chairman and Recorders respectively shall have (independently of this section) jurisdiction, and in any such case to prescribe the places and times at which local courts for Admiralty causes shall be holden, and to direct that such of the provisions of the Court of Admiralty (Ireland) Act, 1867, and the Court of Admiralty (Ireland) Amendment Act, 1876, as may by such order be prescribed shall apply to the said Chairman and Recorders, and to such local courts as aforesaid. 30 & 31 Vict. c. 114. 39 & 40 Vict. c. 28.

Each of the said local courts shall have jurisdiction to arrest and to hold to bail, notwithstanding that the amount sued for in the cause shall exceed the limit fixed by the Court of Admiralty (Ireland) Act, 1867, but in such cases the cause shall in other respects be subject to the provisions of the seventy-seventh section of the said Act, and until the appointment of a Clerk of the Crown and Peace the Clerk of the Peace, and after such appointment the Clerk of the Crown and Peace for the cities of Limerick, Waterford, Londonderry, and Galway respectively shall have the aforesaid jurisdiction to arrest and hold to bail at all times when the Civil Bill Courts of the said cities respectively shall not 30 & 31 Vict. c. 114.

be sitting, and the Registrars of the said Chairmen and Recorders respectively shall also have the same powers within the jurisdiction in Admiralty causes of their respective courts as are conferred on Registrars by section forty-six of the Court of Admiralty (Ireland) Act, 1867.

30 & 31 Vict c. 114.

PART III.

Extension of existing Jurisdiction.

Jurisdiction at law of Civil Bill Courts extended. 14 & 15 Vict. c. 57. 33 & 34 Vict. c. 109.

50. The thirty-fifth section of the Civil Bill Courts (Ireland) Act, 1851, and also the fifth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall be read and construed as if the words fifty pounds were therein substituted for the words forty pounds wherever the words forty pounds occur therein, and the jurisdictions thereby conferred shall be extended accordingly. Where in any action the claim consists of a balance not exceeding the sum of fifty pounds, after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Civil Bill Court shall have jurisdiction to hear and determine such action.

Jurisdiction in remitted cases. 14 & 15 Vict. c. 57. 33 & 34 Vict. c. 109.

51. The provisions of the one hundredth section of the Civil Bill Courts (Ireland) Act, 1851, shall apply to actions ordered to be tried or remitted for trial in any Civil Bill Court under any of the provisions of the Common Law Procedure Amendment Act (Ireland), 1870, and if the plaintiff in any such action shall have omitted or refused to lodge the order for trial and the summons and plaint as by the said last-mentioned Act prescribed, the defendant may, at any time during the sessions named in such order, lodge with the Clerk of the Peace certified copies of the said order and summons and plaint for the purpose of having such action dismissed by the chairman, and thereupon the said chairman shall have the same power, jurisdiction, and authority to dismiss the case, and to award costs to the defendant, as if the plaintiff had duly lodged with the Clerk of the Peace the said order and summons and plaint, and had failed to proceed thereon at the said sessions. The provisions of the sixth section of the Common Law Procedure Amendment Act (Ireland), 1870, shall apply to actions of detinue, and in any such action when remitted for trial in a Civil Bill Court such court shall have the same jurisdiction as to ordering a return of goods or giving other specific relief which might have been exercised by the superior court in which the action was commenced, if the action had not been so remitted. The provisions of the same section may be applied to any action for breach of contract or for any wrong or injury not disconnected with contract, if the plaintiff's claim in such action shall be for unliquidated damages.

33 & 34 Vict. c. 109.

Present jurisdiction in remitted cases extended. 33 & 34 Vict. c. 109.

52. Whenever any action shall be remitted to the Civil Bill Court, pursuant to the provisions of the sixth section of the Common Law Procedure Amendment Act, Ireland, 1870, the Civil Bill Court shall have the same jurisdiction as to the amount of damages to be awarded as might have been exercised by the court in which such action was originally brought.

Extension of jurisdiction in ejectment and questions of title to hereditaments. 14 & 15 Vict. c. 57.

53. The seventy-ninth section of the Civil Bill Courts (Ireland) Act, 1851, and the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter sixty-six, shall respectively be read and construed as if the words "thirty pounds" were therein substituted for the words "twenty pounds" wherever the words "twenty pounds" occur therein, and the jurisdictions thereby conferred shall be extended accordingly.

Act of 37 & 38 Vict. c. 66. explained and amended.

54. In the Act of the session of Parliament held in the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter sixty-six, the words "action in which the title to any corporeal or incorporeal hereditaments shall come in question" shall include and may be applied to any action of ejectment upon the title; and for the purposes of the said Act the annual value of any lands in question shall be estimated and may be established as provided by this Act.

Appeals.

55. Any person dissatisfied with any order of dismissal on the merits, or with any order in an ejectment case of dismissal without prejudice, or on the merits, or with any decree, whether adverse to him or in his favour, pronounced by any chairman in exercising the jurisdiction existing at the passing of this Act, or the jurisdiction conferred or extended by this part of this Act, or by the Landlord and Tenant Law Amendment Act (Ireland), 1860, may appeal therefrom within the time, and to the court, and in the manner, and subject to the several conditions prescribed by the Civil Bill Courts (Ireland) Act, 1851, for regulating appeals, provided that the recognizance thereby prescribed may from and after the passing of this Act be entered into before the Clerk of the Peace or before the chairman, and that the affidavit thereby required to be made by the party or the attorney for the party desiring to appeal shall be no longer necessary.

Upon the hearing of every such appeal the judge may award all or such of the costs and expenses of witnesses in the Court of Appeal, and also all or such of the costs and expenses of witnesses in the Civil Bill Court, to be paid by or to such of the parties to the action as to him shall seem just, and may order any money deposited by any such party with the Clerk of the Peace, or Acting Clerk of the Peace, or in the hands of the sheriff, to be applied in or towards payment of such costs or expenses, or to be returned to the party lodging the same, or to be otherwise disposed of in accordance with the decree or order made upon appeal, as to such judge shall seem just.

Costs to be discretionary in certain cases.

56. Costs shall be in the discretion of the chairman in every case in which the relief granted by him might at any time have been obtained by an order of petty sessions.

PART IV.

General Provisions.

Removal of proceeding to superior court.

57. Any action commenced in any Civil Bill Court for any matters hitherto cognisable in one of the superior courts of common law may be removed into the High Court of Justice in the following manner; that is to say,

If the claim made in such action does not exceed five pounds, by order of a Divisional Court of the High Court of Justice, or a judge of the High Court if such court or judge shall consider it desirable that the same shall be tried in the High Court, and if the party applying for such order shall give security to the satisfaction of one of the Masters of the High Court for the amount of the claim and the costs of the trial, not exceeding in all one hundred pounds, and shall further assent to such terms, if any, as the court or judge by whom the application is heard shall think fit to impose.

If the debt or damage claimed shall exceed five pounds, by order of a judge of the High Court of Justice in any case which shall appear to the judge fit to be tried in the High Court, and upon such terms as to payment of costs and giving security for debt and costs, or such other terms as the judge to whom application for the order is made shall see fit, any order made under this section shall have the same effect as a writ of certiorari.

Appeal to Divisional Court.

58. When any Divisional Court or judge of the High Court of Justice shall have refused to grant such order, no other Divisional Court or judge shall grant such order, but nothing herein contained shall affect the right of appealing from the decision of one judge to any Divisional Court.

Decree by default.

59. In any action in a Civil Bill Court for a debt or liquidated money demand, the plaintiff, instead of issuing a process in the ordinary form, may (upon lodging with the Clerk of the Peace an affidavit to the effect set forth in the form in Schedule B. to this Act) issue a process to which shall be annexed a notice to the effect set forth in the form in Schedule C. to this Act; and if such last-mentioned process and notice be issued, they shall be personally served on the defendant fourteen days at the least before the sessions at which the defendant shall be by such process required to appear; and if the defendant shall not, within seven days after service of such process and notice, inclusive of the day of service, give to the Clerk of the Peace a notice in writing of his intention to defend,

signed by himself or his attorney, the chairman may at such sessions, upon proof of the personal service of such process and notice, and upon reading the affidavit lodged as aforesaid, but without further evidence, make a decree against the defendant for the amount of the plaintiff's claim and costs. The defendant may appeal against any such decree in the manner and subject to the conditions and provisions as to payment or lodgment of costs, and as to giving security for the payment of the sum decreed, prescribed by the one hundred and twenty-eighth section of the Civil Bill Courts (Ireland) Act, 1851. Where the defendant shall give such notice of his intention to defend, the Clerk of the Peace shall, immediately upon the receipt of such notice, send a letter to the plaintiff or his attorney, by post, stating therein that the defendant has given such notice. Where the defendant shall neglect to give such notice of defence within the time limited, but shall appear at the sessions, and prove to the satisfaction of the chairman that he has just grounds of defence upon the merits, and satisfactorily explains his neglect, the chairman may, upon such terms as to him shall seem just, adjourn the hearing either to the next sessions or to any subsequent day during the same sessions, of which adjournment the Clerk of the Peace shall, in manner aforesaid, give notice to the plaintiff or to his attorney. Where the defendant shall have given notice of defence, or shall have obtained an adjournment as aforesaid, the process shall be entered, tried, and determined in the same manner as if the same had been issued in the ordinary form; and if a decree shall be made for the full amount of the plaintiff's claim (but not otherwise), the plaintiff shall, in addition to the ordinary costs, be entitled to such sum for the costs of the process and notice, and of the affidavit aforesaid, as shall be prescribed by order to be made as herein-after provided.

14 & 15 Vict. c. 57.

Rehearing in case of decree by default.

60. In any case in which it shall be shown to the satisfaction of the chairman by the defendant against whom any decree by default may have been obtained under the foregoing section that such decree was obtained by fraud, misrepresentation, surprise, or mistake, the defendant may, within such time, in such manner, and subject to such conditions and provisions as may be prescribed by orders to be made as herein-after provided, apply for and obtain a rehearing, and upon such rehearing any such decree may be affirmed, varied, or rescinded, as the justice of the case may require.

Form and execution of decrees.

61. The judgments, decrees, and orders of the Civil Bill Courts shall be in such forms, and shall be entered, recorded, and issued in such manner, and shall be executed by such officers (including under that term sheriffs and under sheriffs), as shall by rules and orders to be made as herein-after provided be from time to time prescribed.

Moneys in hands of Sheriff may be taken in execution.

62. Any moneys, the proceeds of the execution of any writ or decree belonging to any judgment creditor (including under that term the plaintiff in any civil bill), may, while in the hands of any sheriff, be seized and taken in execution under any writ of fieri facias or Civil Bill decree against the goods and chattels of such judgment creditor which may be delivered to such sheriff for execution: Provided that nothing herein contained shall affect the right of any person who may have previously obtained an order of any court of law or equity for the attachment or payment of such moneys; and provided further, that the sheriff shall be entitled to his poundage fees on every sum so seized and taken in execution.

Cross decrees may be set off.

63. If cross decrees of any Civil Bill Court shall be pronounced or made between the same parties, or shall be at the same time unexecuted or only partially executed, the chairman may, on the application of either party, order that such decrees shall be set off against each other, and if of unequal amount, that that decree only upon which the larger sum shall be due shall be issued or executed, as the case may be, and that the same shall be issued or executed only for such sum as shall remain after deducting the sum due upon the other decree.

Power to assignees in bankruptcy to continue action brought.

64. The bankruptcy of the plaintiff after action brought shall not cause an abatement of any action or suit in a Civil Bill Court which the assignees might maintain for the benefit of the creditors, if the assignees shall elect to continue the same, and shall give such security for the costs thereof as the chairman may direct, or deposit with the Clerk

of the Peace a sum sufficient to secure such costs within such reasonable time as the chairman shall order; but the hearing of the cause may be adjourned to enable the assignees to make such election, and if they shall not elect to continue the action, or shall not give such security or deposit such sum within the time limited by the order, the defendant may rely upon the bankruptcy of the plaintiff as a defence to the action or suit.

Acknowledgments of deeds by married women may be received by chairman.

65. Any acknowledgment to be made by any married woman of any deed under an Act passed in the session of Parliament held in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter ninety-two, may be received by any chairman in the same manner in which such acknowledgment may be received by a judge of a superior court.

Chairman may appoint next friend or guardian ad litem for infant.

66. Where any action or suit is brought in a Civil Bill Court on behalf of or against any infant it shall be lawful for the chairman, by any order in writing under his hand, to appoint a next friend or guardian ad litem to act for or on behalf of such infant, and to change any such next friend or guardian ad litem when appointed, and to appoint another in his place; and the chairman shall also be empowered to direct any money or other personal property to which such infant may be entitled to be secured or invested for the benefit of such infant, in such manner as the chairman shall consider advisable, and in accordance with the practice of the Court of Chancery in like cases.

Power to strike out cause, giving costs, where court has no jurisdiction.

67. Whenever an action or suit is brought in a Civil Bill Court which the court has not jurisdiction to try and determine, unless the parties shall by a memorandum signed by them or their respective attorneys, consent that the court shall have power to try and determine the same, the chairman shall order the cause to be struck out, and shall have power to award costs in such manner and to such extent, and recoverable by the same means as if the court had jurisdiction in such action or suit, and the plaintiff had not appeared, or had appeared, and failed to prove his demand; but this enactment shall not prejudice the other provisions of this Act as to any suit or matter pending in a Civil Bill Court under Part II. of this Act.

Parties may appear in person or by attorney or by counsel, &c.

68. It shall be lawful for the party to the suit or other proceeding in any Civil Bill Court, or for the father or husband of such party by leave of the chairman, or for an attorney of one of Her Majesty's superior courts at Dublin, being the attorney on record for such party, but not an attorney retained as an advocate by such first-mentioned attorney, or for a barrister retained by or on behalf of such party, and instructed by his or her attorney on record, but without any right of exclusive audience or pre-audience, to appear and address the court and conduct the case, but subject to such rules and regulations as may from time to time be prescribed for the orderly transaction of the business of the court.

Provisions of Civil Bill Acts as to jurors and witnesses extended to this Act.

69. The duties and obligations of and upon all jurors, suitors, and witnesses, and their liability to penalty and punishment, shall in any proceeding under this Act be the same as those created, authorised, and imposed by the several statutes for the time being in force relating to Civil Bill Courts.

Affidavits to be sworn before commissioner for taking affidavits, Clerk of Peace, or justice.

70. Any affidavit to be used in a Civil Bill Court may be sworn before a commissioner for taking affidavits in any superior court, or before any Clerk of the Peace, or any justice of the peace, and shall before being used be lodged with the Clerk of the Peace for the county in which such Civil Bill Court shall be held.

Appointment of temporary chairman in certain cases. 14 & 15 Vict. c. 57.

71. The oath first mentioned in the seventh section of the Civil Bill Courts (Ireland) Act, 1851, shall be no longer in any case required, and in the case of the death or resignation of any chairman a person may be appointed to do and execute the duty of such chairman during the vacancy of the office, in the same manner and subject to the like provisions as are in the said section provided in the case of sickness or absence of a chairman.

Whenever it shall appear that any chairman is personally interested in any proceeding pending before him, the Lord Chancellor may, by order under his hand, direct that such

proceeding shall be heard and determined by or before any other chairman, and the same may thereupon be so heard and determined.

Form of recognizance in appeal from petty sessions. 14 & 15 Vict. c. 57.

72. In every appeal from an order of justices in any case of summary jurisdiction under the provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, the recognizance into which the appellant is thereby required to enter shall be conditioned to prosecute such appeal, and to abide and perform the judgment and order of the Court of Appeal thereon, and to pay such costs as may be awarded by the said court, and in the case of an order to imprison, not to abscond pending the execution of the original order, or of the judgment or order of the Court of Appeal, and save as aforesaid shall be in the form prescribed by the said Act. In addition to the powers, jurisdiction, and authority conferred by the Petty Sessions (Ireland) Act, 1851, with respect to appeals, the court before which any such appeal shall be pending shall have power to adjourn the hearing of such appeal, or to remit the matter to the justices at the petty sessions where the original order was made, with such declarations or directions as to the Court of Appeal shall seem proper, and such justices shall have power to determine the matter when so remitted, having regard to such declarations or directions. Whenever any such appeal shall not have been prosecuted, or the original order shall have been confirmed or varied upon appeal, or either party shall upon such appeal have been ordered to pay costs, the Court of Appeal shall have and may exercise the same powers, jurisdiction, and authority to issue all necessary and proper warrants for the execution of the original order, or of such varied order, and to enforce the payment of the said costs, as the court which made the original order had or might have exercised when making such order.

14 & 15 Vict. c. 57.

Justices on appeal.

73. No justice who shall have taken part in the original hearing or decision of any case in which there shall be an appeal from any order of justices shall take part in the hearing or decision of the appeal.

Appeals under the Fishery Acts.

74. In case any justice or justices shall, after the passing of this Act, dismiss any complaint made under the provisions of the Act passed in the session of Parliament held in the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, or of any Act altering or amending the same, either on the merits or without prejudice, if any person prosecuting shall feel aggrieved by such order of dismissal, such person may appeal against such order; and the several provisions of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as amended by this Act, shall extend and may be applied to such appeal: Provided that the amount of the recognizance to be entered into by such appellant shall be such as to the justice shall seem reasonable.

14 & 15 Vict. c. 57.

Estreating of recognizances. 14 & 15 Vict. c. 57.

75. So much of the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, as provides for the estreating of the recognizances of the party bound to prosecute an appeal shall be and the same is hereby repealed, and from and after the passing of this Act, whenever the party bound to prosecute an appeal against an order to imprison shall have absconded, either before or after the hearing of the said appeal, or before or after the time fixed for the hearing thereof where the same shall not have been prosecuted, or whenever the party bound to prosecute any appeal shall not have abided and performed the order of the Court of Appeal made therein, or whenever the party bound to prosecute an appeal against any order for the payment of any penal or other sum shall not have performed the obligation of his recognizance and shall have no goods whereon to levy the amount of the same by distress, it shall be lawful for the justices at the petty sessions where the original order was made, and after like proof of notice to the parties as in estreating other recognizances in summary proceedings, to make an order for estreating the recognizance in any such case to such amount as they shall think fit, and for paying out of such amount such sum as shall have been directed to be paid to any party by such original order, or by any order duly made on appeal, as the case may be, and thereupon to issue a warrant in the form (E. a) in the schedule to the said Act annexed for the levy of the same upon the goods of any one or more of the several persons bound thereby. The powers conferred by this section upon justices at petty sessions as well as those conferred upon such justices by the thirty-fourth section of the Petty Sessions (Ireland) Act, 1851, may in the police

14 & 15 Vict. c. 57.

district of Dublin metropolis be exercised by a divisional justice sitting at any of the police courts of the said district.

No conviction to be quashed on the ground of error in the complaint.

76. No conviction or order made by any justice or justices shall be held void, or shall be quashed by reason of any defect, omission, or variance in the summons, charge, or information upon which the same shall purport to have been made, provided that such defect, omission, or variance shall not have misled or prejudiced the defendant or have affected the merits of the case, and the justice or justices at the original hearing, or any court of appeal or superior court before whom the decision of any such justice or justices shall afterwards come, may, upon such terms as shall appear just, make any amendment in any summons, charge, or information which shall appear to be requisite for the purpose of making the conviction or order conformable with the same, or of raising the real question at issue and deciding the case as justice shall require.

Warrants of justices acting under Towns Improvement (Ireland) Act, 1854, 17 & 18 Vict. c. 103.

14 & 15 Vict. c. 57.

77. The provisions of the Petty Sessions (Ireland) Act, 1851, as to the execution of warrants, shall extend and may be applied to the execution of warrants issued by magistrates appointed under the Towns Improvement (Ireland) Act, 1854; and the term "county" in the Petty Sessions (Ireland) Act, 1851, shall for this purpose be construed to include any town within the boundaries of which any such magistrate shall have the jurisdiction of a justice of the peace.

Exceptions need not be negatived.

78. In all cases of summary jurisdiction any exception, exemption, proviso, qualification, or excuse, whether it does or does not accompany the description of the offence complained of, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required from the complainant, unless evidence shall be given by the defendant concerning the same.

Power to make rules and orders.

79. For the purpose of carrying this Act into effect, the Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected at a meeting of the chairmen convened for the purpose, or in default of such selection to be nominated by the Lord Chancellor, or the major part of such five, may at any time after the passing of this Act make rules and orders for regulating the practice of the Civil Bill Courts and prescribing the forms of proceedings therein, and for regulating appeals and rehearings, and prescribing the forms of proceedings thereon, and for defining the duties of the Clerks of the Crown and Peace, Registrars, and other officers of the Civil Bill Courts, and as to the several matters and things herein-before mentioned, and as to any other matter or thing, whether similar or not to those herein-before mentioned, in respect of which it may be expedient to make rules for regulating the proceedings in and practice of the Civil Bill Courts, and for adapting the same to the constitution, practice, and procedure for the time being of the superior courts, and otherwise for carrying the provisions of this Act into execution, and may from time to time amend such rules, orders, and forms; and every such rule, order, and form certified under the hands of the Lord Chancellor, and any five of the chairmen, shall take effect from and after such day as shall be therein named. The Lord Chancellor, with the concurrence of the recorder of any court, may at any time after the passing of this Act and from time to time make and amend like rules, orders, and forms concerning such recorder's court. The power of making rules and orders conferred by this section shall be in substitution for the power of making rules, orders, or regulations for the Civil Bill Courts under the provisions of the Civil Bill Courts (Ireland) Act, 1851.

14 & 15 Vict. c. 57.

Jurisdiction extended to Courts of Appeal.

80. All jurisdiction, powers, and authorities by this Act conferred upon any Civil Bill Court or chairman are hereby conferred upon and may be exercised by any court or judge engaged in hearing any appeal from any Civil Bill Court, or any special case stated in respect of any suit, matter, or proceeding pending in or of any appeal from any Civil Bill Court.

Salaries and travelling expenses of chairmen.

81. From and after the passing of this Act, in addition to the salaries heretofore payable to the several chairmen, the Treasury may, with the concurrence of the Lord Chancellor, fix and from time to time pay, to each chairman, out of such funds as Parlia-

ment may provide for that purpose, such amount as may appear to be reasonable for the purpose of defraying the travelling expenses incurred in and about the performance of the duties of his office; and from and after the passing of this Act, the additions to the salaries of the chairmen authorised by the Act of the session of the second and third years of the reign of His late Majesty William the Fourth, chapter eighty-eight, and by the sixty-third section of the Landlord and Tenant (Ireland) Act, 1870, shall be payable with and in the same manner as the salaries provided by the Civil Bill Courts (Ireland) Act, 1851, and shall be taken into account accordingly in computing the amount of pension payable to any chairman.

33 & 34 Vict. c. 46.
14 & 15 Vict. c. 57.

Pensions of chairmen.

82. The pension which may be granted to the chairman of any county under the Act of the session of Parliament held in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter eighty-eight, shall be calculated upon the salary payable to such chairman at the time of his resignation as chairman of such county, or as chairman of two or more counties united under the authority of this Act.

Fixing and collection of fees and stamp duties.

83. The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, or the major part of such five, and with the consent of the Treasury, may, by order, fix the fees to be taken in the Civil Bill Courts in respect of any business under this and any other Acts in force for the time being in such courts, and may, with the like concurrence and consent, alter, reduce, or increase the same from time to time; he may also, with the like concurrence and consent, alter the fees and stamp duties at present taken in those courts and substitute other fees for the same, and where no fees or stamp duties are at present imposed, he may, with the like concurrence and consent, declare and fix whether any and what fees shall be taken, and may from time to time alter, reduce, or increase any fees so fixed or substituted: Provided always, that, in fixing and substituting fees as aforesaid, regard shall be had, where practicable, to the ad valorem principle.

From and after the commencement of this Act all such fees shall be payable (save as otherwise directed by this Act or by such order as aforesaid) into the receipt of Her Majesty's Exchequer, and with respect thereto the following rules shall be observed:

(1.) The fees shall, save as otherwise directed by such order, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be prescribed by the order:

(2.) Such stamps shall be impressed or adhesive as the Treasury may from time to time direct:

(3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for publishing the amount of the fees and regulating the use of such stamps, and for prescribing the application thereof to documents from time to time in use or required to be used in the Civil Bill Courts, and for ensuring the proper cancellation of adhesive stamps and for keeping accounts of such stamps:

(4.) Any document which ought to bear a stamp under this or any other Act, or under any such order, shall not be received, admitted, or used in any Civil Bill Court, or by any officer of any such court unless or until it is properly stamped, but if any such document shall through mistake or inadvertence be received, admitted, or used without being properly stamped, the court may, if it shall think fit, order that the same be properly stamped, and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as if such document had been properly stamped in the first instance, provided that no document shall be stamped as aforesaid contrary to the provisions of any other Act of Parliament for the time being in force, nor without payment of any penalty prescribed by any such Act:

(5.) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years:

(6.) The Commissioners of Inland Revenue shall keep such separate accounts of all moneys annually received from or for stamps under this and any other Acts in force for the time being in the Civil Bill Courts as the Treasury may from time to time direct, and as shall be necessary to ascertain the total amount so received in each year:

(7.) The Treasury shall keep such separate accounts of all moneys (including moneys received from or for stamps) annually received from fees and duties under this and any other Acts in force for the time being in the Civil Bill Courts, and of all other moneys by this Act made payable into or receivable by Her Majesty's Exchequer, as shall be necessary to ascertain the total amount so received in each year, and all the moneys received as aforesaid shall, after deducting any expenses incurred by the Commissioners of Inland Revenue in the execution of this Act, be carried to and form part of the Consolidated Fund:

(8.) The Treasury shall keep such separate accounts of all moneys annually payable under the twenty-fifth section of this Act as shall be necessary to ascertain the total amount so paid in each year:

(9.) The several accounts herein-before directed to be kept for each year shall be presented to Parliament within the year next following.

Subject to the provisions of any order to be made as herein-before provided, the existing fees and stamp duties shall, save so far as is by this Act otherwise expressly provided, continue to be taken, applied, and accounted for as if this Act had not been passed.

When and so soon as the said fees shall have been fixed as herein-before provided, all the provisions contained in the Civil Bill Courts (Ireland) Act, 1851, and the Acts altering, amending, or affecting the same, in reference to the stamps and fees thereby imposed and authorised to be taken, shall, so far as the same may be applicable, extend and be applied to the fees and stamp duties fixed as herein-before provided, 14 & 15 Vict. c. 57.

Power to frame a scale of costs and charges.

84. The Lord Chancellor, with the concurrence of the chairmen, or any five of them, to be selected or nominated as herein-before provided, may frame and from time to time amend a scale of fees, costs, and charges to be paid to counsel and attorneys in suits and proceedings in the Civil Bill Courts; and such scale or amended scale, certified under the hands of the Lord Chancellor, and any five of the chairmen, shall, from and after such day as shall be fixed thereby, be in force in every Civil Bill Court.

Union of offices of chairman.

85. The number of chairmen (including the recorders) shall, so soon as practicable, be reduced to twenty-one, and for the purpose of making such reduction, the Lord Lieutenant may, whenever any office mentioned in Schedule E. to this Act shall become or be vacant, by order direct that such office shall be united with any other office or offices in the said schedule specified in that behalf, and the holder for the time being of any such other office or offices appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, may thereupon be appointed by the Lord Lieutenant to the united office, and if such appointment shall not be so made, then whenever such other office or offices shall become or be vacant, and whenever from time to time thereafter the united office shall become or be vacant, the Lord Lieutenant shall appoint one duly qualified person to hold the united office. From and after each such appointment the chairman or other person appointed to the united office shall have and perform all the jurisdiction and duties conferred or imposed by this or any other Act on the holder of each and every office included in the union, and all the provisions of this and any other Act relating to such jurisdiction or duties, or otherwise to the office of chairman of any county included in the union, shall extend and be applied to the united office, and to the jurisdiction and duties of the person for the time being holding the same. Whenever after the passing of this Act any office mentioned in the said schedule shall become or be vacant, and it shall not be deemed expedient or found practicable immediately to unite the office so vacant with any other office with which it is ultimately to be united, or then immediately to appoint one person to the offices so

ultimately to be united, the Lord Lieutenant may appoint any chairman appointed after the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, to be temporary holder of such vacant office, but such appointment shall be determinable by order of the Lord Lieutenant whenever thereafter it shall be deemed expedient and found practicable to appoint one person to the offices so to be united, and the said offices shall from and after such appointment be and remain united. The Lord Lieutenant, by and with the advice and consent of the Privy Council, may for the purpose of equalising the duties of the several chairmen and recorders from time to time by order separate any offices theretofore united, or vary any union or unions in the said schedule specified, or form any other or different union or unions instead thereof, and may include in any such union any office of chairman or recorder, whether mentioned in the said schedule or not: Provided that the number of chairmen, including the recorders, shall not be reduced by the union of offices below twenty-one, and shall not after reduction be in any case again increased.

The annual salary payable to the holder of each such union of offices as aforesaid, and also to the chairman, not being a recorder, of each county not mentioned in the said Schedule E., shall be one thousand four hundred pounds per annum, and shall be paid out of the same funds and in the same manner as and in substitution for the salaries theretofore payable to the holders of the several offices included in such union and to the chairmen aforesaid respectively. No additional salary shall be payable to any chairman appointed after the first day of January one thousand eight hundred and seventy-four for or in respect of any jurisdiction or duties conferred or imposed, or hereafter to be incurred or imposed, upon them in bankruptcy or Admiralty matters.

Until the number of chairmen shall have been reduced to twenty-one, whenever a vacancy shall occur in the office of chairman of any county, provision shall, if practicable, be made for the discharge of the duties of such office by moving thereto a chairman of some other county, or by means of the powers contained in this section.

Provision as to recorders.

86. The several provisions of the last preceding section shall extend and be applied to the existing and any future recorders of the cities of Dublin, Cork, and Londonderry, and of the towns of Belfast and Galway respectively, with the modifications following; (that is to say,)

Recorders of Dublin.

(1.) The office of recorder of the city of Dublin shall, upon the next vacancy in the office of chairman of the county of Dublin, be united with that office, and the holder of the united office shall be styled the Recorder of Dublin. From and after such union of offices the salary of the recorder of Dublin shall be two thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Dublin shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, but all other emoluments of his office and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Cork.

(2.) The office of recorder of the city of Cork shall, whenever practicable, be united with the office of chairman of the east riding, and the holder of the united office shall be styled the Recorder of Cork. From and after such union of offices the salary of the recorder of Cork shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Cork shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court

of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Belfast.

(3.) The office of recorder of the town of Belfast shall, whenever practicable, be united with the office of chairman of the county of Antrim, and the holder of the united office shall be styled the Recorder of Belfast and County Court Judge and Chairman of Antrim. From and after such union of offices the salary of the holder of the united office shall be two thousand pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the town of Belfast shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Londonderry.

(4.) The office of recorder of the city of Londonderry shall, whenever practicable, be united with the office of chairman of the county of Londonderry, and the holder of the united office shall be styled the Recorder of Londonderry. From and after such union of offices the salary of the recorder of Londonderry shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties; and the borough fund of the city of Londonderry shall, upon such union of offices, cease to be chargeable with the payment of any sum to or in respect of the salary of the recorder, except any special pension which may become payable as herein-after provided; but all other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Recorder of Galway.

(5.) The office of recorder of the town of Galway shall, whenever practicable, be united with the office of chairman of the county of Galway, and the holder of the united office shall be styled the Recorder of Galway. From and after such union of offices the salary of the holder of the united office shall be one thousand five hundred pounds per annum, and shall be paid to him in substitution for all other emoluments of his office, out of the same fund and on the same days and times as the salaries of chairmen of counties, and all the other emoluments of his office, and any fees which shall be payable in respect of business transacted in the court of such recorder, shall, subject to the other provisions of this Act, be paid or credited to and receivable by Her Majesty's Exchequer, and shall be accounted for as the Treasury shall from time to time direct:

Until each respective union of offices herein-before provided, the several recorders aforesaid shall be entitled to receive the same salaries, to be paid out of the same funds and in the same manner as if this Act had not been passed.

From and after each respective union of offices herein-before provided, the respective holders of the united offices shall hold the same upon the like conditions, and with the like rights as to pension and otherwise, and with the like powers, and in the same manner in all respects as chairmen of counties. No additional salary shall after such union be payable to any of the herein-before mentioned recorders for or in respect of any jurisdiction or duties conferred or imposed, or hereafter to be conferred or imposed, upon them in bnkruptcy or Admiralty matters.

Pensions to present Recorders.

The Lord Lieutenant, by and with the advice and consent of the Privy Council, and with the concurrence of the Treasury, upon provision being made for the union of each of the offices of recorder of the city of Cork and of the town of Belfast and of the town of

Galway and of the city of Londonderry respectively, with the office of chairman, may grant to each of the said several recorders who shall be in office at the passing of this Act, and who shall retire from his office, any annuity by way of special pension not exceeding, in the case of each of the recorders of Belfast, Cork, and Londonderry, the full amount of the salary theretofore payable to such recorder out of the borough fund, and such special pension shall thenceforth be paid to such recorder during his life out of the borough fund in the same manner as such salary would have been paid thereout if he had not retired from his office and this Act had not been passed; and not exceeding in the case of the recorder of Galway, the full amount of the salary theretofore payable to such recorder, and such special pension shall thenceforth be paid to such recorder during his life in the same manner and out of the like funds as such salary would have been paid if he had not retired from his office and this Act had not been passed.

Temporary allowances.

87. The Lord Lieutenant, with the consent of the Treasury, may fix an additional salary to be paid to each temporary chairman in respect of his duties as such, and the additional salary so fixed shall be paid out of moneys to be provided by Parliament for such purpose in addition to any other salary to which such chairman may be entitled, notwithstanding the provisions of any Act of Parliament limiting the amount of the salary of a chairman, but so long only as his appointment as such temporary chairman shall continue.

Special pensions.

88. For the purpose of expediting the permanent union of counties, the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, may make to any chairman appointed before the first day of January one thousand eight hundred and seventy-four, who shall be willing to retire, a grant by way of special pension not exceeding two thirds of his salary, notwithstanding the conditions imposed by any other Act on the grant of a pension.

Provided that at any time previous to the first day of January 1880, and until the number of chairmen shall have been reduced to twenty-one, notwithstanding any such conditions as aforesaid, it shall be lawful for the Lord Lieutenant, with the concurrence of the Lord Chancellor and of the Treasury, to grant to any such chairman who shall have served as chairman for fifteen years or upwards, or who shall show to the satisfaction of the Lord Lieutenant and Treasury that the discharge of the additional duties imposed upon him by this Act would deprive him of professional emoluments, which if this Act had not been passed he would have received, such special pension not exceeding three fourths of his salary, as, having regard to the circumstances of each case, shall to the Lord Lieutenant and Treasury appear just and reasonable.

Rules, &c. to be submitted to Parliament.

89. Any rules, orders, and scales of fees made, framed, and issued in pursuance of any of the foregoing provisions of this Act shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act, and shall be judicially noticed, and the same shall be laid before Parliament within three weeks after they are made if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament: Provided always, that if either of the Houses of Parliament shall, within the next subsequent one hundred days on which either of the said Houses shall have sat, resolve that the whole or any part of such rules, orders, or scales of fees ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall thereupon become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Power to appoint times for holding sessions, &c. for union.
14 & 15 Vict. c. 57.

90. Whenever two or more counties shall have been united under the provisions of this Act, the Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time by order appoint the times and places at which and the districts or divisions for which the general or quarter sessions of the peace and Civil Bill Court or Civil Bill Court only shall be held in and for each county and division included in such union, and may by like order provide that any sessions or court may be held for any such county or division in

any neighbouring and convenient court house or place not locally situate within the boundaries of such county or division, and may also upon any union of offices provide for the transfer to like employment in connexion with the united office of all or any officers theretofore employed in connexion with any office included in the union, and for the continuance to any existing officers, so long as they shall perform the same or like duties as theretofore, of the same fees and emoluments to which but for such union they would have been entitled.

Every such order shall be published in the "Dublin Gazette," and shall thereupon become and be as valid and effectual for all purposes as if the same were enacted in this Act; but any such order may be rescinded or varied by any subsequent order made and published in like manner.

Holding of courts and providing court-houses. 14 & 15 Vict. c. 57.

91. The Lord Lieutenant, notwithstanding anything contained in the Civil Bill Court (Ireland) Act, 1851, or any other Act, or any previous appointment in that behalf, may, by and with the advice and consent of the Privy Council in Ireland, from time to time, by order to be made and published as herein-before provided, direct and appoint that the courts for the transaction of all or any part of the civil business, and for the exercise of all or any part of the civil jurisdiction, of the several chairmen shall be held such number of times in every year and in all or such of the towns or places now appointed, or which may hereafter be appointed, for holding the same, as by such order as aforesaid shall in each case be prescribed in that behalf; and in any town or place in which there may not be a suitable and convenient court-house, and in which any such court as aforesaid may at any time be directed or appointed to be held, provision may be made for the erection of a suitable and convenient court-house, or for the alteration, so as to make the same suitable and convenient, of any existing court-house; in such town or place, in the like manner and for such purpose, the like proceedings, directions, and presentments may be taken, given, and made as are prescribed by the seventieth section of an Act passed in the session of Parliament holden in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, in respect of the sessions houses in the said section mentioned.

Certain chairmen not to practise.

92. No person who after the passing of this Act shall be appointed chairman of any county or of any permanent union of counties shall practise at the bar, or as a special pleader, or equity draftsman, or be directly or indirectly concerned as a conveyancer, notary public, solicitor, or attorney.

SCHEDULES.

SCHEDULE A.

REPEAL OF STATUTES.

Act.	Extent of Repeal.
1 Geo. 4. c. 27. - - - -	The whole Act.
6 & 7 Will. 4. c. 34. - - - -	Sec. 11.
14 & 15 Vict. c. 57. - - -	Sec. 12.

SCHEDULE B.

AFFIDAVIT TO OBTAIN A DECREE BY DEFAULT.

In the Civil Bill Court of the county of
Division of
Between

A.B., plaintiff,
and
C.D., defendant.

I, *A.B.*, of[1], make oath and say that *C.D.*, of[1] [[1] *here insert residence, occupation, and description*], is indebted to me in the sum of £ for [2] [[2] *here add the particulars of the debt in full, specifying the nature and date of each dealing from which the debt arose, and if the action is*

brought upon any negotiable instrument or other document, make an exhibit thereof, and in every case state fully the consideration for the debt claimed. State whether any and what applications for payment have been made, and whether any and what payments have been made on account]. The full sum of £ is now due and payable by the said *C.D.* to me, over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—[The affidavit may be made by a clerk or person other than the creditor, if the creditor is unable to make the same, and if the deponent has personal knowledge of the matters stated, but not otherwise; when the affidavit is not made by the creditor, alter the above form wherever necessary, and add an explanation to the effect following.]

I am in the employment of *A.B.* [*state the relation between the deponent and the plaintiff, as the case may be, and the deponent's means of knowledge*]. The said *A.B.* is unable to make this affidavit [*state cause of inability*], and I am duly authorised by him to make this affidavit, and it is within my own knowledge that the aforesaid debt was incurred at the time, and in the manner, and for the consideration above stated, and the full sum of £ , to the best of my knowledge and belief, is now due and payable to the said *A.B.* by the said *C.D.*, over and above all just credits and allowances, and no part thereof has been in any manner paid, satisfied, or discharged.

NOTE.—The address of the plaintiff or of his attorney to which notice of intention to defend may be sent by post shall be stated at foot of the affidavit.

SCHEDULE C.

FORM of NOTICE to be served upon the Defendant with the CIVIL BILL PROCESS, where the Plaintiff seeks a decree by default.

"Between

A.B., plaintiff,
and
C.D., defendant.

"Take notice, that if you intend to defend this process, or if you dispute the whole or any part of the plaintiff's claim, you must, within seven days after the service of this process upon you, inclusive of the day of such service, give or send to the Clerk of the Peace at [*place of office*], a notice of your intention to defend, to the effect given below, dated, and signed by yourself or your attorney, and if you fail to give or send such notice, the plaintiff may, without giving any further proof in support of such claim than the affidavit lodged by him with the Clerk of the Peace, obtain a decree against you for the sum of £ and his costs. If you give or send such notice to the Clerk of the Peace within the time specified, you must also enter a defence to the process and appear in the ordinary way.

Dated this day of .

To the defendant.

(*See below.*)

NOTICE of INTENTION to DEFEND.

In the Civil Bill Court of the county of
Division of
Between

A.B., plaintiff,
and
C.D., defendant.

I intend to defend this process.

Dated this day of .
Signed by

Defendant or his Attorney."

SCHEDULE D.

SALARIES OF CLERKS OF THE CROWN AND PEACE.

—	County, &c.	Salary.	
		£	
Class i. - -	1. Dublin city and county - - - - - -	1,200	
	2. Cork city and county - - - - - -	1,100	
	3. Antrim (including Belfast and Carrickfergus) - - -	1,100	
			3,400
„ ii. - -	4. Tyrone county - - - - - - -	1,000	
	5. Mayo „ - - - - - - -	1,000	
	6. Kerry „ - - - - - - -	1,000	
	7. Tipperary „ - - - - - - -	1,000	
	8. Down „ - - - - - - -	1,000	
	9. Donegal „ - - - - - - -	1,000	
	10. Limerick county and city - - - - -	1,000	
	11. Galway county and town - - - - - -	1,000	
			8,000
„ iii. - -	12. Londonderry county and city - - - - -	900	
	13. Armagh county - - - - - - -	900	
			1,800
„ iv. - -	14. Clare „ - - - - - - -	800	
	15. Leitrim „ - - - - - - -	800	
	16. Roscommon „ - - - - - - -	800	
	17. Sligo „ - - - - - - -	800	
	18. Cavan „ - - - - - - -	800	
	19. Monaghan „ - - - - - - -	800	
	20. Fermanagh „ - - - - - - -	800	
	21. Wexford „ - - - - - - -	800	
			6,400
„ v. - -	22. Waterford county and city - - - - -	700	
	23. Kilkenny county and city - - - - -	700	
			1,400
„ vi. - -	24. Queen's county - - - - - - -	600	
	25. Longford „ - - - - - - -	600	
	26. King's „ - - - - - - -	600	
	27. Meath „ - - - - - - -	600	
	28. Louth and Drogheda - - - - - -	600	
	29. Kildare county - - - - - - -	600	
			3,600
„ vii. -	30. Carlow „ - - - - - - -	500	
	31. Westmeath „ - - - - - - -	500	
	32. Wicklow „ - - - - - - -	500	
			1,500
	Total amount of salaries of Clerks of the Crown and Peace -		£26,100

SCHEDULE E.

UNION OF OFFICES OF CHAIRMAN.

Offices to be united.

1. Chairman of Fermanagh and Chairman of Leitrim.
2. Chairman of Monaghan and Chairman of Cavan.
3. Chairman of Armagh and Chairman of Louth (including Drogheda).
4. Chairman of Sligo and Chairman of Roscommon.
5. Chairman of Longford, Chairman of Meath, Chairman of Westmeath, and Chairman of King's County.
6. Chairman of Queen's County, Chairman of Kilkenny (including the city of Kilkenny), and Chairman of Waterford (including the city of Waterford).
7. Chairman of Kildare, Chairman of Carlow, Chairman of Wicklow, and Chairman of Wexford.