mentioned Acts or either of them, until the Twenty-third Day of *July* One thousand eight hundred and sixty-one, and thenceforth until the End of the then next Session of Parliament, and until the Expiration of the said Period it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, at pleasure, to remove the Commissioner or Commissioners for the Time being appointed by Her Majesty, or to be appointed by Her Majesty, Her Heirs and Successors, under the said Acts or either of them, and upon every Vacancy in the Office of the Commissioner or Commissioners so appointed or to be appointed, either by Removal, Death, Resignation, or otherwise, to appoint, as in the said Acts or either of them is described, some other fit Person to the said Office.

CAP. CXLIX.

An Act to make better Provision for the Relief of Prisoners in Contempt of the High Court of Chancery, and Pauper Defendants; and for the more efficient Despatch of Business in the said Court. [28th *August* 1860.]

'WHEREAS by an Act passed in the Session of Parliament holden in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth and the First Year of the Reign of His late Majesty King *William* the Fourth, Chapter Thirty-six, intituled *An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempt and taking Bills* pro confesso, it was enacted, amongst other things, that the Rules and Regulations therein-after provided and contained should be adopted by the High Court of Chancery, and should from thenceforth become Orders and Rules of the said Court of Chancery, and be observed and enforced in and by the said Court; and it was by the Sixth of such Rules directed that if a Defendant, upon being brought before the Court upon an Habeas corpus, should make Oath (which should be administered to him by the Registrar, and he should be examined in open Court,) that he was unable, by reason of Poverty, to employ a Solicitor to put in his Answer, the Court should thereupon refer it to a Master in Rotation to inquire into the Truth of that Allegation, and to report thereon to the Court forthwith, and thereupon the Court might make such Order as upon other Reports of the like Nature under the Provisions therein-after contained; and by the Seventh of such Rules it was directed that on the Thirtieth Day of *January*, the Thirtieth Day of *April*, the Thirtieth Day of *July*, and the Thirtieth Day of *October* in every Year, or if any of those Days should happen on a *Sunday* then on the following Day, One of the Masters of the Court of Chancery, to be named by the Court, should visit the Fleet Prison and examine the Prisoners confined there for Contempt, and should report his Opinion on their respective Cases to the Court, and thereupon it should be lawful for the Court to make such Order as therein mentioned: And whereas by an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her Majesty, Chapter Twenty-two, intituled *An Act for consolidating the Queen's Bench, Fleet, and Marshalsea Prisons, and for regulating the Queen's Prison*, it was enacted, amongst other things, that the Prison to be called the Queen's Prison, should be the only Prison for all Persons who before the passing of that Act might lawfully have been imprisoned in the Fleet Prison and other Prisons therein named: And whereas by an Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Eighty, intituled *An Act to abolish the Office of Master in Ordinary of the High Court of Chancery, and to make Provision for the more speedy and efficient Despatch of Business in the said Court*, the Office of Master in Ordinary of the High Court of Chancery was abolished, but reserving and subject to the Execution by the then Masters in Ordinary of the said Court of the Duties therein-after provided for, and until they were released under the same Act they were for the Performance of such Duties to continue to have all the Powers conferred upon them by any Act of Parliament or otherwise vested in them; and it was enacted that on the First Day of *Michaelmas* Term One

11 G. 4. & 1 W. 4. c. 36.

5 & 6 Vict. c. 22.

15 & 16 Vict. c. 80.

'thousand eight hundred and fifty-two, Two of the said Masters should be released, and 'that as often as in the Judgment of the Lord Chancellor any other Master or Masters 'could be spared it should be lawful for the Lord Chancellor to release any such Master or 'Masters, and that when the Lord Chancellor should be of opinion that the Services of 'none of the Masters were any longer necessary for the due Execution of the Business of 'the said Court it should be lawful for him to release every remaining Master: And whereas 'since the passing of the last-mentioned Act One of the Masters in Ordinary of the said 'Court has died, and all the others have been released except Three, Two of whom are 'quite incapable from Ill-health of performing the Duties of their Office, and the other of 'whom is of advanced Age and very infirm, and has held the Office of Master in the Court 'of Exchequer and the Court of Chancery for the Period of Thirty-nine Years and 'upwards: And whereas it has been considered desirable for the better Discharge of the 'Business of the said Court that the Causes and Matters now remaining in the Offices of 'the said Masters should be transferred to the Judges Chambers, and accordingly the Lord 'Chancellor, with the Advice and Assistance of all the Judges of the Court, has, by Order 'bearing Date the Twenty-third Day of *August* One thousand eight hundred and sixty, 'ordered and directed that all Causes, Matters, and Things now depending before the 'Masters shall be proceeded with and prosecuted before the respective Judges of the Court: 'And whereas the only Duty now remaining to be performed by the Masters is that of 'visiting the Prison as required by the first-recited Act, and it is expedient that they should 'be relieved from such Duty, and that some other Provision should be made for the Per-'formance thereof: And whereas it is also expedient that some further Provision should be 'made for the Relief of Prisoners in Custody for Contempt of the said Court: And 'whereas since the Date of the first herein-before recited Act various Alterations have been 'made in the Practice and Procedure of the said Court, by reason whereof several of the 'Rules and Regulations contained in the same Act may require to be varied, and it is 'expedient that the Lord Chancellor should have Power to make such General Orders as 'may from Time to Time be necessary in that Behalf:' 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:

Masters discharged from certain Duties.

I. The Masters in Ordinary of the High Court of Chancery shall be and they are hereby discharged from the several Duties imposed on them by the said first-recited Act.

The Queen's Prison to be visited quarterly.

II. In the last Week in *January*, in the last Week in *April*, in the last Week in *July*, and in the last Week in *October* in every Year, the present Solicitor to the Suitors Fund, or in case of his Illness or unavoidable Absence, some Officer of the Court of Chancery to be appointed by the Lord Chancellor from Time to Time during such Illness or Absence, and after the Death or Retirement of the present Solicitor to the Suitors Fund, the Solicitor to the Suitors Fund for the Time being, or some other Officer of the Court of Chancery to be appointed by the Lord Chancellor from Time to Time, shall visit the Queen's Prison, and examine the Prisoners confined there for Contempt, and shall report his Opinion on their respective Cases to the Lord Chancellor, and thereupon it shall be lawful for the Lord Chancellor, if he shall think fit, to assign a Solicitor to any such Prisoner, not only for defending him *in formâ pauperis*, but generally for taking such Steps on his Behalf as the Nature of the Case may require, and to make all or any such Orders as the Lord Chancellor was empowered to make after the like Report of a Master under the Seventh Rule of the said first herein-before recited Act, and all the Provisions of the same Rule shall apply to the Reports hereby directed, and the Orders to be made thereunder.

Prisoners and other Persons may be examined on Oath.

III. It shall be lawful for the Solicitor to the Suitors Fund or other Officer visiting the Prison as aforesaid to examine the Prisoners and all other Persons whom he may think it proper to examine upon Oath, and to administer an Oath or Oaths to any such Prisoner and other Persons accordingly, and to cause any Officers, Clerks, and Ministers of any Court of Law or Equity to bring and produce upon Oath before him any

any Records, Orders, Books, Papers, or other Writings belonging to the said Courts, or to any of the Officers within the same, as such Officers.

Court may direct Reference as to Poverty of Prisoners.

IV. In all Cases where, in pursuance of the said Sixth Rule contained in the first herein-before recited Act, a Defendant shall be brought to the Bar of the Court, and shall make Oath that he is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court, if not satisfied of the Truth of that Allegation, may direct an Inquiry as to the Truth thereof, and may appoint a Solicitor to conduct such Inquiry on the Behalf of such Defendant, and if it is ascertained by means of such Inquiry, or if the Court is satisfied without such Inquiry, that such Defendant is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court may thereupon make such Order as is authorized by the said Sixth Rule after a Report by a Master.

Gaolers to make Reports to Lord Chancellor of all Chancery Prisoners.

V. When any Person shall be committed to any Prison other than the Queen's Prison under any Writ or Order of the Court of Chancery, the Gaoler or Keeper of the Prison in which such Person shall be confined shall, within Fourteen Days after such Person shall have been in the Custody of such Gaoler or Keeper, make a Report to the Lord Chancellor, containing the Name and Description of such Prisoner, with the Cause and Date of his Commitment, and a Copy of the Writ or Order under which he was committed; and if such Prisoner shall make Oath before One of the Visiting Justices of such Gaol, or a Commissioner for taking Oaths in the Court of Chancery, that he is unable by reason of Poverty to employ a Solicitor, the Report shall contain a Statement to that Effect, and it shall thereupon be lawful for the Lord Chancellor to direct the Solicitor to the Suitors Fund to ascertain the Truth of such Statement, and if true to take such Steps on behalf of any such Prisoner as the Nature of the Case may require; and the Lord Chancellor may thereupon, if he shall see fit, make such Order or Orders as he is empowered to make under the Second Section of this Act.

Expenses incurred for Prisoners and Pauper Defendants to be paid out of Suitors Fund.

VI. The Solicitor to the Suitors Fund shall make the necessary and proper Payments out of Pocket which may be requisite in the Proceedings taken on behalf of the Prisoners and Defendants under the Order of the said Court, and shall be allowed the same as Part of his Disbursements in respect of the Suitors Fund: Provided that if any such Prisoner or Defendant shall be or become entitled to any Funds in the Cause, such Funds shall be applied in the Repayment to the Suitors Fund of the Sums expended on his Behalf as aforesaid: Provided also, that in case any Prisoner or Defendant shall become entitled to any Costs in any such Suit or Proceeding, such Costs shall be received by the Solicitor to the Suitors Fund, and paid by him into the Suitors Fund.

Additional Salary to Solicitor to Suitors Fund.

VII. In consequence of the additional Duties under the Authority of this Act imposed on the Solicitor to the Suitors Fund, there shall be paid to him such additional yearly Salary as the Lord Chancellor shall from Time to Time direct, not exceeding the net yearly Salary of Three hundred Pounds, such additional Salary to be payable out of the same Funds and in the same Manner as his present Salary is payable.

Power to make General Orders.

VIII. It shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice-Chancellors, or any Three of them, from Time to Time to make such General Rules and Orders for regulating the Mode of Procedure regarding Commitments by the Court of Chancery for Contempt and taking Bills *pro confesso*, and for doing and effectuating any Acts or Proceedings which may heretofore have been required to be done by or under the Direction or through the Intervention of any of the Masters of the said Court, the doing and effectuating of which has not been already provided for, and generally for carrying the Purposes of this Act into effect, as may be found expedient.

Custody of Deeds under the Care of late Masters.

IX. The Deeds, Books, Documents, and Papers belonging to the Suitors in the said Court which have been heretofore under the Custody of the said Masters in Ordinary shall be transferred to the Custody of the Clerks of Records and Writs of the said Court, and *William Worden*, the present Office Keeper at the Offices in *Southampton Buildings*, *Chancery Lane*, where such Deeds, Books, Documents, and Papers are deposited, shall have the

the Care of the same, and shall, so far as relates thereto, be considered the Officer of the Clerks of Records and Writs, and shall hold such Office at the Pleasure of the Master of the Rolls; and the said *William Worden* shall receive in respect of the Duties imposed upon him by this Act such additional yearly Salary as the Lord Chancellor shall from Time to Time direct, not exceeding the net yearly Salary of Eighty Pounds in addition to his present Emoluments as such Office Keeper, such additional Salary to be payable on the Third Day of *February*, the Third Day of *May*, the Third Day of *August*, and the Third Day of *November* in every Year, out of the Fund standing in the Name of the Accountant General of the Court of Chancery, intituled "The Suitors Fee Fund Account," and on the Death, Retirement, or Removal of the said *William Worden* it shall be lawful for the Master of the Rolls to appoint a Person to have the Care of such Deeds, Books, Documents, and Papers at a yearly Salary not exceeding One hundred Pounds, to be payable out of the Fund and at the Times last aforesaid, and on any Vacancy in such Office to supply such Vacancy.

Appointment of additional Chief Clerk to the Master of the Rolls.

X. 'And whereas, in consequence of the Amount of Business transacted in the Chambers 'of the Master of the Rolls, it has been found expedient for Three Years last past to 'obtain the Assistance of Mr. *John Arthur Buckley*, late Chief Clerk in the Office of One 'of the Masters in Ordinary: And whereas, having regard to the Business transferred to 'the Office of the Master of the Rolls by reason of the final Discharge of the Masters, it is 'expedient that such Assistance should be continued:' Be it therefore enacted, That Mr. *John Arthur Buckley* shall be continued as an additional Clerk in the Office of the Master of the Rolls, with the Salary he now receives, during such Time as the Lord Chancellor shall think fit; and it shall be lawful for the Lord Chancellor to transfer the said Mr. *Buckley* as an additional Clerk to the Office of any One of the Vice Chancellors during such Time as he shall think fit: Provided that if the Lord Chancellor shall be of opinion at any Time that the State of Business no longer requires the Services of Mr. *Buckley*, and he shall be discharged, he the said Mr. *Buckley* shall not be entitled to any Compensation: Provided always, that in case a new Judge shall be appointed in the Court of Chancery, the said Mr. *Buckley* shall be transferred to and become One of the Clerks of such new Judge.

The Junior Clerk to the late Master Blunt empowered to seek Compensation.

XI. 'And whereas, under the said Act for abolishing the Office of the said Masters in 'Ordinary, any Person who on the First Day of *Hilary* Term One thousand eight hundred 'and fifty-two held the Office of Junior Clerk to any Master in Ordinary who should be 'released under the Authority of such Act was empowered to make a Claim for Compensa-'tion to the Commissioners of Her Majesty's Treasury at any Time after the Master in 'whose Office he should have been employed should have been released: And whereas at the 'Time when such Act was passed *John Elijah Blunt* Esquire was One of the said Masters 'in Ordinary, and *Edward King* held the Office of his Junior Clerk: And whereas the said '*John Elijah Blunt* died in the Year One thousand eight hundred and fifty-six, without 'having been released under the Authority of such Act, by reason whereof the said *Edward* '*King* is not entitled to make any Claim for Compensation, as he would have been in case 'the said *John Elijah Blunt* had not died, but had been released as aforesaid:' Be it therefore enacted, That it shall be lawful for the said *Edward King* to make his Claim for Compensation to the Commissioners of Her Majesty's Treasury, who are hereby empowered to receive and deal with the same in the same Manner in all respects as if the said *John Elijah Blunt* had been released under the Authority of the said last-mentioned Act.

Chief Clerks (appointed since 2d Nov. 1855) Salary.

XII. As regards the Chief Clerks of all the Judges of the said Court appointed since the Second Day of *November* One thousand eight hundred and fifty-five, and those to be hereafter appointed, it shall be lawful for the Lord Chancellor, if he shall so think fit, upon the Certificate mentioned in the Forty-fourth Section of the said Act of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty, to order and direct their Salaries respectively to be increased to the full Amount authorized by such Act at any One Period.

By whom Orders under this Act are to be made.

XIII. Where the Lord Chancellor is empowered by this Act to make Orders or to give Directions with respect to Prisoners in Contempt and Pauper Defendants, such Orders and Directions are to be made or given by the Lord Chancellor, Lord Keeper or Lords Commissioners

Commissioners for the Custody of the Great Seal of the United Kingdom, or the Lords Justices of the Court of Appeal in Chancery only; and where the Court of Chancery is empowered by this Act to make such Orders or to give such Directions, they may be made or given by any Judge of the said Court.

Increased Salary may be paid to Two Junior Clerks to each Chief Clerk.

XIV. Instead of the Salaries directed to be paid by the said Act for abolishing the Office of the said Masters in Ordinary, and by the Act of the Eighteenth and Nineteenth Years of the Reign of Her Majesty, Chapter One hundred and thirty-four, to the Two Junior Clerks thereby respectively authorized to be appointed to each Chief Clerk, it shall be lawful for the Lord Chancellor, if he shall so think fit, to order and direct that every such Junior Clerk shall receive a Salary of Four hundred Pounds *per Annum*.

CAP. CL.

An Act further to amend certain Acts relating to the Temporalities of the Church in *Ireland*. [28th *August* 1860.]

'WHEREAS it is expedient to amend the Laws relating to the Temporalities of the Church in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Term Episcopal Commissioner whom to include.

I. The Term Episcopal Commissioner, in Section Seven of the said Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, shall be held to include, not only any Archbishop or Bishop acting as an Ecclesiastical Commissioner under the said Act or this Act, but also any Commissioner appointed by the said Lord Primate and Lord Archbishop of *Dublin* in manner in the said Act or herein provided.

Commissioners may request Attendance of Bishop, &c.

II. In any Case in which the said Commissioners shall have under consideration Matters specially affecting the Interests or Property of any Bishop, Dean, or Chapter of *Ireland*, such Commissioners may, if they think fit, request the Attendance at any Meeting at which such Matters are to be taken into consideration of any Bishop, Dean, or Member or Members of a Chapter whose Interests or Property such Matters shall or may affect, and he or they shall be at liberty to attend at any such Meeting, and to assist the said Commissioners with Information and Advice, but shall not vote, or, except as aforesaid, take any Part in the Proceedings of the said Commissioners.

If Two Commissioners appointed, One only to be a paid Commissioner.

III. If after the passing of this Act Her Majesty or Her Successors shall under the Powers of Section Two of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-seven, appoint Two Ecclesiastical Commissioners, One only of the said Commissioners shall be a paid Commissioner.

As to Entries of Proceedings at Meetings of the Board.

IV. From and after the passing of this Act the Entry of the Proceedings at each Meeting of the said Commissioners shall and may, in the event of its not being signed by the Chairman of such Meeting, be signed by the Chairman of the Meeting of the said Commissioners next succeeding that at which such Proceedings were had or taken and such Entry made.

Appointment of Solicitor.

V. It shall be lawful for the Ecclesiastical Commissioners to pay to the Solicitor or Attorney employed by them, in addition to any Disbursements or Expenses properly made and incurred by him in or about the Affairs and Business of the said Commissioners and by their Authority and Direction, such annual Salary not exceeding the Sum of Five hundred Pounds as they shall from Time to Time, with the Consent of the Lord Lieutenant testified in Writing under his Hand, think fit to allow; and such annual Salary so fixed as aforesaid shall be paid to the said Solicitor or Attorney for his personal Services, and such Sum not exceeding